

Tab 1	CS/SB 426 by GO, Brandes ; State Data Center						
Tab 2	CS/SB 546 by EP, Simpson ; (Similar to CS/H 0359) Sale or Exchange of Lands						
363980	A	S	RCS	AGG, Simpson	Delete L.69 - 82:	01/21 11:43 AM	
Tab 3	CS/SB 570 by EP, Dean ; State Park Entrance Fee Holiday						
220724	A	S	RCS	AGG, Dean	btw L.28 - 29:	01/21 11:43 AM	
Tab 4	SB 716 by Sobel (CO-INTRODUCERS) Sachs, Simpson, Margolis ; (Similar to H 0405) Florida Holocaust Memorial						
Tab 5	CS/SB 772 by CM, Richter ; (Similar to CS/CS/H 0641) Regulated Service Providers						
588830	D	S	RCS	AGG, Simpson	Delete everything after	01/21 11:43 AM	
817068	AA	S	L RCS	AGG, Simpson	Delete L.2148:	01/21 11:43 AM	
Tab 6	CS/SB 822 by BI, Stargel ; (Similar to CS/CS/H 0431) Firesafety						
971186	A	S	RCS	AGG, Simpson	Delete L.29 - 76:	01/21 11:43 AM	
Tab 7	SB 908 by Lee ; (Similar to CS/CS/H 0879) Organization of the Department of Financial Services						
Tab 8	CS/SB 1010 by AG, Montford ; (Similar to CS/CS/2ND ENG/H 7007) Department of Agriculture and Consumer Services						
499442	A	S	L RCS	AGG, Dean	btw L.1303 - 1304:	01/21 11:43 AM	
Tab 9	SB 7028 by GO (CO-INTRODUCERS) Sobel ; (Compare to H 4049) State Board of Administration						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
APPROPRIATIONS SUBCOMMITTEE ON GENERAL
GOVERNMENT
Senator Hays, Chair
Senator Braynon, Vice Chair

MEETING DATE: Thursday, January 21, 2016
TIME: 9:00 a.m.—12:00 noon
PLACE: *Toni Jennings Committee Room, 110 Senate Office Building*

MEMBERS: Senator Hays, Chair; Senator Braynon, Vice Chair; Senators Altman, Dean, Lee, Margolis, and Simpson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/SB 426 Governmental Oversight and Accountability / Brandes	State Data Center; Revising requirements for a certain service-level agreement entered into by the state data center within the Agency for State Technology with a customer entity; authorizing extension of an original agreement to a specified time; requiring the state data center to plan, design, and conduct testing with information technology resources and implement certain service enhancements if cost-effective, etc. GO 12/01/2015 Fav/CS AGG 01/21/2016 Favorable AP	Favorable Yeas 6 Nays 0
2	CS/SB 546 Environmental Preservation and Conservation / Simpson (Compare H 359)	Sale or Exchange of Lands; Extending the timeframe within which a certified appraisal may be obtained for parcels of land to be sold as surplus; revising the procedures a water management district must follow for publishing a notice of intention to sell surplus lands; providing an exception from such notice requirements if a parcel of land is valued below a certain threshold; authorizing such parcels to be sold directly to the highest bidder; authorizing districts to include restrictions on future use of such parcels, etc. EP 11/18/2015 Fav/CS AGG 01/21/2016 Fav/CS AP	Fav/CS Yeas 7 Nays 0
3	CS/SB 570 Environmental Preservation and Conservation / Dean	State Park Entrance Fee Holiday; Prohibiting the Division of Recreation and Parks from charging day use entrance fees at state parks for a specified period; requiring the division to ensure that each state park closes once its carrying capacity is reached; clarifying that the holiday does not apply to other fees, etc. EP 11/18/2015 Fav/CS AGG 01/21/2016 Fav/CS AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on General Government
Thursday, January 21, 2016, 9:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 716 Sobel (Similar H 405, Identical H 513)	Florida Holocaust Memorial; Establishing the Florida Holocaust Memorial; providing for administration by the Department of Management Services; prohibiting the department from constructing and placing the memorial until certain conditions are met, etc. GO 01/11/2016 Favorable AGG 01/21/2016 Favorable FP	Favorable Yeas 6 Nays 0
5	CS/SB 772 Commerce and Tourism / Richter (Similar CS/H 641, Compare H 643, Linked S 754)	Regulated Service Providers; Revising the composition of the Board of Professional Surveyors and Mappers; requiring the department to waive the initial registration fee for an intrastate mover for certain veterans, the spouses of such veterans, or certain business entities that have a majority ownership held by such veterans or spouses; exempting water-related amusement rides operated by lodging and food service establishments and membership campgrounds, amusement rides at private, membership-only facilities, and nonprofit permanent facilities from certain safety standards; authorizing certain tax collector offices, upon approval and confirmation of license issuance by the department, to print and deliver concealed weapon or firearm licenses, etc. CM 01/11/2016 Fav/CS AGG 01/21/2016 Fav/CS AP	Fav/CS Yeas 7 Nays 0
6	CS/SB 822 Banking and Insurance / Stargel (Similar CS/H 431, Compare CS/H 535, S 704)	Firesafety; Revising provisions relating to certain structures located on agricultural property which are exempt from the Florida Fire Prevention Code; requiring that certain structures used for assembly, business, or mercantile activity be classified; specifying that certain structures are subject to annual inspection for classification; revising certain dimensions of a tent that is exempt from the code; authorizing a local fire official to consider a specified publication when identifying an alternative to a firesafety code, etc. BI 01/11/2016 Fav/CS AGG 01/21/2016 Fav/CS AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDAAppropriations Subcommittee on General Government
Thursday, January 21, 2016, 9:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 908 Lee (Similar H 879)	Organization of the Department of Financial Services; Authorizing the Chief Financial Officer, rather than the Division of Accounting and Auditing, to audit and adjust accounts of officers and those indebted to the state; revising the divisions and the location of bureaus within the divisions; amending provisions relating to the transfer of certain functions to the Division of Investigative and Forensic Services; amending provisions relating to the renaming of the Bureau of Unclaimed Property, etc. BI 01/11/2016 Favorable AGG 01/21/2016 Favorable AP	Favorable Yeas 7 Nays 0
8	CS/SB 1010 Agriculture / Montford (Similar CS/H 7007, Compare H 749, S 1310)	Department of Agriculture and Consumer Services; Revising the powers and duties of the Division of Marketing and Development to remove the enforcement provisions relating to the dealers in agricultural products law; revising the duties of the director of the Division of Consumer Services to include enforcement provisions relating to the dealers in agricultural products law; authorizing the Commissioner of Agriculture to create an Office of Agriculture Technology Services; creating the Grove Removal or Vector Elimination (GROVE) Program, etc. AG 01/11/2016 Fav/CS AGG 01/21/2016 Fav/CS AP	Fav/CS Yeas 7 Nays 0
9	SB 7028 Governmental Oversight and Accountability	State Board of Administration; Redefining the term "public fund"; requiring the board, rather than the public fund, to maintain a list of certain scrutinized companies rather than assembling the list by a certain time; deleting a condition that may no longer be used by the board in scrutinizing companies, relating to a specified declaration, etc. AGG 01/21/2016 Favorable AP	Favorable Yeas 7 Nays 0

Other Related Meeting Documents

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: CS/SB 426

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Brandes

SUBJECT: State Data Center

DATE: January 20, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Betta</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Favorable</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 426 authorizes the Agency for State Technology's State Data Center to extend a service-level agreement with an existing customer for up to six months. The State Data Center must file a report with the Executive Office of the Governor within specified time frames of the signing of an extension or the scheduled expiration of the service-level agreement with the customer. The report must outline issues preventing execution of a new agreement and a schedule for resolving such issues.

The bill authorizes the Agency for State Technology (AST) to plan, design, and conduct testing with information technology resources and implement service enhancements that are within the scope of the services provided by the state data center, if cost-effective.

There is no fiscal impact to state funds.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Agency for State Technology

The Agency for State Technology (AST) was created on July 1, 2014.¹ The executive director of AST is appointed by the Governor and confirmed by the Senate. The duties and responsibilities of AST include:²

- Developing and publishing information technology (IT) policy for management of the state's IT resources.
- Establishing and publishing IT architecture standards.
- Establishing project management and oversight standards with which state agencies must comply when implementing IT projects.
- Performing project oversight on all state IT projects with total costs of \$10 million or more.
- Identifying opportunities for standardization and consolidation of IT services that support common business functions and operations.
- Establishing best practices for procurement of IT products in collaboration with DMS.
- Participating with DMS in evaluating, conducting and negotiating competitive solicitations for state term contracts for IT commodities, consultant services, or staff augmentation contractual services.
- Collaborating with DMS in IT resource acquisition planning.
- Developing standards for IT reports and updates.
- Upon request, assisting state agencies in development of IT related legislative budget requests.
- Conducting annual assessments of state agencies to determine compliance with IT standards and guidelines developed by AST.
- Providing operational management and oversight of the state data center.
- Recommending other IT services that should be designed, delivered, and managed as enterprise IT services.
- Recommending additional consolidations of agency data centers or computing facilities into the state data center.
- In consultation with state agencies, proposing methodology for identifying and collecting current and planned IT expenditure data at the state agency level.
- Performing project oversight on any cabinet agency IT project that has a total project cost of \$25 million or more and impacts one or more other agencies.
- Consulting with departments regarding risks and other effects for IT projects implemented by an agency that must be connected to or accommodated by an IT system administered by a cabinet agency.
- Reporting annually to the Governor, the President of the Senate and the Speaker of the House regarding state IT standards or policies that conflict with federal regulations or requirements.

¹ Chapter 2014-221, Laws of Florida.

² Section 282.0051, F.S.

State Data Center Service-Level Agreements

The State Data Center is established within the AST and provides data center services that comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and auditing requirements.³ The State Data Center must enter into a service-level agreement with each customer entity to provide required type and level of service or services. If a customer fails to execute an agreement within 60 days after commencement of service, the State Data Center may cease service.

From 2008 until removed in 2014, s. 282.203, F.S., contained a provision providing for an existing customer’s service-level agreement with the state’s shared resource data centers to continue under the terms of the previous fiscal year’s agreement, if a customer did not execute a new service-level agreement within 60 days of the agreement’s expiration.

Below is a table listing the customers of the AST’s State Data Center. The customers include state agencies, a water management district, a county, local agencies and non-profit organizations.

AST Agency Customers	
Agency for Health Care Administration	Department of Veterans' Affairs
Agency for Persons with Disabilities	Office of Governor
Agency for State Technology	Emergency Management
Department of Citrus	Fish & Wildlife Conservation Commission
Department of Business & Professional Regulations	Statewide Guardian Ad Litem
Department of Corrections	Highway Safety & Motor Vehicles
Department of Children & Families	Justice Administrative Commission
Department of Economic Opportunity	Office of Auditor General
Department of Environmental Protection	Northwood State Resource Center
Department of Financial Services	Public Employees Relations Commission
Department of Juvenile Justice	Public Service Commission
Department of Military Affairs	State Attorney
Department of Management Services	Water Management District - Suwannee
Department of Education	Santa Rosa County
Department of Elder Affairs	Miami Dade Expressway Authority
Department of Health	Greater Orlando Aviation Authority
Department of Lottery	Children Home Society - Jacksonville
Department of Revenue	COPE Center
Department of State	Brevard Family Partnership
Department of Transportation	Community Based Care of Seminole

Funding Methodology

The Department of Financial Services (DFS) has responsibility for the preparation of the annual Statewide Cost Allocation Plan (SWCAP) required under the provisions of the U.S. Management

³ Section 282.201, F.S.

and Budget (OMB) Circular A-87.⁴ The circular establishes principles and standards for determining costs for federal awards carried out through grants, cost reimbursement contracts, and other agreements with state and local governments and federally recognized Indian tribal governments. The SWCAP is the mechanism by which the state identifies, summarizes, and allocates statewide indirect costs. The SWCAP also includes financial and billing information for central services directly charged to agencies or programs. The DFS must ensure that SWCAP represents the most favorable allocation of central services cost allowable to the state by the Federal government.⁵

Appendix C of OMB Circular A-87, defines “billed central services” as central services that are billed to benefited agencies and/or programs on an individual fee-for-service or similar basis. Typical expenditures of billed central services include computer services, transportation services, insurance, and fringe benefits.⁶

The services provided by the State Data Center to state agencies are an example of “billed central services.” The State Data Center must adhere to the SWCAP in accounting for agency resources utilized.

Pilot Projects

From 2008 until removed in 2014, s. 282.203, F.S., contained a provision providing for the data center to plan, design, and establish pilot projects and conduct experiments with information technology resources.

III. Effect of Proposed Changes:

Section 1 amends s. 282.201, F.S., to provide that a State Data Center service-level agreement may be extended for six months. If the State Data Center and an existing customer execute a service-level agreement extension or fail to execute a new service-level agreement, the State Data Center must submit a report to the Executive Office of the Governor within five days after the date of the executed extension, or 15 days before the scheduled expiration date of the service-level agreement. Such report must explain the specific issues preventing execution of a new service-level agreement and describing the plan and schedule for resolving those issues.

The section also authorizes the AST to plan, design, and conduct testing with information technology resources and implement service enhancements that are within the scope of services provided by the state data center, if cost effective.

Section 2 provides an effective date of July 1, 2016.

⁴ Section 215.195(1), F.S. Also, see 2 CFR Part 225, Appendix C, Appendix D, and Appendix E.

⁵ *Id.*

⁶ 2 CFR Part 225, Appendix C.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 282.201 of the Florida Statutes.

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

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

The CS by Governmental Oversight on December 1, 2015:

- Authorizes the State Data Center to extend service-level agreements with an existing customer for up to six months;

- Requires the State Data Center to file a report with the Executive Office of the Governor within five days after the date of execution of extension agreement and within 15 days before schedule expiration date of service-level agreement; the report must explain the specific issues preventing execution of new service-level agreement and describe a plan and schedule for resolving those issues; and
- Authorizes AST to plan, design, and conduct testing with information technology resources and implement service enhancements that are within the scope of the services provided by the State Data Center, if cost-effective.

B. Amendments:

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Brandes

585-01761-16

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A bill to be entitled

An act relating to the state data center; amending s. 282.201, F.S.; revising requirements for a certain service-level agreement entered into by the state data center within the Agency for State Technology with a customer entity; authorizing extension of an original agreement to a specified time; requiring the state data center to submit a specified report to the Executive Office of the Governor under certain circumstances; deleting a requirement for a certain notice to be given to the agency before an agreement may be terminated; requiring the state data center to plan, design, and conduct testing with information technology resources and implement certain service enhancements if cost-effective; providing an effective date.

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

Section 1. Paragraph (d) of subsection (2) of section 282.201, Florida Statutes, is amended, and paragraph (g) is added to that subsection, to read:

282.201 State data center.—The state data center is established within the Agency for State Technology and shall provide data center services that are hosted on premises or externally through a third-party provider as an enterprise information technology service. The provision of services must comply with applicable state and federal laws, regulations, and policies, including all applicable security, privacy, and

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auditing requirements.

(2) STATE DATA CENTER DUTIES.—The state data center shall:

(d) Enter into a service-level agreement with each customer entity to provide the required type and level of service or services. If a customer entity fails to execute an agreement within 60 days after commencement of a service, the state data center may cease service. A service-level agreement may not have an original a term exceeding 3 years, except that it may be extended for up to 6 months. If the state data center and an existing customer entity execute an extension or fail to execute a new service-level agreement before the expiration of an existing service-level agreement, the state data center shall submit a report to the Executive Office of the Governor within 5 days after the date of the executed extension, or 15 days before the scheduled expiration date of the service-level agreement, which explains the specific issues preventing execution of a new service-level agreement and describing the plan and schedule for resolving those issues. Each service-level agreement, and at a minimum, must:

1. Identify the parties and their roles, duties, and responsibilities under the agreement.
2. State the duration of the contract term and specify the conditions for renewal.
3. Identify the scope of work.
4. Identify the products or services to be delivered with sufficient specificity to permit an external financial or performance audit.
5. Establish the services to be provided, the business standards that must be met for each service, the cost of each

Page 2 of 3

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59 service, and the metrics and processes by which the business
60 standards for each service are to be objectively measured and
61 reported.

62 6. Provide a timely billing methodology to recover the cost
63 of services provided to the customer entity pursuant to s.
64 215.422.

65 7. Provide a procedure for modifying the service-level
66 agreement based on changes in the type, level, and cost of a
67 service.

68 8. Include a right-to-audit clause to ensure that the
69 parties to the agreement have access to records for audit
70 purposes during the term of the service-level agreement.

71 9. Provide that a service-level agreement may be terminated
72 by either party for cause only after giving the other party ~~and~~
73 ~~the Agency for State Technology~~ notice in writing of the cause
74 for termination and an opportunity for the other party to
75 resolve the identified cause within a reasonable period.

76 10. Provide for mediation of disputes by the Division of
77 Administrative Hearings pursuant to s. 120.573.

78 (g) Plan, design, and conduct testing with information
79 technology resources and implement service enhancements that are
80 within the scope of the services provided by the state data
81 center, if cost-effective.

82 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

1-21-16

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

426

Meeting Date

Bill Number (if applicable)

Topic State DATA CENTER

Amendment Barcode (if applicable)

Name JAMES TAYLOR

Job Title EXECUTIVE DIRECTOR

Address 115 PARK AVE

Phone 407-718-2760

Street

TALLY FL

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA TECHNOLOGY COUNCIL

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



The Florida Senate

Committee Agenda Request

To: Senator Alan Hays, Chair
Appropriations Subcommittee on General Government

Subject: Committee Agenda Request

Date: December 2, 2015

I respectfully request that **Senate Bill #426**, relating to **State Data Center**, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 22

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/CS/SB 546 (724450)

INTRODUCER: Appropriations Subcommittee on General Government; Environmental Preservation and Conservation Committee; and Senator Simpson

SUBJECT: Sale or Exchange of Lands

DATE: January 25, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Istler</u>	<u>Rogers</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Howard</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/CS/SB 546:

- Revises the noticing requirements that a water management district must adhere to when selling or exchanging lands, or interests or rights in lands;
- Provides an expedited process for selling surplus lands that are valued at \$25,000 or less;
- Extends the timeframe in which a certified appraisal has to be obtained for determining the minimum pricing at which land may be sold from 120 days to 360 days before the sale;
- Exempts any portion of a parcel of land acquired with Florida Forever funds which was deemed surplus at the time it was acquired from the requirement that title for such lands be first offered to the Board of Trustees of the Internal Improvement Trust Fund; and
- Authorizes a water management district to include a restriction on the future use of the surplus parcel as a term and condition of sale.

The bill has an indeterminate positive fiscal impact.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

A governing board of a water management district is authorized to acquire real property for the conservation and protection of water and water-related resources.¹ Collectively, the water management districts hold approximately 32.5 percent of the total land owned by the state.² The following is a breakdown of the land in acres owned by each water management district:

- Northwest Florida Water Management District: 193,165.
- Suwannee River Water Management District: 157,704.
- St. Johns River Water Management District: 472,825.
- Southwest Florida Water Management District: 307,728.
- South Florida Water Management District: 689,500.³

Sections 373.056 and 373.089, F.S., establishes the manner in which water management districts may dispose of lands, or interests or rights in lands. Before lands, or interests or rights in lands, are disposed, the governing board of a water management district must determine that the parcel of land is no longer needed, or surplus. Lands that are determined surplus may be offered for public bid and sold pursuant to s. 373.089, F.S., conveyed by a district to another governmental entity pursuant to s. 373.056, F.S., or used in potential real estate exchange transactions.

The governing board of a water management district may sell lands determined to be surplus at any time. The disposal of surplus lands requires a majority vote of the governing board. The disposal of surplus lands that were acquired for conservation purposes requires a determination that the lands are no longer needed for conservation purposes and a two-thirds vote of the governing board.⁴

A water management district must first offer title to surplus lands that were acquired in whole or in part with Florida Forever funds to the Board of Trustees of the Internal Improvement Trust Fund, unless the disposition of lands is for any one of the following purposes:

- Linear facilities, such as transmission and distribution facilities.
- Dispositions of the fee interest in the land where a conservation easement is retained by the district to fulfill the conservation objectives for which the land was acquired.
- An exchange of the land for other lands that meet or exceed the conservation objections for which the original land was acquired.
- Dispositions of lands, or rights or interests in lands, to be used by a governmental entity for a public purpose.⁵

Before selling surplus lands, a district must publish a notice of intention to sell, which includes a description of the lands to be offered for sale, in a newspaper circulated in the county in which the land is located once each week for three consecutive weeks, with the first publication being not less than 30 days nor more than 45 days before any sale.⁶ Surplus lands must be sold for the

¹ Section 373.139, F.S.

² State of Florida Lands and Facilities Inventory Search (SOLARIS), *State Lands Dashboard*, <http://webapps.dep.state.fl.us/DslPI/stateLandDashboard.action> (last visited Nov. 16, 2015).

³ *Id.*

⁴ Section 373.089, F.S.

⁵ *Id.*

⁶ *Id.*

highest price obtainable, which may not be less than the appraised value of the lands as determined by a certified appraisal obtained within 120 days before the sale.⁷

Where the proceeds from the sale of surplus lands go depends on the source of funds that were initially used to buy the land. In most cases, the proceeds go to the fund from which the lands were acquired to be used for the purchase of acquiring additional lands, or the proceeds are used for payment of debt service on revenue bonds or notes issued under s. 373.584, F.S.⁸

III. Effect of Proposed Changes:

The bill extends the timeframe in which a certified appraisal has to be obtained for determining the minimum price at which the land may be sold from 120 days to 360 days before the sale. The bill clarifies that the timing is measured by the effective date of the contract for sale, rather than “the sale.” The bill revises the period from which the first publication of the required notice must occur to not more than 360 days before any sale, rather than 45 days.

The bill exempts any portion of a parcel of land acquired with Florida Forever funds which was deemed surplus at the time it was acquired from the requirement that title for such lands be first offered to the Board of Trustees of the Internal Improvement Trust Fund.

The bill provides an expedited process for the sale of surplus lands valued at \$25,000 or less, as determined by a certified appraisal obtained within 360 days before any sale. This process enables a water management district to sell a parcel of land quicker than the minimum of 45 days required under current law.

Instead of requiring a governing board to publish a notice of intention to sell in a newspaper circulated in the county in which a parcel of land valued at \$25,000 or less is situated for three consecutive weeks, the bill requires a governing board to publish the notice of intention to sell one time only. Additionally, the governing board must send notice to adjacent property owners by certified mail and publish the notice on its website. Fourteen days after publication of such notice, the bill authorizes a water management district to sell such a parcel to an adjacent property owner or accept sealed bids if there are two or more owners of adjacent property and sell the parcel to the highest bidder. Thirty days after publication of such notice, the bill authorizes a water management district to accept sealed bids and sell such a parcel to the highest bidder. The bill authorizes a water management district to reject all offers in either case.

The bill authorizes a water management district to include a restriction on the future use of the surplus parcel as a term and condition of sale.

The bill has an effective date of July 1, 2016.

⁷ *Id.*

⁸ Section 373.139(6), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

PCS/CS/SB 546 authorizes the water management districts to sell parcels of land valued at \$25,000 or less through an expedited process which could have a positive fiscal impact to the districts. The number of parcels that may qualify for this type of sale is unknown; therefore, the potential revenue to the water management districts is indeterminate.

Payment in lieu of taxes to eligible counties may be decreased if surplus lands are sold which could reduce costs for those counties that receive funds from the water managements or the state for this purpose.

VI. Technical Deficiencies:

The term “sale” was amended in subsection (1) to “the effective date of the contract for sale” for clarification. In subsection (8), the language authorizing an expedited process for selling parcels valued at \$25,000 or less, the term “sale” is used. For consistency, this should be amended to “the effective date of the contract for sale.”

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.089 of the Florida Statutes.

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

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

Recommended CS/CS by Appropriations Subcommittee on General Government on January 21, 2016:

The CS to clarifies that the water management district is authorized to sell surplus lands valued at \$25,000 or less fourteen days after publication of intention to sell the property. It also clarifies that the water management district is authorized to accept sealed bids thirty days after publication of intention to sell the property.

CS by Environmental Preservation and Conservation on November 18, 2015:

The CS revises the noticing requirements a water management district must adhere to before selling any surplus land, or interest or rights in land, to require the first publication of the notice to occur at least 360 days before any sale, rather than 45 days.

B. Amendments:

None.



363980

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment

Delete lines 69 - 82
and insert:

(8) If a parcel of land is no longer essential or necessary
for conservation purposes and is valued at \$25,000 or less as
determined by a certified appraisal obtained within 360 days
before any sale, the governing board may determine that the
parcel of land is surplus. The notice of intention to sell shall



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10 be published as required under subsection (3), one time only.
11 The governing board shall send the notice of intention to sell
12 the parcel to adjacent property owners by certified mail and
13 publish the notice on its website.

14 (a) Fourteen days after publication of such notice, the
15 district may sell the parcel to an adjacent property owner, or
16 if there are two or more owners of adjacent property, accept
17 sealed bids and sell the parcel to the highest bidder or reject
18 all offers.

19 (b) Thirty days after publication of such notice, the
20 district shall

By the Committee on Environmental Preservation and Conservation;
and Senator Simpson

592-01418-16

2016546c1

1 A bill to be entitled
2 An act relating to the sale or exchange of lands;
3 amending s. 373.089, F.S.; extending the timeframe
4 within which a certified appraisal may be obtained for
5 parcels of land to be sold as surplus; revising the
6 procedures a water management district must follow for
7 publishing a notice of intention to sell surplus
8 lands; providing an exception from such notice
9 requirements if a parcel of land is valued below a
10 certain threshold; authorizing such parcels to be sold
11 directly to the highest bidder; authorizing districts
12 to include restrictions on future use of such parcels;
13 providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Subsections (1), (3), and (7) of section
18 373.089, Florida Statutes, are amended, and subsection (8) is
19 added to that section, to read:

20 373.089 Sale or exchange of lands, or interests or rights
21 in lands.—The governing board of the district may sell lands, or
22 interests or rights in lands, to which the district has acquired
23 title or to which it may hereafter acquire title in the
24 following manner:

25 (1) Any lands, or interests or rights in lands, determined
26 by the governing board to be surplus may be sold by the
27 district, at any time, for the highest price obtainable;
28 however, in no case shall the selling price be less than the
29 appraised value of the lands, or interests or rights in lands,

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-01418-16

2016546c1

30 as determined by a certified appraisal obtained within 360 ~~120~~
31 days before the effective date of a contract for sale.

32 (3) Before selling any surplus land, or interests or rights
33 in land, it shall be the duty of the district to cause a notice
34 of intention to sell to be published in a newspaper published in
35 the county in which the land, or interests or rights in the
36 land, is situated once each week for 3 successive weeks, ~~three~~
37 insertions being sufficient. ~~—~~ The first publication of the
38 required notice must occur at least ~~which shall be not less than~~
39 30 days, but not ~~not~~ more than 360 45 days, before ~~prior to~~ any
40 sale and must include, ~~which notice shall set forth a~~
41 description of lands, or interests or rights in lands, to be
42 offered for sale.

43 (7) Notwithstanding other provisions of this section, the
44 governing board shall first offer title to lands acquired in
45 whole or in part with Florida Forever funds which are determined
46 to be no longer needed for conservation purposes to the Board of
47 Trustees of the Internal Improvement Trust Fund unless the
48 disposition of those lands is for the following purposes:

49 (a) Linear facilities, including electric transmission and
50 distribution facilities, telecommunication transmission and
51 distribution facilities, pipeline transmission and distribution
52 facilities, public transportation corridors, and related
53 appurtenances.

54 (b) The disposition of the fee interest in the land where a
55 conservation easement is retained by the district to fulfill the
56 conservation objectives for which the land was acquired.

57 (c) An exchange of the land for other lands that meet or
58 exceed the conservation objectives for which the original land

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

592-01418-16

2016546c1

59 was acquired in accordance with subsection (4).

60 (d) To be used by a governmental entity for a public
61 purpose.

62 (e) The portion of an overall purchase deemed surplus at
63 the time of the acquisition.

64
65 ~~If in the event~~ the Board of Trustees of the Internal
66 Improvement Trust Fund declines to accept title to the lands
67 offered under this section, the land may be disposed of by the
68 district under the provisions of this section.

69 (8) Notwithstanding this section, if a parcel of land is no
70 longer essential or necessary for conservation purposes and is
71 valued at \$25,000 or less as determined by a certified appraisal
72 obtained within 360 days before any sale, the governing board
73 may determine that the parcel of land is surplus. The notice of
74 sale shall be published, as required under subsection (3), one
75 time only. The governing board shall send notice of its
76 intention to sell the parcel to adjacent property owners by
77 certified mail and publish the notice on its website.

78 (a) Within 14 days after such notice, the district may sell
79 the parcel to an adjacent property owner or accept sealed bids
80 if there are two or more owners of adjacent property and may
81 sell the parcel to the highest bidder or reject all offers.

82 (b) Within 30 days after such notice, the district shall
83 accept sealed bids and may sell the parcel to the highest bidder
84 or reject all offers.

85 (c) The district may include a restriction on the future
86 use of the surplus parcel as a term and condition of the sale.

87 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2016
Meeting Date

546
Bill Number (if applicable)

Topic Sale of Surplus Lands

Amendment Barcode (if applicable)

Name Steve Minnis

Job Title Governmental Affairs + Communications Director

Address 9225 CR 49
Street

Phone 386.362.1001

Live Oak FL 32060
City State Zip

Email samesawmd.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Suwannee River Water Management District

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

11/21/16

Topic

Small Surplus parcels

Name

Colleen Thayer

Job Title

Public Affairs Bureau Chief

Address

10250 Fruitville Rd.

Street

Scarsola

State

FL

Zip

32440

City

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing

Southwest FL Water Mgmt Dist.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

This form is part of the public record for this meeting.

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

Bill Number (if applicable)

546

Amendment Barcode (if applicable)

watermatters.org

Email Colleen Thayer

Phone

941 377 3700



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

November 18, 2015

Honorable Alan Hays
Appropriations Subcommittee on General Government
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Hays,

Please place Senate Bill 546 relating to Sale or Exchange of Lands, on the next Appropriations Subcommittee on General Government agenda.

Please contact my office with any questions. Thank you.

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson

Senator, 18th District

CC: Jamie DeLoach, Staff Director

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/CS/SB 570 (958206)

INTRODUCER: Appropriations Subcommittee on General Government; Environmental Preservation and Conservation Committee; and Senator Dean

SUBJECT: State Park Entrance Fee Holiday

DATE: January 25, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Istler</u>	<u>Rogers</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Howard</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 570 creates a state park entrance fee holiday in order to encourage the use and enjoyment of Florida's state parks. The bill prohibits the Department of Environmental Protection (DEP) from charging day use entrance fees for a 12-month period beginning July 1, 2016, at all state parks, except at the Skyway Fishing Pier State Park, the Ellie Schiller Homosassa Springs Wildlife State Park, or the Weeki Wachee Springs State Park.

The bill is estimated to have a total negative fiscal impact of \$29.7 million, as determined by the Revenue Estimating Conference. This includes a loss of \$27.3 million in the State Park Trust Fund within the DEP and a loss of \$2.4 million in the General Revenue Fund. The bill provides a \$27.3 million nonrecurring appropriation from the General Revenue Fund to the State Park Trust Fund within the DEP to support state parks.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

Florida's state park system was created in 1935 when the Legislature enacted a series of laws authorizing the Florida Board of Forestry to establish a Florida Park Service and to develop and

maintain a system of state parks.¹ Today, the Division of Recreation and Parks (division) within the Department of Environmental Protection (DEP) has the duty to supervise, administer, regulate, and control the operation of all public parks owned by the state,² which includes 163 state parks and 11 state trails and spans over nearly 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails.³

The National Recreation and Park Association annually honors state park systems that demonstrate excellence in long-range planning and resource management and, in 2013, Florida became the first three-time National Recreation and Park Association Gold Medal award winner.⁴ It is the policy of the division to promote the state park system for the use, enjoyment, and benefit of the people and visitors of Florida.⁵ The total attendance for the 2014-2015 fiscal year was 31,108,245 visitors, which is an increase from 27.1 million visitors for the previous fiscal year.⁶

Section 258.014, F.S., authorizes the division to charge reasonable fees, rentals, or charges for the use or operation of facilities and concessions in state parks. All such fees, rentals, and charges collected must be credited to the State Park Trust Fund within the DEP. The purpose of the trust fund is for the administration, improvement, and maintenance of state parks and for the acquisition and development of lands acquired for state park purposes.⁷

The director of the division is authorized to recommend standard admission and other park fees. Admission fees can range from \$1.00-\$13.00 based upon factors such as user demand, the location of the park, the cost of managing and operating the park, the type of facilities available, the season, and the natural and historic resource values of the park.⁸ The total revenue generated from the state parks for the 2014-2015 fiscal year was \$64,212,331,⁹ of that total approximately \$23.7 million was generated from state park entrance fees.¹⁰

The division is authorized to issue annual entrance passes allowing park entrance in lieu of the daily entrance fee. These passes are available for individuals or families. In Fiscal Year 2014-2015, more than 47,000 annual passes were purchased, that produced approximately \$3.5 million in revenue.¹¹

¹ Florida Park Service Alumni Association, *Florida State Park History*, <http://fpsaa.org/traditions/fps-history> (last visited Nov. 12, 2015).

² Section 258.004, F.S.

³ DEP, Division of Recreation and Parks, *Program at a Glance*, <http://www.dep.state.fl.us/mainpage/programs/parks.htm> (last visited Nov. 12, 2015).

⁴ DEP, *About Florida State Parks*, <http://www.dep.state.fl.us/parks/> (last visited Nov. 12, 2015).

⁵ Section 258.037, F.S.

⁶ DEP, *Long Range Program Plan* (Fiscal Years: 2016-2016 through 2020-2021), pg. 51, available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=13551&DocType=PDF>.

⁷ Section 258.014(1), F.S.

⁸ Fla. Admin. Code R. 62D-2.014(2)(c). See DEP, *Florida State Parks Fee Schedule*, available at <https://www.floridastateparks.org/sites/default/files/Division%20of%20Recreation%20and%20Parks/documents/FPSFeeSchedule.pdf>.

⁹ DEP, *Long Range Program Plan* at 51.

¹⁰ DEP, *Senate Bill 570 Agency Legislative Bill Analysis* (Nov. 12, 2015) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹¹ DEP Legislative Bill Analysis for SB 570, November 12, 2015 (on file with Appropriations Subcommittee on General Government) page 2.

Each state park has a unit management plan based on statewide resource management goals and recreational needs which is updated every ten years.¹² To ensure that opportunities for quality outdoor recreation experiences are provided while preserving the unique natural areas of the state, the division has established carrying capacity guidelines.¹³ The established optimum carrying capacity is included in each park unit management plan.¹⁴ The division is authorized to close any park or section of a park to the public at any time or for any interval of time, including when carrying capacities are reached, to provide visitor and employee safety, resource protection, operational efficiency, and facility maintenance.¹⁵ Additionally, authorized law enforcement officers and park personnel are required to direct traffic in parks and on roads adjacent to parks as conditions warrant.¹⁶

III. Effect of Proposed Changes:

PCS/CS/SB 570 creates a state park entrance fee holiday of one year. The bill prohibits the DEP from charging day use entrance fees at state parks for a 12-month period beginning July 1, 2016. The bill requires the division to ensure that each state park closes once its carrying capacity, as set forth in its unit management plan, is reached.

The bill clarifies that the state park entrance fee holiday does not apply to fees for the use of facilities, campgrounds, or equipment or fees for concessions, entertainment, or guided tours at any state park.

The bill does not apply to the Skyway Fishing Pier State Park, the Ellie Schiller Homosassa Springs Wildlife State Park, and the Weeki Wachee Springs State Park.

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹² DEP, The Office of Park Planning - Park Management Plans, <http://www.dep.state.fl.us/parks/planning/plans.htm> (last visited Nov. 16, 2015).

¹³ DEP, *Visitor Carrying Capacity Guidelines*, <http://www.dep.state.fl.us/parks/planning/forms/CarryingCapacityGuidelines.pdf> (last visited Nov. 16, 2015).

¹⁴ *Id.*

¹⁵ Fla. Admin. Code R. 62D-2.014(16)(b).

¹⁶ Fla. Admin. Code R. 62D-2.014(3).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

If the fee holiday results in increased visitation at state parks, privately owned concession and rental operations would potentially see an increase in business which would have a positive fiscal impact on the private sector.

C. Government Sector Impact:

PCS/CS/SB 570 prohibits the division from charging day use entrance fees and will have a negative impact on state park revenues. On December 4, 2015, the Revenue Estimating Conference projected a loss of \$29.7 million for the 2016-2017 fiscal year. This includes a loss of \$27.3 million in entrance fees that are deposited into the State Park Trust Fund within the DEP. The cash balance within the State Park Trust Fund is insufficient to offset this loss in revenue. In addition, a loss of \$2.4 million in the General Revenue Fund related to sales and use tax revenues and the General Revenue Service Charge.

The bill provides a \$27.3 million nonrecurring appropriation from the General Revenue Fund to the State Park Trust Fund within the DEP to support state parks.

Individuals who have purchased annual entrance passes may request refunds for any period that falls within the fee holiday that would have an additional negative fiscal impact to the State Park Trust Fund. This impact is indeterminate.

The fee holiday may increase visitation which could potentially increase other types of park revenue, such as entertainment, guided tours, and equipment rentals. This positive fiscal impact is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on January 21, 2016:

The CS provides a \$27.3 million nonrecurring appropriation from the General Revenue Fund to the State Park Trust Fund within the DEP to support state parks.

CS by Environmental Preservation and Conservation on November 18, 2015:

The CS requires the division to ensure that each state park closes once its carrying capacity is reached.

- B. **Amendments:**

None.



220724

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Dean)
recommended the following:

Senate Amendment (with title amendment)

Between lines 28 and 29
insert:

Section 2. For the 2016-2017 fiscal year, the sum of \$27.3 million in nonrecurring funds is appropriated from the General Revenue Fund to the State Park Trust Fund within the Department of Environmental Protection to support state parks and implement this act.



220724

11 ===== T I T L E A M E N D M E N T =====

12 And the title is amended as follows:

13 Delete line 8

14 and insert:

15 to other fees; providing exceptions; providing an

16 appropriation; providing an

By the Committee on Environmental Preservation and Conservation;
and Senator Dean

592-01419-16

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A bill to be entitled

An act relating to a state park entrance fee holiday;
prohibiting the Division of Recreation and Parks from
charging day use entrance fees at state parks for a
specified period; requiring the division to ensure
that each state park closes once its carrying capacity
is reached; clarifying that the holiday does not apply
to other fees; providing exceptions; providing an
effective date.

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

Section 1. In order to encourage the use and enjoyment of
Florida's state parks, a state park entrance fee holiday is
created.

(1) Notwithstanding s. 258.014, Florida Statutes, the
Division of Recreation and Parks of the Department of
Environmental Protection may not charge day use entrance fees at
any state park operated by the division for a 12-month period
beginning July 1, 2016. The division shall ensure that each
state park closes once its carrying capacity, as set forth in
its unit management plan, is reached.

(2) This act does not apply to fees for the use of
facilities, campgrounds, or equipment; or fees for concessions,
entertainment, or guided tours, at any state park.

(3) This act does not apply to Skyway Fishing Pier State
Park, Ellie Schiller Homosassa Springs Wildlife State Park, or
Weeki Wachee Springs State Park.

Section 2. This act shall take effect July 1, 2016.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 716

INTRODUCER: Senator Sobel and others

SUBJECT: Florida Holocaust Memorial

DATE: January 20, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Peacock</u>	<u>McVaney</u>	<u>GO</u>	Favorable
2.	<u>Davis</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	_____	_____	<u>FP</u>	_____

I. Summary:

SB 716 establishes the Florida Holocaust Memorial to recognize and commemorate the millions of people, including six million Jews, murdered by the Nazis and their collaborators before and during World War II in Europe and to honor the survivors of the Holocaust.

The bill requires the Department of Management Services (DMS) to administer the memorial and to designate an appropriate public area for the memorial on the premises of the Capitol Complex. Also, the DMS shall construct the memorial after considering the recommendations of the Florida Historical Commission and coordinate with the Division of Historical Resources of the Department of State in regards to the memorial's design and placement.

The bill has an indeterminate fiscal impact.

The bill shall take effect on July 1, 2016.

II. Present Situation:

The Holocaust

The Holocaust was the systematic, bureaucratic, state-sponsored persecution and murder of millions of people, including six million Jews, by the Nazi regime and its collaborators during World War II.¹ The Nazi regime also targeted other groups, including the Romani people, the disabled, some Slavic peoples (Poles, Russians, and others), Communists, Socialists, Jehovah's Witnesses, and homosexuals.²

¹ See <http://www.ushmm.org/wlc/en/article.php?ModuleId=10005143> (last visited on December 8, 2015).

² *Id.*

Holocaust Memorials and Museums in Florida

There are numerous Holocaust memorials, monuments and museums worldwide, of which five are located throughout Florida. These memorials and museums include: a memorial on the Temple B’Nai Israel property in Clearwater, Florida,³ the Florida Holocaust Museum⁴ in St. Petersburg, FL, the Holocaust Memorial Resource and Education Center of Florida in Maitland, FL,⁵ a memorial in Miami Beach, FL,⁶ and the Holocaust Museum and Education Center of Southwest Florida in Naples, Florida.⁷

Managing Agency for the Capitol Center

Chapter 272, F.S., provides that the Capitol Center⁸ is under the general control and supervision of the DMS,⁹ which includes the management and maintenance of both the grounds and buildings.¹⁰ Additionally, the DMS has the authority to provide for the establishment of parks, walkways, and parkways on the grounds of the Capitol Center.¹¹ This responsibility has historically included assistance in establishing and maintaining public memorials throughout the Capitol Center, including project management oversight of the design and construction of memorials.¹² After an entity is assigned a designated space within the Capitol Center for an exhibit, the entity is the manager of the exhibit's content and display, in consultation with the DMS.¹³

Capitol Complex

Section 281.01, F.S., defines the term “Capitol Complex” as:

[T]hat portion of Tallahassee, Leon County, Florida, commonly referred to as the Capitol, the Historic Capitol, the Senate Office Building, the House Office Building, the Knott Building, the Pepper Building, the Holland Building, and the curtilage of each, including the state-owned lands and public streets adjacent thereto within an area bounded by and including Monroe Street, Jefferson Street, Duval Street, and Gaines Street. The term shall also include the State Capital Circle Office Complex located in Leon County, Florida.

³ See http://www.waymarking.com/waymarks/WM7JP0_Holocaust_Memorial_Clearwater_FL (last visited on December 8, 2015).

⁴ See <https://www.flholocaustmuseum.org/about/fhm-history/> (last visited on December 8, 2015). This is one of the largest Holocaust museums in the country and played a role in shaping legislation that requires Holocaust education in public schools. See s. 10003.42(2)(g), F.S.

⁵ See http://www.holocaustedu.org/about_us (last visited on December 8, 2015).

⁶ See <http://holocaustmemorialmiami-beach.org/about/history/> (last visited on December 8, 2015).

⁷ See <http://www.holocaustmuseumsfwl.org/our-mission/> (last visited on December 8, 2015).

⁸ Section 272.12, F.S., describes the Tallahassee area bounded by Martin Luther King, Jr. Boulevard, College Avenue, Franklin Boulevard, East Jefferson Street, and the Seaboard Coastline Railway right-of-way as the Capitol Center.

⁹ Section 272.03, F.S.

¹⁰ Section 272.09, F.S.

¹¹ Section 272.07, F.S.

¹² Department of Management Services, Senate Bill 608 Analysis (February 19, 2014) (copy on file with the Governmental Oversight and Accountability Committee).

¹³ *Id.*

Capitol Complex Monuments

The construction and placement of a monument¹⁴ on the premises of the Capitol Complex is prohibited unless authorized by general law and unless the design and placement of the monument is approved by the DMS after considering the recommendations of the Florida Historical Commission.¹⁵ Additionally, the DMS must coordinate with the Division of Historical Resources of the Department of State regarding a monument's design and placement.¹⁶ The DMS, in consultation with the Florida Historical Commission, is required to set aside an area of the Capitol Complex to be dedicated as a memorial garden for the placement of authorized monuments.¹⁷

Division of Historical Resources

The Division of Historical Resources is established within the Department of State¹⁸ and is charged with encouraging identification, evaluation, protection, preservation, collection, conservation and interpretation of, and public access to, information about Florida's historic sites, properties and objects related to Florida's history and culture.¹⁹ This includes cooperating with, advising and assisting federal and state agencies and local governments in carrying out their historic preservation responsibilities.

Florida Historical Commission

The Florida Historical Commission (Commission) was established by the Legislature in 2001 to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties.²⁰ The Commission is created within the Department of State and is tasked with advising and assisting the Division of Historical Resources in carrying out its programs, duties and responsibilities.²¹

The Commission is composed of 11 members. Seven members of the Commission are appointed by the Governor in consultation with the Secretary of State, two by the President of the Senate and two by the Speaker of the House of Representatives.²² The Commission must include:

- A licensed architect with expertise in historic preservation and architectural history;
- A professional historian in the field of American history;
- A professional architectural historian;
- An archaeologist specializing in the field of prehistory;

¹⁴ Section 265.111(1), F.S., defines the term "monument" to mean a permanent structure such as a marker, statue, sculpture, plaque, or other artifice, including living plant material, placed in remembrance or recognition of significant person or event in Florida history. The term does not include any "Official Florida Historical Marker" as defined in s. 267.021, F.S.

¹⁵ Section 265.111(2), F.S.

¹⁶ *Id.*

¹⁷ Section 265.111(3), F.S.

¹⁸ Section 20.10(2)(b), F.S.

¹⁹ Section 267.031, F.S. *Also, see* <http://dos.myflorida.com/historical/about/program-areas/> (last visited on December 8, 2015).

²⁰ Chapter 2001-199, L.O.F.

²¹ Section 267.0612, F.S.

²² Section 267.0612(1)(a)1., F.S.

- An archaeologist specializing in the historic period; and
- Representatives of the general public with demonstrated interest in the preservation of Florida's historical and archaeological heritage.²³

The Commission is statutorily required to provide assistance, advice, and recommendations to the Division of Historical Resources in:

- Establishing priorities for the identification, acquisition, protection, and preservation of historic and archaeological sites and properties;
- Establishing criteria for use in assessing the significance of historic and archaeological sites and properties;
- Evaluating proposals for awards of special category historic preservation grants-in-aid administered by the Division of Historical Resources;
- Providing an active outreach program to encourage public understanding of and involvement in the preservation of the state's historic and archaeological sites and properties;
- Identifying and expressing public goals for historic preservation and gathering public ideas necessary for the formulation of alternative policies; and
- Recommending rules relating to the historic preservation programs administered by the Division of Historical Resources.²⁴

Section 267.0612(9), F.S., also requires the Commission to provide recommendations to the DMS on the design and placement of monuments authorized by general law to be placed on the premises of the Capitol Complex pursuant to s. 265.111, F.S.

III. Effect of Proposed Changes:

Section 1 creates s. 265.005, F.S., establishes the Florida Holocaust Memorial, and provides legislative intent. The DMS is required to administer the memorial and set aside an appropriate public area for the memorial on the premises of the Capitol Complex, as defined in s. 281.101, F.S., but not including the State Capitol Circle Office Complex.

The bill requires the DMS to construct and place the memorial after it has considered the recommendations of the Florida Historical Commission pursuant to ss. 265.111 and 267.0612(9), F.S., and to coordinate with the Division of Historical Resources of the Department of State regarding the memorial's design and placement.

Section 2 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shares with counties and municipalities.

²³ *Id.* Also, at least one member of the Commission must be a resident of a county that has a population of 75,000 or fewer.

²⁴ Section 267.0612(6)(a)-(f), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Under SB 716, the cost to construct the memorial is indeterminate, as the design for the memorial has not been completed. Although the cost is indeterminate, as a comparison, during the 2014 Session the Legislature appropriated \$250,000 for the Fallen Firefighter Memorial.²⁵ In addition, several other statutorily authorized Capitol Complex memorials, are administered by direct-support organizations without funding from the state.²⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 265.005 of the Florida Statutes:

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

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

None.

²⁵ Chapter 2014-51, L.O.F.

²⁶ Among the statutorily authorized Capitol Complex memorials to honor military service members are the Florida Veterans' Walk of Honor (s. 265.0031, F.S.); the Florida Veterans' Memorial Garden (s. 265.0031, F.S.); and the POW-MIA Chair of Honor Memorial (s. 265.00301, F.S.).

B. Amendments:

None.

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

By Senator Sobel

33-00615B-16

2016716__

A bill to be entitled

An act relating to the Florida Holocaust Memorial; creating s. 265.005, F.S.; providing legislative intent; establishing the Florida Holocaust Memorial; providing for administration by the Department of Management Services; prohibiting the department from constructing and placing the memorial until certain conditions are met; providing an effective date.

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

Section 1. Section 265.005, Florida Statutes, is created to read:

265.005 Florida Holocaust Memorial.-

(1) It is the intent of the Legislature to recognize and commemorate the millions of people, including six million Jews, murdered by the Nazis and their collaborators before and during World War II in Europe and to honor the survivors of the Holocaust through the establishment of the Florida Holocaust Memorial.

(2) There is established the Florida Holocaust Memorial.

(a) The memorial is administered by the Department of Management Services.

(b) The Department of Management Services shall set aside an appropriate public area for the memorial on the premises of the Capitol Complex, as defined in s. 281.01, but not including the State Capital Circle Office Complex. The department shall construct and place the Florida Holocaust Memorial after it has considered the recommendations of the Florida Historical

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

33-00615B-16

2016716__

Commission as required pursuant to ss. 265.111 and 267.0612(9) and coordinated with the Division of Historical Resources of the Department of State regarding the memorial's design and placement.

Section 2. This act shall take effect July 1, 2016.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-22-16
Meeting Date

716
Bill Number (if applicable)

Topic HOLOCAUST MEMORIAL

Amendment Barcode (if applicable)

Name Steve Whitfield

Job Title A Historian

Address 519 PARK Ave

Phone 904-6435

Street FALL HARBOR, Fla 32301
City State Zip

Email Steve@SULAW.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Children, Families, and Elder Affairs, *Chair*
Health Policy, *Vice Chair*
Agriculture
Education Pre-K-12
Appropriations Subcommittee on Health
and Human Services

SENATOR ELEANOR SOBEL

33rd District

January 13, 2015

Senator Alan Hays, Chair
Appropriations Subcommittee on General Government
320 Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399

Dear Chair Hays,

This letter is to request that **SB 716** relating to Florida Holocaust Memorial be placed on the agenda of the next scheduled meeting of the Appropriations Subcommittee on General Government.

This bill recognizes and commemorates the millions of people, including six million Jews, murdered by the Nazis and their collaborators before and during World War II in Europe and to honor the survivors of the Holocaust through the establishment of the Florida Holocaust Memorial. The bill provides for administration by the Department of Management Services and prohibits the department from constructing and placing the memorial until certain conditions are met.

Thank you for your consideration of this request.

With Best Regards,

A handwritten signature in cursive script that reads "Eleanor Sobel".

Eleanor Sobel
State Senator, 33rd District

REPLY TO:

- The "Old" Library, First Floor, 2600 Hollywood Blvd., Hollywood, Florida 33020 (954) 924-3693 FAX: (954) 924-3695
- 410 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5033

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/CS/SB 772 (442032)

INTRODUCER: Appropriations Subcommittee on General Government; Commerce and Tourism Committee; and Senator Richter

SUBJECT: Regulated Service Providers

DATE: January 25, 2016 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 772 modifies provisions in several areas regulated by the Department of Agriculture and Consumer Services (DACS), including:

- Eliminating the requirement that the Board of Professional Surveyors and Mappers have at least one member who is a photogrammetrist;
- Implementing license fee waivers for veterans, their spouses, and their businesses;
- De-regulating personal trainers from the Department of Agriculture and Consumer Services' oversight;
- Clarifying requirements for owners of devices used for weights or measurements that are subject to a commercial-use permit under ch. 527, F.S., updating the commercial-use permit's license cycle, and simplifying commercial-use permit fees;
- Modernizing the Florida Sellers of Travel Act and deregulating same-day tour guide or sightseeing services;
- Allowing amusement ride operators to provide their own inspection form, and exempting specific rides from inspection requirements;
- Implementing fingerprint retention in ch. 493, F.S. (Private Security, Private Investigators, and Recovery Specialists), licensing processes;
- Implementing a live-fire requirement for concealed weapon or firearm licensure;
- Streamlining renewal of concealed weapon or firearm licenses by allowing a sworn statement, rather than a notarized affidavit, of a licensee's continued eligibility for licensure;

- Allowing personal service or notice by certified mail, or in the case of non-delivery, by U.S. mail or e-mail, to constitute effective service of notice of suspension or revocation of an individual's concealed weapon or firearm license;
- Allowing qualified tax collectors to print and deliver renewal concealed weapon or firearm licenses;
- Reducing application fees for concealed weapon or firearm licenses;
- In actions relating to the enforcement of a lien on a vehicle by a motor vehicle repair shop, allowing parties other than the consumer who authorized repairs to the motor vehicle to assert their right to the vehicle through either a bond process or a hearing in circuit court; and
- Providing requirements for motor vehicle repair shops that seek direct payment from an insurance company through an assignment of benefits by a customer, or that seek to initiate civil litigation or arbitration against an insurance company.

The bill authorizes fee waivers and exemptions from permitting and inspections which will reduce the revenues in the Division of Licensing Trust Fund and the General Inspection Trust Fund within the DACS in the total amount of \$3,212,505. The DACS estimates that the new fees related to the Fingerprint Retention programs authorized by the bill will generate \$1,305,097 for the Division of Licensing Trust Fund. As a result of those revenue changes, the service charge to general revenue associated with the Division of Licensing Trust Fund and the General Inspection Trust Fund will be reduced by \$78,437 beginning in Fiscal Year 2016-2017.

The bill provides an appropriation of \$1,305,097 in nonrecurring funds from the Division of Licensing Trust Fund to the DACS for the collection and subsequent payment of fingerprint retention and processing fees to the Florida Department of Law Enforcement.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

The Department of Agriculture and Consumer Services (DACCS) safeguards the public from unsafe or defective products and deceptive business practices. The Division of Consumer Services within the DACCS regulates specific business activities, including commercial weight loss practices, telephone solicitations, pawnshops, health studios, sellers of travel, and telemarketing. The Division of Consumer Services also functions as a clearinghouse for consumer complaints. The Division of Licensing within the DACCS is responsible for investigating and issuing licenses to conduct private security, private investigative, and recovery services pursuant to ch. 493, F.S. The Division of Licensing also issues concealed weapon or firearm licenses pursuant to s. 790.06, F.S.

The present situation for the relevant provision of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

III. Effect of Proposed Changes:

Board of Professional Surveyors and Mappers

The Board of Professional Surveyors and Mappers (board) is constituted under the Department of Agriculture and Consumer Services (DACCS) with the purpose of regulating professional surveyors and mappers and businesses that offer surveying and mapping services.¹ The board consists of nine members, of whom one must be designated as a photogrammetric mapper by the American Society for Photogrammetry and Remote Sensing (ASPRS), and two must be consumers.² The board's members are appointed for 4-year terms of service by the Commissioner of Agriculture and confirmed by the Senate.³

Photogrammetry is the practice of surveying and mapping through the use of aerial or terrestrial photographs and other sources of imagery.⁴ Twenty-six Florida resident photogrammetrists are currently certified by the ASPRS.⁵

Section 1 amends s. 472.007, F.S., to remove the requirement that one member of the Board of Professional Surveyors and Mappers is a designated photogrammetrist. Instead, a seventh registered surveyor and mapper may be appointed. This change reflects the May 5, 2015, board vote to remove the requirement that at least one board member be designated as a photogrammetrist.⁶

Licensing Fee Waivers

Florida has more than 1.6 million veteran residents,⁷ 165,000 of which are veterans of the Afghanistan and Iraq wars.⁸ The Department of Management Services has certified 392 businesses as service disabled veteran-owned businesses, which are afforded vendor preference in specific state procurement processes.⁹ As of July 1, 2014, both the Department of Business and Professional Regulation (DBPR) and the Department of Health (DOH) implemented initial

¹ Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers, *Frequently Asked Questions*,

² Section 472.007, F.S.

³ *Id.*

⁴ Section 177.27(23), F.S.; American Society for Photogrammetry and Remote Sensing, *What is ASPRS?*, available at: <http://www.asprs.org/About-Us/What-is-ASPRS.html> (last visited Jan. 8, 2016).

⁵ American Society for Photogrammetry and Remote Sensing, *Search for Certified Professionals*, <http://www.asprs.org/Certification-Program/Search-for-Certified-Professionals.html> (last visited Jan. 8, 2016).

⁶ Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 3 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

⁷ Florida Department of Veterans' Affairs, *Fast Facts*, available at: http://floridavets.org/?page_id=50 (last visited Jan. 8, 2016).

⁸ <http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>; Conversation with Florida Department of Veteran's Affairs staff on Jan. 4, 2016.

⁹ As of Jan. 8, 2016. Florida Department of Management Services, *Certified Vendor Directory*, available at: https://osd.dms.myflorida.com/directories/results?directory%5Bcommodity_code%5D=&directory%5Bcommodity_descripti on%5D=&directory%5Bcounty%5D=&directory%5Bdesignation%5D=Service+Disabled+Veteran&directory%5Bvendor_n ame%5D= (last visited Jan. 8, 2016).

licensing fee waivers for veterans and their spouses.¹⁰ Since October 1, 2012, the DBPR has granted 134 veteran fee waivers; the DOH has granted 292.¹¹

The bill waives first-time licensing application fees for specific veterans of the United States Armed Forces, his or her spouse, or a business entity in which he or she has a majority ownership stake on the following classes of licenses:

License	Current Initial Licensing Fee
Land Surveyor & Mapper	\$180 - \$255
Health Studio	\$300
Commercial Telephone Seller	\$1,500
Telemarketing Salesperson	\$50
Movers & Moving Broker	\$300
Liquefied Petroleum Gas Related License	\$100 - \$525
Pawnbroker	\$300
Motor Vehicle Repair Shop	\$50 - \$300
Sellers of Travel	\$300-\$2,500

In addition, to qualify for the fee waiver, the veteran, his or her spouse, or his or her business must submit an application for licensure within 60 months after the date of the veteran's discharge from the United States Armed Forces and provide a copy of his or her discharge paperwork; a valid marriage license where applicable; and proof of ownership interest, where applicable.

The following sections of the bill implement the first-time license fee waivers for veterans, their spouses, and their businesses:

Section 2 amends s. 472.015(3), F.S. (surveyors and mappers).

Section 12 amends s. 501.015(2), F.S. (health studios).

Sections 13 and 14 amend ss. 501.605(5)(b) and 501.607(2)(b), F.S. (telemarketing).

Section 15 amends s. 507.03(3), F.S. (intrastate movers).

Section 16 amends s. 527.02(3), F.S. (liquefied petroleum gasoline).

Section 25 amends s. 539.001(3), F.S. (pawnbrokers).

Section 26 amends s. 559.904(3), F.S. (motor vehicle repair).

¹⁰ Florida Department of Business and Professional Regulation, *Military and Veteran Spouses*, available at: <http://www.myfloridalicense.com/dbpr/MilitarySpouse.html> (last accessed Jan. 8, 2016); see also, Florida Department of Health, *Veterans*, available at <http://www.floridahealth.gov/licensing-and-regulation/armed-forces/veterans/index.html> (last accessed Jan. 8, 2016).

¹¹ Communication with staff of the Department of Health on Jan. 4, 2016; Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 12 (Dec. 1., 2015) (on file with the Committee on Commerce and Tourism).

Section 29 amends s. 559.928(2), F.S. (sellers of travel).

The following sections of the bill waive application or licensing fees for veterans only who apply for specific licensure within 24 months, rather than 60 months, of their honorable discharge from the armed forces:

License	Current Initial Licensing / Application Fees
Private Investigator	\$75 / \$50
Private Investigator Intern	\$60 / \$50
Private Investigative/Security Agency Manager	\$75 / \$50
Private Investigative Agency Manager	\$75 / \$50
Security Officer Instructor	\$60 / \$50
Security Manager	\$75 / \$50
Recovery Agent	\$75 / \$50
Recovery Agent Intern	\$60 / \$50
Recovery Agency Manager	\$75 / \$50
Recovery Agent Instructor	\$60 / \$50
Firearms Instructor	\$100 / \$50

Section 3 amends s. 493.6105(1), F.S., to waive the \$100 *initial application fee* for licensure as a:

- Private Investigator, Private Investigator Intern, Private Investigative/Security Agency Manager, or Private Investigative Agency Manager;
- Security Officer Instructor, or Security Manager;
- Recovery Agent, Recovery Agent Intern, Recovery Agency Manager, or Recovery Agent Instructor; and
- Firearms Instructor.

Section 5 amends s. 493.6107, F.S., to waive the initial *license fee* for veterans who, within 24 months of their honorable discharge from the armed forces, apply for licensure as either a Private Investigative/Security Agency Manager or a Firearms Instructor.

Section 8 amends s. 493.6202, F.S., to waive the initial *license fee* for veterans who, within 24 months of their honorable discharge from the armed forces, apply for licensure as a Private Investigator, Private Investigator Intern, or Private Investigative Agency Manager.

Section 9 amends s. 493.6302, F.S., to waive the initial *license fee* for veterans who, within 24 months of their honorable discharge from the armed forces, apply for licensure as a Security Officer, Security Officer Instructor, or a Security Manager. A Class D license does not require an application fee.

¹² Florida Department of Agriculture and Consumer Services, *Private Investigation, Security, Recovery: Chapter 493, Florida Statutes Fee Schedule*, available at http://www.freshfromflorida.com/content/download/33389/815718/FS493_License_Fees.pdf (last visited Jan. 8, 2015).

Section 10 amends s. 493.6402(4), F.S., to waive the initial *license fee* for veterans who, within 24 months of their honorable discharge from the armed forces, apply for licensure as a Recovery Agent, Recovery Agent Intern, Recovery Agent Manager, or Recovery Agent Instructor.

Eligible veteran applicants will still be subject to, e.g., applicable examination fees, fingerprint processing and retention fees, and renewal fees, in addition to applicable licensure fitness and general eligibility requirements.¹³

Fingerprint Retention and Processing for Private Investigators, Private Security Officers, and Repossession Services Officers

The Federal Bureau of Investigation (FBI) and the Florida Department of Law Enforcement (FDLE) perform criminal history background checks based on the fingerprint identification of specific applicants for licensure upon an agency's request for such an investigation, and of individuals in the criminal justice system.

The DACS currently requires applicants for licensure under ch. 493, F.S., to submit a full set of fingerprints and a fingerprint processing fee for a background check to be conducted by the FDLE.¹⁴ The DACS has 156,266 currently valid licenses issued under ch. 493, F.S., to, e.g., private investigators, private security officers, and repossession services officers.¹⁵ Once the initial background check has been performed by the FDLE, the DACS is required to discard the licensees' fingerprints. As a result, the DACS must perform a name-based search of arrest records to fulfill its duty to conduct ongoing investigations into its licensees' criminal activity, including upon a licensee's renewal of his or her license.¹⁶

Section 3 amends s. 493.6105(3), F.S., to require initial applicants for licensure under ch. 493, F.S., to submit a fingerprint processing fee and a fingerprint retention fee. The fees for fingerprint processing and retention must be set by agency rule. Applicants for multiple licenses issued pursuant to ch. 493, F.S., will only be subject to one fingerprint processing and fingerprint retention fee.

Section 6 creates ss. 493.6108(4) and (5), F.S., to require that, beginning January 1, 2017, the FDLE retain all fingerprints that are submitted to the DACS as part of an application for licensure as a private investigator, security officer, recovery agent, firearms instructor, or related license under ch. 493, F.S., and enter the retained fingerprints into the statewide automated biometric identification system and the FBI's national retained print arrest notification program (FBI fingerprint check). The FDLE has not yet begun participation in the FBI's fingerprint check program, but expects to begin phasing in its participation by February 2016.¹⁷ In addition, the bill requires the FDLE to search the retained fingerprints against all arrest fingerprints and report any

¹³ See, e.g., ss. 493.6105, 493.6108, F.S.

¹⁴ Section 493.6105(3)(j), F.S.

¹⁵ Florida Department of Agriculture and Consumer Services, Division of Licensing, *Number of Licensees by Type*, (Jan. 8, 2016). Available at http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf (last visited January 8, 2016).

¹⁶ Section 493.6118(1), F.S.

¹⁷ Conversation with staff of the FDLE on Dec. 22, 2015.

arrest record match to the DACS. This will allow the DACS to receive updated arrest information on its licensees and applicants in a more efficient process.

Section 7 amends ss. 493.6113(1) and (3), F.S., to require current ch. 493, F.S., licensees to submit the following as part of their renewal application: a copy of their fingerprints, a state fingerprint retention fee, a FBI fingerprint retention fee, where applicable, and a license renewal fee. This will allow the FDLE and the DACS to subject current licensees to the fingerprint retention and examination processes implemented in section 6 of the bill. Additionally, the bill clarifies that firearm instructors, class “K” licensees, are subject to a 3 year, rather than a 2 year, license cycle. This reflects an update originally made in 2011.¹⁸

Concealed Weapon or Firearm License

Residency Requirement for Concealed Weapon or Firearm License

In 2012, the U.S. Department of Justice effectuated a rule change¹⁹ to 27 CFR, Pt. 478, to remove the requirement that lawfully present aliens prove that they have resided in a state within the U.S. for 90 days in order to purchase or acquire a firearm.

Section 4 conforms s. 493.6106(1)(f), F.S., specific to applicants for statewide firearm licenses or firearms instructor licenses under ch. 493, F.S., to the above change by deleting the application requirement that a permanent legal resident alien show proof of his or her residency in Florida for at least 90 consecutive days prior to submission of an application for licensure.

Concealed Weapon or Firearm Licensing

Under current law, certain concealed weapons or firearms pre-licensing course instructors must maintain records certifying that they observed their student safely handle and discharge a firearm.

Section 39 of the bill clarifies s. 790.06, F.S., to require that the instructor maintain records certifying that *while he or she was physically present*, the instructor observed the student safely handle and *actually* discharge (“live fire”) a firearm using a *firearm and ammunition as defined in s. 790.001, F.S.* This ensures that the instruction occurs in person rather than by video conference.

The bill also requires the DACS to expedite the application for a concealed weapon or firearm license for an applicant who is a service member or veteran, defined as a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions.²⁰

¹⁸ Ch. 2012-205, s. 6, Laws of Fla.

¹⁹ U.S. Federal Register, Vol. 77, no. 110 (June 7, 2012), available at <https://www.gpo.gov/fdsys/pkg/FR-2012-06-07/html/2012-13770.htm>. (Last visited Jan. 8, 2016). See also, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, *Questions and Answers – Revised ATF F4473 (April 2012 Edition)*, available at: <https://www.atf.gov/file/61841/download>. (Last visited Jan. 8, 2016).

²⁰ Section 1.01(14), F.S.

Subject to Section 39 of the bill, application fees for concealed weapon and firearm licenses will be reduced from \$70 to \$60 for initial applicants, and from \$60 to \$50 for renewal applicants.

Section 39 of the bill clarifies licensing qualifications regarding applicants' criminal history. Previously, an applicant with a felony criminal record was eligible for licensure if his or her criminal record was sealed or expunged by a court. The bill proposes to allow only applicants whose felony criminal record has been expunged to qualify for licensure. Additionally, the bill clarifies that an applicant may not be granted a license if he or she has had adjudication of guilt withheld or has had an imposition of sentence suspended for any misdemeanor crime of domestic violence, unless three years have elapsed since probation or any other conditions set by the court have been fulfilled, or the criminal record of such offense has been either sealed or expunged.

Lastly, Section 39 of the bill provides for notice of the suspension or revocation of a concealed weapon or firearm license by either personal delivery to the licensee or applicant or by certified mail, return receipt requested to the licensee's or applicant's last known mailing address provided to the DACS. If notice by certified mail fails, a second attempt by either first-class mail addressed to the last known mailing address furnished to the DACS by the licensee, or e-mail sent to an e-mail address provided by the licensee shall constitute notice. A request for hearing subsequent to such notice must be made within 21 days if notice was made by personal delivery, or within 26 days after the date the DACS deposited the second attempted notice by first-class mail in the U.S. mail, or sent the e-mail.

Affidavits Submitted With Concealed Weapon or Firearm Licenses

Currently, s. 790.06(11), F.S., requires a licensee who seeks to renew his or her concealed weapon or firearm license to submit a *notarized affidavit* stating that the licensee remains qualified for the license.

Section 40 amends s. 790.06(11), F.S., to require an *affidavit submitted under oath and under penalty of perjury*. The DACS states that this will streamline their taxed firearm licensing system.²¹

Tax Collector Issuance of Concealed Weapon or Firearm Licenses

As of July 1, 2014, tax collectors who entered into a memorandum of understanding with the DACS may collect initial and renewal applications for concealed weapon or firearm permits.

Section 41 amends s. 790.0625(8), F.S., to expand the qualified tax collectors' capabilities to include the printing and delivery of a concealed weapon or firearm license to an individual who renews his or her license at the tax collector's office. Tax collectors may collect fees for such services.

²¹ Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 10-11 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

Various DACS Licenses and Regulations

Health Studios

The Health Studio Act, ss. 501.012-501.019, F.S., regulates health studios that enter into contracts for health studio services with consumers. Regulations under the act include:

- Registration with the DACS;
- Requirements that every contract with a consumer include certain provisions, such as the consumer's total payment obligations, and cancellation provisions;
- Provision of a security bond, generally ranging from \$10,000 to \$25,000, depending on the value of outstanding contracts with the studio; and
- Prohibited practices, such as committing an intentional fraud.

The DACS can seek an injunction or civil penalties for any violation of the act, and violations are generally misdemeanors. The DACS may also institute administrative prosecution of a health studio in violation of s. 501.015 or s. 501.016, F.S.

Section 11 amends s. 501.0125(1), F.S., and adds s. 501.0125(6), F.S., to establish that personal trainers are not subject to the DACS' regulation of health studios, thus deregulating personal trainers. The bill defines "personal trainer" as an individual who:

- Does not have an established place of business for the primary purpose of physical exercise;
- Provides exercise equipment in incidental capacity to instruction provided; and
- Does not accept payment for services rendered more than 30 days after the date of payment.

According to the DACS, personal trainers traditionally do not issue binding contracts and do not collect a consumer's payment for services more than 30 days in advance and, therefore, do not pose the same dangers to consumer's financial interests as brick and mortar health studios that use financing and long-term contracts.²²

Commercial Telephone Sellers

Commercial telephone sellers (telemarketers) must provide the address of each location at which he or she will do business. Current law allows telemarketers to provide a mail drop location as a physical address.

Section 13 amends s. 501.605(2)(j), F.S., to require telemarketers to disclose the street address of each location from which he or she will be doing business, and no longer permits the use of a mail drop address.

Amusement Ride Safety Standards

Florida has approximately 245 amusement parks and 190 traveling amusement companies that are subject to inspection by the DACS.²³ These parks include carnivals, water parks, go-kart

²² Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 6 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

²³ Florida Department of Agriculture and Consumer Services, *Fair Rides Inspection*. Available at <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Business-Services/Fair-Rides> (last visited Jan. 8, 2016).

courses, and bungee-jumping parks.²⁴ A temporary amusement ride must be inspected by the DACS each time it is moved or set up in a new location; permanent rides are inspected semi-annually.²⁵ Additionally, parks subject to the DACS' regulations must show proof of sufficient employee training and insurance.

Section 37 amends s. 616.242, F.S., to exempt the following venues from the permitting, inspection, and insurance requirements for amusement rides:

- A water-related amusement ride operated as an incidental amenity to the core business of a lodging or food service establishment, or membership campground that does not offer a day rate.
- An amusement ride operated as an incidental amenity to the primary business of a membership-only facility that does not offer a day rate.
- A permanent facility that is not open to the general public, and that is operated by a nonprofit corporation registered under ch. 496, F.S.

These exemptions are targeted at generally smaller water attractions or rides at hotels or campsites, private country clubs or playgrounds, and facilities run by, e.g., the YMCA (two non-profit facilities currently qualify for this exemption).²⁶

This bill also allows owners or managers of amusement rides to request to use alternate inspections and employee training forms than those prescribed by departmental rules, if the alternate form includes at least the information required by the prescribed form.

Weights and Measurements

The Bureau of Standards within the DACS is generally responsible for the inspection of weights and measures devices or instruments in Florida. This includes, but is not limited to, the prescription of the appropriate unit of weight or measurement to be used, testing of weights and measuring instruments used by any city or county, and inspection of commercial weights and measures that are used to determine the weight, measurement or total count of commodities offered for sale, such as fruit and vegetables at a grocery store. For the purpose of consumer protection, the Bureau of Standards is also empowered under s. 531.42, F.S., to enforce the proper use of weights and measuring instruments or devices and the advertisement of the correct weight or measurement on a good for sale.

Section 18 amends s. 531.37(1), F.S., to clarify that the DACS does not regulate aviation fuel under ch. 531, F.S. Instruments and devices used to inspect aviation fuel have been exempt from regulation and inspection by the DACS under ch. 531, F.S., since 2013.²⁷

Section 19 amends s. 531.415(1), F.S., to merge and clarify fees for metrology laboratory calibration and testing services performed by the Bureau of Standards. As a result, individuals who submit a subject for linear measure tests that are calibrated to determine actual values will

²⁴ *Id.*

²⁵ *Id.*

²⁶ Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 8 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

²⁷ Ch. 2013-251, s. 35, Laws of Fla.

realize a fee reduction from \$100²⁸ to not more than \$75; all other fees for testing services remain the same. Section 19 also amends s. 531.415(2), F.S., to require that items submitted for testing be in a condition ready for testing, because the DACS cannot clean the subjects before testing.²⁹

Section 20 amends ss. 531.60(1) and (2), F.S., to clarify intent that commercial use permits issued by the DACS for commercially-used weights and measures instruments or devices (“instrument or device”) are granted to the *owner* of such weights and measures device, rather than to the *device* itself. The bill clarifies duties of the owner of permitted instruments and devices to require the owner and permit-holder to notify the DACS within 30 days of a change in permit status, including the expected non-renewal of the permit as a result of the instrument or device’s termination of use, or removal from the business location. Additionally, the bill requires new owners of currently permitted instruments or devices to apply for a new commercial use permit upon transfer of the item to the new owner; current law requires that a new permit “be issued” to the new owner. The DACS indicates that these changes will make their investigations more efficient.

This section further amends s. 531.60(3), F.S., to remove language that allows properly permitted, non-commercial instruments and devices to be tested by the DACS.³⁰ The DACS no longer tests non-commercial instruments or devices.³¹

Section 22 amends s. 531.62, F.S., to provide for an optional two-year commercial-use permit. The DACS believes that this will reduce overall renewal permits, and make the process more efficient.³²

Sections 17 and 23 amend ss. 527.021(4) and 531.63(1)(a), F.S., respectively, to update the fee structure for weighing devices that are inspected by the DACS. Current law bases the maximum annual fee of such inspections on the number of devices per retail establishment, but the bill proposes to charge by number of devices in a single category instead. The bill also removes inspection of grain moisture meters from the fee schedule because the DACS no longer performs such inspections.³³ This section also creates a new \$150 fee for inspection of liquefied petroleum gas bulk delivery vehicles with a meter, which reflects the merger of the \$50 fee for registered transport vehicle inspection (currently found in s. 527.021(4), F.S.) and the \$100 fee for mass or volumetric flow meters (currently found in s. 531.63(2)(a) and (b), F.S.).

Section 24 amends s. 531.65, F.S., to clarify that the DACS is authorized to apply more than one penalty if it is found that a weights or measures instrument or device is used commercially without a valid permit.

²⁸ Metrology Fees, Florida Department of Agriculture and Consumer Services, available at: <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Business-Services/Standards/Metrology>. (Last visited Jan. 8, 2016.); Rule 5F-1.040(6), F.A.C.

²⁹ Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 7 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

³⁰ Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 7 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

³¹ *Id.*

³² *Id.*

³³ *Id.*

Section 21 amends s. 531.61, F.S., to make conforming, technical changes.

Sellers of Travel

Part XI of ch. 559, F.S., the “Florida Sellers of Travel Act,” regulates business entities and individuals that sell pre-arranged travel, tourist-related services, or tour guide services.³⁴ These sellers of travel must annually register with the DACS, and post proof of a performance bond of up to \$50,000. The DACS may exercise its right to the performance bond for use and benefit of a traveler who is injured by a fraud, misrepresentation, breach of contract, financial failure, or violation of law by the seller of travel.³⁵

Section 28 amends s. 559.927, F.S., to clarify definitions used in ch. 559, F.S. Specifically, the bill proposes to:

- Delete tour-guide services and sightseeing tours in order to de-regulate the services;
- Amend the definition of “accommodations” to exclude long-term home rentals covered under a lease pursuant to ch. 83, F.S.;
- Exclude from regulation as sellers of travel those third parties who offer prearranged travel or tourist-related services, but do not participate in travel fulfillment or vacation certificate redemption; and
- Clarify the definition of “vacation certificates” to evince that a vacation certificate is necessary for any arrangement, plan, program, vacation package, or advanced travel for which no specific date for its use is designated, but is not necessary for travel for which dates are selected, guaranteed, and paid for at the time of purchase.

Section 29 amends s. 559.928, F.S., to update seller of travel registration notice requirements and expand the DACS’ administrative enforcement power. Current law requires sellers of travel to place their registration number and a statement that their firm is “registered with the State of Florida as a Seller of Travel” on each contract and advertisement; this bill requires the same disclosure on certificates or any other travel documents.

The DACS is currently empowered to deny or refuse to renew a licensee’s or applicant’s license based on an applicant or licensee’s involvement in a crime involving fraud, dishonest dealing, or any other act of moral turpitude. The bill authorizes the DACS to revoke a license, in addition to its current administrative powers, for not only convictions of crimes involving fraud, dishonest dealing, or any other act of moral turpitude, but also any conviction of theft, embezzlement, or any other crime that arises out of conduct as a seller of travel. The DACS may also refuse to renew or revoke a licensee’s license based on its directors’, officers’, owners’, or general partners’ conviction of the above crimes, if the conviction arose from that individual’s activity on behalf of the licensee.

Section 30 amends ss. 559.929(2) and (6), F.S., to allow consumers and other governmental agencies acting on behalf of the injured consumer to institute an action to recover against the bond held by a seller of travel for losses the consumer incurred as a result of a seller’s of travel

³⁴ Sections 559.926-.927, F.S.

³⁵ Section 559.929(2), F.S.

wrongdoing. Current law provides that a consumer may only recover from such a bond in an administrative action filed by the DACS. The section also makes technical clarifications.

Sections 31, 32, and 33 amend s. 559.9295, 559.932, and 559.933, F.S., respectively, to update filing requirements placed on the seller of travel. The bill proposes to:

- Require specific disclosures on any promotional material that may reasonably lead a person to believe that he or she may receive something of value without payment or compensation to the seller of travel, including a disclosure of the number of people who actually traveled as a result of the vacation certificate.
- Delete the requirement that the DACS review the filed vacation certificate disclosure within 10 days of its submission to the DACS. This allows the DACS more time to review the disclosure without it automatically being deemed in compliance as a result of passage of time alone;
- Amend DACS' duty to review the vacation certificate or contract only for their compliance with legally-required disclosures under s. 595.932, F.S., rather than the contract or certificate in its entirety. The DACS indicates that this will still ensure consumer protection, but be more efficient;³⁶
- Require at least 12-point font for disclosure language provided on vacation certificates; and
- Make technical, non-substantive changes to clean up required cancellation and refund notices that must be made by the seller of travel on vacation certificates.

Sections 34 and 36 amend ss. 559.9335 and 559.936, F.S., to modernize the statute, expand prohibited practices, and to update cross-references. Specifically, Section 34 prohibits making false statements in response to any inquiry made by the DACS or any other governmental agency, and knowingly selling vacation certificates in excess of the accommodations available (where current law makes it a violation to sell in excess of the number of available accommodations that was disclosed to the DACS).

Section 35 amends s. 559.935, F.S., to delete the requirement that affiliates of sellers of travel file an affidavit of exemption with the DACS in order to obtain an exemption from specific sections of the Sellers of Travel Act. Section 559.935, F.S., still appears to regulate such affiliates, but it is unclear how the DACS will grant or revoke such exemptions when no initial proof of eligibility for the exemption is required.

Sections 43 and 44 amend ss. 559.9285 (1) and (3)(d), and 559.937(2), F.S., respectively, to make conforming changes to reflect the deregulation of tour-guide services.

Enforcement of Lien by Sale of Motor Vehicle

The Motor Vehicle Advisory Council was created to advise and assist the DACS about issues relating to ss. 559.901-559.9221, F.S., the "Florida Motor Vehicle Repair Act" (act). The act generally requires motor vehicle repair shops to register with the DACS and perform various duties designed to ensure consumer protection.

³⁶ Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 8 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

The act also delineates rights and duties that accrue to the shop and vehicle owner if the owner fails to pay for authorized repairs that were performed. In essence, the shop (lienor) may assert its legal right to the vehicle, subject to the customer's (lienholder's) right to request a hearing to dispute the lien, or to file a bond for the value of the vehicle, plus the cost of any repairs, storage, or reasonable fees,

Section 42 amends s. 559.917, F.S., to define "lienholder" as the person claiming an interest in a lien or on a vehicle, and "lienor" as a person claiming a lien for motor vehicle repair shop work. This expands the right to present a bond to release a possessory lien claimed by a motor vehicle repair shop to include any party with an interest in the vehicle, e.g., the vehicle dealer who holds title to the car, in addition to the customer who authorized the repairs on the vehicle.

Section 38 amends s. 713.585, F.S., to reduce the number of days that the lienor is required to give notice to the registered owner of the vehicle, the customer who requested the repairs, and to all other persons who claim an interest in the vehicle, from 15 to 7 days from the initial assessment of storage charges on the motor vehicle.

In addition, Section 37:

- Provides processes by which a lienholder who has posted a bond in favor of the vehicle may take possession of the vehicle, or, in cases in which the owner is not in default under his or her installment sales contract or title loan, must return the vehicle to the owner;
- Requires a court that hears a complaint relating to a vehicle subject to a lien provided in s. 713.585, F.S., to provide for immediate payment of any proceeds or awards, and the immediate release of the bond to the posting party, if applicable; and
- Makes technical, conforming changes to s. 713.585, F.S.

Motor Vehicle Repair Shop Reimbursement

Currently, in instances in which a consumer will pay for repairs performed by a motor vehicle repair shop (shop), the shop is required to provide the consumer with a written estimate of the repairs to be performed, and seek payment from the consumer based on that estimate.³⁷

However, when a shop performs repairs on a vehicle covered by a personal or commercial insurance policy claim, the shop may seek an assignment of the consumer's right to payment from the insurance company. This permits the shop to be paid for a loss under the insurance contract (or work done to correct that loss). Accordingly, if the benefit to be paid is assigned and the insurer refuses to pay, the shop (assignee) may file a lawsuit against the insurer to recover payment. Florida courts have generally held that an assignment made after the loss is valid even if the contract states otherwise.³⁸

Section 27 creates s. 559.9191, F.S., which prohibits a motor vehicle repair shop from directly seeking payment, reimbursement, or benefits from an insurer unless the repair shop:

³⁷ Section 559.905, F.S.

³⁸ See *West Florida Grocery Co. v. Teutonia Fire Ins. Co.*, 77 So. 209 (Fla. 1917); *Better Construction, Inc. v. Nat'l Union Fire Ins. Co. of Pittsburgh*, 651 So. 2d 141 (Fla. 3d DCA 1995)(reversal of a dismissal based on a non-assignment provision because "a provision against assignment of an insurance policy does not bar an insured's assignment of an after-loss claim"); *Gisela Investments v. Liberty Mutual Ins. Co.*, 452 So. 2d 1056 (Fla. 3d DCA 1984); *Continental Casualty Co. v. Ryan Inc.*, 974 So. 2d 368, 377 v. 7 (Fla. 2008).

- Received consent to perform the repairs from the insurer;
- Provided a disclosure to the consumer regarding possible liability of the consumer for payment; and
- Seeks only payment or reimbursement for the services detailed in the shop's repair invoice, as detailed in s. 559.911, F.S.

Section 27 also requires the shop to obtain written consent from the consumer at least 15 business days prior to the initiation of any civil litigation or arbitration for enforcement of the payment of the assigned benefit against an insurer company.

Section 45 provides an appropriation of \$1,305,098 to the Department of Agriculture and Consumer Services from the Division of Licensing Trust Fund for the purpose of implementing fingerprinting retention programs authorized in the bill.

Section 46 provides an effective date of July 1, 2016, except as where otherwise stated in the bill.

General Revenue Service Charge

Pursuant to section 215.20, F.S., a service charge on all income of a revenue nature deposited into state trust funds is subsequently deducted and deposited into the General Revenue Fund. The service charge represents the estimated pro rata share of the cost of general government paid from the General Revenue Fund. The service charge on the income deposited into the General Inspection Trust Fund (GITF) is assessed an eight percent service charge, and the income in the Division of Licensing Trust Fund (DLTF) is charged four percent. The fee waivers and exemptions provided in this bill reduce the revenue deposited into both the GITF and the DLTF, thus reducing the amount deposited into the General Revenue Fund.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Notice Requirements

The Due Process Clauses of the Fifth and Fourteenth Amendments contemplate fair process. "An elementary and fundamental requirement of due process in any proceeding

which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objection.”³⁹ Three factors must be weighed to determine the degree to which due process protections apply:

- The private interest that will be affected;
- The risk of erroneous deprivation of such interest through the procedures used; and
- The government’s interest, including fiscal and administrative burdens of additional process.⁴⁰

The DACS seeks to preserve the public records exemption of personal identifying information of an individual who applied for or received a firearm or concealed weapon license by substituting direct mail or personal service for the publication of such information in general circulation newspapers as a method of notice.⁴¹ Courts have not ruled directly on whether replacing notice by publication with notice by first class mail without proof of knowledge of receipt is sufficient procedural due process.⁴²

Property Rights

Article I, s. 2, Fla. Const., provides that all persons have the right to acquire, possess, and protect property. Opponents of Section 27 of the bill may argue that an insurance claim is a vested right to institute a cause of action and, therefore, is also a property interest.⁴³ Accordingly, they may argue that the assignment of a post-loss insurance claim cannot be prohibited. The Florida Supreme Court has held that property rights are not absolute:

Of course, even constitutionally protected property rights are not absolute, and are held subject to the fair exercise of the power inherent in the State to promote the general welfare of the people through regulations that are reasonably necessary to secure the health, safety, good order, and general welfare.⁴⁴

The court weighs whether the statute is reasonably necessary to accomplish the asserted state goals at the cost of offending property interests protected by the Florida Constitution. Therefore, if section 27 of this bill were challenged, a court would have to determine whether section 27 is reasonably necessary to justify the limitation on the property rights.⁴⁵

³⁹ *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

⁴⁰ *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Hadley v. Dept. of Admin.*, 411 So.2d 184 (Fla. 1982).

⁴¹ See s. 790.0601, F.S.; Florida Department of Agriculture and Consumer Services, *Agency Bill Analysis for SB 772*, 10 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

⁴² *Anderson v. State*, 87 So. 3d 774, 776 (Fla. 2012).

⁴³ See *Castellanos v. Citizens Ins. Corp.*, 98 So. 3d 1180, 1183 (Fla. 3d DCA 2012) (explaining that an “insurance claim is a chose in action and because personal property is an asset)(citations omitted); *Sunspan Engineering & Construction Co. v. Spring-Lock Scaffolding Co.*, 310 So. 2d 4, 8 (Fla. 1975) (noting that “it has been held that a vested cause of action, or “chose in action” is personal property entitled to protection from arbitrary laws.”)

⁴⁴ *Shriners Hospitals for Crippled Children v. Zrillic*, 563 So. 2d 64 (Fla. 1990).

⁴⁵ *Id.*

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

See Private Sector Impact section below.

B. Private Sector Impact:

Under PCS/CS/SB 772, veterans, spouses of veterans, and majority-owned veteran businesses will qualify for initial specific license fee and application fee waivers. Certain personal trainers will not be subject to registration as a health studio and will no longer pay an annual registration fee. Specific businesses will be exempt from amusement ride inspections and costs associated therewith.

Individuals seeking a first-time concealed weapon or firearm license will be subject to a \$60 application fee, reduced from \$70; renewal license fees will be \$50, reduced from \$60. A path to certification as a firearms instructor will be broadened, thereby creating increased employment opportunities for qualified individuals.

The bill requires current ch. 493, F.S., licensees to submit a fingerprint retention fee and a background check fee as part of the renewal process. New licensees will be required to pay a fingerprint retention fee along with the background check and application fee they currently are required to pay.

Automobile dealers will have an avenue to better preserve their interests in a lien on a vehicle they sold, but are now subject to a motor vehicle repair shop's lien under s. 559.917, F.S. Additionally, parties involved in such lien disputes will possibly accrue smaller storage fees since the required term for notice prior to enforcement of the lien is reduced from 15 to seven days.

Automobile Repair Shops will be required to perform specific prerequisites to be able to enforce an assignment from a consumer of the right to payment or other benefits against an insurance company.

C. Government Sector Impact:

PCS/CS/SB 772 has a significant impact on state revenues. The bill authorizes fee waivers and exemptions from permitting and inspections that reduce revenues in the Division of Licensing Trust Fund and the General Inspection Trust Fund in the total amount of \$3,212,505 during Fiscal Year 2016-2017. Additionally, the bill reduces the service charge to general revenue associated with the Division of Licensing and General Inspection Trust Fund in the amount of \$78,437 beginning in Fiscal Year 2016-2017.

The bill authorizes fee increases relating to Fingerprint Retention programs and background checks that will generate \$1,305,098 in Fiscal Year 2016-2017 for the Division of Licensing Trust Fund.

Military Veteran Fee Waiver

The Department of Agriculture and Consumer Services (DACS) estimates a reduction in revenue in the General Inspection Trust Fund (GITF) and the Division of Licensing Trust Fund generated from fee waivers related to military veterans and spouses in the following amounts in the years indicated:

Revenues	FY 2016-17	FY 2017-18	FY 2018-19
Division of Consumer Services GITF - Application Fees ⁴⁶	(\$51,250)	(\$51,250)	(\$51,250)
Division of Licensing TF Application & License Fees ⁴⁷	(\$164,965)	(\$164,965)	(\$164,965)
Total	(\$216,215)	(\$216,215)	(\$216,215)

Safety Standards for Amusement Rides

The DACS estimates the following recurring revenue reductions in the years indicated to the General Inspection Trust fund because of fees that will no longer be collected from organizations made exempt from regulation under this bill.

Revenues	FY 2016-17	FY 2017-18	FY 2018-19
Amusement Ride Fee Exemptions	(\$2,280)	(\$2,280)	(\$2,280)

Fingerprint Retention

The DACS estimates that the fees related to the Fingerprint Retention programs authorized in the bill will generate the following amounts in the years indicated for the Division of Licensing Trust Fund:

Revenues	FY 2016-17	FY 2017-18	FY 2018-19
Fingerprint Processing Fee (FBI) ⁴⁸	\$779,979	\$1,559,958	\$1,028,934
Fingerprint Retention Fee (FDLE Operating Trust Fund) ⁴⁹	\$525,119	\$1,050,237	\$890,265
Total	\$1,305,098	\$2,610,195	\$1,919,199

⁴⁶ This number is based on an estimated 231,000 veterans from the Afghanistan and Iraq wars who live in Florida, while this Committee’s research estimates that 165,000 veterans from the Afghanistan and Iraq wars live in Florida. Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 12 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

⁴⁷ This number assumes that veterans will constitute 10% of applicants for licensure under ch. 493, F.S. The DACS received 33,199 applications for licensure under ch. 493, F.S., in FY 2014-2015. Department of Agriculture and Consumer Services, *Agency Analysis of SB 772*, 12 (Dec. 1, 2015) (on file with the Committee on Commerce and Tourism).

⁴⁸ According to the DACS, this total estimates that 33,944 new applicants, plus 40,313 renewal applicants will pay the one-time FBI fingerprint retention \$13.00 fee that covers the duration of a license; in addition, 39,650 renewal applicants will pay the “standard national background check fingerprint fee of \$14.75.” *Id.* at 12-13.

⁴⁹ This total estimates that 33,944 new applicants plus 40,313 renewal applicants will be subject to the \$6.00 annual Florida fingerprint retention fee; in addition, 40,313 renewal applicants will also pay the standard FDLE background check fingerprint processing fee of \$15. *Id.*

These funds will be collected by the DACS and transferred to the Federal Bureau of Investigation (FBI) and Florida Department of Law Enforcement (FDLE). The Fiscal Year 2018-2019 revenues from fingerprint retention fees decrease significantly because current licensees will have caught up on the one-time FBI fingerprint retention fee and the background check fingerprint fee, leaving only the annual \$6 Florida fingerprint retention fee.

The DACS will require increased budget authority equal to the total amounts shown in each fiscal year from the Division of Licensing Trust Fund to process the necessary disbursements to the FBI and FDLE for fingerprint retention.

The bill provides an appropriation of \$1,305,097 in nonrecurring funds from the Division of Licensing Trust Fund to the DACS for the collection and subsequent payment of fingerprint retention and processing fees to the Florida Department of Law Enforcement.

Concealed Weapon Licenses

The DACS estimates the following revenue reductions in the years indicated for the Division of Licensing Trust Fund due to the reduction in concealed weapon license (CWL) fees by \$10 each. The Division of Licensing within the DACS indicates that the reduced fee revenue is sufficient to continue to fund the program.

Revenues	FY 2016-17	FY 2017-18	FY 2018-19
New CWL Fee Reduction	(\$1,650,000)	(\$1,550,000)	(\$1,550,000)
Renewal CWL Fee Reduction	(\$1,294,010)	(\$1,240,260)	(\$1,162,230)
Total	(\$2,994,010)	(\$2,790,260)	(\$2,712,230)

Concealed Weapon License Notice of Service

The DACS estimates the following reduced expenditures in the years indicated from the Division of Licensing Trust Fund relating to publishing costs associated with notification of revocation or suspension of concealed weapon licenses.

Expenditures	FY 2016-17	FY 2017-18	FY 2018-19
CWL Notice of Service of Process	(\$140,186)	(\$140,186)	(\$140,186)

General Revenue Service Charge

Due to the provisions in this bill, the service charge to general revenue from the Division of Licensing Trust Fund and the General Inspection Trust Fund is estimated to change by the following total amounts in the years indicated:

General Inspection Trust Fund	FY 2016-17	FY 2017-18	FY 2018-19
Military Veteran Fee Waivers	(\$4,100)	(\$4,100)	(\$4,100)
Amusement Ride Exemptions	(\$182)	(\$182)	(\$182)
Division of Licensing Trust Fund			
Military Veteran Fee Waivers	(\$6,599)	(\$6,599)	(\$6,599)
Concealed Weapons Fee Reduction	(\$119,760)	(\$111,610)	(\$108,489)
Fingerprint Retention Fees	\$52,204	\$104,407	\$76,768
Total General Revenue Fund	(\$78,437)	(\$18,084)	(\$42,602)

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 472.007, 472.015, 493.6105, 493.6106, 493.6107, 493.6108, 493.6113, 493.6202, 493.6302, 493.6402, 501.0125, 501.015, 501.605, 501.607, 507.03, 527.02, 527.021, 531.37, 531.415, 531.60, 531.61, 531.62, 531.63, 531.65, 539.001, 559.904, 559.927, 559.928, 559.929, 559.9295, 559.932, 559.933, 559.9335, 559.935, 559.936, 616.242, 790.06, 790.0625, 559.9285, 559.937, 713.585, and 559.917.

The bill creates s. 559.9191, F.S.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

Recommended CS/CS by Appropriations Subcommittee on General Government on January 21, 2016:

- Removes the previously proposed addition of two new firearm instruction certification courses;
- Clarifies fingerprint retention fees and participation for ch. 493, F.S., licensees;
- Appropriates \$1,305,090 from the Division of Licensing Trust Fund to the Department of Agriculture and Consumer Services for Fingerprint Retention programs authorized in the bill;
- Makes further technical changes and updates to regulations of sellers of travel; and
- Provides requirements for motor vehicle repair shops that seek payment, reimbursement, or benefits directly from an insurer through an assignment of benefits by a customer.

CS by Commerce and Tourism on January 11, 2016:

- Makes a technical change to use consistent language to clarify that, in two specific instances, an applicant's *registration* fee will be waived;
- Amends the Service of Process requirements for licensees and applicants for a concealed weapon or firearm license to require either personal service or certified mail, return receipt requested to the licensee at his or her last known mailing address furnished to the DACS; and
- Allows additional parties to assert their financial interest in a motor vehicle that is subject to a s. 713.585, F.S., motor vehicle repair lien. Additionally, the bill makes conforming changes and reduces the number of days that a lienor (generally a motor vehicle repair shop) is required to give notice of their intent to enforce their interest in the lien on the car.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
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Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (1) of section 472.007, Florida
Statutes, is amended to read:

472.007 Board of Professional Surveyors and Mappers.—There
is created in the Department of Agriculture and Consumer
Services the Board of Professional Surveyors and Mappers.

(1) The board shall consist of nine members, seven ~~six~~ of



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11 whom shall be registered surveyors and mappers primarily engaged
12 in the practice of surveying and mapping, ~~one of whom shall be a~~
13 ~~registered surveyor and mapper with the designation of~~
14 ~~photogrammetrist,~~ and two of whom shall be laypersons who are
15 not and have never been surveyors and mappers or members of any
16 closely related profession or occupation.

17 Section 2. Subsection (3) of section 472.015, Florida
18 Statutes, is amended to read:

19 472.015 Licensure.—

20 (3) (a) Before the issuance of any license, the department
21 may charge an initial license fee as determined by rule of the
22 board. Upon receipt of the appropriate license fee, except as
23 provided in subsection (6), the department shall issue a license
24 to any person certified by the board, or its designee, as having
25 met the applicable requirements imposed by law or rule. However,
26 an applicant who is not otherwise qualified for licensure is not
27 entitled to licensure solely based on a passing score on a
28 required examination.

29 (b) The department shall waive the initial license fee for
30 an honorably discharged veteran of the United States Armed
31 Forces, the spouse of such a veteran, or a business entity that
32 has a majority ownership held by such a veteran or spouse if the
33 department receives an application, in a format prescribed by
34 the department, within 60 months after the date of the veteran's
35 discharge from any branch of the United States Armed Forces. To
36 qualify for the waiver, a veteran must provide to the department
37 a copy of his or her DD Form 214, as issued by the United States
38 Department of Defense, or another acceptable form of
39 identification as specified by the Department of Veterans'



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40 Affairs; the spouse of a veteran must provide to the department
41 a copy of the veteran's DD Form 214, as issued by the United
42 States Department of Defense, or another acceptable form of
43 identification as specified by the Department of Veterans'
44 Affairs, and a copy of a valid marriage license or certificate
45 verifying that he or she was lawfully married to the veteran at
46 the time of discharge; or a business entity must provide to the
47 department proof that a veteran or the spouse of a veteran holds
48 a majority ownership in the business, a copy of the veteran's DD
49 Form 214, as issued by the United States Department of Defense,
50 or another acceptable form of identification as specified by the
51 Department of Veterans' Affairs, and, if applicable, a copy of a
52 valid marriage license or certificate verifying that the spouse
53 of the veteran was lawfully married to the veteran at the time
54 of discharge.

55 Section 3. Paragraph (c) is added to subsection (1) of
56 section 493.6105, Florida Statutes, and paragraph (j) of
57 subsection (3) of that section is amended, to read:

58 493.6105 Initial application for license.-

59 (1) Each individual, partner, or principal officer in a
60 corporation, shall file with the department a complete
61 application accompanied by an application fee not to exceed \$60,
62 except that the applicant for a Class "D" or Class "G" license
63 is not required to submit an application fee. The application
64 fee is not refundable.

65 (c) The initial application fee for a veteran, as defined
66 in s. 1.01, shall be waived if he or she applies for a Class
67 "C," Class "CC," Class "DI," Class "E," Class "EE," Class "K,"
68 Class "M," Class "MA," Class "MB," Class "MR," or Class "RI"



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69 license within 24 months after being discharged from a branch of
70 the United States Armed Forces. An eligible veteran must include
71 a copy of his or her DD Form 214, as issued by the United States
72 Department of Defense, or another acceptable form of
73 identification as specified by the Department of Veterans'
74 Affairs with his or her application in order to obtain a waiver.

75 (3) The application must contain the following information
76 concerning the individual signing the application:

77 (j) A full set of fingerprints, a fingerprint processing
78 fee, and a fingerprint retention fee. The fingerprint processing
79 and retention fees shall ~~to~~ be established by rule of the
80 department based upon costs determined by state and federal
81 agency charges and department processing costs, which must
82 include the cost of retaining the fingerprints in the statewide
83 automated biometric identification system established in s.
84 943.05(2)(b) and the cost of enrolling the fingerprints in the
85 national retained print arrest notification program as required
86 under s. 493.6108. An applicant who has, within the immediately
87 preceding 6 months, submitted such fingerprints and fees ~~fee~~ for
88 licensing purposes under this chapter and who still holds a
89 valid license is not required to submit another set of
90 fingerprints or another fingerprint processing fee. An applicant
91 who holds multiple licenses issued under this chapter is
92 required to pay only a single fingerprint retention fee.

93 Section 4. Paragraph (f) of subsection (1) of section
94 493.6106, Florida Statutes, is amended to read:

95 493.6106 License requirements; posting.—

96 (1) Each individual licensed by the department must:

97 (f) Be a citizen or permanent legal resident alien of the



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98 United States or have appropriate authorization issued by the
99 United States Citizenship and Immigration Services of the United
100 States Department of Homeland Security.

101 1. An applicant for a Class "C," Class "CC," Class "D,"
102 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
103 "MB," Class "MR," or Class "RI" license who is not a United
104 States citizen must submit proof of current employment
105 authorization issued by the United States Citizenship and
106 Immigration Services or proof that she or he is deemed a
107 permanent legal resident alien by the United States Citizenship
108 and Immigration Services.

109 2. An applicant for a Class "G" or Class "K" license who is
110 not a United States citizen must submit proof that she or he is
111 deemed a permanent legal resident alien by the United States
112 Citizenship and Immigration Services, ~~together with additional~~
113 ~~documentation establishing that she or he has resided in the~~
114 ~~state of residence shown on the application for at least 90~~
115 ~~consecutive days before the date that the application is~~
116 ~~submitted.~~

117 3. An applicant for an agency or school license who is not
118 a United States citizen or permanent legal resident alien must
119 submit documentation issued by the United States Citizenship and
120 Immigration Services stating that she or he is lawfully in the
121 United States and is authorized to own and operate the type of
122 agency or school for which she or he is applying. An employment
123 authorization card issued by the United States Citizenship and
124 Immigration Services is not sufficient documentation.

125 Section 5. Subsection (6) is added to section 493.6107,
126 Florida Statutes, to read:



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127 493.6107 Fees.—

128 (6) The initial license fee for a veteran, as defined in s.
129 1.01, shall be waived if he or she applies for a Class "M" or
130 Class "K" license within 24 months after being discharged from
131 any branch of the United States Armed Forces. An eligible
132 veteran must include a copy of his or her DD Form 214, as issued
133 by the United States Department of Defense, or another
134 acceptable form of identification as specified by the Department
135 of Veterans' Affairs with his or her application in order to
136 obtain a waiver.

137 Section 6. Subsections (4) and (5) are added to section
138 493.6108, Florida Statutes, to read:

139 493.6108 Investigation of applicants by Department of
140 Agriculture and Consumer Services.—

141 (4) Beginning January 1, 2017, the Department of Law
142 Enforcement shall:

143 (a) Retain and enter into the statewide automated biometric
144 identification system established in s. 943.05(2) (b) all
145 fingerprints submitted to the Department of Agriculture and
146 Consumer Services pursuant to this chapter.

147 (b) When the Department of Law Enforcement begins
148 participation in the Federal Bureau of Investigation's national
149 retained print arrest notification program, enroll such
150 fingerprints in the program. The fingerprints must thereafter be
151 available for arrest notifications and all purposes and uses
152 authorized for arrest fingerprint submissions entered into the
153 statewide automated biometric identification system established
154 in s. 943.05(2) (b).

155 (c) Search all arrest fingerprints against fingerprints



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156 retained.

157 (d) Report to the Department of Agriculture and Consumer
158 Services any arrest record that it identifies or that is
159 identified by the Federal Bureau of Investigation.

160 (5) If the department receives information about an arrest
161 within the state of a person who holds a valid license issued
162 under this chapter for a crime that could potentially disqualify
163 the person from holding such a license, the department must
164 provide the arrest information to the agency that employs the
165 licensee.

166 Section 7. Subsections (1) and (3) of section 493.6113,
167 Florida Statutes, are amended to read:

168 493.6113 Renewal application for licensure.—

169 (1) A license granted under the provisions of this chapter
170 shall be renewed biennially by the department, except for Class
171 "A," Class "B," Class "AB," Class "K," Class "R," and branch
172 agency licenses, which shall be renewed every 3 years.

173 (3) Each licensee is responsible for renewing his or her
174 license on or before its expiration by filing with the
175 department an application for renewal accompanied by payment of
176 the renewal fee and the fingerprint retention fee to cover the
177 cost of ongoing retention in the statewide automated biometric
178 identification system established in s. 943.05(2)(b) ~~prescribed~~
179 license fee. Upon the first renewal of a license issued under
180 this chapter before January 1, 2017, the licensee shall submit a
181 full set of fingerprints and fingerprint processing fees to
182 cover the cost of entering the fingerprints into the statewide
183 automated biometric identification system pursuant to s.
184 493.6108(4)(a) and, if applicable, enrollment in the Federal



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185 Bureau of Investigation's national retained print arrest
186 notification program. Subsequent renewals may be completed
187 without submission of a new set of fingerprints.

188 (a) Each Class "B" licensee shall additionally submit on a
189 form prescribed by the department a certification of insurance
190 that evidences that the licensee maintains coverage as required
191 under s. 493.6110.

192 (b) Each Class "G" licensee shall additionally submit proof
193 that he or she has received during each year of the license
194 period a minimum of 4 hours of firearms recertification training
195 taught by a Class "K" licensee and has complied with such other
196 health and training requirements that the department shall adopt
197 by rule. Proof of completion of firearms recertification
198 training shall be submitted to the department upon completion of
199 the training. If the licensee fails to complete the required 4
200 hours of annual training during the first year of the 2-year
201 term of the license, the license shall be automatically
202 suspended. The licensee must complete the minimum number of
203 hours of range and classroom training required at the time of
204 initial licensure and submit proof of completion of such
205 training to the department before the license may be reinstated.
206 If the licensee fails to complete the required 4 hours of annual
207 training during the second year of the 2-year term of the
208 license, the licensee must complete the minimum number of hours
209 of range and classroom training required at the time of initial
210 licensure and submit proof of completion of such training to the
211 department before the license may be renewed. The department may
212 waive the firearms training requirement if:

213 1. The applicant provides proof that he or she is currently



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214 certified as a law enforcement officer or correctional officer
215 under the Criminal Justice Standards and Training Commission and
216 has completed law enforcement firearms requalification training
217 annually during the previous 2 years of the licensure period;

218 2. The applicant provides proof that he or she is currently
219 certified as a federal law enforcement officer and has received
220 law enforcement firearms training administered by a federal law
221 enforcement agency annually during the previous 2 years of the
222 licensure period; or

223 3. The applicant submits a valid firearm certificate among
224 those specified in s. 493.6105(6) (a) and provides proof of
225 having completed requalification training during the previous 2
226 years of the licensure period.

227 (c) Each Class "DS" or Class "RS" licensee shall
228 additionally submit the current curriculum, examination, and
229 list of instructors.

230 (d) Each Class "K" licensee shall additionally submit one
231 of the certificates specified under s. 493.6105(6) as proof that
232 he or she remains certified to provide firearms instruction.

233 Section 8. Subsection (4) is added to section 493.6202,
234 Florida Statutes, to read:

235 493.6202 Fees.—

236 (4) The initial license fee for a veteran, as defined in s.
237 1.01, shall be waived if he or she applies for a Class "C,"
238 Class "CC," or Class "MA" license within 24 months after being
239 discharged from any branch of the United States Armed Forces. An
240 eligible veteran must include a copy of his or her DD Form 214,
241 as issued by the United States Department of Defense, or another
242 acceptable form of identification as specified by the Department



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243 of Veterans' Affairs with his or her application in order to
244 obtain a waiver.

245 Section 9. Subsection (4) is added to section 493.6302,
246 Florida Statutes, to read:

247 493.6302 Fees.—

248 (4) The initial license fee for a veteran, as defined in s.
249 1.01, shall be waived if he or she applies for a Class "D,"
250 Class "DI," or Class "MB" license within 24 months after being
251 discharged from any branch of the United States Armed Forces. An
252 eligible veteran must include a copy of his or her DD Form 214,
253 as issued by the United States Department of Defense, or another
254 acceptable form of identification as specified by the Department
255 of Veterans' Affairs with his or her application in order to
256 obtain a waiver.

257 Section 10. Subsection (4) is added to section 493.6402,
258 Florida Statutes, to read:

259 493.6402 Fees.—

260 (4) The initial license fee for a veteran, as defined in s.
261 1.01, shall be waived if he or she applies for a Class "E,"
262 Class "EE," Class "MR," or Class "RI" license within 24 months
263 after being discharged from any branch of the United States
264 Armed Forces. An eligible veteran must include a copy of his or
265 her DD Form 214, as issued by the United States Department of
266 Defense, or another acceptable form of identification as
267 specified by the Department of Veterans' Affairs with his or her
268 application in order to obtain a waiver.

269 Section 11. Subsection (1) of section 501.0125, Florida
270 Statutes, is amended, and subsection (6) is added to that
271 section, to read:



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272 501.0125 Health studios; definitions.—For purposes of ss.
273 501.012-501.019, the following terms shall have the following
274 meanings:

275 (1) "Health studio" means any person who is engaged in the
276 sale of services for instruction, training, or assistance in a
277 program of physical exercise or in the sale of services for the
278 right or privilege to use equipment or facilities in furtherance
279 of a program of physical exercise. The term does not include an
280 individual acting as a personal trainer.

281 (6) "Personal trainer" means an individual:

282 (a) Who does not have an established place of business for
283 the primary purpose of the conducting of physical exercise;

284 (b) Whose provision of exercise equipment is incidental to
285 the instruction provided; and

286 (c) Who does not accept payment for services that are to be
287 rendered more than 30 days after the date of payment.

288 Section 12. Subsection (2) of section 501.015, Florida
289 Statutes, is amended to read:

290 501.015 Health studios; registration requirements and
291 fees.—Each health studio shall:

292 (2) Remit an annual registration fee of \$300 to the
293 department at the time of registration for each of the health
294 studio's business locations. The department shall waive the
295 initial registration fee for an honorably discharged veteran of
296 the United States Armed Forces, the spouse of such a veteran, or
297 a business entity that has a majority ownership held by such a
298 veteran or spouse if the department receives an application, in
299 a format prescribed by the department, within 60 months after
300 the date of the veteran's discharge from any branch of the



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301 United States Armed Forces. To qualify for the waiver, a veteran
302 must provide to the department a copy of his or her DD Form 214,
303 as issued by the United States Department of Defense, or another
304 acceptable form of identification as specified by the Department
305 of Veterans' Affairs; the spouse of a veteran must provide to
306 the department a copy of the veteran's DD Form 214, as issued by
307 the United States Department of Defense, or another acceptable
308 form of identification as specified by the Department of
309 Veterans' Affairs, and a copy of a valid marriage license or
310 certificate verifying that he or she was lawfully married to the
311 veteran at the time of discharge; or a business entity must
312 provide to the department proof that a veteran or the spouse of
313 a veteran holds a majority ownership in the business, a copy of
314 the veteran's DD Form 214, as issued by the United States
315 Department of Defense, or another acceptable form of
316 identification as specified by the Department of Veterans'
317 Affairs, and, if applicable, a copy of a valid marriage license
318 or certificate verifying that the spouse of the veteran was
319 lawfully married to the veteran at the time of discharge.

320 Section 13. Paragraph (j) of subsection (2) and paragraph
321 (b) of subsection (5) of section 501.605, Florida Statutes, are
322 amended to read:

323 501.605 Licensure of commercial telephone sellers.—

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

328 (j) The complete street address of each location,
329 designating the principal location, from which the applicant



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330 will be doing business. The street address may not be ~~If any~~
331 ~~location is a mail drop, this shall be disclosed as such.~~

332
333 The application shall be accompanied by a copy of any: Script,
334 outline, or presentation the applicant will require or suggest a
335 salesperson to use when soliciting, or, if no such document is
336 used, a statement to that effect; sales information or
337 literature to be provided by the applicant to a salesperson; and
338 sales information or literature to be provided by the applicant
339 to a purchaser in connection with any solicitation.

340 (5) An application filed pursuant to this part must be
341 verified and accompanied by:

342 (b) A fee for licensing in the amount of \$1,500. The fee
343 shall be deposited into the General Inspection Trust Fund. The
344 department shall waive the initial license fee for an honorably
345 discharged veteran of the United States Armed Forces, the spouse
346 of such a veteran, or a business entity that has a majority
347 ownership held by such a veteran or spouse if the department
348 receives an application, in a format prescribed by the
349 department, within 60 months after the date of the veteran's
350 discharge from any branch of the United States Armed Forces. To
351 qualify for the waiver, a veteran must provide to the department
352 a copy of his or her DD Form 214, as issued by the United States
353 Department of Defense, or another acceptable form of
354 identification as specified by the Department of Veterans'
355 Affairs; the spouse of a veteran must provide to the department
356 a copy of the veteran's DD Form 214, as issued by the United
357 States Department of Defense, or another acceptable form of
358 identification as specified by the Department of Veterans'



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359 Affairs, and a copy of a valid marriage license or certificate
360 verifying that he or she was lawfully married to the veteran at
361 the time of discharge; or a business entity must provide to the
362 department proof that a veteran or the spouse of a veteran holds
363 a majority ownership in the business, a copy of the veteran's DD
364 Form 214, as issued by the United States Department of Defense,
365 or another acceptable form of identification as specified by the
366 Department of Veterans' Affairs, and, if applicable, a copy of a
367 valid marriage license or certificate verifying that the spouse
368 of the veteran was lawfully married to the veteran at the time
369 of discharge.

370 Section 14. Paragraph (b) of subsection (2) of section
371 501.607, Florida Statutes, is amended to read:

372 501.607 Licensure of salespersons.—

373 (2) An application filed pursuant to this section must be
374 verified and be accompanied by:

375 (b) A fee for licensing in the amount of \$50 per
376 salesperson. The fee shall be deposited into the General
377 Inspection Trust Fund. The fee for licensing may be paid after
378 the application is filed, but must be paid within 14 days after
379 the applicant begins work as a salesperson. The department shall
380 waive the initial license fee for an honorably discharged
381 veteran of the United States Armed Forces, the spouse of such a
382 veteran, or a business entity that has a majority ownership held
383 by such a veteran or spouse if the department receives an
384 application, in a format prescribed by the department, within 60
385 months after the date of the veteran's discharge from any branch
386 of the United States Armed Forces. To qualify for the waiver, a
387 veteran must provide to the department a copy of his or her DD



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388 Form 214, as issued by the United States Department of Defense,
389 or another acceptable form of identification as specified by the
390 Department of Veterans' Affairs; the spouse of a veteran must
391 provide to the department a copy of the veteran's DD Form 214,
392 as issued by the United States Department of Defense, or another
393 acceptable form of identification as specified by the Department
394 of Veterans' Affairs, and a copy of a valid marriage license or
395 certificate verifying that he or she was lawfully married to the
396 veteran at the time of discharge; or a business entity must
397 provide to the department proof that a veteran or the spouse of
398 a veteran holds a majority ownership in the business, a copy of
399 the veteran's DD Form 214, as issued by the United States
400 Department of Defense, or another acceptable form of
401 identification as specified by the Department of Veterans'
402 Affairs, and, if applicable, a copy of a valid marriage license
403 or certificate verifying that the spouse of the veteran was
404 lawfully married to the veteran at the time of discharge.

405 Section 15. Subsection (3) of section 507.03, Florida
406 Statutes, is amended to read:

407 507.03 Registration.—

408 (3)(a) Registration fees shall be calculated at the rate of
409 \$300 per year per mover or moving broker. All amounts collected
410 shall be deposited by the Chief Financial Officer to the credit
411 of the General Inspection Trust Fund of the department for the
412 sole purpose of administration of this chapter.

413 (b) The department shall waive the initial registration fee
414 for an honorably discharged veteran of the United States Armed
415 Forces, the spouse of such a veteran, or a business entity that
416 has a majority ownership held by such a veteran or spouse if the



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417 department receives an application, in a format prescribed by
418 the department, within 60 months after the date of the veteran's
419 discharge from any branch of the United States Armed Forces. To
420 qualify for the waiver, a veteran must provide to the department
421 a copy of his or her DD Form 214, as issued by the United States
422 Department of Defense, or another acceptable form of
423 identification as specified by the Department of Veterans'
424 Affairs; the spouse of a veteran must provide to the department
425 a copy of the veteran's DD Form 214, as issued by the United
426 States Department of Defense, or another acceptable form of
427 identification as specified by the Department of Veterans'
428 Affairs, and a copy of a valid marriage license or certificate
429 verifying that he or she was lawfully married to the veteran at
430 the time of discharge; or a business entity must provide to the
431 department proof that a veteran or the spouse of a veteran holds
432 a majority ownership in the business, a copy of the veteran's DD
433 Form 214, as issued by the United States Department of Defense,
434 or another acceptable form of identification as specified by the
435 Department of Veterans' Affairs, and, if applicable, a copy of a
436 valid marriage license or certificate verifying that the spouse
437 of the veteran was lawfully married to the veteran at the time
438 of discharge.

439 Section 16. Subsection (3) of section 527.02, Florida
440 Statutes, is amended to read:

441 527.02 License; penalty; fees.—

442 (3)(a) An ~~Any~~ applicant for an original license who submits
443 an ~~whose~~ application is ~~submitted~~ during the last 6 months of
444 the license year may have the original license fee reduced by
445 one-half for the 6-month period. This provision applies ~~shall~~



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446 ~~apply~~ only to those companies applying for an original license
447 and may ~~shall~~ not be applied to licensees who held a license
448 during the previous license year and failed to renew the
449 license. The department may refuse to issue an initial license
450 to an ~~any~~ applicant who is under investigation in any
451 jurisdiction for an action that would constitute a violation of
452 this chapter until such time as the investigation is complete.

453 (b) The department shall waive the initial license fee for
454 an honorably discharged veteran of the United States Armed
455 Forces, the spouse of such a veteran, or a business entity that
456 has a majority ownership held by such a veteran or spouse if the
457 department receives an application, in a format prescribed by
458 the department, within 60 months after the date of the veteran's
459 discharge from any branch of the United States Armed Forces. To
460 qualify for the waiver, a veteran must provide to the department
461 a copy of his or her DD Form 214, as issued by the United States
462 Department of Defense or another acceptable form of
463 identification as specified by the Department of Veterans'
464 Affairs; the spouse of a veteran must provide to the department
465 a copy of the veteran's DD Form 214, as issued by the United
466 States Department of Defense, or another acceptable form of
467 identification as specified by the Department of Veterans'
468 Affairs, and a copy of a valid marriage license or certificate
469 verifying that he or she was lawfully married to the veteran at
470 the time of discharge; or a business entity must provide to the
471 department proof that a veteran or the spouse of a veteran holds
472 a majority ownership in the business, a copy of the veteran's DD
473 Form 214, as issued by the United States Department of Defense,
474 or another acceptable form of identification as specified by the



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475 Department of Veterans' Affairs, and, if applicable, a copy of a
476 valid marriage license or certificate verifying that the spouse
477 of the veteran was lawfully married to the veteran at the time
478 of discharge.

479 Section 17. Subsection (4) of section 527.021, Florida
480 Statutes, is amended to read:

481 527.021 Registration of transport vehicles.—

482 ~~(4) An inspection fee of \$50 shall be assessed for each~~
483 ~~registered vehicle inspected by the department pursuant to s.~~
484 ~~527.061. All inspection fees collected in connection with this~~
485 ~~section shall be deposited in the General Inspection Trust Fund~~
486 ~~for the purpose of administering the provisions of this chapter.~~

487 Section 18. Subsection (1) of section 531.37, Florida
488 Statutes, is amended to read:

489 531.37 Definitions.—As used in this chapter:

490 (1) "Weights and measures" means all weights and measures
491 of every kind, instruments, and devices for weighing and
492 measuring, and any appliance and accessories associated with any
493 or all such instruments and devices, excluding those weights and
494 measures used for the purpose of inspecting the accuracy of
495 devices used in conjunction with aviation fuel.

496 Section 19. Subsections (1) and (2) of section 531.415,
497 Florida Statutes, are amended to read:

498 531.415 Fees.—

499 (1) The department shall charge and collect fees of not
500 more than the following ~~fees~~ for actual metrology laboratory
501 calibration and testing services rendered:

502 (a) For each mass standard that is tested or certified to
503 meet tolerances less stringent than American National Standards



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504 Institute/American Society for Testing and Materials (ANSI/ASTM)
505 Standard E617 Class 4, ~~the department shall charge a fee of not~~
506 ~~more than:~~

507	Weight	Fee/Unit
508	0 - 2 lb.	\$6
509	3 - 10 lb.	\$8
510	11 - 50 lb.	\$12
511	51 - 500 lb.	\$20
512	501 - 1000 lb.	\$30
513	1001 - 2500 lb.	\$40
514	2501 - 5000 lb.	\$50

515 (b) For each mass standard that is tested or certified to
516 meet ANSI/ASTM Standard Class 4 or National Institute of
517 Standards and Technology Class P tolerances, ~~the department~~
518 ~~shall charge a fee of not more than:~~

519	Weight	Fee/Unit
520	0 - 10 lb.	\$20
521	11 - 50 lb.	\$30
522	51 - 500 lb.	\$40
523	501 - 1000 lb.	\$50
524	1001 - 2500 lb.	\$60
525	2501 - 5000 lb.	\$75

526 (c) For each mass standard that is calibrated to determine
527 actual mass or apparent mass values, ~~the department shall charge~~
528 ~~a fee of not more than:~~

529	Weight	Fee/Unit
530	0 - 20 lb.	\$40
531	21 - 50 lb.	\$50
532	51 - 1000 lb.	\$70



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533 1001 - 2500 lb. \$150

534 2501 - 5000 lb. \$250

535 (d) For each volumetric flask, graduate, or test measure,
536 the department shall charge a fee of not more than:

537 Vessel Fee/Test Point

538 0 - 5 gal. \$35

539 Over 5 gal. Plus \$0.75 for each additional gallon

540 ~~(e) For each linear measure that is tested or certified,~~
541 ~~the department shall charge a fee of not more than \$75.~~

542 (e)-(f) For each linear measure test that is calibrated to
543 determine actual values, the department shall charge a fee of
544 \$75 not more than \$100.

545 ~~(g) For each liquid in glass or electronic thermometer that~~
546 ~~is tested or certified, the department shall charge a fee of not~~
547 ~~more than \$50.~~

548 (f)-(h) For each temperature measuring device, liquid in
549 glass or electronic thermometer that is calibrated to determine
550 actual values, the department shall charge a fee of \$50 not more
551 than \$100.

552 (g)-(i) For each special test or special preparation, the
553 department shall charge a fee of not more than \$50 per hour.

554 (2) Each fee is payable to the department at the time the
555 testing is done, regardless of whether the item tested is
556 certified. The department may refuse to accept for testing any
557 item deemed by the department to be unsuitable for its intended
558 use or not to be in a condition ready for testing. The
559 department shall deposit all fees collected under this section
560 into the General Inspection Trust Fund.

561 Section 20. Section 531.60, Florida Statutes, is amended to



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562 read:

563 531.60 Permit for commercially operated or tested weights
564 or measures instrument or devices.—

565 (1) A weights and measures instrument or device may not
566 operate or be used for commercial purposes, as defined by
567 department rule, within this state without first being permitted
568 through a valid commercial use permit issued by the department
569 to the person who owns the weights and measures device, unless
570 exempted as provided in s. 531.61. Such permit applies only to
571 the specific location and instrument types or device types
572 listed on for which the permit was issued. However, the
573 department may allow such permit to be applicable to a
574 replacement for the original instrument or device.

575 (2) If ownership of a business ~~an instrument or device~~ for
576 which a permit has been issued changes and the instruments or
577 devices affected by the permit ~~instrument or device~~:

578 (a) Remain ~~Remains~~ in the same location, the permit
579 transfers to the new owner and remains in effect until its
580 original expiration date. Within 30 days after the change in
581 ownership, the new owner shall notify the department of the
582 change and provide the pertinent information regarding the
583 change in ownership and an updated replacement permit shall be
584 issued if needed.

585 (b) Move ~~Moves~~ to a new location, the permit automatically
586 expires and a new permit must be applied for by the new owner of
587 the instruments or devices ~~issued which will expire 1 year~~
588 ~~following the date of issuance~~.

589 (3) A person who holds a permit that has been issued under
590 this section must notify the department within 30 days after a



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591 change in permit status or if a permit will not be renewed due
592 to the termination in use or removal of all weighing and
593 measuring instruments or devices from the permitted location
594 ~~Weights and measures instruments or devices that are not used~~
595 ~~commercially may be tested by the department under this chapter~~
596 ~~only if they are permitted and appropriate fees paid as~~
597 ~~prescribed by this section and adopted rules.~~

598 Section 21. Section 531.61, Florida Statutes, is amended to
599 read:

600 531.61 Exemptions from permit requirement.—Commercial
601 weights or measures instruments or devices are exempt from the
602 ~~permit~~ requirements of ss. 531.60-531.66 if:

603 (1) The device is a taximeter that is licensed, permitted,
604 or registered by a municipality, county, or other local
605 government and is tested for accuracy and compliance with state
606 standards by the local government in cooperation with the state
607 as authorized in s. 531.421.

608 (2) The device is used exclusively for weighing railroad
609 cars and is tested for accuracy and compliance with state
610 standards by a private testing agency.

611 (3) The device is used exclusively for measuring aviation
612 fuel or petroleum products inspected under chapter 525.

613 Section 22. Subsections (1), (2), and (4) of section
614 531.62, Florida Statutes, are amended to read:

615 531.62 Permit application and renewal.—

616 (1) An application for a ~~weights and measures~~ commercial
617 use permit shall be submitted to the department on a form
618 prescribed and furnished by the department and must contain such
619 information as the department may require by rule.



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620 (2) The application must be accompanied by a fee in an
621 amount determined by the number and types of instruments or
622 devices covered by the permit as provided by department rule.
623 However, the fee for each instrument or device listed on the
624 permit may not exceed the maximum limits set forth in s. 531.63.

625 (4) A permit expires 2 years ~~1-year~~ following its date of
626 issue and must be renewed biennially ~~annually~~. If a complete an
627 application package for renewal is not received by the
628 department before the permit expires ~~within 30 days after its~~
629 ~~due date~~, a late fee of up to \$100 must be paid in addition to
630 the ~~annual~~ commercial use permit fee. However, a person may
631 elect to renew a commercial use permit on an annual basis rather
632 than a biennial basis. An annual renewal must meet the same
633 requirements and conditions as a biennial renewal.

634 Section 23. Paragraph (a) of subsection (1) and subsection
635 (2) of section 531.63, Florida Statutes, are amended to read:

636 531.63 Maximum permit fees.—The commercial use permit fees
637 established for weights or measures instruments or devices shall
638 be in an amount necessary to administer this chapter but may not
639 exceed the amounts provided in this section.

640 (1) For weighing devices, the fees must be based on the
641 manufacturer's rated capacity or the device's design and use and
642 whether measuring by inch or pounds or the metric equivalent:

643 (a) For weighing devices of up to and including the 100-
644 pound capacity which are used during any portion of the period
645 covered by the permit, the maximum annual fees per category of
646 device ~~retail establishment~~ may not exceed the following:

647 Number of devices
648 in a single category ~~retail~~



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	establishment	Maximum Fee
649		
650	1 to 5	\$60
651	6 to 10	\$150
652	11 to 30	\$200
653	More than 30	\$300
654	(2) For other measuring devices, the annual permit fees per	
655	device may not exceed the following:	
656	(a) Mass flow meters having a maximum flow rate of up to	
657	150 pounds per minute.....\$100.	
658	<u>This includes all mass flow meters used to dispense compressed</u>	
659	<u>and liquefied natural gas for retail sale.</u>	
660	(b) Mass flow meters having a maximum flow rate greater	
661	than 150 pounds per minute.....\$500.	
662	(c) Volumetric flow meters having a maximum flow rate of up	
663	to 20 gallons per minute.....\$50.	
664	<u>This includes all devices used to dispense diesel exhaust fluid</u>	
665	<u>for retail sale.</u>	
666	(d) Volumetric flow meters having a maximum flow rate	
667	greater than 20 gallons per minute.....\$100.	
668	(e) Tanks, under 500 gallons capacity, used as measure	
669	containers, with or without gage rods or markers.....\$100.	
670	(f) Tanks, 500 or more gallons capacity, used as measure	
671	containers, with or without gage rods or markers.....\$200.	
672	(g) Taximeters.....\$50.	
673	(h) Grain moisture meters.....\$25.	
674	<u>(h) (i) Multiple-dimension measuring</u>	
675	devices.....\$100.	
676	<u>(i) Liquefied petroleum gas bulk delivery vehicles with a</u>	
677	<u>meter owned or leased by a liquefied petroleum gas licensee.\$150.</u>	



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678 Section 24. Section 531.65, Florida Statutes, is amended to
679 read:

680 531.65 Unauthorized use; penalties.—If a weights or
681 measures instrument or device is used commercially without a
682 valid commercial use permit, the department may do one or more
683 of the following:

684 (1) Prohibit the further commercial use of the unpermitted
685 instrument or device until the proper permit has been issued.~~†~~

686 (2) Employ and attach to the instrument or device such
687 form, notice, tag, or seal to prevent the continued unauthorized
688 use of the instrument or device.~~†~~

689 (3) In addition to the permit fees prescribed by rule for
690 the commercial use of a weights and measures instrument or
691 device, assess the late fee authorized under s. 531.62.~~† or~~

692 (4) Impose penalties as prescribed in s. 531.50 in addition
693 to the payment of appropriate permit fees for the commercial use
694 of a weights and measures instrument or device.

695 Section 25. Paragraph (c) of subsection (3) of section
696 539.001, Florida Statutes, is amended to read:

697 539.001 The Florida Pawnbroking Act.—

698 (3) LICENSE REQUIRED.—

699 (c) Each license is valid for a period of 1 year unless it
700 is earlier relinquished, suspended, or revoked. Each license
701 shall be renewed annually, and each licensee shall, initially
702 and annually thereafter, pay to the agency a license fee of \$300
703 for each license held. The agency shall waive the initial
704 license fee for an honorably discharged veteran of the United
705 States Armed Forces, the spouse of such a veteran, or a business
706 entity that has a majority ownership held by such a veteran or



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707 spouse if the agency receives an application, in a format
708 prescribed by the agency, within 60 months after the date of the
709 veteran's discharge from any branch of the United States Armed
710 Forces. To qualify for the waiver, a veteran must provide to the
711 agency a copy of his or her DD Form 214, as issued by the United
712 States Department of Defense, or another acceptable form of
713 identification as specified by the Department of Veterans'
714 Affairs; the spouse of a veteran must provide to the agency a
715 copy of the veteran's DD Form 214, as issued by the United
716 States Department of Defense, or another acceptable form of
717 identification as specified by the Department of Veterans'
718 Affairs, and a copy of a valid marriage license or certificate
719 verifying that he or she was lawfully married to the veteran at
720 the time of discharge; or a business entity must provide to the
721 agency proof that a veteran or the spouse of a veteran holds a
722 majority ownership in the business, a copy of the veteran's DD
723 Form 214, as issued by the United States Department of Defense,
724 or another acceptable form of identification as specified by the
725 Department of Veterans' Affairs, and, if applicable, a copy of a
726 valid marriage license or certificate verifying that the spouse
727 of the veteran was lawfully married to the veteran at the time
728 of discharge.

729 Section 26. Subsection (3) of section 559.904, Florida
730 Statutes, is amended to read:

731 559.904 Motor vehicle repair shop registration;
732 application; exemption.—

733 (3) (a) Each application for registration must be
734 accompanied by a registration fee calculated on a per-year basis
735 as follows:



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- 736 1.(a) If the place of business has 1 to 5 employees: \$50.
737 2.(b) If the place of business has 6 to 10 employees: \$150.
738 3.(c) If the place of business has 11 or more employees:
739 \$300.

740 (b) The department shall waive the initial registration fee
741 for an honorably discharged veteran of the United States Armed
742 Forces, the spouse of such a veteran, or a business entity that
743 has a majority ownership held by such a veteran or spouse if the
744 department receives an application, in a format prescribed by
745 the department, within 60 months after the date of the veteran's
746 discharge from any branch of the United States Armed Forces. To
747 qualify for the waiver, a veteran must provide to the department
748 a copy of his or her DD Form 214, as issued by the United States
749 Department of Defense, or another acceptable form of
750 identification as specified by the Department of Veterans'
751 Affairs; the spouse of a veteran must provide to the department
752 a copy of the veteran's DD Form 214, as issued by the United
753 States Department of Defense, or another acceptable form of
754 identification as specified by the Department of Veterans'
755 Affairs, and a copy of a valid marriage license or certificate
756 verifying that he or she was lawfully married to the veteran at
757 the time of discharge; or a business entity must provide to the
758 department proof that a veteran or the spouse of a veteran holds
759 a majority ownership in the business, a copy of the veteran's DD
760 Form 214, as issued by the United States Department of Defense
761 or another acceptable form of identification as specified by the
762 Department of Veterans' Affairs, and, if applicable, a copy of a
763 valid marriage license or certificate verifying that the spouse
764 of the veteran was lawfully married to the veteran at the time



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765 of discharge.

766 Section 27. Section 559.9191, Florida Statutes, is created
767 to read:

768 559.9191 Reimbursement from insurers.-

769 (1) A motor vehicle repair shop may not directly seek
770 reimbursement, payment, or benefits from an insurer unless all
771 of the following conditions are satisfied:

772 (a) The insurer consents to the repairs.

773 (b) The customer under whose insurance policy the repairs
774 will be made signs a document containing the following language
775 in at least 16-point, boldfaced type: "I UNDERSTAND THAT A MOTOR
776 VEHICLE REPAIR SHOP MAY SEEK REIMBURSEMENT FOR THEIR SERVICES
777 FROM ANOTHER PARTY, SUCH AS MY INSURANCE COMPANY. I UNDERSTAND
778 THAT IF THIS DAMAGE IS NOT COVERED BY MY INSURANCE POLICY, THE
779 MOTOR VEHICLE REPAIR SHOP MAY SEEK REIMBURSEMENT FROM ME,
780 PERSONALLY."

781 (c) The motor vehicle repair shop seeks reimbursement only
782 for services detailed in the repair invoice required in s.
783 559.911.

784 (2) At least 15 business days prior to the initiation of
785 civil litigation or arbitration to enforce the payment of
786 benefits assigned, granted, or otherwise transferred by the
787 insured customer to the motor vehicle repair shop, the shop
788 shall obtain written consent from the customer. The consent
789 form, which must be signed by the customer and provided to the
790 insurer at least 7 business days before the initiation of
791 litigation, must contain the following statement in 18-point,
792 boldfaced type: "THIS CONTRACT ALLOWS ... (NAME OF COMPANY)... TO
793 FILE A LAWSUIT TO SEEK BENEFITS ASSOCIATED WITH YOUR INSURANCE



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794 POLICY. YOUR WRITTEN CONSENT IS REQUIRED FOR THE FILING OF SUCH
795 A LAWSUIT TO ENFORCE POST-CLAIM BENEFITS UNDER YOUR INSURANCE
796 POLICY. BY SIGNING THIS FORM, YOU AGREE THAT ... (NAME OF
797 COMPANY)... HAS THE RIGHT TO FILE A LAWSUIT FOR THESE INSURANCE
798 BENEFITS."

799 Section 28. Subsections (1), (7), (8), (10), (11), and (13)
800 of section 559.927, Florida Statutes, are amended to read:

801 559.927 Definitions.—For the purposes of this part, the
802 term:

803 (1) "Accommodations" means any hotel or motel room,
804 condominium or cooperative unit, cabin, lodge, or apartment; any
805 other commercial structure designed for occupancy by one or more
806 individuals; or any lodging establishment as provided by law.
807 The term does not include long-term home rentals covered under a
808 lease pursuant to chapter 83.

809 (7) "Prearranged travel or, ~~tourist-related services, or~~
810 ~~tour-guide services~~" includes, but is not limited to, car
811 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other
812 such services that ~~which~~ are reasonably related to air, sea,
813 rail, motor coach, or other medium of transportation, or
814 accommodations for which a purchaser receives a premium or
815 contracts or pays before ~~prior to~~ or after departure. This term
816 ~~These terms~~ also includes ~~include~~ services for which a
817 purchaser, whose legal residence is outside the United States,
818 contracts or pays before ~~prior to~~ departure, and any arrangement
819 by which a purchaser prepays for, receives a reservation or any
820 other commitment to provide services before ~~prior to~~ departure
821 for, or otherwise arranges for travel directly to a terrorist
822 state and which originates in Florida.



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823 (8) "Purchaser" means the purchaser of, or person otherwise
824 entitled to receive, prearranged travel or, tourist-related
825 services, ~~or tour-guide services~~, for a fee or commission, or
826 who has acquired a vacation certificate for personal use.

827 (10) "Satisfactory consumer complaint history" means no
828 unresolved complaints regarding prearranged travel or, tourist-
829 related services, ~~or tour-guide services~~ are on file with the
830 department. A complaint is unresolved when a seller of travel
831 does not respond to the department's efforts to mediate the
832 complaint or a complaint where the department has determined
833 that a violation of this part has occurred and the complainant
834 ~~complaint~~ has not been satisfied by the seller of travel.

835 (11) "Seller of travel" means any resident or nonresident
836 person, firm, corporation, or business entity that ~~who~~ offers
837 ~~for sale~~, directly or indirectly, ~~at wholesale or retail~~,
838 prearranged travel or, tourist-related services, ~~or tour-guide~~
839 ~~services~~ for individuals or groups, including, but not limited
840 to, vacation ~~or tour~~ packages, or vacation certificates in
841 exchange for a fee, commission, or other valuable consideration.
842 The term includes such person, firm, corporation, or business
843 entity who sells a vacation certificate to third-party merchants
844 for a fee, or in exchange for a commission, or who offers such
845 certificates to consumers in exchange for attendance at sales
846 presentations. The term also includes any business entity
847 offering membership in a travel club or travel services for an
848 advance fee or payment, even if no travel contracts or
849 certificates or vacation or tour packages are sold by the
850 business entity. The term does not include third parties who may
851 offer prearranged travel or tourist-related services, but do not



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852 participate in travel fulfillment or vacation certificate
853 redemption.

854 (13) "Vacation certificate" means any arrangement, plan,
855 program, ~~or~~ vacation package, or advance travel purchase that
856 promotes, discusses, or discloses a destination or itinerary or
857 type of travel, whereby a purchaser ~~for consideration paid in~~
858 ~~advance~~ is entitled to the use of travel, accommodations, or
859 facilities for any number of days, whether certain or uncertain,
860 during the period in which the certificate can be exercised, and
861 no specific date or dates for its use are designated. A vacation
862 certificate does not include prearranged travel or, tourist-
863 related services, ~~or tour guide services~~ when a seller of travel
864 remits full payment for the cost of such services to the
865 provider or supplier within 10 business days of the purchaser's
866 initial payment to the seller of travel. The term does not
867 include travel if exact travel dates are selected, guaranteed,
868 and paid for at the time of the purchase.

869 Section 29. Subsections (2) through (9) of section 559.928,
870 Florida Statutes, are amended to read:

871 559.928 Registration.—

872 (2) (a) Registration fees shall be as follows:

873 1. Three hundred dollars per year per registrant certifying
874 its business activities under s. 559.9285(1) (a).

875 2. One thousand dollars per year per registrant certifying
876 its business activities under s. 559.9285(1) (b).

877 3. Twenty-five hundred dollars per year per registrant
878 certifying its business activities under s. 559.9285(1) (c).

879 (b) All amounts collected shall be deposited by the Chief
880 Financial Officer to the credit of the General Inspection Trust



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881 Fund of the Department of Agriculture and Consumer Services
882 pursuant to s. 570.20, for the sole purpose of administration of
883 this part.

884 (c) The department shall waive the initial registration fee
885 for an honorably discharged veteran of the United States Armed
886 Forces, the spouse of such a veteran, or a business entity that
887 has a majority ownership held by such a veteran or spouse if the
888 department receives an application, in a format prescribed by
889 the department, within 60 months after the date of the veteran's
890 discharge from any branch of the United States Armed Forces. To
891 qualify for the waiver, a veteran must provide to the department
892 a copy of his or her DD Form 214, as issued by the United States
893 Department of Defense, or another acceptable form of
894 identification as specified by the Department of Veterans'
895 Affairs; the spouse of a veteran must provide to the department
896 a copy of the veteran's DD Form 214, as issued by the United
897 States Department of Defense, or another acceptable form of
898 identification as specified by the Department of Veterans'
899 Affairs, and a copy of a valid marriage license or certificate
900 verifying that he or she was lawfully married to the veteran at
901 the time of discharge; or a business entity must provide to the
902 department proof that a veteran or the spouse of a veteran holds
903 a majority ownership in the business, a copy of the veteran's DD
904 Form 214, as issued by the United States Department of Defense,
905 or another acceptable form of identification as specified by the
906 Department of Veterans' Affairs, and, if applicable, a copy of a
907 valid marriage license or certificate verifying that the spouse
908 of the veteran was lawfully married to the veteran at the time
909 of discharge.



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910 (3) Each independent agent shall annually file an
911 application affidavit with the department before ~~prior to~~
912 engaging in business in this state. This application affidavit
913 must include the independent agent's full name, legal business
914 or trade name, mailing address, business address, telephone
915 number, and the name and address of each seller of travel
916 represented by the independent agent. A letter evidencing proof
917 of filing must be issued by the department and must be
918 prominently displayed in the independent agent's primary place
919 of business. Each independent agent must also submit an annual
920 registration fee of \$50. All moneys collected pursuant to the
921 imposition of the fee shall be deposited by the Chief Financial
922 Officer into the General Inspection Trust Fund of the Department
923 of Agriculture and Consumer Services for the sole purpose of
924 administering this part. As used in this subsection, the term
925 "independent agent" means a person who represents a seller of
926 travel by soliciting persons on its behalf; who has a written
927 contract with a seller of travel which is operating in
928 compliance with this part and any rules adopted thereunder; who
929 does not receive a fee, commission, or other valuable
930 consideration directly from the purchaser for the seller of
931 travel; who does not at any time have any unissued ticket stock
932 or travel documents in his or her possession; and who does not
933 have the ability to issue tickets, vacation certificates, or any
934 other travel document. The term "independent agent" does not
935 include an affiliate of the seller of travel, as that term is
936 used in s. 559.935(3), or the employees of the seller of travel
937 or of such affiliates.

938 (4) A ~~Any~~ person applying for or renewing a local business



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939 tax receipt to engage in business as a seller of travel must
940 exhibit a current registration certificate from the department
941 before the local business tax receipt may be issued or reissued.

942 (5) Each contract, advertisement, certificate, or travel
943 document of a seller of travel must include the phrase "... (NAME
944 OF FIRM)... is registered with the State of Florida as a Seller
945 of Travel. Registration No....."

946 ~~(6) Each advertisement of a seller of travel must include~~
947 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

948 (6)(7) A No registration is not shall be valid for any
949 seller of travel transacting business at any place other than
950 that designated in its application, unless the department is
951 first notified in writing in advance of any change of location.
952 A Nor shall the registration is not be valid for an affiliate of
953 the seller of travel who engages in the prearranged travel and
954 tourist business. A registration issued under this part may
955 ~~shall~~ not be assignable, and the seller of travel may shall not
956 be permitted to conduct business under more than one name except
957 as registered. A seller of travel desiring to change its
958 registered name or location or designated agent for service of
959 process at a time other than upon renewal of registration shall
960 notify the department of such change.

961 (7)(8) Applications under this section are shall be subject
962 to ~~the provisions of~~ s. 120.60.

963 (8)(9) The department may deny, ~~or~~ refuse to renew, or
964 revoke the registration of any seller of travel based upon a
965 determination that the seller of travel, or any of its
966 directors, officers, owners, or general partners while acting on
967 behalf of the seller of travel:



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968 (a) Has failed to meet the requirements for registration as
969 provided in this part;

970 (b) Has been convicted of a crime involving fraud, theft,
971 embezzlement, dishonest dealing, or any other act of moral
972 turpitude or any other act arising out of conduct as a seller of
973 travel;

974 (c) Has not satisfied a civil fine or penalty arising out
975 of any administrative or enforcement action brought by any
976 governmental agency or private person based upon conduct
977 involving fraud, theft, embezzlement, dishonest dealing, or any
978 violation of this part; or

979 ~~(d) Has pending against her or him any criminal,~~
980 ~~administrative, or enforcement proceedings in any jurisdiction,~~
981 ~~based upon conduct involving fraud, dishonest dealing, or any~~
982 ~~other act of moral turpitude; or~~

983 (d)(e) Has had a judgment entered against her or him in any
984 action brought by the department or the Department of Legal
985 Affairs pursuant to ss. 501.201-501.213 or this act part.

986 (9) The department may deny or refuse to renew the
987 registration of any seller of travel based upon a determination
988 by the department that the seller of travel, or any of the
989 seller's directors, officers, owners, or general partners has
990 pending against him or her while acting on behalf of the seller
991 of travel any criminal, administrative, or enforcement
992 proceedings in any jurisdiction, based upon conduct involving
993 fraud, theft, embezzlement, dishonest dealing, or any other act
994 of moral turpitude.

995 Section 30. Subsections (2) through (6) of section 559.929,
996 Florida Statutes, are amended to read:



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997 559.929 Security requirements.—

998 (2) The bond must be filed with the department on a form
999 adopted by department rule and must be in favor of the
1000 department for the use and benefit of a consumer ~~traveler~~ who is
1001 injured by the fraud, misrepresentation, breach of contract, or
1002 financial failure, or any other violation of this part by the
1003 seller of travel. Such liability may be enforced by proceeding
1004 in an administrative action as specified in subsection (3) or by
1005 filing a civil action. ~~However, in such civil action the bond~~
1006 ~~posted with the department shall not be amenable or subject to a~~
1007 ~~judgment or other legal process issuing out of or from such~~
1008 ~~court in connection with such civil action, but such bond shall~~
1009 ~~be amenable to and enforceable only by and through~~
1010 ~~administrative proceedings before the department. It is the~~
1011 ~~intent of the Legislature that such bond be applicable and~~
1012 ~~liable only for the payment of claims duly adjudicated by order~~
1013 ~~of the department.~~ The bond must be open to successive claims,
1014 but the aggregate amount awarded may not exceed the amount of
1015 the bond. In addition to the foregoing, a bond provided by a
1016 registrant or applicant for registration which certifies its
1017 business activities under s. 559.9285(1)(b) or (c) must be in
1018 favor of the department, with payment in the following order of
1019 priority:

1020 (a) The expenses for prosecuting the registrant or
1021 applicant in an administrative or civil action under this part,
1022 including attorney fees and fees for other professionals, court
1023 costs or other costs of the proceedings, and all other expenses
1024 incidental to the action.

1025 (b) The costs and expenses of investigation before the



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1026 commencement of an administrative or civil action under this
1027 part.

1028 (c) An unpaid administrative fine imposed by final order or
1029 an unpaid civil penalty imposed by final judgment under this
1030 part.

1031 (d) Damages or compensation for a consumer ~~traveler~~ injured
1032 as provided in this subsection.

1033 (3) A consumer ~~traveler~~ may file a claim against the bond.
1034 Such claim, which must be submitted in writing on an affidavit
1035 form adopted by department rule, must be submitted to the
1036 department within 120 days after an alleged injury has occurred
1037 or is discovered to have occurred or a judgment has been
1038 entered. The proceedings shall be conducted pursuant to chapter
1039 120. For proceedings conducted pursuant to ss. 120.569 and
1040 120.57, the agency shall act only as a nominal party.

1041 (4) A consumer who is injured by the applicant, or the
1042 department or another governmental agency acting on behalf of
1043 the injured consumer, may bring and maintain an action to
1044 recover against the bond.

1045 (5) Any indebtedness determined by final order of the
1046 department shall be paid by the seller of travel to the
1047 department within 30 days after the order is entered for
1048 disbursement to the consumer. If the seller of travel fails to
1049 make payment within 30 days, the agency shall make a demand for
1050 payment upon the surety which includes an institution issuing a
1051 letter of credit or depository on a certificate of deposit. Upon
1052 failure of a surety to comply with a demand for payment pursuant
1053 to a final order, the department may file an action in circuit
1054 court to recover payment, up to the amount of the bond or other



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1055 form of security, pursuant to s. 120.69. If the department
1056 prevails, the department may recover court costs and reasonable
1057 attorney fees.

1058 (6)~~(5)~~ If the seller of travel is currently the subject of
1059 an administrative, civil, or criminal action by the department,
1060 the Department of Legal Affairs, or the state attorney relating
1061 to compliance with this part, the right to proceed against the
1062 bond as provided in subsection (3) is suspended until any
1063 enforcement action becomes final.

1064 (7)~~(6)~~ The department may waive the bond requirement on an
1065 annual basis if the seller of travel has had 5 or more
1066 consecutive years of experience as a seller of travel in this
1067 state in compliance with this part, has not had a civil,
1068 criminal, or administrative action instituted against the seller
1069 of travel in the vacation and travel business by a governmental
1070 agency or an action involving fraud, theft, misappropriation of
1071 property, violation of a statute pertaining to business or
1072 commerce with a terrorist state, ~~or~~ moral turpitude, or other
1073 violation of this part and has a satisfactory consumer complaint
1074 history with the department, and certifies its business
1075 activities under s. 559.9285. Such waiver may be revoked if the
1076 seller of travel violates this part. A seller of travel which
1077 certifies its business activities under s. 559.9285(1)(b) or (c)
1078 is not entitled to the waiver provided in this subsection.

1079 Section 31. Subsections (2) and (17) of section 559.9295,
1080 Florida Statutes, are amended to read:

1081 559.9295 Submission of vacation certificate documents.—
1082 Sellers of travel who offer vacation certificates must submit
1083 and disclose to the department with the application for



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1084 registration, and any time such document is changed, but prior
1085 to the sale of any vacation certificate, the following
1086 materials:

1087 (2) A copy of each promotional brochure, pamphlet, form
1088 letter, registration form, or any other written material
1089 disseminated in connection with the advertising, promotion, or
1090 sale of any vacation certificate. Any such promotional materials
1091 that include terms such "free," "awarded," "prize," "absolutely
1092 without charge," and "free of charge," or similar words or
1093 groups of words, which might reasonably lead a person to believe
1094 that he or she may receive, or has been selected to receive,
1095 something of value without making full or partial compensation
1096 in any form from the recipient must:

1097 (a) Clearly and conspicuously display the following
1098 disclosure in at least 12-point type: "... (NAME OF FIRM) ... is
1099 registered with the State of Florida as a seller of travel,
1100 Registration No... THIS IS NOT A FREE OFFER. SEE TERMS AND
1101 CONDITIONS VIA WWW. (OFFER WEBSITE).COM. RESPONSE TO THIS OFFER
1102 DOES NOT GUARANTEE TRAVEL." The offer website referred to in the
1103 disclosure must include, and clearly indicate, the terms and
1104 conditions for such a vacation certificate offer.

1105 (b) Disclose the number of individuals who actually
1106 traveled pursuant to the vacation certificate, as opposed to the
1107 number of individuals who submitted or otherwise activated the
1108 vacation certificate, in the 12 months preceding issuance of the
1109 promotional material.

1110 ~~(17) Within 10 working days after receipt of any materials~~
1111 ~~submitted subsequent to filing an initial registration~~
1112 ~~application or any annual renewal thereof, the department shall~~



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1113 ~~determine whether such materials are adequate to meet the~~
1114 ~~requirements of this section. The department shall notify the~~
1115 ~~seller of travel that materials submitted are in substantial~~
1116 ~~compliance, or shall notify the seller of travel of any specific~~
1117 ~~deficiencies. If the department fails to notify the seller of~~
1118 ~~travel of its determination within the period specified in this~~
1119 ~~subsection, the materials shall be deemed in compliance;~~
1120 ~~however, the failure of the department to send notification in~~
1121 ~~either case will not relieve the seller of travel from the duty~~
1122 ~~of complying with this section.~~

1123
1124 Neither the submission of these materials nor the department's
1125 response implies approval, recommendation, or endorsement by the
1126 department or that the contents of said materials have been
1127 verified by the department.

1128 Section 32. Section 559.932, Florida Statutes, is amended
1129 to read:

1130 559.932 Vacation certificate disclosure.—

1131 (1) ~~A It shall be unlawful for any seller of travel must to~~
1132 ~~fail to provide each person solicited with a contract that~~
1133 ~~includes which shall include the following information, which~~
1134 ~~shall be in 12-point type, unless otherwise specified:~~

1135 (a) A space for the date, name, address, and signature of
1136 the purchaser.

1137 (b) The expiration date of the vacation certificate and the
1138 terms and conditions of its extension or renewal, if available.

1139 (c) The name and business address of any seller of travel
1140 who may solicit vacation certificate purchasers for further
1141 purchases, and a full and complete statement as to the nature



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1142 and method of that solicitation.

1143 (d) The total financial obligation of the purchaser which
1144 shall include the initial purchase price and any additional
1145 charges to which the purchaser may be subject, including, but
1146 not limited to, any per diem, seasonal, reservation, or
1147 recreational charge.

1148 (e) The name and street address of any person who has the
1149 right to alter, amend, or add to the charges to which the
1150 purchaser may be subject and the terms and conditions under
1151 which such charges may be imposed.

1152 (f) If any accommodation or facility which a purchaser
1153 acquires the right to use pursuant to the vacation certificate
1154 is not completed at the time the certificate is offered for
1155 sale, the date of availability of each component of the
1156 accommodation or facility.

1157 (g) By means of a section entitled "terms and conditions":

1158 1. All eligibility requirements for use of the vacation
1159 certificate, including, but not limited to, age, sex, marital
1160 status, group association, residency, or geographic limitations.

1161 2. All eligibility requirements for use of any discount or
1162 complimentary coupon or ticket.

1163 3. A statement as to whether transportation and meals are
1164 provided pursuant to use of the certificate.

1165 4. Any room deposit requirement, including all conditions
1166 for its return or refund.

1167 5. The manner in which reservation requests are to be made
1168 and the method by which they are to be confirmed.

1169 6. Any identification, credential, or other means by which
1170 a purchaser must establish her or his entitlement to the rights,



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1171 benefits, or privileges of the vacation certificate.

1172 7. Any restriction or limitation upon transfer of the
1173 vacation certificate or any right, benefit, or privilege
1174 thereunder.

1175 8. Any other term, limitation, condition, or requirement
1176 material to use of the vacation certificate or any right,
1177 benefit, or privilege thereunder.

1178 (h) In immediate proximity to the space reserved in the
1179 contract for the date and the name, address, and signature of
1180 the purchaser, the following statement in boldfaced type of a
1181 size of 10 points:

1182
1183 "YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR
1184 OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT
1185 OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER."

1186 "YOU MAY ALSO CANCEL THIS CONTRACT IF ACCOMMODATIONS OR
1187 FACILITIES ARE NOT AVAILABLE PURSUANT TO A REQUEST FOR USE AS
1188 PROVIDED IN THE CONTRACT."

1189 "TO CANCEL THIS AGREEMENT, A SIGNED AND DATED COPY OF A
1190 STATEMENT THAT YOU ARE CANCELING THE AGREEMENT SHOULD BE MAILED
1191 AND POSTMARKED, OR DELIVERED TO ... (NAME) ... AT ... (ADDRESS) ...
1192 NO LATER THAN MIDNIGHT OF (DATE)"

1193 ~~"IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN~~
1194 ~~WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE~~
1195 ~~AND SENDING NOTICE TO: ... (NAME OF SELLER) ... AT ... (SELLER'S~~
1196 ~~ADDRESS)"~~

1197 (i) In immediate proximity to the statement required in
1198 paragraph (h), the following statement in boldfaced type of a
1199 size of 12 ~~10~~ points:



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"NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN THOSE INCLUDED IN THIS CONTRACT."

However, inclusion of this statement shall not impair any purchaser's right to bring legal action based on verbal statements.

(j) In immediate proximity to the statement required in paragraph (i), the following statement:

"This contract is for the purchase of a vacation certificate and puts all assignees on notice of the consumer's right to cancel under section 559.933, Florida Statutes."

(2) If a sale or agreement to purchase a vacation certificate is completed over the telephone, the seller shall inform the purchaser over the telephone that:

(a) The purchaser may cancel the contract without any penalty or obligation within 30 days from the date of purchase or receipt of the vacation certificate, whichever occurs later.

(b) The purchaser may also cancel the contract if accommodations or facilities are not available upon request for use as provided in the contract.

(3) Upon receipt of a copy of a vacation certificate or contract required pursuant to s. 559.9295, the department shall review the certificate or contract for compliance with the disclosures required under this section. The submission of the certificate or contract, and the department's response, do not imply approval, recommendation, or endorsement by the department or that the contents of the certificate or contract have been verified by the department.



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1229 Section 33. Section 559.933, Florida Statutes, is amended
1230 to read:

1231 559.933 Vacation certificate cancellation and refund
1232 provisions.—

1233 (1) A ~~It shall be unlawful for any~~ seller of travel or
1234 assignee ~~must honor a purchaser's request to cancel a vacation~~
1235 certificate if such request is made:

1236 ~~(1) To fail or refuse to honor a purchaser's vacation~~
1237 ~~certificate request to cancel if such request is made:~~

1238 (a) Within 30 days after ~~from~~ the date of purchase or
1239 receipt of the vacation certificate, whichever occurs later; or

1240 (b) At any time accommodations or facilities are not
1241 available pursuant to a request for use as provided in the
1242 contract, provided that:

1243 1. The contract may ~~shall~~ not require notice greater than
1244 60 days in advance of the date requested for use;

1245 2. If acceptable to the purchaser, comparable alternate
1246 accommodations or facilities in a city, or reservations for a
1247 date different than that requested, may be provided.

1248 (2) A seller of travel or assignee must ~~To fail to~~ refund
1249 any and all payments made by the vacation certificate purchaser
1250 within 30 days after receipt of the certificate and notice of
1251 cancellation made pursuant to this section, if the purchaser has
1252 not received any benefits pursuant to the vacation certificate.

1253 (3) A seller of travel or assignee must, if the purchaser
1254 has received any benefits pursuant to the vacation certificate,
1255 ~~to fail to~~ refund within 30 days after receipt of the
1256 certificate and notice of cancellation made pursuant to this
1257 section any and all payments made by the purchaser which exceed



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1258 a pro rata portion of the total price, representing the portion
1259 of any benefits actually received by the vacation certificate
1260 purchaser during the time preceding cancellation.

1261 (4) ~~If where~~ any purchaser has received confirmation of
1262 reservations in advance and is refused accommodations upon
1263 arrival, a seller of travel or assignee must ~~to fail to~~ procure
1264 comparable alternate accommodations for the purchaser in the
1265 same city at no expense to the purchaser, or ~~to fail to~~ fully
1266 compensate the purchaser for the room rate incurred in securing
1267 comparable alternate accommodations himself or herself.

1268 (5) A seller of travel or assignee may not ~~To~~ collect more
1269 than the full contract price from the purchaser.

1270 (6) A seller of travel or assignee may not ~~To~~ sell, assign,
1271 or otherwise transfer any interest in a seller of travel
1272 business, or ~~to~~ sell, assign, or otherwise transfer to a third
1273 party any interest in any vacation certificate unless:

1274 (a) The third party agrees in writing to fully honor the
1275 rights of vacation certificate purchasers to cancel and to
1276 receive an appropriate refund or reimbursement as provided in
1277 this section.

1278 (b) The third party agrees in writing to comply with all
1279 other provisions of this part for as long as the third party
1280 continues the sale of vacation certificates or for the duration
1281 of the period of validity of outstanding vacation certificates,
1282 whichever is longer in time.

1283 (c) The seller of travel agrees to be liable for and fully
1284 indemnify a purchaser from any loss occasioned by the failure of
1285 the third party to honor the purchaser's right to cancel and
1286 failure to make prompt and complete refund to the purchaser of



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1287 all sums paid to the third party, or occasioned by the third
1288 party's failure to comply with the provisions of this part.

1289 (7) A seller of travel or assignee must ~~To fail to~~ fulfill
1290 the terms of a vacation certificate within 18 months after ~~of~~
1291 the initial payment of any consideration by the purchaser to a
1292 seller of travel or third party.

1293 Section 34. Section 559.9335, Florida Statutes, is amended
1294 to read:

1295 559.9335 Violations.—It is a violation of this part for any
1296 seller of travel, independent agent, assignee, or other person:

1297 (1) To conduct business as a seller of travel without
1298 registering annually with the department unless exempt pursuant
1299 to s. 559.935.

1300 (2) To conduct business as a seller of travel without an
1301 annual purchase of a performance bond in the amount set by the
1302 department unless exempt pursuant to s. 559.935.

1303 (3) Knowingly to make any false statement, representation,
1304 or certification in any application, document, or record
1305 required to be submitted or retained under this part or in any
1306 response to an inquiry or investigation conducted by the
1307 department or any other governmental agency.

1308 (4) Knowingly to sell or market any ~~number of~~ vacation
1309 certificates that exceed the number disclosed to the department
1310 pursuant to this section.

1311 (5) Knowingly to sell or market vacation certificates with
1312 an expiration date of more than 18 months from the date of
1313 issuance.

1314 ~~(6) Knowingly to require, request, encourage, or suggest,~~
1315 ~~directly or indirectly, that payment for the right to obtain a~~



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1316 ~~travel contract, certificate, or vacation package must be by~~
1317 ~~credit card authorization or to otherwise announce a preference~~
1318 ~~for that method of payment over any other when no correct and~~
1319 ~~true explanation for such preference is likewise stated.~~

1320 (6)~~(7)~~ Knowingly to state, represent, indicate, suggest, or
1321 imply, directly or indirectly, that the travel contract,
1322 certificate, or vacation package being offered by the seller of
1323 travel cannot be purchased at some later time or may not
1324 otherwise be available after the initial contact, or that
1325 callbacks by the prospective purchaser are not accepted, when no
1326 such restrictions or limitations in fact exist.

1327 (7)~~(8)~~ To misrepresent ~~in any manner~~ the purchaser's right
1328 to cancel and to receive an appropriate refund or reimbursement
1329 as provided by this part.

1330 (8)~~(9)~~ To sell any vacation certificate the duration of
1331 which exceeds the duration of any agreement between the seller
1332 and any business entity obligated thereby to provide
1333 accommodations or facilities pursuant to the vacation
1334 certificate.

1335 (9)~~(10)~~ To misrepresent or deceptively represent:

1336 (a) The amount of time or period of time accommodations or
1337 facilities will be available.

1338 (b) The location of accommodations or facilities offered.

1339 (c) The price, size, nature, extent, qualities, or
1340 characteristics of accommodations or facilities offered.

1341 (d) The nature or extent of other goods, services, or
1342 amenities offered.

1343 (e) A purchaser's rights, privileges, or benefits.

1344 (f) The conditions under which the purchaser may obtain a



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1345 reservation for the use of offered accommodations or facilities.

1346 (g) That the recipient of an advertisement or promotional
1347 materials is a winner, or has been selected, or is otherwise
1348 being involved in a select group for receipt, of a gift, award,
1349 or prize, unless this fact is the truth.

1350 (10)~~(11)~~ To fail to inform a purchaser of a nonrefundable
1351 cancellation policy before ~~prior to~~ the seller of travel
1352 accepting any fee, commission, or other valuable consideration.

1353 (11)~~(12)~~ To fail to include, when offering to sell a
1354 vacation certificate, in any advertisement or promotional
1355 material, the following statement: "This is an offer to sell
1356 travel."

1357 (12)~~(13)~~ To fail to honor and comply with all provisions of
1358 the vacation certificate regarding the purchaser's rights,
1359 benefits, and privileges thereunder.

1360 (13)~~(14)~~ (a) To include in any vacation certificate or
1361 contract any provision purporting to waive or limit any right or
1362 benefit provided to purchasers under this part; or

1363 (b) To seek or solicit such waiver or acceptance of
1364 limitation from a purchaser concerning rights or benefits
1365 provided under this part.

1366 (14)~~(15)~~ To offer vacation certificates for any
1367 accommodation or facility for which there is no contract with
1368 the owner of the accommodation or facility securing the
1369 purchaser's right to occupancy and use, unless the seller is the
1370 owner.

1371 (15)~~(16)~~ To use a local mailing address, registration
1372 facility, drop box, or answering service in the promotion,
1373 advertising, solicitation, or sale of vacation certificates,



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1374 unless the seller's fixed business address is clearly disclosed
1375 during any telephone solicitation and is prominently and
1376 conspicuously disclosed on all solicitation materials and on the
1377 contract.

1378 (16)~~(17)~~ To use any registered trademark, trade name, or
1379 trade logo in any promotional, advertising, or solicitation
1380 materials without written authorization from the holder of such
1381 trademark, trade name, or trade logo.

1382 (17)~~(18)~~ To represent, directly or by implication, any
1383 affiliation with, or endorsement by, any governmental,
1384 charitable, educational, medical, religious, fraternal, or civic
1385 organization or body, or any individual, in the promotion,
1386 advertisement, solicitation, or sale of vacation certificates
1387 without express written authorization.

1388 (18)~~(19)~~ To sell a vacation certificate to any purchaser
1389 who is ineligible for its use.

1390 (19)~~(20)~~ To sell any ~~number of~~ vacation certificates in
1391 excess of exceeding the number of available accommodations
1392 ~~disclosed pursuant to this part.~~

1393 (20)~~(21)~~ During the period of a vacation certificate's
1394 validity, in the event, for any reason whatsoever, of lapse or
1395 breach of an agreement for the provision of accommodations or
1396 facilities to purchasers, to fail to procure similar agreement
1397 for the provision of comparable alternate accommodations or
1398 facilities in the same city or surrounding area.

1399 (21)~~(22)~~ To offer to sell, at wholesale or retail,
1400 prearranged travel or, tourist-related services, ~~or tour-guide~~
1401 ~~services~~ for individuals or groups directly to any terrorist
1402 state and which originate in Florida, without disclosing such



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1403 business activities in a certification filed under s.
1404 559.9285(1) (b) or (c).

1405 ~~(22)~~~~(23)~~ To violate any state or federal law restricting or
1406 prohibiting commerce with terrorist states.

1407 ~~(23)~~~~(24)~~ To engage in ~~de~~ any other fraudulent action that
1408 ~~act which~~ constitutes fraud, misrepresentation, or failure to
1409 disclose a material fact, or to commit any other violation of,
1410 or fail to comply with, this part.

1411 ~~(24)~~~~(25)~~ To refuse or fail, or for any of its principal
1412 officers to refuse or fail, after notice, to produce any
1413 document or record or disclose any information required to be
1414 produced or disclosed.

1415 ~~(25)~~~~(26)~~ Knowingly to make a material false statement in
1416 response to any request or investigation by the department, the
1417 Department of Legal Affairs, or the state attorney.

1418 Section 35. Subsections (3) and (4) of section 559.935,
1419 Florida Statutes, are amended to read:

1420 559.935 Exemptions.—

1421 (3) Sections 559.928, 559.929, 559.9295, 559.931, and
1422 559.932 ~~shall~~ also do not apply to a seller of travel that is an
1423 affiliate of an entity exempt pursuant to subsection (2) subject
1424 to the following conditions:

1425 (a) If ~~In the event~~ the department finds the affiliate does
1426 not have a satisfactory consumer complaint history or the
1427 affiliate fails to respond to a consumer complaint within 30
1428 days, the related seller of travel exempt pursuant to subsection
1429 (2) is ~~shall be~~ liable for the actions of the affiliate, subject
1430 to the remedies provided in ss. 559.9355 and 559.936.

1431 (b) If ~~In the event~~ the department is unable to locate an



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1432 affiliate, the related seller of travel exempt pursuant to
1433 subsection (2) is ~~shall be~~ fully liable for the actions of the
1434 affiliate, subject to the remedies provided in ss. 559.9355 and
1435 559.936.

1436 ~~(c) In order to obtain an exemption under this subsection,~~
1437 ~~the affiliate shall file an affidavit of exemption on a form~~
1438 ~~prescribed by the department and shall certify its business~~
1439 ~~activities under s. 559.9285(1) (a). The affidavit of exemption~~
1440 ~~shall be executed by a person who exercises identical control~~
1441 ~~over the seller of travel exempt pursuant to subsection (2) and~~
1442 ~~the affiliate. Failure to file an affidavit of exemption or~~
1443 ~~certification under s. 559.9285(1) (a) prior to engaging in~~
1444 ~~seller of travel activities shall subject the affiliate to the~~
1445 ~~remedies provided in ss. 559.9355 and 559.936.~~

1446 ~~(c)~~(d) Revocation by the department of an exemption
1447 provided to a seller of travel under subsection (2) shall
1448 constitute automatic revocation by law of an exemption obtained
1449 by an affiliate under the subsection.

1450 ~~(d)~~(e) This subsection does ~~shall~~ not apply to:

1451 1. An affiliate that independently qualifies for another
1452 exemption under this section.

1453 2. An affiliate that sells, or offers for sale, vacation
1454 certificates.

1455 3. An affiliate that certifies its business activities
1456 under s. 559.9285(1) (b) or (c).

1457 ~~(e)~~(f) For purposes of this section, the term ~~an~~
1458 "affiliate" means an entity that meets the following:

1459 1. The entity has the identical ownership as the seller of
1460 travel that is exempt under subsection (2).



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1461 2. The ownership controlling the seller of travel that is
1462 exempt under subsection (2) also exercises identical control
1463 over the entity.

1464 3. The owners of the affiliate hold the identical
1465 percentage of voting shares as they hold in the seller of travel
1466 that is exempt under subsection (2).

1467 (4) The department may revoke the exemption provided in
1468 subsection (2) or subsection (3) if the department finds that
1469 the seller of travel does not have a satisfactory consumer
1470 complaint history, has been convicted of a crime involving
1471 fraud, theft, embezzlement, misappropriation of property,
1472 deceptive or unfair trade practices, or moral turpitude, or has
1473 not complied with the terms of any order or settlement agreement
1474 arising out of an administrative or enforcement action brought
1475 by a governmental agency or private person based on conduct
1476 involving fraud, theft, embezzlement, misappropriation of
1477 property, deceptive or unfair trade practices, or moral
1478 turpitude.

1479 Section 36. Subsection (3) of section 559.936, Florida
1480 Statutes, is amended to read:

1481 559.936 Civil penalties; remedies.—

1482 (3) The department may seek a civil penalty in the Class
1483 III category pursuant to s. 570.971 for each act or omission in
1484 violation of s. 559.9335(21) or (22) ~~s. 559.9335(22) or (23)~~.

1485 Section 37. Paragraph (b) of subsection (5), paragraph (a)
1486 of subsection (10), and subsections (15) and (16) of section
1487 616.242, Florida Statutes, are amended to read:

1488 616.242 Safety standards for amusement rides.—

1489 (5) ANNUAL PERMIT.—



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1490 (b) To apply for an annual permit, an owner must submit to
1491 the department a written application on a form prescribed by
1492 rule of the department, which must include the following:

1493 1. The legal name, address, and primary place of business
1494 of the owner.

1495 2. A description, manufacturer's name, serial number, model
1496 number and, if previously assigned, the United States Amusement
1497 Identification Number of the amusement ride.

1498 3. A valid certificate of insurance ~~or bond~~ for each
1499 amusement ride.

1500 4. An affidavit of compliance that the amusement ride was
1501 inspected in person by the affiant and that the amusement ride
1502 is in general conformance with the requirements of this section
1503 and all applicable rules adopted by the department. The
1504 affidavit must be executed by a professional engineer or a
1505 qualified inspector no earlier than 60 days before, but not
1506 later than, the date of the filing of the application with the
1507 department. The owner shall request inspection and permitting of
1508 the amusement ride within 60 days of the date of filing the
1509 application with the department. The department shall inspect
1510 and permit the amusement ride within 60 days after filing the
1511 application with the department.

1512 5. If required by subsection (6), an affidavit of
1513 nondestructive testing dated and executed no earlier than 60
1514 days before ~~prior to~~, but not later than, the date of the filing
1515 of the application with the department. The owner shall request
1516 inspection and permitting of the amusement ride within 60 days
1517 of the date of filing the application with the department. The
1518 department shall inspect and permit the amusement ride within 60



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1519 days after filing the application with the department.

1520 6. A request for inspection.

1521 7. Upon request, the owner shall, at no cost to the
1522 department, provide the department a copy of the manufacturer's
1523 current recommended operating instructions in the possession of
1524 the owner, the owner's operating fact sheet, and any written
1525 bulletins in the possession of the owner concerning the safety,
1526 operation, or maintenance of the amusement ride.

1527 (10) EXEMPTIONS.—

1528 (a) This section does not apply to:

1529 1. Permanent facilities that employ at least 1,000 full-
1530 time employees and that maintain full-time, in-house safety
1531 inspectors. Furthermore, the permanent facilities must file an
1532 affidavit of the annual inspection with the department, on a
1533 form prescribed by rule of the department. Additionally, the
1534 Department of Agriculture and Consumer Services may consult
1535 annually with the permanent facilities regarding industry safety
1536 programs.

1537 2. Any playground operated by a school, local government,
1538 or business licensed under chapter 509, if the playground is an
1539 incidental amenity and the operating entity is not primarily
1540 engaged in providing amusement, pleasure, thrills, or
1541 excitement.

1542 3. Museums or other institutions principally devoted to the
1543 exhibition of products of agriculture, industry, education,
1544 science, religion, or the arts.

1545 4. Conventions or trade shows for the sale or exhibit of
1546 amusement rides if there are a minimum of 15 amusement rides on
1547 display or exhibition, and if any operation of such amusement



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1548 rides is limited to the registered attendees of the convention
1549 or trade show.

1550 5. Skating rinks, arcades, laser ~~lazer~~ or paint ball war
1551 games, bowling alleys, miniature golf courses, mechanical bulls,
1552 inflatable rides, trampolines, ball crawls, exercise equipment,
1553 jet skis, paddle boats, airboats, helicopters, airplanes,
1554 parasails, hot air or helium balloons whether tethered or
1555 untethered, theatres, batting cages, stationary spring-mounted
1556 fixtures, rider-propelled merry-go-rounds, games, side shows,
1557 live animal rides, or live animal shows.

1558 6. Go-karts operated in competitive sporting events if
1559 participation is not open to the public.

1560 7. Nonmotorized playground equipment that is not required
1561 to have a manager.

1562 8. Coin-actuated amusement rides designed to be operated by
1563 depositing coins, tokens, credit cards, debit cards, bills, or
1564 other cash money and which are not required to have a manager,
1565 and which have a capacity of six persons or less.

1566 9. Facilities described in s. 549.09(1)(a) when such
1567 facilities are operating cars, trucks, or motorcycles only.

1568 10. Battery-powered cars or other vehicles that are
1569 designed to be operated by children 7 years of age or under and
1570 that cannot exceed a speed of 4 miles per hour.

1571 11. Mechanically driven vehicles that pull train cars,
1572 carts, wagons, or other similar vehicles, that are not confined
1573 to a metal track or confined to an area but are steered by an
1574 operator and do not exceed a speed of 4 miles per hour.

1575 12. A water-related amusement ride operated by a business
1576 licensed under chapter 509 if the water-related amusement ride



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1577 is an incidental amenity and the operating business is not
1578 primarily engaged in providing amusement, pleasure, thrills, or
1579 excitement and does not offer day rates.

1580 13. An amusement ride at a private, membership-only
1581 facility if the amusement ride is an incidental amenity and the
1582 facility is not open to the general public; is not primarily
1583 engaged in providing amusement, pleasure, thrills, or
1584 excitement; and does not offer day rates.

1585 14. A nonprofit permanent facility registered under chapter
1586 496 which is not open to the general public.

1587 (15) INSPECTION BY OWNER OR MANAGER.—Before ~~Prior to~~
1588 opening on each day of operation and before ~~prior to~~ any
1589 inspection by the department, the owner or manager of an
1590 amusement ride must inspect and test the amusement ride to
1591 ensure compliance with all requirements of this section. Each
1592 inspection must be recorded on a form prescribed by rule of the
1593 department and signed by the person who conducted the
1594 inspection. In lieu of the form prescribed by rule of the
1595 department, the owner or manager may request approval of an
1596 alternative form if the alternative form includes, at a minimum,
1597 the information required on the form prescribed by rule of the
1598 department. Inspection records of the last 14 daily inspections
1599 must be kept on site by the owner or manager and made
1600 immediately available to the department upon request.

1601 (16) TRAINING OF EMPLOYEES.—The owner or manager of an ~~any~~
1602 amusement ride shall maintain a record of employee training for
1603 each employee authorized to operate, assemble, disassemble,
1604 transport, or conduct maintenance on an amusement ride, ~~on a~~
1605 form prescribed by rule of the department. In lieu of the form



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1606 prescribed by rule of the department, the owner or manager may
1607 request approval of an alternative form if the alternative form
1608 includes, at a minimum, the information required on the form
1609 prescribed by rule of the department. The training record must
1610 be kept on site by the owner or manager and made immediately
1611 available to the department upon request. Training may not be
1612 conducted when an amusement ride is open to the public unless
1613 the training is conducted under the supervision of an employee
1614 who is trained in the operation of that ride. The owner or
1615 manager shall certify that each employee is trained, as required
1616 by this section and any rules adopted thereunder, on the
1617 amusement ride for which the employee is responsible.

1618 Section 38. Subsections (1), (2), (5), (7), and (13) of
1619 section 713.585, Florida Statutes, are amended to read:

1620 713.585 Enforcement of lien by sale of motor vehicle.—A
1621 person claiming a lien under s. 713.58 for performing labor or
1622 services on a motor vehicle may enforce such lien by sale of the
1623 vehicle in accordance with the following procedures:

1624 (1) The lienor must give notice, by certified mail, return
1625 receipt requested, within 7 ~~15~~ business days, excluding Saturday
1626 and Sunday, from the beginning date of the assessment of storage
1627 charges on said motor vehicle, to the registered owner of the
1628 vehicle, to the customer as indicated on the order for repair,
1629 and to all other persons claiming an interest in or lien
1630 thereon, as disclosed by the records of the Department of
1631 Highway Safety and Motor Vehicles or as disclosed by the records
1632 of any corresponding agency of any other state in which the
1633 vehicle is identified through a records check of the National
1634 Motor Vehicle Title Information System or an equivalent



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1635 commercially available system as being the current state where
1636 the vehicle is titled. Such notice must contain:

1637 (a) A description of the vehicle, including, at minimum,
1638 its ~~(year, make, vehicle identification number,)~~ and the
1639 vehicle's ~~its~~ location.

1640 (b) The name and address of the owner of the vehicle, the
1641 customer as indicated on the order for repair, and any person
1642 claiming an interest in or lien thereon.

1643 (c) The name, address, and telephone number of the lienor.

1644 (d) Notice that the lienor claims a lien on the vehicle for
1645 labor and services performed and storage charges, if any, and
1646 the cash sum which, if paid to the lienor, would be sufficient
1647 to redeem the vehicle from the lien claimed by the lienor.

1648 (e) Notice that the lien claimed by the lienor is subject
1649 to enforcement pursuant to this section and that the vehicle may
1650 be sold to satisfy the lien.

1651 (f) If known, the date, time, and location of any proposed
1652 or scheduled sale of the vehicle. A ~~No~~ vehicle may not be sold
1653 earlier than 60 days after completion of the repair work.

1654 (g) Notice that the owner of the vehicle or any person
1655 claiming an interest in or lien thereon has a right to a hearing
1656 at any time before ~~prior to~~ the scheduled date of sale by filing
1657 a demand for hearing with the clerk of the circuit court in the
1658 county in which the vehicle is held and mailing copies of the
1659 demand for hearing to all other owners and lienors as reflected
1660 on the notice.

1661 (h) Notice that the owner of the vehicle has a right to
1662 recover possession of the vehicle without instituting judicial
1663 proceedings by posting bond in accordance with ~~the provisions of~~



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1664 s. 559.917.

1665 (i) Notice that any proceeds from the sale of the vehicle
1666 remaining after payment of the amount claimed to be due and
1667 owing to the lienor will be deposited with the clerk of the
1668 circuit court for disposition upon court order pursuant to
1669 subsection (8).

1670 (j) Notice that a lienholder, if any, has the right, as
1671 specified in subsection (5), to demand a hearing or to post a
1672 bond.

1673 (2) If attempts to locate the owner or lienholder are
1674 unsuccessful after a check of the records of the Department of
1675 Highway Safety and Motor Vehicles and any state disclosed by the
1676 check of the National Motor Vehicle Title Information System or
1677 an equivalent commercially available system, the lienor must
1678 notify the local law enforcement agency in writing by certified
1679 mail or acknowledged hand delivery that the lienor has been
1680 unable to locate the owner or lienholder, that a physical search
1681 of the vehicle has disclosed no ownership information, and that
1682 a good faith effort, including records checks of the Department
1683 of Highway Safety and Motor Vehicles database and the National
1684 Motor Vehicle Title Information System or an equivalent
1685 commercially available system, has been made. A description of
1686 the motor vehicle which includes the year, make, and
1687 identification number must be given on the notice. This
1688 notification must take place within 7 ~~15~~ business days,
1689 excluding Saturday and Sunday, from the beginning date of the
1690 assessment of storage charges on said motor vehicle. For
1691 purposes of this paragraph, the term "good faith effort" means
1692 that the following checks have been performed by the company to



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1693 establish the prior state of registration and title:
1694 (a) A check of the Department of Highway Safety and Motor
1695 Vehicles database for the owner and any lienholder;
1696 (b) A check of the federally mandated electronic National
1697 Motor Vehicle Title Information System or an equivalent
1698 commercially available system to determine the state of
1699 registration when there is not a current title or registration
1700 record for the vehicle on file with the Department of Highway
1701 Safety and Motor Vehicles;
1702 (c) A check of vehicle for any type of tag, tag record,
1703 temporary tag, or regular tag;
1704 (d) A check of vehicle for inspection sticker or other
1705 stickers and decals that could indicate the state of possible
1706 registration; and
1707 (e) A check of the interior of the vehicle for any papers
1708 that could be in the glove box, trunk, or other areas for the
1709 state of registration.
1710 (5) At any time before ~~prior to~~ the proposed or scheduled
1711 date of sale of a vehicle, the owner of the vehicle, or any
1712 person claiming an interest in the vehicle or a lien thereon,
1713 may post a bond following the procedures outlined in s. 559.917
1714 or file a demand for hearing with the clerk of the circuit court
1715 in the county in which the vehicle is held to determine whether
1716 the vehicle has been wrongfully taken or withheld from her or
1717 him. Any person who files a demand for hearing shall mail copies
1718 of the demand to all other owners and lienors as reflected on
1719 the notice required in subsection (1).
1720 (a) Upon the filing of a demand for hearing, a hearing
1721 shall be held before ~~prior to~~ the proposed or scheduled date of



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1722 sale of the vehicle.

1723 (b) Upon the posting of the bond and payment of the
1724 applicable fee set forth in s. 28.24, the clerk of the court
1725 shall issue a certificate notifying the lienor of the posting of
1726 the bond and directing the lienor to release the vehicle to the
1727 lienholder or the owner, based upon whomever posted the bond.

1728 (c) If a lienholder obtains the vehicle and the owner of
1729 the vehicle is not in default under the installment sales
1730 contract or title loan at the time the lienholder has possession
1731 of the vehicle, the lienholder must return the vehicle to the
1732 owner within 5 days after the owner repays the lienholder for
1733 the amount of the bond, or makes arrangements to repay the
1734 lienholder for the bond under terms agreeable to the lienholder.

1735 A lienholder may retain possession of the vehicle if the owner
1736 is in default until such time as the default is cured and the
1737 amount of the bond is repaid by the owner, or an arrangement
1738 agreeable to the lienholder is made with the owner.

1739 (7) At a ~~the~~ hearing on a complaint relating to the
1740 requirements of this section ~~on the complaint~~, the court shall
1741 ~~forthwith~~ issue ~~an its~~ order determining:

1742 (a) Whether the vehicle is subject to a valid lien by the
1743 lienor and the amount thereof;

1744 (b) The priority of the lien of the lienor as against any
1745 existing security interest in the vehicle;

1746 (c) The distribution of any proceeds of the sale by the
1747 clerk of the circuit court;

1748 (d) The awarding of damages, if any;

1749 (e) ~~(d)~~ The award of reasonable attorney ~~attorney's~~ fees and
1750 costs, at the court's discretion, to the prevailing party; and



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1751 (f)~~(e)~~ The reasonableness of storage charges.

1752

1753 A final order, by the court, must also provide for immediate
1754 payment of any proceeds or awards, and the immediate release of
1755 the bond to the posting party, if applicable.

1756 (13) A failure to make good faith efforts as defined in
1757 subsection (2) precludes the imposition of any storage charges
1758 against the vehicle. If a lienor fails to provide notice to any
1759 person claiming a lien on a vehicle under subsection (1) within
1760 7 ~~15~~ business days after the assessment of storage charges has
1761 begun, then the lienor is precluded from charging for more than
1762 7 ~~15~~ days of storage, but failure to provide timely notice does
1763 not affect charges made for repairs, adjustments, or
1764 modifications to the vehicle or the priority of liens on the
1765 vehicle.

1766 Section 39. Subsections (2), (4), (5), and (10) of section
1767 790.06, Florida Statutes, are amended, and paragraph (f) is
1768 added to subsection (6) of that section, to read:

1769 790.06 License to carry concealed weapon or firearm.—

1770 (2) The Department of Agriculture and Consumer Services
1771 shall issue a license if the applicant:

1772 (a) Is a resident of the United States and a citizen of the
1773 United States or a permanent resident alien of the United
1774 States, as determined by the United States Bureau of Citizenship
1775 and Immigration Services, or is a consular security official of
1776 a foreign government that maintains diplomatic relations and
1777 treaties of commerce, friendship, and navigation with the United
1778 States and is certified as such by the foreign government and by
1779 the appropriate embassy in this country;



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1780 (b) Is 21 years of age or older;

1781 (c) Does not suffer from a physical infirmity which
1782 prevents the safe handling of a weapon or firearm;

1783 (d) Is not ineligible to possess a firearm pursuant to s.
1784 790.23 by virtue of having been convicted of a felony;

1785 (e) Has not been committed for the abuse of a controlled
1786 substance or been found guilty of a crime under the provisions
1787 of chapter 893 or similar laws of any other state relating to
1788 controlled substances within a 3-year period immediately
1789 preceding the date on which the application is submitted;

1790 (f) Does not chronically and habitually use alcoholic
1791 beverages or other substances to the extent that his or her
1792 normal faculties are impaired. It shall be presumed that an
1793 applicant chronically and habitually uses alcoholic beverages or
1794 other substances to the extent that his or her normal faculties
1795 are impaired if the applicant has been committed under chapter
1796 397 or under the provisions of former chapter 396 or has been
1797 convicted under s. 790.151 or has been deemed a habitual
1798 offender under s. 856.011(3), or has had two or more convictions
1799 under s. 316.193 or similar laws of any other state, within the
1800 3-year period immediately preceding the date on which the
1801 application is submitted;

1802 (g) Desires a legal means to carry a concealed weapon or
1803 firearm for lawful self-defense;

1804 (h) Demonstrates competence with a firearm by any one of
1805 the following:

1806 1. Completion of any hunter education or hunter safety
1807 course approved by the Fish and Wildlife Conservation Commission
1808 or a similar agency of another state;



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1809 2. Completion of any National Rifle Association firearms
1810 safety or training course;

1811 3. Completion of any firearms safety or training course or
1812 class available to the general public offered by a law
1813 enforcement agency, junior college, college, or private or
1814 public institution or organization or firearms training school,
1815 using ~~utilizing~~ instructors certified by the National Rifle
1816 Association, Criminal Justice Standards and Training Commission,
1817 or the Department of Agriculture and Consumer Services;

1818 4. Completion of any law enforcement firearms safety or
1819 training course or class offered for security guards,
1820 investigators, special deputies, or any division or subdivision
1821 of a law enforcement agency or security enforcement;

1822 5. Presents evidence of equivalent experience with a
1823 firearm through participation in organized shooting competition
1824 or military service;

1825 6. Is licensed or has been licensed to carry a firearm in
1826 this state or a county or municipality of this state, unless
1827 such license has been revoked for cause; or

1828 7. Completion of any firearms training or safety course or
1829 class conducted by a state-certified or National Rifle
1830 Association certified firearms instructor;

1831

1832 A photocopy of a certificate of completion of any of the courses
1833 or classes; ~~or~~ an affidavit from the instructor, school, club,
1834 organization, or group that conducted or taught such ~~said~~ course
1835 or class attesting to the completion of the course or class by
1836 the applicant; or a copy of any document that ~~which~~ shows
1837 completion of the course or class or evidences participation in



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1838 firearms competition shall constitute evidence of qualification
1839 under this paragraph. ~~A; any~~ person who conducts a course
1840 pursuant to subparagraph 2., subparagraph 3., or subparagraph
1841 7., or who, as an instructor, attests to the completion of such
1842 courses, must maintain records certifying that he or she
1843 observed the student safely handle and discharge the firearm in
1844 his or her physical presence and that the discharge of the
1845 firearm included live fire using a firearm and ammunition as
1846 defined in s. 790.001;

1847 (i) Has not been adjudicated an incapacitated person under
1848 s. 744.331, or similar laws of any other state, unless 5 years
1849 have elapsed since the applicant's restoration to capacity by
1850 court order;

1851 (j) Has not been committed to a mental institution under
1852 chapter 394, or similar laws of any other state, unless the
1853 applicant produces a certificate from a licensed psychiatrist
1854 that he or she has not suffered from disability for at least 5
1855 years before ~~prior to~~ the date of submission of the application;

1856 (k) Has not had adjudication of guilt withheld or
1857 imposition of sentence suspended on any felony ~~or misdemeanor~~
1858 ~~crime of domestic violence~~ unless 3 years have elapsed since
1859 probation or any other conditions set by the court have been
1860 fulfilled, or expunction has occurred ~~the record has been sealed~~
1861 ~~or expunged;~~

1862 (l) Has not had adjudication of guilt withheld or
1863 imposition of sentence suspended on any misdemeanor crime of
1864 domestic violence unless 3 years have elapsed since probation or
1865 any other conditions set by the court have been fulfilled, or
1866 the record has been sealed or expunged;



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1867 (m)~~(l)~~ Has not been issued an injunction that is currently
1868 in force and effect and that restrains the applicant from
1869 committing acts of domestic violence or acts of repeat violence;
1870 and

1871 (n)~~(m)~~ Is not prohibited from purchasing or possessing a
1872 firearm by any other provision of Florida or federal law.

1873 (4) The application shall be completed, under oath, on a
1874 form adopted ~~promulgated~~ by the Department of Agriculture and
1875 Consumer Services and shall include:

1876 (a) The name, address, place of birth, ~~and~~ date of birth,
1877 and race, ~~and occupation~~ of the applicant;

1878 (b) A statement that the applicant is in compliance with
1879 criteria contained within subsections (2) and (3);

1880 (c) A statement that the applicant has been furnished a
1881 copy of this chapter and is knowledgeable of its provisions;

1882 (d) A conspicuous warning that the application is executed
1883 under oath and that a false answer to any question, or the
1884 submission of any false document by the applicant, subjects the
1885 applicant to criminal prosecution under s. 837.06; ~~and~~

1886 (e) A statement that the applicant desires a concealed
1887 weapon or firearms license as a means of lawful self-defense;
1888 and.

1889 (f) Directions for an applicant who is a servicemember, as
1890 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
1891 request expedited processing of his or her application.

1892 (5) The applicant shall submit to the Department of
1893 Agriculture and Consumer Services or an approved tax collector
1894 pursuant to s. 790.0625:

1895 (a) A completed application as described in subsection (4).



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1896 (b) A nonrefundable license fee of up to \$60 ~~\$70~~ if he or
1897 she has not previously been issued a statewide license or of up
1898 to \$50 ~~\$60~~ for renewal of a statewide license. The cost of
1899 processing fingerprints as required in paragraph (c) shall be
1900 borne by the applicant. However, an individual holding an active
1901 certification from the Criminal Justice Standards and Training
1902 Commission as a law enforcement officer, correctional officer,
1903 or correctional probation officer as defined in s. 943.10(1),
1904 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
1905 requirements of this section. If such individual wishes to
1906 receive a concealed weapon ~~weapons~~ or firearm ~~firearms~~ license,
1907 he or she is exempt from the background investigation and all
1908 background investigation fees, but must pay the current license
1909 fees regularly required to be paid by nonexempt applicants.
1910 Further, a law enforcement officer, a correctional officer, or a
1911 correctional probation officer as defined in s. 943.10(1), (2),
1912 or (3) is exempt from the required fees and background
1913 investigation for ~~a period of~~ 1 year after his or her
1914 retirement.

1915 (c) A full set of fingerprints of the applicant
1916 administered by a law enforcement agency or the Division of
1917 Licensing of the Department of Agriculture and Consumer Services
1918 or an approved tax collector pursuant to s. 790.0625 together
1919 with any personal identifying information required by federal
1920 law to process fingerprints.

1921 (d) A photocopy of a certificate, affidavit, or document as
1922 described in paragraph (2)(h).

1923 (e) A full frontal view color photograph of the applicant
1924 taken within the preceding 30 days, in which the head, including



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1925 hair, measures 7/8 of an inch wide and 1 1/8 inches high.
1926 (f) For expedited processing of an application:
1927 1. A servicemember shall submit a copy of the Common Access
1928 Card, United States Uniformed Services Identification Card, or
1929 current deployment orders.
1930 2. A veteran shall submit a copy of the DD Form 214, issued
1931 by the United States Department of Defense, or another
1932 acceptable form of identification as specified by the Department
1933 of Veterans' Affairs.
1934 (6)
1935 (f) The Department of Agriculture and Consumer Services
1936 shall, upon receipt of a completed application and the
1937 identifying information required under paragraph (5) (f),
1938 expedite the processing of a servicemember's or a veteran's
1939 concealed weapon or firearm license application.
1940 (10) A license issued under this section shall be suspended
1941 or revoked pursuant to chapter 120 if the licensee:
1942 (a) Is found to be ineligible under the criteria set forth
1943 in subsection (2);
1944 (b) Develops or sustains a physical infirmity which
1945 prevents the safe handling of a weapon or firearm;
1946 (c) Is convicted of a felony which would make the licensee
1947 ineligible to possess a firearm pursuant to s. 790.23;
1948 (d) Is found guilty of a crime under the provisions of
1949 chapter 893, or similar laws of any other state, relating to
1950 controlled substances;
1951 (e) Is committed as a substance abuser under chapter 397,
1952 or is deemed a habitual offender under s. 856.011(3), or similar
1953 laws of any other state;



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1954 (f) Is convicted of a second violation of s. 316.193, or a
1955 similar law of another state, within 3 years after ~~of~~ a first
1956 ~~previous~~ conviction of such section, or similar law of another
1957 state, even though the first violation may have occurred before
1958 ~~prior to~~ the date on which the application was submitted;

1959 (g) Is adjudicated an incapacitated person under s.
1960 744.331, or similar laws of any other state; or

1961 (h) Is committed to a mental institution under chapter 394,
1962 or similar laws of any other state.

1963
1964 Notwithstanding s. 120.60(5), service of a notice of the
1965 suspension or revocation of a concealed weapon or firearm
1966 license must be given by either certified mail, return receipt
1967 requested, to the licensee at his or her last known mailing
1968 address furnished to the Department of Agriculture and Consumer
1969 Services, or by personal service. If a notice given by certified
1970 mail is returned as undeliverable, a second attempt must be made
1971 to provide notice to the licensee at that address, by either
1972 first-class mail in an envelope, postage prepaid, addressed to
1973 the licensee at his or her last known mailing address furnished
1974 to the department, or, if the licensee has provided an e-mail
1975 address to the department, by e-mail. Such mailing by the
1976 department constitutes notice, and any failure by the licensee
1977 to receive such notice does not stay the effective date or term
1978 of the suspension or revocation. A request for hearing must be
1979 filed with the department within 21 days after notice is
1980 received by personal delivery, or within 26 days after the date
1981 the department deposits the notice in the United States mail (21
1982 days plus 5 days for mailing). The department shall document its



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1983 attempts to provide notice and such documentation is admissible
1984 in the courts of this state and constitutes sufficient proof
1985 that notice was given.

1986 Section 40. Effective upon this act becoming a law,
1987 paragraph (a) of subsection (11) of section 790.06, Florida
1988 Statutes, is amended to read:

1989 790.06 License to carry concealed weapon or firearm.-

1990 (11) (a) At least ~~No less than~~ 90 days before the expiration
1991 date of the license, the Department of Agriculture and Consumer
1992 Services shall mail to each licensee a written notice of the
1993 expiration and a renewal form prescribed by the Department of
1994 Agriculture and Consumer Services. The licensee must renew his
1995 or her license on or before the expiration date by filing with
1996 the Department of Agriculture and Consumer Services the renewal
1997 form containing an a-notarized affidavit submitted under oath
1998 and under penalty of perjury stating that the licensee remains
1999 qualified pursuant to the criteria specified in subsections (2)
2000 and (3), a color photograph as specified in paragraph (5) (e),
2001 and the required renewal fee. Out-of-state residents must also
2002 submit a complete set of fingerprints and fingerprint processing
2003 fee. The license shall be renewed upon receipt of the completed
2004 renewal form, color photograph, appropriate payment of fees,
2005 and, if applicable, fingerprints. Additionally, a licensee who
2006 fails to file a renewal application on or before its expiration
2007 date must renew his or her license by paying a late fee of \$15.
2008 A license may not be renewed 180 days or more after its
2009 expiration date, and such a license is deemed to be permanently
2010 expired. A person whose license has been permanently expired may
2011 reapply for licensure; however, an application for licensure and



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2012 fees under subsection (5) must be submitted, and a background
2013 investigation shall be conducted pursuant to this section. A
2014 person who knowingly files false information under this
2015 subsection is subject to criminal prosecution under s. 837.06.

2016 Section 41. Subsection (8) is added to section 790.0625,
2017 Florida Statutes, to read:

2018 790.0625 Appointment of tax collectors to accept
2019 applications for a concealed weapon or firearm license; fees;
2020 penalties.—

2021 (8) Upon receipt of a completed renewal application, a new
2022 color photograph, and appropriate payment of fees, a tax
2023 collector authorized to accept renewal applications for
2024 concealed weapon or firearm licenses under this section may,
2025 upon approval and confirmation of license issuance by the
2026 department, print and deliver a concealed weapon or firearm
2027 license to a licensee renewing his or her license at the tax
2028 collector's office.

2029 Section 42. Subsections (1) through (4) of section 559.917,
2030 Florida Statutes, are amended to read:

2031 559.917 Bond to release possessory lien claimed by motor
2032 vehicle repair shop.—

2033 (1) As used in this section, the term:

2034 (a) "Lienholder" means a person claiming an interest in or
2035 a lien on a vehicle pursuant to s. 713.585(5).

2036 (b) "Lienor" means a person claiming a lien for motor
2037 vehicle repair shop work under part II of chapter 713.

2038 (2) ~~(1)~~(a) A lienholder or Any customer may obtain the
2039 release of a ~~her or his~~ motor vehicle for which the lienholder
2040 or customer has a lien or ownership rights, respectively, from



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2041 any lien claimed under part II of chapter 713 by a motor vehicle
2042 repair shop for repair work performed under a written repair
2043 estimate by filing with the clerk of the court in the circuit in
2044 which the disputed transaction occurred a cash or surety bond,
2045 payable to the person claiming the lien and conditioned for the
2046 payment of any judgment which may be entered on the lien. The
2047 bond shall be in the amount stated on the invoice required by s.
2048 559.911, plus accrued storage charges, if any, less any amount
2049 paid to the motor vehicle repair shop as indicated on the
2050 invoice. The lienholder or customer shall not be required to
2051 institute judicial proceedings in order to post the bond in the
2052 registry of the court, nor shall the lienholder or customer be
2053 required to use a particular form for posting the bond, unless
2054 the clerk provides ~~shall provide~~ such form to the lienholder or
2055 customer for filing. Upon the posting of such bond, the clerk of
2056 the court shall automatically issue a certificate notifying the
2057 lienor of the posting of the bond and directing the lienor to
2058 release the lienholder's or customer's motor vehicle.

2059 (b) The lienor shall have 60 days to file suit to recover
2060 the bond. The prevailing party in that action may be entitled to
2061 damages plus court costs and reasonable attorney ~~attorney's~~
2062 fees. If the lienor fails to file suit within 60 days after the
2063 posting of such bond, the bond shall be discharged.

2064 ~~(3)-(2)~~ The failure of a lienor to release or return to the
2065 lienholder or customer the motor vehicle upon which any lien is
2066 claimed, upon receiving a copy of a certificate giving notice of
2067 the posting of the bond and directing release of the motor
2068 vehicle, shall subject the lienor to judicial proceedings which
2069 may be brought by the lienholder or customer to compel



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2070 compliance with the certificate. ~~If Whenever~~ a lienholder
2071 pursuant to s. 713.585 or customer brings an action to compel
2072 compliance with the certificate, the lienholder or customer need
2073 only establish that:

2074 (a) Bond in the amount of the invoice, plus accrued storage
2075 charges, if any, less any amount paid to the motor vehicle
2076 repair shop as indicated on the invoice, was posted;

2077 (b) A certificate was issued pursuant to this section;

2078 (c) The motor vehicle repair shop, or any employee or agent
2079 thereof who is authorized to release the motor vehicle, received
2080 a copy of a certificate issued pursuant to this section; and

2081 (d) The motor vehicle repair shop or employee authorized to
2082 release the motor vehicle failed to release the motor vehicle.

2083
2084 The lienholder or customer, upon a judgment in her or his favor
2085 in an action brought under this subsection, may be entitled to
2086 damages plus court costs and reasonable attorney ~~attorney's~~ fees
2087 sustained by her or him by reason of such wrongful detention or
2088 retention. Upon a judgment in favor of the motor vehicle repair
2089 shop, the shop may be entitled to reasonable attorney ~~attorney's~~
2090 fees.

2091 ~~(4)(3)~~ Any motor vehicle repair shop that ~~which~~, or any
2092 employee or agent thereof who is authorized to release the motor
2093 vehicle who, upon receiving a copy of a certificate giving
2094 notice of the posting of the bond in the required amount and
2095 directing release of the motor vehicle, fails to release or
2096 return the property to the lienholder or customer pursuant to
2097 this section commits ~~is guilty of~~ a misdemeanor of the second
2098 degree, punishable as provided in s. 775.082 or s. 775.083.



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2099 (5)~~(4)~~ Any lienholder or customer who stops payment on a
2100 credit card charge or a check drawn in favor of a motor vehicle
2101 repair shop on account of an invoice, or who fails to post a
2102 cash or surety bond pursuant to this section, shall be
2103 prohibited from any recourse under this section with respect to
2104 the motor vehicle repair shop.

2105 Section 43. Subsection (1) and paragraph (d) of subsection
2106 (3) of section 559.9285, Florida Statutes, are amended to read:
2107 559.9285 Certification of business activities.—

2108 (1) Each certifying party, as defined in s. 559.927(2):

2109 (a) Which does not offer for sale, at wholesale or retail,
2110 prearranged travel or, ~~tourist-related services, or tour-guide~~
2111 ~~services~~ for individuals or groups directly to any terrorist
2112 state and which originate in Florida;

2113 (b) Which offers for sale, at wholesale or retail, only
2114 prearranged travel or, ~~tourist-related services, or tour-guide~~
2115 ~~services~~ for individuals or groups directly to any terrorist
2116 state and which originate in Florida, but engages in no other
2117 business dealings or commerce with any terrorist state; or

2118 (c) Which offers for sale, at wholesale or retail,
2119 prearranged travel or, ~~tourist-related services, or tour-guide~~
2120 ~~services~~ for individuals or groups directly to any terrorist
2121 state and which originate in Florida, and also engages in any
2122 other business dealings or commerce with any terrorist state,

2123
2124 shall annually certify its business activities by filing a
2125 disclosure statement with the department which accurately
2126 represents the scope of the seller's business activities
2127 according to the criteria provided in paragraph (a), paragraph



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2128 (b), or paragraph (c).

2129 (3) The department shall specify by rule the form of each
2130 certification under this section which shall include the
2131 following information:

2132 (d) The type of all prearranged travel or tourist-related
2133 services, ~~or tour-guide services~~ that the certifying party
2134 offers for sale to individuals or groups traveling directly to
2135 any terrorist state and that originate in Florida, and the
2136 frequency with which such services are offered.

2137 Section 44. Subsection (2) of section 559.937, Florida
2138 Statutes, is amended to read:

2139 559.937 Criminal penalties.—Any person or business that
2140 violates this part:

2141 (2) Which violation directly or indirectly pertains to an
2142 offer to sell, at wholesale or retail, prearranged travel or
2143 tourist-related services, ~~or tour-guide services~~ for individuals
2144 or groups directly to any terrorist state and which originate in
2145 Florida, commits a felony of the third degree, punishable as
2146 provided in s. 775.082 or s. 775.083.

2147 Section 45. For the 2016-2017 fiscal year, the sum of
2148 \$2,610,195 in nonrecurring funds from the Division of Licensing
2149 Trust Fund is appropriated to the Department of Agriculture and
2150 Consumer Services for the purpose of implementing s. 493.6108,
2151 Florida Statutes, regarding the collection and subsequent
2152 payment of fingerprint retention and processing fees to the
2153 Florida Department of Law Enforcement.

2154 Section 46. Except as otherwise expressly provided in this
2155 act, this act shall take effect July 1, 2016.

2156



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2157 ===== T I T L E A M E N D M E N T =====

2158 And the title is amended as follows:

2159 Delete everything before the enacting clause

2160 and insert:

2161 A bill to be entitled

2162 An act relating to regulated service providers;
2163 amending s. 472.007, F.S.; revising the composition of
2164 the Board of Professional Surveyors and Mappers;
2165 amending s. 472.015, F.S.; requiring the Department of
2166 Agriculture and Consumer Services to waive the initial
2167 land surveying and mapping license fee for certain
2168 veterans, the spouses of such veterans, or certain
2169 business entities that have a majority ownership held
2170 by such veterans or spouses; amending s. 493.6105,
2171 F.S.; waiving the initial application fee for veterans
2172 for certain private investigative, private security,
2173 and repossession service licenses; revising certain
2174 fees for initial license applications; amending s.
2175 493.6106, F.S.; deleting a provision requiring that
2176 certain applicants submit additional documentation
2177 establishing state residency; amending s. 493.6107,
2178 F.S.; waiving the initial license fees for veterans
2179 for certain private investigative, private security,
2180 and repossession service licenses; amending s.
2181 493.6108, F.S.; beginning on a specified date,
2182 requiring the Department of Law Enforcement to retain
2183 fingerprints submitted for private investigative,
2184 private security, and repossession service licenses,
2185 to enter such fingerprints into the statewide



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2186 automated biometric identification system and the
2187 Federal Bureau of Investigation's national retained
2188 print arrest notification program, and to report any
2189 arrest record information to the Department of
2190 Agriculture and Consumer Services; requiring the
2191 department to provide information about an arrest of a
2192 licensee for certain crime within the state to the
2193 agency that employs the licensee; amending s.
2194 493.6113, F.S.; clarifying the renewal requirements
2195 for Class "K" licenses; requiring a person holding a
2196 private investigative, private security, or
2197 repossession service license issued before a certain
2198 date to submit, upon first renewal of the license, a
2199 full set of fingerprints and a fingerprint processing
2200 fee; amending ss. 493.6202, 493.6302, and 493.6402,
2201 F.S.; waiving initial license fees for veterans for
2202 certain private investigative, private security, and
2203 repossession service licenses; amending s. 501.0125,
2204 F.S.; revising the definition of the term "health
2205 studio"; defining the term "personal trainer";
2206 amending s. 501.015, F.S.; requiring the department to
2207 waive the initial health studio registration fee for
2208 certain veterans, the spouses of such veterans, or
2209 certain business entities that have a majority
2210 ownership held by such veterans or spouses; amending
2211 s. 501.605, F.S.; prohibiting the use of a mail drop
2212 as a street address for the principal location of a
2213 commercial telephone seller; requiring the department
2214 to waive the initial commercial telephone seller



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2215 license fee for certain veterans, the spouses of such
2216 veterans, or certain business entities that have a
2217 majority ownership held by such veterans or spouses;
2218 amending s. 501.607, F.S.; requiring the department to
2219 waive the initial telephone salesperson license fees
2220 for certain veterans, the spouses of such veterans, or
2221 certain business entities that have a majority
2222 ownership held by such veterans or spouses; amending
2223 s. 507.03, F.S.; requiring the department to waive the
2224 initial registration fee for an intrastate mover for
2225 certain veterans, the spouses of such veterans, or
2226 certain business entities that have a majority
2227 ownership held by such veterans or spouses; amending
2228 s. 527.02, F.S.; requiring the department to waive the
2229 original liquefied petroleum gas license fee for
2230 certain veterans, the spouses of such veterans, or
2231 certain business entities that have a majority
2232 ownership held by such veterans or spouses; amending
2233 s. 527.021, F.S.; deleting a provision requiring a fee
2234 for registering transport vehicles; amending s.
2235 531.37, F.S.; revising the definition of the term
2236 "weights and measures"; amending s. 531.415, F.S.;
2237 revising the fees for actual metrology laboratory
2238 calibration and testing services; amending s. 531.60,
2239 F.S.; clarifying the applicability of permits for
2240 commercially operated or tested weights or measures
2241 instruments or devices; requiring a new permit
2242 application if a new owner acquires and moves an
2243 instrument or a device; requiring a business to notify



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2244 the department of certain information under certain
2245 circumstances; deleting a provision authorizing the
2246 department to test weights and measures instruments or
2247 devices under certain circumstances; amending s.
2248 531.61, F.S.; clarifying provisions exempting certain
2249 instruments or devices from specified requirements;
2250 amending s. 531.62, F.S.; specifying that the
2251 commercial use permit fee is based upon the number and
2252 types of instruments or devices permitted; revising
2253 the expiration date of the commercial use permit;
2254 requiring annual and biennial commercial use permit
2255 renewals to meet the same requirements; amending s.
2256 531.63, F.S.; revising the commercial use permit fees
2257 and fee structures; amending s. 531.65, F.S.;
2258 clarifying that the department may use one or more of
2259 the prescribed penalties for the unauthorized use of a
2260 weights and measures instrument or device; amending s.
2261 539.001, F.S.; requiring the department to waive the
2262 initial pawnbroker license fee for certain veterans,
2263 the spouses of such veterans, or certain business
2264 entities that have a majority ownership held by such
2265 veterans or spouses; amending s. 559.904, F.S.;
2266 requiring the department to waive the initial motor
2267 vehicle repair shop registration fee for certain
2268 veterans, the spouses of such veterans, or certain
2269 business entities that have a majority ownership held
2270 by such veterans or spouses; creating s. 559.9191,
2271 F.S.; requiring motor vehicle repair shops to obtain
2272 consent before seeking certain funds from insurers;



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2273 requiring such shops to meet certain conditions before
2274 filing certain actions against insurers; providing
2275 requirements for certain customer consent; amending s.
2276 559.927, F.S.; revising definitions; amending s.
2277 559.928, F.S.; requiring the department to waive the
2278 initial seller of travel registration fee for certain
2279 veterans, the spouses of such veterans, or certain
2280 business entities that have a majority ownership held
2281 by such veterans or spouses; requiring independent
2282 agents to annually file an application, rather than an
2283 affidavit; requiring each advertisement or certificate
2284 and other travel documents to include a specified
2285 phrase; deleting a provision requiring an
2286 advertisement to include a specified phrase; revising
2287 the circumstances under which the department may deny
2288 or refuse to renew a registration; authorizing the
2289 department to revoke the registration of a seller of
2290 travel under certain circumstances; amending s.
2291 559.929, F.S.; revising certain security requirements;
2292 amending s. 559.9295, F.S.; revising the documents
2293 that certain sellers of travel are required to submit
2294 and disclose to the department; deleting provisions
2295 relating to the duties of the department; amending s.
2296 559.932, F.S.; requiring that certain disclosures be
2297 made in a specified type size; revising the language
2298 that must be included in certain disclosures;
2299 requiring the department to review copies of certain
2300 certificates and contracts for compliance with
2301 disclosure requirements; specifying that the



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2302 submission of certain materials or department response
2303 does not constitute approval, recommendation,
2304 endorsement, or verification; amending s. 559.933,
2305 F.S.; making technical changes; amending s. 559.9335,
2306 F.S.; revising violations relating to the sale of
2307 travel; amending s. 559.935, F.S.; deleting a
2308 provision requiring an affiliate to file an affidavit
2309 of exemption in order to obtain a specified exemption;
2310 adding embezzlement as a crime for which the
2311 department may revoke certain exemptions; amending s.
2312 559.936, F.S.; conforming cross-references; amending
2313 s. 616.242, F.S.; exempting water-related amusement
2314 rides operated by lodging and food service
2315 establishments and membership campgrounds, amusement
2316 rides at private, membership-only facilities, and
2317 nonprofit permanent facilities from certain safety
2318 standards; authorizing owners or managers of amusement
2319 rides to use alternative forms to record ride
2320 inspections and employee training; amending s.
2321 713.585, F.S.; revising certain notice requirements;
2322 authorizing the owner of a vehicle or a person
2323 claiming an interest in the vehicle or in a lien
2324 thereon to post a bond to recover possession of a
2325 vehicle held by a lienor; requiring the clerk of the
2326 court to issue a certificate notifying the lienor of
2327 the posting of bond; establishing procedures and
2328 requirements for a vehicle owner to reclaim such
2329 vehicles recovered by a lienholder; authorizing courts
2330 to award damages based on claims relating to the



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2331 enforcement of certain lien and recovery rights;
2332 requiring courts to provide for the immediate payment
2333 of proceeds and awards and immediate release of bonds;
2334 amending s. 790.06, F.S.; revising the requirements
2335 for issuance of a concealed weapon or firearm license;
2336 requiring directions for expedited processing requests
2337 in the license application form; revising the initial
2338 and renewal fees for a concealed weapon or firearm
2339 license; providing a process for expediting
2340 applications for servicemembers and veterans;
2341 requiring that notice of the suspension or revocation
2342 of a concealed weapon or firearm license or the
2343 suspension of the processing of an application for
2344 such license be given by personal delivery or first-
2345 class mail; specifying deadlines for requests for a
2346 hearing for suspensions or revocations; specifying
2347 standards of proof for notice of suspensions or
2348 revocations; requiring concealed weapon or firearm
2349 license renewals to include an affidavit submitted
2350 under oath and under penalty of perjury, rather than a
2351 notarized affidavit, as of a specified date; amending
2352 s. 790.0625, F.S.; authorizing certain tax collector
2353 offices, upon approval and confirmation of license
2354 issuance by the department, to print and deliver
2355 concealed weapon or firearm licenses; amending ss.
2356 559.917, 559.9285, and 559.937, F.S.; conforming
2357 provisions; providing an appropriation; providing
2358 effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
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Appropriations Subcommittee on General Government (Simpson)
recommended the following:

- 1 **Senate Amendment to Amendment (588830)**
- 2
- 3 Delete line 2148
- 4 and insert:
- 5 \$1,305,097 in nonrecurring funds from the Division of Licensing

By the Committee on Commerce and Tourism; and Senator Richter

577-02002-16

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1 A bill to be entitled
 2 An act relating to regulated service providers;
 3 amending s. 472.007, F.S.; revising the composition of
 4 the Board of Professional Surveyors and Mappers;
 5 amending s. 472.015, F.S.; requiring the Department of
 6 Agriculture and Consumer Services to waive the initial
 7 land surveying and mapping license fee for certain
 8 veterans, the spouses of such veterans, or certain
 9 business entities that have a majority ownership held
 10 by such veterans or spouses; amending s. 493.6105,
 11 F.S.; waiving the initial application fee for veterans
 12 for certain private investigative, private security,
 13 and repossession service licenses; revising certain
 14 fees for initial license applications; revising the
 15 submission requirements for a Class "K" license;
 16 amending s. 493.6106, F.S.; deleting a provision
 17 requiring that certain applicants submit additional
 18 documentation establishing state residency; amending
 19 s. 493.6107, F.S.; waiving the initial license fees
 20 for veterans for certain private investigative,
 21 private security, and repossession service licenses;
 22 amending s. 493.6108, F.S.; requiring the Department
 23 of Law Enforcement to retain fingerprints submitted
 24 for private investigative, private security, and
 25 repossession service licenses, to enter such
 26 fingerprints into the statewide automated biometric
 27 identification system and the Federal Bureau of
 28 Investigation's national retained print arrest
 29 notification program, and to report any arrest record
 30 information to the Department of Agriculture and
 31 Consumer Services; requiring the department to provide
 32 information about an arrest of a licensee for certain

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33 crime within the state to the agency that employs the
 34 licensee; amending s. 493.6113, F.S.; clarifying the
 35 renewal requirements for Class "K" licenses; requiring
 36 a person holding a private investigative, private
 37 security, or repossession service license issued
 38 before a certain date to submit, upon first renewal of
 39 the license, a full set of fingerprints and a
 40 fingerprint processing fee; amending ss. 493.6202,
 41 493.6302, and 493.6402, F.S.; waiving initial license
 42 fees for veterans for certain private investigative,
 43 private security, and repossession service licenses;
 44 amending s. 501.0125, F.S.; revising the definition of
 45 the term "health studio"; defining the term "personal
 46 trainer"; amending s. 501.015, F.S.; requiring the
 47 department to waive the initial health studio
 48 registration fee for certain veterans, the spouses of
 49 such veterans, or certain business entities that have
 50 a majority ownership held by such veterans or spouses;
 51 amending s. 501.605, F.S.; prohibiting the use of a
 52 mail drop as a street address for the principal
 53 location of a commercial telephone seller; requiring
 54 the department to waive the initial commercial
 55 telephone seller license fee for certain veterans, the
 56 spouses of such veterans, or certain business entities
 57 that have a majority ownership held by such veterans
 58 or spouses; amending s. 501.607, F.S.; requiring the
 59 department to waive the initial telephone salesperson
 60 license fees for certain veterans, the spouses of such
 61 veterans, or certain business entities that have a

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62 majority ownership held by such veterans or spouses;
 63 amending s. 507.03, F.S.; requiring the department to
 64 waive the initial registration fee for an intrastate
 65 mover for certain veterans, the spouses of such
 66 veterans, or certain business entities that have a
 67 majority ownership held by such veterans or spouses;
 68 amending s. 527.02, F.S.; requiring the department to
 69 waive the original liquefied petroleum gas license fee
 70 for certain veterans, the spouses of such veterans, or
 71 certain business entities that have a majority
 72 ownership held by such veterans or spouses; amending
 73 s. 527.021, F.S.; deleting a provision requiring a fee
 74 for registering transport vehicles; amending s.
 75 531.37, F.S.; revising the definition of the term
 76 "weights and measures"; amending s. 531.415, F.S.;
 77 revising the fees for actual metrology laboratory
 78 calibration and testing services; amending s. 531.60,
 79 F.S.; clarifying the applicability of permits for
 80 commercially operated or tested weights or measures
 81 instruments or devices; requiring a new permit
 82 application if a new owner acquires and moves an
 83 instrument or a device; requiring a business to notify
 84 the department of certain information under certain
 85 circumstances; deleting a provision authorizing the
 86 department to test weights and measures instruments or
 87 devices under certain circumstances; amending s.
 88 531.61, F.S.; clarifying provisions exempting certain
 89 instruments or devices from specified requirements;
 90 amending s. 531.62, F.S.; specifying that the

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91 commercial use permit fee is based upon the number and
 92 types of instruments or devices permitted; revising
 93 the expiration date of the commercial use permit;
 94 requiring annual and biennial commercial use permit
 95 renewals to meet the same requirements; amending s.
 96 531.63, F.S.; revising the commercial use permit fees
 97 and fee structures; amending s. 531.65, F.S.;
 98 clarifying that the department may use one or more of
 99 the prescribed penalties for the unauthorized use of a
 100 weights and measures instrument or device; amending s.
 101 539.001, F.S.; requiring the department to waive the
 102 initial pawnbroker license fee for certain veterans,
 103 the spouses of such veterans, or certain business
 104 entities that have a majority ownership held by such
 105 veterans or spouses; amending s. 559.904, F.S.;
 106 requiring the department to waive the initial motor
 107 vehicle repair shop registration fee for certain
 108 veterans, the spouses of such veterans, or certain
 109 business entities that have a majority ownership held
 110 by such veterans or spouses; amending s. 559.927,
 111 F.S.; revising definitions; amending s. 559.928, F.S.;
 112 revising the registration requirements for sellers of
 113 travel; requiring the department to waive the initial
 114 seller of travel registration fee for certain
 115 veterans, the spouses of such veterans, or certain
 116 business entities that have a majority ownership held
 117 by such veterans or spouses; requiring each
 118 advertisement, each certificate, or any other travel
 119 document to include a specified phrase; deleting a

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120 provision requiring an advertisement to include a
 121 specified phrase; revising the circumstances under
 122 which the department may deny or refuse to renew a
 123 registration; authorizing the department to revoke the
 124 registration of a seller of travel under certain
 125 circumstances; amending s. 559.929, F.S.; revising
 126 certain security requirements; amending s. 559.9295,
 127 F.S.; revising the requirements that certain sellers
 128 of travel submit and disclose to the department;
 129 deleting provisions relating to the duties of the
 130 department; amending s. 559.932, F.S.; requiring a
 131 specified typeface point size for certain disclosures;
 132 requiring the department to review copies of certain
 133 certificates and contracts for compliance with
 134 disclosure requirements; amending s. 559.933, F.S.;
 135 making technical changes; amending s. 559.9335, F.S.;
 136 revising violations relating to the sale of travel;
 137 amending s. 559.935, F.S.; deleting a provision
 138 requiring an affidavit of exemption to obtain a seller
 139 of travel affiliate exemption; adding embezzlement as
 140 a crime for which the department may revoke certain
 141 exemptions; amending s. 559.936, F.S.; conforming
 142 cross-references; amending s. 616.242, F.S.; exempting
 143 water-related amusement rides operated by lodging and
 144 food service establishments and membership
 145 campgrounds, amusement rides at private, membership-
 146 only facilities, and nonprofit permanent facilities
 147 from certain safety standards; authorizing owners or
 148 managers of amusement rides to use alternative forms

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149 to record ride inspections and employee training;
 150 amending s. 713.585, F.S.; revising certain notice
 151 requirements; authorizing the owner of a vehicle or a
 152 person claiming an interest in the vehicle or in a
 153 lien thereon to post a bond to recover possession of a
 154 vehicle held by a lienor; requiring the clerk of the
 155 court to issue a certificate notifying the lienor of
 156 the posting of bond; establishing procedures and
 157 requirements for a vehicle owner to reclaim such
 158 vehicles recovered by a lienholder; authorizing courts
 159 to award damages based on claims relating to the
 160 enforcement of certain lien and recovery rights;
 161 requiring courts to provide for the immediate payment
 162 of proceeds and awards and immediate release of bonds;
 163 amending s. 790.06, F.S.; revising the requirements
 164 for issuance of a concealed weapon or firearm license;
 165 requiring directions for expedited processing requests
 166 in the license application form; revising the initial
 167 and renewal fees for a concealed weapon or firearm
 168 license; providing a process for expediting
 169 applications for servicemembers and veterans;
 170 requiring that notice of the suspension or revocation
 171 of a concealed weapon or firearm license or the
 172 suspension of the processing of an application for
 173 such license be given by personal delivery or first-
 174 class mail; specifying deadlines for requests for a
 175 hearing for suspensions or revocations; specifying
 176 standards of proof for notice of suspensions or
 177 revocations; requiring concealed weapon or firearm

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178 license renewals to include an affidavit submitted
 179 under oath and under penalty of perjury, rather than a
 180 notarized affidavit; amending s. 790.0625, F.S.;
 181 authorizing certain tax collector offices, upon
 182 approval and confirmation of license issuance by the
 183 department, to print and deliver concealed weapon or
 184 firearm licenses; amending ss. 559.917, 559.9285, and
 185 559.937, F.S.; conforming terminology; providing
 186 effective dates

187
 188 Be It Enacted by the Legislature of the State of Florida:

189
 190 Section 1. Subsection (1) of section 472.007, Florida
 191 Statutes, is amended to read:

192 472.007 Board of Professional Surveyors and Mappers.—There
 193 is created in the Department of Agriculture and Consumer
 194 Services the Board of Professional Surveyors and Mappers.

195 (1) The board shall consist of nine members, seven ~~six~~ of
 196 whom shall be registered surveyors and mappers primarily engaged
 197 in the practice of surveying and mapping, ~~one of whom shall be a~~
 198 ~~registered surveyor and mapper with the designation of~~
 199 ~~photogrammetrist~~, and two of whom shall be laypersons who are
 200 not and have never been surveyors and mappers or members of any
 201 closely related profession or occupation.

202 Section 2. Subsection (3) of section 472.015, Florida
 203 Statutes, is amended to read:

204 472.015 Licensure.—

205 (3) (a) Before the issuance of any license, the department
 206 may charge an initial license fee as determined by rule of the

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207 board. Upon receipt of the appropriate license fee, except as
 208 provided in subsection (6), the department shall issue a license
 209 to any person certified by the board, or its designee, as having
 210 met the applicable requirements imposed by law or rule. However,
 211 an applicant who is not otherwise qualified for licensure is not
 212 entitled to licensure solely based on a passing score on a
 213 required examination.

214 (b) The department shall waive the initial license fee for
 215 an honorably discharged veteran of the United States Armed
 216 Forces, the spouse of such a veteran, or a business entity that
 217 has a majority ownership held by such a veteran or spouse if the
 218 department receives an application, in a format prescribed by
 219 the department, within 60 months after the date of the veteran's
 220 discharge from any branch of the United States Armed Forces. To
 221 qualify for the waiver, a veteran must provide to the department
 222 a copy of his or her DD Form 214, as issued by the United States
 223 Department of Defense, or another acceptable form of
 224 identification as specified by the Department of Veterans'
 225 Affairs; the spouse of a veteran must provide to the department
 226 a copy of the veteran's DD Form 214, as issued by the United
 227 States Department of Defense, or another acceptable form of
 228 identification as specified by the Department of Veterans'
 229 Affairs, and a copy of a valid marriage license or certificate
 230 verifying that he or she was lawfully married to the veteran at
 231 the time of discharge; or a business entity must provide to the
 232 department proof that a veteran or the spouse of a veteran holds
 233 a majority ownership in the business, a copy of the veteran's DD
 234 Form 214, as issued by the United States Department of Defense,
 235 or another acceptable form of identification as specified by the

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236 Department of Veterans' Affairs, and, if applicable, a copy of a
 237 valid marriage license or certificate verifying that the spouse
 238 of the veteran was lawfully married to the veteran at the time
 239 of discharge.

240 Section 3. Paragraph (c) is added to subsection (1) of
 241 section 493.6105, Florida Statutes, and paragraph (j) of
 242 subsection (3) and paragraph (a) of subsection (6) of that
 243 section are amended, to read:

244 493.6105 Initial application for license.—

245 (1) Each individual, partner, or principal officer in a
 246 corporation, shall file with the department a complete
 247 application accompanied by an application fee not to exceed \$60,
 248 except that the applicant for a Class "D" or Class "G" license
 249 is not required to submit an application fee. The application
 250 fee is not refundable.

251 (c) The initial application fee for a veteran, as defined
 252 in s. 1.01, if he or she applies for a Class "C," Class "CC,"
 253 Class "DI," Class "E," Class "EE," Class "K," Class "M," Class
 254 "MA," Class "MB," Class "MR," or Class "RI" license within 24
 255 months after being discharged from a branch of the United States
 256 Armed Forces shall be waived. An eligible veteran must include a
 257 copy of his or her DD Form 214, as issued by the United States
 258 Department of Defense, or another acceptable form of
 259 identification as specified by the Department of Veterans'
 260 Affairs with his or her application in order to obtain a waiver.

261 (3) The application must contain the following information
 262 concerning the individual signing the application:

263 (j) A full set of fingerprints, a fingerprint processing
 264 fee, and a fingerprint retention fee. The fingerprint processing

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265 and retention fees shall ~~to~~ be established by rule of the
 266 department based upon costs determined by state and federal
 267 agency charges and department processing costs, which must
 268 include the cost of retaining the fingerprints in the statewide
 269 automated biometric identification system established in s.
 270 943.05(2)(b) and the cost of enrolling the fingerprints in the
 271 national retained print arrest notification program as required
 272 under s. 493.6108. An applicant who has, within the immediately
 273 preceding 6 months, submitted such fingerprints and ~~fees~~ fee for
 274 licensing purposes under this chapter and who still holds a
 275 valid license is not required to submit another set of
 276 fingerprints or another fingerprint processing fee. An applicant
 277 who holds multiple licenses issued under this chapter is
 278 required to pay only a single fingerprint retention fee.

279 (6) In addition to the requirements under subsection (3),
 280 an applicant for a Class "K" license must:

281 (a) Submit one of the following:

282 1. The Florida Criminal Justice Standards and Training
 283 Commission Instructor Certificate and written confirmation by
 284 the commission that the applicant possesses an active firearms
 285 certification.

286 2. The National Rifle Association Private Security Firearm
 287 Instructor Certificate.

288 3. A firearms instructor certificate issued by a federal
 289 law enforcement agency.

290 4. An International Association of Law Enforcement Firearms
 291 Instructors certification.

292 5. A Second Amendment Foundation Training Division Firearms
 293 Instructors certification.

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294 Section 4. Paragraph (f) of subsection (1) of section
 295 493.6106, Florida Statutes, is amended to read:
 296 493.6106 License requirements; posting.-
 297 (1) Each individual licensed by the department must:
 298 (f) Be a citizen or permanent legal resident alien of the
 299 United States or have appropriate authorization issued by the
 300 United States Citizenship and Immigration Services of the United
 301 States Department of Homeland Security.

302 1. An applicant for a Class "C," Class "CC," Class "D,"
 303 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
 304 "MB," Class "MR," or Class "RI" license who is not a United
 305 States citizen must submit proof of current employment
 306 authorization issued by the United States Citizenship and
 307 Immigration Services or proof that she or he is deemed a
 308 permanent legal resident alien by the United States Citizenship
 309 and Immigration Services.

310 2. An applicant for a Class "G" or Class "K" license who is
 311 not a United States citizen must submit proof that she or he is
 312 deemed a permanent legal resident alien by the United States
 313 Citizenship and Immigration Services, ~~together with additional~~
 314 ~~documentation establishing that she or he has resided in the~~
 315 ~~state of residence shown on the application for at least 90~~
 316 ~~consecutive days before the date that the application is~~
 317 ~~submitted.~~

318 3. An applicant for an agency or school license who is not
 319 a United States citizen or permanent legal resident alien must
 320 submit documentation issued by the United States Citizenship and
 321 Immigration Services stating that she or he is lawfully in the
 322 United States and is authorized to own and operate the type of

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323 agency or school for which she or he is applying. An employment
 324 authorization card issued by the United States Citizenship and
 325 Immigration Services is not sufficient documentation.

326 Section 5. Subsection (6) is added to section 493.6107,
 327 Florida Statutes, to read:

328 493.6107 Fees.-

329 (6) The initial license fee for a veteran, as defined in s.
 330 1.01, shall be waived if he or she applies for a Class "M" or
 331 Class "K" license within 24 months after being discharged from
 332 any branch of the United States Armed Forces. An eligible
 333 veteran must include a copy of his or her DD Form 214, as issued
 334 by the United States Department of Defense, or another
 335 acceptable form of identification as specified by the Department
 336 of Veterans' Affairs with his or her application in order to
 337 obtain a waiver.

338 Section 6. Subsections (4) and (5) are added to section
 339 493.6108, Florida Statutes, to read:

340 493.6108 Investigation of applicants by Department of
 341 Agriculture and Consumer Services.-

342 (4) The Department of Law Enforcement shall:

343 (a) Retain and enter into the statewide automated biometric
 344 identification system established in s. 943.05(2)(b) all
 345 fingerprints submitted to the Department of Agriculture and
 346 Consumer Services pursuant to this chapter.

347 (b) When the Department of Law Enforcement begins
 348 participation in the Federal Bureau of Investigation's national
 349 retained print arrest notification program, enroll such
 350 fingerprints in the program. The fingerprints must thereafter be
 351 available for arrest notifications and all purposes and uses

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352 authorized for arrest fingerprint submissions entered into the
 353 statewide automated biometric identification system established
 354 in s. 943.05(2)(b).

355 (c) Search all arrest fingerprints against fingerprints
 356 retained.

357 (d) Report to the Department of Agriculture and Consumer
 358 Services any arrest record that it identifies or that is
 359 identified by the Federal Bureau of Investigation.

360 (5) If the department receives information about an arrest
 361 within the state of a person who holds a valid license issued
 362 under this chapter for a crime that could potentially disqualify
 363 the person from holding such a license, the department must
 364 provide the arrest information to the agency that employs the
 365 licensee.

366 Section 7. Subsections (1) and (3) of section 493.6113,
 367 Florida Statutes, are amended to read:

368 493.6113 Renewal application for licensure.—

369 (1) A license granted under the provisions of this chapter
 370 shall be renewed biennially by the department, except for Class
 371 "A," Class "B," Class "AB," Class "K," Class "R," and branch
 372 agency licenses, which shall be renewed every 3 years.

373 (3) Each licensee is responsible for renewing his or her
 374 license on or before its expiration by filing with the
 375 department an application for renewal accompanied by payment of
 376 the renewal fee and the fingerprint retention fee to cover the
 377 cost of ongoing retention in the statewide automated biometric
 378 identification system established in s. 943.05(2)(b) ~~prescribed~~
 379 ~~license fee.~~ A person holding a valid license issued under this
 380 chapter before January 1, 2017, must submit, upon first renewal

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381 of the license, a full set of fingerprints and a fingerprint
 382 processing fee to cover the cost of entering the fingerprints
 383 into the statewide automated biometric identification system
 384 under s. 493.6108(4)(a). Subsequent renewals may be completed
 385 without submission of a set of fingerprints.

386 (a) Each Class "B" licensee shall additionally submit on a
 387 form prescribed by the department a certification of insurance
 388 that evidences that the licensee maintains coverage as required
 389 under s. 493.6110.

390 (b) Each Class "G" licensee shall additionally submit proof
 391 that he or she has received during each year of the license
 392 period a minimum of 4 hours of firearms recertification training
 393 taught by a Class "K" licensee and has complied with such other
 394 health and training requirements that the department shall adopt
 395 by rule. Proof of completion of firearms recertification
 396 training shall be submitted to the department upon completion of
 397 the training. If the licensee fails to complete the required 4
 398 hours of annual training during the first year of the 2-year
 399 term of the license, the license shall be automatically
 400 suspended. The licensee must complete the minimum number of
 401 hours of range and classroom training required at the time of
 402 initial licensure and submit proof of completion of such
 403 training to the department before the license may be reinstated.
 404 If the licensee fails to complete the required 4 hours of annual
 405 training during the second year of the 2-year term of the
 406 license, the licensee must complete the minimum number of hours
 407 of range and classroom training required at the time of initial
 408 licensure and submit proof of completion of such training to the
 409 department before the license may be renewed. The department may

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410 waive the firearms training requirement if:

411 1. The applicant provides proof that he or she is currently
412 certified as a law enforcement officer or correctional officer
413 under the Criminal Justice Standards and Training Commission and
414 has completed law enforcement firearms requalification training
415 annually during the previous 2 years of the licensure period;

416 2. The applicant provides proof that he or she is currently
417 certified as a federal law enforcement officer and has received
418 law enforcement firearms training administered by a federal law
419 enforcement agency annually during the previous 2 years of the
420 licensure period; or

421 3. The applicant submits a valid firearm certificate among
422 those specified in s. 493.6105(6) (a) and provides proof of
423 having completed requalification training during the previous 2
424 years of the licensure period.

425 (c) Each Class "DS" or Class "RS" licensee shall
426 additionally submit the current curriculum, examination, and
427 list of instructors.

428 (d) Each Class "K" licensee shall additionally submit one
429 of the certificates specified under s. 493.6105(6) as proof that
430 he or she remains certified to provide firearms instruction.

431 Section 8. Subsection (4) is added to section 493.6202,
432 Florida Statutes, to read:

433 493.6202 Fees.—

434 (4) The initial license fee for a veteran, as defined in s.
435 1.01, shall be waived if he or she applies for a Class "C,"
436 Class "CC," or Class "MA" license within 24 months after being
437 discharged from any branch of the United States Armed Forces. An
438 eligible veteran must include a copy of his or her DD Form 214,

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439 as issued by the United States Department of Defense, or another
440 acceptable form of identification as specified by the Department
441 of Veterans' Affairs with his or her application in order to
442 obtain a waiver.

443 Section 9. Subsection (4) is added to section 493.6302,
444 Florida Statutes, to read:

445 493.6302 Fees.—

446 (4) The initial license fee for a veteran, as defined in s.
447 1.01, shall be waived if he or she applies for a Class "D,"
448 Class "DI," or Class "MB" license within 24 months after being
449 discharged from any branch of the United States Armed Forces. An
450 eligible veteran must include a copy of his or her DD Form 214,
451 as issued by the United States Department of Defense, or another
452 acceptable form of identification as specified by the Department
453 of Veterans' Affairs with his or her application in order to
454 obtain a waiver.

455 Section 10. Subsection (4) is added to section 493.6402,
456 Florida Statutes, to read:

457 493.6402 Fees.—

458 (4) The initial license fee for a veteran, as defined in s.
459 1.01, shall be waived if he or she applies for a Class "E,"
460 Class "EE," Class "MR," or Class "RI" license within 24 months
461 after being discharged from any branch of the United States
462 Armed Forces. An eligible veteran must include a copy of his or
463 her DD Form 214, as issued by the United States Department of
464 Defense, or another acceptable form of identification as
465 specified by the Department of Veterans' Affairs with his or her
466 application in order to obtain a waiver.

467 Section 11. Subsection (1) of section 501.0125, Florida

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468 Statutes, is amended, and subsection (6) is added to that
469 section, to read:

470 501.0125 Health studios; definitions.—For purposes of ss.
471 501.012-501.019, the following terms shall have the following
472 meanings:

473 (1) "Health studio" means any person who is engaged in the
474 sale of services for instruction, training, or assistance in a
475 program of physical exercise or in the sale of services for the
476 right or privilege to use equipment or facilities in furtherance
477 of a program of physical exercise. The term does not include an
478 individual acting as a personal trainer.

479 (6) "Personal trainer" means an individual:

480 (a) Who does not have an established place of business for
481 the primary purpose of the conducting of physical exercise;

482 (b) Whose provision of exercise equipment is incidental to
483 the instruction provided; and

484 (c) Who does not accept payment for services that are to be
485 rendered more than 30 days after the date of payment.

486 Section 12. Subsection (2) of section 501.015, Florida
487 Statutes, is amended to read:

488 501.015 Health studios; registration requirements and
489 fees.—Each health studio shall:

490 (2) Remit an annual registration fee of \$300 to the
491 department at the time of registration for each of the health
492 studio's business locations. The department shall waive the
493 initial registration fee for an honorably discharged veteran of
494 the United States Armed Forces, the spouse of such a veteran, or
495 a business entity that has a majority ownership held by such a
496 veteran or spouse if the department receives an application, in

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497 a format prescribed by the department, within 60 months after
498 the date of the veteran's discharge from any branch of the
499 United States Armed Forces. To qualify for the waiver, a veteran
500 must provide to the department a copy of his or her DD Form 214,
501 as issued by the United States Department of Defense, or another
502 acceptable form of identification as specified by the Department
503 of Veterans' Affairs; the spouse of a veteran must provide to
504 the department a copy of the veteran's DD Form 214, as issued by
505 the United States Department of Defense, or another acceptable
506 form of identification as specified by the Department of
507 Veterans' Affairs, and a copy of a valid marriage license or
508 certificate verifying that he or she was lawfully married to the
509 veteran at the time of discharge; or a business entity must
510 provide to the department proof that a veteran or the spouse of
511 a veteran holds a majority ownership in the business, a copy of
512 the veteran's DD Form 214, as issued by the United States
513 Department of Defense, or another acceptable form of
514 identification as specified by the Department of Veterans'
515 Affairs, and, if applicable, a copy of a valid marriage license
516 or certificate verifying that the spouse of the veteran was
517 lawfully married to the veteran at the time of discharge.

518 Section 13. Paragraph (j) of subsection (2) and paragraph
519 (b) of subsection (5) of section 501.605, Florida Statutes, are
520 amended to read:

521 501.605 Licensure of commercial telephone sellers.—

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

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526 (j) The complete street address of each location,
 527 designating the principal location, from which the applicant
 528 will be doing business. ~~The street address may not be If any~~
 529 ~~location is a mail drop, this shall be disclosed as such.~~

530
 531 The application shall be accompanied by a copy of any: Script,
 532 outline, or presentation the applicant will require or suggest a
 533 salesperson to use when soliciting, or, if no such document is
 534 used, a statement to that effect; sales information or
 535 literature to be provided by the applicant to a salesperson; and
 536 sales information or literature to be provided by the applicant
 537 to a purchaser in connection with any solicitation.

538 (5) An application filed pursuant to this part must be
 539 verified and accompanied by:

540 (b) A fee for licensing in the amount of \$1,500. The fee
 541 shall be deposited into the General Inspection Trust Fund. The
 542 department shall waive the initial license fee for an honorably
 543 discharged veteran of the United States Armed Forces, the spouse
 544 of such a veteran, or a business entity that has a majority
 545 ownership held by such a veteran or spouse if the department
 546 receives an application, in a format prescribed by the
 547 department, within 60 months after the date of the veteran's
 548 discharge from any branch of the United States Armed Forces. To
 549 qualify for the waiver, a veteran must provide to the department
 550 a copy of his or her DD Form 214, as issued by the United States
 551 Department of Defense, or another acceptable form of
 552 identification as specified by the Department of Veterans'
 553 Affairs; the spouse of a veteran must provide to the department
 554 a copy of the veteran's DD Form 214, as issued by the United

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555 States Department of Defense, or another acceptable form of
 556 identification as specified by the Department of Veterans'
 557 Affairs, and a copy of a valid marriage license or certificate
 558 verifying that he or she was lawfully married to the veteran at
 559 the time of discharge; or a business entity must provide to the
 560 department proof that a veteran or the spouse of a veteran holds
 561 a majority ownership in the business, a copy of the veteran's DD
 562 Form 214, as issued by the United States Department of Defense,
 563 or another acceptable form of identification as specified by the
 564 Department of Veterans' Affairs, and, if applicable, a copy of a
 565 valid marriage license or certificate verifying that the spouse
 566 of the veteran was lawfully married to the veteran at the time
 567 of discharge.

568 Section 14. Paragraph (b) of subsection (2) of section
 569 501.607, Florida Statutes, is amended to read:

570 501.607 Licensure of salespersons.—

571 (2) An application filed pursuant to this section must be
 572 verified and be accompanied by:

573 (b) A fee for licensing in the amount of \$50 per
 574 salesperson. The fee shall be deposited into the General
 575 Inspection Trust Fund. The fee for licensing may be paid after
 576 the application is filed, but must be paid within 14 days after
 577 the applicant begins work as a salesperson. The department shall
 578 wave the initial license fee for an honorably discharged
 579 veteran of the United States Armed Forces, the spouse of such a
 580 veteran, or a business entity that has a majority ownership held
 581 by such a veteran or spouse if the department receives an
 582 application, in a format prescribed by the department, within 60
 583 months after the date of the veteran's discharge from any branch

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584 of the United States Armed Forces. To qualify for the waiver, a
 585 veteran must provide to the department a copy of his or her DD
 586 Form 214, as issued by the United States Department of Defense,
 587 or another acceptable form of identification as specified by the
 588 Department of Veterans' Affairs; the spouse of a veteran must
 589 provide to the department a copy of the veteran's DD Form 214,
 590 as issued by the United States Department of Defense, or another
 591 acceptable form of identification as specified by the Department
 592 of Veterans' Affairs, and a copy of a valid marriage license or
 593 certificate verifying that he or she was lawfully married to the
 594 veteran at the time of discharge; or a business entity must
 595 provide to the department proof that a veteran or the spouse of
 596 a veteran holds a majority ownership in the business, a copy of
 597 the veteran's DD Form 214, as issued by the United States
 598 Department of Defense, or another acceptable form of
 599 identification as specified by the Department of Veterans'
 600 Affairs, and, if applicable, a copy of a valid marriage license
 601 or certificate verifying that the spouse of the veteran was
 602 lawfully married to the veteran at the time of discharge.

603 Section 15. Subsection (3) of section 507.03, Florida
 604 Statutes, is amended to read:

605 507.03 Registration.—

606 (3) (a) Registration fees shall be calculated at the rate of
 607 \$300 per year per mover or moving broker. All amounts collected
 608 shall be deposited by the Chief Financial Officer to the credit
 609 of the General Inspection Trust Fund of the department for the
 610 sole purpose of administration of this chapter.

611 (b) The department shall waive the initial registration fee
 612 for an honorably discharged veteran of the United States Armed

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613 Forces, the spouse of such a veteran, or a business entity that
 614 has a majority ownership held by such a veteran or spouse if the
 615 department receives an application, in a format prescribed by
 616 the department, within 60 months after the date of the veteran's
 617 discharge from any branch of the United States Armed Forces. To
 618 qualify for the waiver, a veteran must provide to the department
 619 a copy of his or her DD Form 214, as issued by the United States
 620 Department of Defense, or another acceptable form of
 621 identification as specified by the Department of Veterans'
 622 Affairs; the spouse of a veteran must provide to the department
 623 a copy of the veteran's DD Form 214, as issued by the United
 624 States Department of Defense, or another acceptable form of
 625 identification as specified by the Department of Veterans'
 626 Affairs, and a copy of a valid marriage license or certificate
 627 verifying that he or she was lawfully married to the veteran at
 628 the time of discharge; or a business entity must provide to the
 629 department proof that a veteran or the spouse of a veteran holds
 630 a majority ownership in the business, a copy of the veteran's DD
 631 Form 214, as issued by the United States Department of Defense,
 632 or another acceptable form of identification as specified by the
 633 Department of Veterans' Affairs, and, if applicable, a copy of a
 634 valid marriage license or certificate verifying that the spouse
 635 of the veteran was lawfully married to the veteran at the time
 636 of discharge.

637 Section 16. Subsection (3) of section 527.02, Florida
 638 Statutes, is amended to read:

639 527.02 License; penalty; fees.—

640 (3) (a) An ~~Any~~ applicant for an original license who submits
 641 an whose application is ~~submitted~~ during the last 6 months of

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642 the license year may have the original license fee reduced by
 643 one-half for the 6-month period. This provision applies shall
 644 apply only to those companies applying for an original license
 645 and may shall not be applied to licensees who held a license
 646 during the previous license year and failed to renew the
 647 license. The department may refuse to issue an initial license
 648 to an any applicant who is under investigation in any
 649 jurisdiction for an action that would constitute a violation of
 650 this chapter until such time as the investigation is complete.

651 (b) The department shall waive the initial license fee for
 652 an honorably discharged veteran of the United States Armed
 653 Forces, the spouse of such a veteran, or a business entity that
 654 has a majority ownership held by such a veteran or spouse if the
 655 department receives an application, in a format prescribed by
 656 the department, within 60 months after the date of the veteran's
 657 discharge from any branch of the United States Armed Forces. To
 658 qualify for the waiver, a veteran must provide to the department
 659 a copy of his or her DD Form 214, as issued by the United States
 660 Department of Defense or another acceptable form of
 661 identification as specified by the Department of Veterans'
 662 Affairs; the spouse of a veteran must provide to the department
 663 a copy of the veteran's DD Form 214, as issued by the United
 664 States Department of Defense, or another acceptable form of
 665 identification as specified by the Department of Veterans'
 666 Affairs, and a copy of a valid marriage license or certificate
 667 verifying that he or she was lawfully married to the veteran at
 668 the time of discharge; or a business entity must provide to the
 669 department proof that a veteran or the spouse of a veteran holds
 670 a majority ownership in the business, a copy of the veteran's DD

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671 Form 214, as issued by the United States Department of Defense,
 672 or another acceptable form of identification as specified by the
 673 Department of Veterans' Affairs, and, if applicable, a copy of a
 674 valid marriage license or certificate verifying that the spouse
 675 of the veteran was lawfully married to the veteran at the time
 676 of discharge.

677 Section 17. Subsection (4) of section 527.021, Florida
 678 Statutes, is amended to read:

679 527.021 Registration of transport vehicles.—

680 ~~(4) An inspection fee of \$50 shall be assessed for each~~
 681 ~~registered vehicle inspected by the department pursuant to s.~~
 682 ~~527.061. All inspection fees collected in connection with this~~
 683 ~~section shall be deposited in the General Inspection Trust Fund~~
 684 ~~for the purpose of administering the provisions of this chapter.~~

685 Section 18. Subsection (1) of section 531.37, Florida
 686 Statutes, is amended to read:

687 531.37 Definitions.—As used in this chapter:

688 (1) "Weights and measures" means all weights and measures
 689 of every kind, instruments, and devices for weighing and
 690 measuring, and any appliance and accessories associated with any
 691 or all such instruments and devices, excluding those weights and
 692 measures used for the purpose of inspecting the accuracy of
 693 devices used in conjunction with aviation fuel.

694 Section 19. Subsections (1) and (2) of section 531.415,
 695 Florida Statutes, are amended to read:

696 531.415 Fees.—

697 (1) The department shall charge and collect fees of not
 698 more than the following ~~fees~~ for actual metrology laboratory
 699 calibration and testing services rendered:

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700 (a) For each mass standard that is tested or certified to
 701 meet tolerances less stringent than American National Standards
 702 Institute/American Society for Testing and Materials (ANSI/ASTM)
 703 Standard E617 Class 4, ~~the department shall charge a fee of not~~
 704 ~~more than:~~

Weight	Fee/Unit
705 0 - 2 lb.	\$6
706 3 - 10 lb.	\$8
707 11 - 50 lb.	\$12
708 51 - 500 lb.	\$20
709 501 - 1000 lb.	\$30
710 1001 - 2500 lb.	\$40
711 2501 - 5000 lb.	\$50

713 (b) For each mass standard that is tested or certified to
 714 meet ANSI/ASTM Standard Class 4 or National Institute of
 715 Standards and Technology Class P tolerances, ~~the department~~
 716 ~~shall charge a fee of not more than:~~

Weight	Fee/Unit
717 0 - 10 lb.	\$20
718 11 - 50 lb.	\$30
719 51 - 500 lb.	\$40
720 501 - 1000 lb.	\$50
721 1001 - 2500 lb.	\$60
722 2501 - 5000 lb.	\$75

724 (c) For each mass standard that is calibrated to determine
 725 actual mass or apparent mass values, ~~the department shall charge~~
 726 ~~a fee of not more than:~~

Weight	Fee/Unit
727 0 - 20 lb.	\$40

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729 21 - 50 lb.	\$50
730 51 - 1000 lb.	\$70
731 1001 - 2500 lb.	\$150
732 2501 - 5000 lb.	\$250

733 (d) For each volumetric ~~flask, graduate, or test measure,~~
 734 ~~the department shall charge a fee of not more than:~~

Vessel	Fee/Test Point
735 0 - 5 gal.	\$35
736 Over 5 gal.	Plus \$0.75 for each additional gallon

737 (e) ~~For each linear measure that is tested or certified,~~
 738 ~~the department shall charge a fee of not more than \$75.~~

739 (e)(f) For each linear measure test that is calibrated to
 740 determine actual values, the department shall charge a fee of
 741 \$75 ~~not more than \$100.~~

742 (g) ~~For each liquid-in-glass or electronic thermometer that~~
 743 ~~is tested or certified, the department shall charge a fee of not~~
 744 ~~more than \$50.~~

745 (f)(h) For each temperature measuring device, liquid-in-
 746 glass or electronic thermometer that is calibrated to determine
 747 actual values, the department shall charge a fee of \$50 ~~not more~~
 748 ~~than \$100.~~

749 (g)(i) For each special test or special preparation, the
 750 ~~department shall charge a fee of not more than \$50 per hour.~~

751 (2) Each fee is payable to the department at the time the
 752 testing is done, regardless of whether the item tested is
 753 certified. The department may refuse to accept for testing any
 754 item deemed by the department to be unsuitable for its intended
 755 use or not to be in a condition ready for testing. The
 756 department shall deposit all fees collected under this section
 757

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758 into the General Inspection Trust Fund.

759 Section 20. Section 531.60, Florida Statutes, is amended to
760 read:

761 531.60 Permit for commercially operated or tested weights
762 or measures instrument or devices.—

763 (1) A weights and measures instrument or device may not
764 operate or be used for commercial purposes, as defined by
765 department rule, within this state without first being permitted
766 through a valid commercial use permit issued by the department
767 to the person who owns the weights and measures device, unless
768 exempted as provided in s. 531.61. Such permit applies only to
769 the specific location and instrument types or device types
770 listed on for which the permit was issued. However, the
771 department may allow such permit to be applicable to a
772 replacement for the original instrument or device.

773 (2) If ownership of a business an instrument or device for
774 which a permit has been issued changes and the instruments or
775 devices affected by the permit instrument or device:

776 (a) ~~Remain~~ Remains in the same location, the permit
777 transfers to the new owner and remains in effect until its
778 original expiration date. Within 30 days after the change in
779 ownership, the new owner shall notify the department of the
780 change and provide the pertinent information regarding the
781 change in ownership and an updated replacement permit shall be
782 issued if needed.

783 (b) ~~Move~~ Moves to a new location, the permit automatically
784 expires and a new permit must be applied for by the new owner of
785 the instruments or devices issued which will expire 1 year
786 following the date of issuance.

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787 (3) A person who holds a permit that has been issued under
788 this section must notify the department within 30 days after a
789 change in permit status or if a permit will not be renewed due
790 to the termination in use or removal of all weighing and
791 measuring instruments or devices from the permitted location
792 ~~Weights and measures instruments or devices that are not used~~
793 ~~commercially may be tested by the department under this chapter~~
794 ~~only if they are permitted and appropriate fees paid as~~
795 ~~prescribed by this section and adopted rules.~~

796 Section 21. Section 531.61, Florida Statutes, is amended to
797 read:

798 531.61 Exemptions from permit requirement.—Commercial
799 weights or measures instruments or devices are exempt from the
800 ~~permit~~ requirements of ss. 531.60-531.66 if:

801 (1) The device is a taximeter that is licensed, permitted,
802 or registered by a municipality, county, or other local
803 government and is tested for accuracy and compliance with state
804 standards by the local government in cooperation with the state
805 as authorized in s. 531.421.

806 (2) The device is used exclusively for weighing railroad
807 cars and is tested for accuracy and compliance with state
808 standards by a private testing agency.

809 (3) The device is used exclusively for measuring aviation
810 fuel or petroleum products inspected under chapter 525.

811 Section 22. Subsections (1), (2), and (4) of section
812 531.62, Florida Statutes, are amended to read:

813 531.62 Permit application and renewal.—

814 (1) An application for a ~~weights and measures~~ commercial
815 use permit shall be submitted to the department on a form

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816 prescribed and furnished by the department and must contain such
817 information as the department may require by rule.

818 (2) The application must be accompanied by a fee in an
819 amount determined by the number and types of instruments or
820 devices covered by the permit as provided by department rule.
821 However, the fee for each instrument or device listed on the
822 permit may not exceed the maximum limits set forth in s. 531.63.

823 (4) A permit expires 2 years ~~1-year~~ following its date of
824 issue and must be renewed biennially ~~annually~~. If a complete ~~an~~
825 application package for renewal is not received by the
826 department before the permit expires ~~within 30 days after its~~
827 due date, a late fee of up to \$100 must be paid in addition to
828 the annual commercial use permit fee. However, a person may
829 elect to renew a commercial use permit on an annual basis rather
830 than a biennial basis. An annual renewal must meet the same
831 requirements and conditions as a biennial renewal.

832 Section 23. Paragraph (a) of subsection (1) and subsection
833 (2) of section 531.63, Florida Statutes, are amended to read:

834 531.63 Maximum permit fees.—The commercial use permit fees
835 established for weights or measures instruments or devices shall
836 be in an amount necessary to administer this chapter but may not
837 exceed the amounts provided in this section.

838 (1) For weighing devices, the fees must be based on the
839 manufacturer's rated capacity or the device's design and use and
840 whether measuring by inch or pounds or the metric equivalent:

841 (a) For weighing devices of up to and including the 100-
842 pound capacity which are used during any portion of the period
843 covered by the permit, the maximum annual fees per category of
844 device ~~retail establishment~~ may not exceed the following:

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845	Number of devices	
846	in a single <u>category</u> retail	
847	establishment	Maximum Fee
848	1 to 5	\$60
849	6 to 10	\$150
850	11 to 30	\$200
851	More than 30	\$300
852	(2) For other measuring devices, the annual permit fees per	
853	device may not exceed the following:	
854	(a) Mass flow meters having a maximum flow rate of up to	
855	150 pounds per minute.....	\$100.
856	<u>This includes all mass flow meters used to dispense compressed</u>	
857	<u>and liquefied natural gas for retail sale.</u>	
858	(b) Mass flow meters having a maximum flow rate greater	
859	than 150 pounds per minute.....	\$500.
860	(c) Volumetric flow meters having a maximum flow rate of up	
861	to 20 gallons per minute.....	\$50.
862	<u>This includes all devices used to dispense diesel exhaust fluid</u>	
863	<u>for retail sale.</u>	
864	(d) Volumetric flow meters having a maximum flow rate	
865	greater than 20 gallons per minute.....	\$100.
866	(e) Tanks, under 500 gallons capacity, used as measure	
867	containers, with or without gage rods or markers.....	\$100.
868	(f) Tanks, 500 or more gallons capacity, used as measure	
869	containers, with or without gage rods or markers.....	\$200.
870	(g) Taximeters.....	
871	(h) Grain moisture meters.....	\$25.
872	<u>(h) (i) Multiple-dimension measuring</u>	
873	devices.....	\$100.

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874 (i) Liquefied petroleum gas bulk delivery vehicles with a
 875 meter owned or leased by a liquefied petroleum gas licensee.\$150.

876 Section 24. Section 531.65, Florida Statutes, is amended to
 877 read:

878 531.65 Unauthorized use; penalties.—If a weights or
 879 measures instrument or device is used commercially without a
 880 valid commercial use permit, the department may do one or more
 881 of the following:

882 (1) Prohibit the further commercial use of the unpermitted
 883 instrument or device until the proper permit has been issued.~~†~~

884 (2) Employ and attach to the instrument or device such
 885 form, notice, tag, or seal to prevent the continued unauthorized
 886 use of the instrument or device.~~†~~

887 (3) In addition to the permit fees prescribed by rule for
 888 the commercial use of a weights and measures instrument or
 889 device, assess the late fee authorized under s. 531.62.~~†~~~~—~~

890 (4) Impose penalties as prescribed in s. 531.50 in addition
 891 to the payment of appropriate permit fees for the commercial use
 892 of a weights and measures instrument or device.

893 Section 25. Paragraph (c) of subsection (3) of section
 894 539.001, Florida Statutes, is amended to read:

895 539.001 The Florida Pawnbroking Act.—

896 (3) LICENSE REQUIRED.—

897 (c) Each license is valid for a period of 1 year unless it
 898 is earlier relinquished, suspended, or revoked. Each license
 899 shall be renewed annually, and each licensee shall, initially
 900 and annually thereafter, pay to the agency a license fee of \$300
 901 for each license held. The agency shall waive the initial
 902 license fee for an honorably discharged veteran of the United

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903 States Armed Forces, the spouse of such a veteran, or a business
 904 entity that has a majority ownership held by such a veteran or
 905 spouse if the agency receives an application, in a format
 906 prescribed by the agency, within 60 months after the date of the
 907 veteran's discharge from any branch of the United States Armed
 908 Forces. To qualify for the waiver, a veteran must provide to the
 909 agency a copy of his or her DD Form 214, as issued by the United
 910 States Department of Defense, or another acceptable form of
 911 identification as specified by the Department of Veterans'
 912 Affairs; the spouse of a veteran must provide to the agency a
 913 copy of the veteran's DD Form 214, as issued by the United
 914 States Department of Defense, or another acceptable form of
 915 identification as specified by the Department of Veterans'
 916 Affairs, and a copy of a valid marriage license or certificate
 917 verifying that he or she was lawfully married to the veteran at
 918 the time of discharge; or a business entity must provide to the
 919 agency proof that a veteran or the spouse of a veteran holds a
 920 majority ownership in the business, a copy of the veteran's DD
 921 Form 214, as issued by the United States Department of Defense,
 922 or another acceptable form of identification as specified by the
 923 Department of Veterans' Affairs, and, if applicable, a copy of a
 924 valid marriage license or certificate verifying that the spouse
 925 of the veteran was lawfully married to the veteran at the time
 926 of discharge.

927 Section 26. Subsection (3) of section 559.904, Florida
 928 Statutes, is amended to read:

929 559.904 Motor vehicle repair shop registration;
 930 application; exemption.—

931 (3)(a) Each application for registration must be

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932 accompanied by a registration fee calculated on a per-year basis
933 as follows:

- 934 ~~1.(a)~~ If the place of business has 1 to 5 employees: \$50.
935 ~~2.(b)~~ If the place of business has 6 to 10 employees: \$150.
936 ~~3.(c)~~ If the place of business has 11 or more employees:
937 \$300.

938 (b) The department shall waive the initial registration fee
939 for an honorably discharged veteran of the United States Armed
940 Forces, the spouse of such a veteran, or a business entity that
941 has a majority ownership held by such a veteran or spouse if the
942 department receives an application, in a format prescribed by
943 the department, within 60 months after the date of the veteran's
944 discharge from any branch of the United States Armed Forces. To
945 qualify for the waiver, a veteran must provide to the department
946 a copy of his or her DD Form 214, as issued by the United States
947 Department of Defense, or another acceptable form of
948 identification as specified by the Department of Veterans'
949 Affairs; the spouse of a veteran must provide to the department
950 a copy of the veteran's DD Form 214, as issued by the United
951 States Department of Defense, or another acceptable form of
952 identification as specified by the Department of Veterans'
953 Affairs, and a copy of a valid marriage license or certificate
954 verifying that he or she was lawfully married to the veteran at
955 the time of discharge; or a business entity must provide to the
956 department proof that a veteran or the spouse of a veteran holds
957 a majority ownership in the business, a copy of the veteran's DD
958 Form 214, as issued by the United States Department of Defense
959 or another acceptable form of identification as specified by the
960 Department of Veterans' Affairs, and, if applicable, a copy of a

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961 valid marriage license or certificate verifying that the spouse
962 of the veteran was lawfully married to the veteran at the time
963 of discharge.

964 Section 27. Subsections (1), (7), (8), (10), (11), and (13)
965 of section 559.927, Florida Statutes, are amended to read:

966 559.927 Definitions.—For the purposes of this part, the
967 term:

968 (1) "Accommodations" means any hotel or motel room,
969 condominium or cooperative unit, cabin, lodge, or apartment; any
970 other commercial structure designed for occupancy by one or more
971 individuals; or any lodging establishment as provided by law.
972 The term does not include long-term home rentals covered under a
973 lease pursuant to chapter 83.

974 (7) "Prearranged travel ~~or~~ tourist-related services, ~~or~~
975 ~~tour guide services~~" includes, but is not limited to, car
976 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other
977 such services that which are reasonably related to air, sea,
978 rail, motor coach, or other medium of transportation, or
979 accommodations for which a purchaser receives a premium or
980 contracts or pays ~~before~~ prior to or after departure. This term
981 ~~These terms~~ also includes ~~include~~ services for which a
982 purchaser, whose legal residence is outside the United States,
983 contracts or pays ~~before~~ prior to departure, and any arrangement
984 by which a purchaser prepays for, receives a reservation or any
985 other commitment to provide services ~~before~~ prior to departure
986 for, or otherwise arranges for travel directly to a terrorist
987 state and which originates in Florida.

988 (8) "Purchaser" means the purchaser of, or person otherwise
989 entitled to receive, prearranged travel ~~or~~ tourist-related

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990 services, ~~or tour guide services~~, for a fee or commission, or
 991 who has acquired a vacation certificate for personal use.

992 (10) "Satisfactory consumer complaint history" means no
 993 unresolved complaints regarding prearranged travel ~~or~~, tourist-
 994 related services, ~~or tour guide services~~ are on file with the
 995 department. A complaint is unresolved when a seller of travel
 996 does not respond to the department's efforts to mediate the
 997 complaint or a complaint where the department has determined
 998 that a violation of this part has occurred and the complainant
 999 ~~complaint~~ has not been satisfied by the seller of travel.

1000 (11) "Seller of travel" means any ~~resident or nonresident~~
 1001 person, firm, corporation, or business entity who offers for
 1002 sale, directly or indirectly, at wholesale or retail,
 1003 prearranged travel ~~or~~, tourist-related services, ~~or tour guide~~
 1004 ~~services~~ for individuals or groups, including, but not limited
 1005 to, vacation ~~or tour~~ packages, or vacation certificates in
 1006 exchange for a fee, commission, or other valuable consideration.
 1007 The term includes any business entity offering membership in a
 1008 travel club or travel services for an advance fee or payment,
 1009 even if no travel contracts or certificates or vacation or tour
 1010 packages are sold by the business entity.

1011 (13) "Vacation certificate" means any advance travel
 1012 purchase arrangement, plan, program, or vacation package that
 1013 ~~promotes, discusses, or discloses a destination or itinerary or~~
 1014 ~~type of travel~~, whereby a purchaser ~~for consideration paid in~~
 1015 ~~advance~~ is entitled to the use of travel, accommodations, or
 1016 facilities for any number of days, whether certain or uncertain,
 1017 during the period in which the certificate can be exercised, and
 1018 no specific date or dates for its use are designated. A vacation

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1019 certificate does not include prearranged travel ~~or~~, tourist-
 1020 related services, ~~or tour guide services~~ when a seller of travel
 1021 remits full payment for the cost of such services to the
 1022 provider or supplier within 10 business days of the purchaser's
 1023 initial payment to the seller of travel. The term does not
 1024 include travel if exact travel dates are selected, guaranteed,
 1025 and paid for at the time of the purchase.

1026 Section 28. Section 559.928, Florida Statutes, is amended
 1027 to read:

1028 559.928 Registration.-

1029 (1) Each seller of travel shall annually register with the
 1030 department, providing: its legal business or trade name, mailing
 1031 address, and business locations; the full names, addresses, and
 1032 telephone numbers of its owners or corporate officers and
 1033 directors and the Florida agent of the corporation; a statement
 1034 whether it is a domestic or foreign corporation, its state and
 1035 date of incorporation, its charter number, and, if a foreign
 1036 corporation, the date it registered with this state, and
 1037 business tax receipt where applicable; ~~the date on which a~~
 1038 ~~seller of travel registered its fictitious name if the seller of~~
 1039 ~~travel is operating under a fictitious or trade name;~~ the name
 1040 of all other corporations, business entities, and trade names
 1041 through which each owner of the seller of travel operated, was
 1042 known, or did business as a seller of travel within the
 1043 preceding 5 years; a list of all authorized independent agents,
 1044 including the agent's trade name, full name, mailing address,
 1045 business address, and telephone numbers; the business location
 1046 and address of each branch office and full name and address of
 1047 the manager or supervisor; the certification required under s.

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1048 559.9285; and proof of purchase of adequate bond as required in
 1049 this part. A certificate evidencing proof of registration shall
 1050 be issued by the department and must be prominently displayed in
 1051 the seller of travel's primary place of business.

1052 (2) (a) Registration fees shall be as follows:

1053 1. Three hundred dollars per year per registrant certifying
 1054 its business activities under s. 559.9285(1) (a).

1055 2. One thousand dollars per year per registrant certifying
 1056 its business activities under s. 559.9285(1) (b).

1057 3. Twenty-five hundred dollars per year per registrant
 1058 certifying its business activities under s. 559.9285(1) (c).

1059 (b) All amounts collected shall be deposited by the Chief
 1060 Financial Officer to the credit of the General Inspection Trust
 1061 Fund of the Department of Agriculture and Consumer Services
 1062 pursuant to s. 570.20, for the sole purpose of administration of
 1063 this part.

1064 (c) The department shall waive the initial registration fee
 1065 for an honorably discharged veteran of the United States Armed
 1066 Forces, the spouse of such a veteran, or a business entity that
 1067 has a majority ownership held by such a veteran or spouse if the
 1068 department receives an application, in a format prescribed by
 1069 the department, within 60 months after the date of the veteran's
 1070 discharge from any branch of the United States Armed Forces. To
 1071 qualify for the waiver, a veteran must provide to the department
 1072 a copy of his or her DD Form 214, as issued by the United States
 1073 Department of Defense, or another acceptable form of
 1074 identification as specified by the Department of Veterans'
 1075 Affairs; the spouse of a veteran must provide to the department
 1076 a copy of the veteran's DD Form 214, as issued by the United

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1077 States Department of Defense, or another acceptable form of
 1078 identification as specified by the Department of Veterans'
 1079 Affairs, and a copy of a valid marriage license or certificate
 1080 verifying that he or she was lawfully married to the veteran at
 1081 the time of discharge; or a business entity must provide to the
 1082 department proof that a veteran or the spouse of a veteran holds
 1083 a majority ownership in the business, a copy of the veteran's DD
 1084 Form 214, as issued by the United States Department of Defense,
 1085 or another acceptable form of identification as specified by the
 1086 Department of Veterans' Affairs, and, if applicable, a copy of a
 1087 valid marriage license or certificate verifying that the spouse
 1088 of the veteran was lawfully married to the veteran at the time
 1089 of discharge.

1090 (3) Each independent agent shall annually file an affidavit
 1091 with the department before ~~prior to~~ engaging in business in this
 1092 state. This affidavit must include the independent agent's full
 1093 name, legal business or trade name, mailing address, business
 1094 address, telephone number, and the name and address of each
 1095 seller of travel represented by the independent agent. A letter
 1096 evidencing proof of filing must be issued by the department and
 1097 must be prominently displayed in the independent agent's primary
 1098 place of business. Each independent agent must also submit an
 1099 annual registration fee of \$50. All moneys collected pursuant to
 1100 the imposition of the fee shall be deposited by the Chief
 1101 Financial Officer into the General Inspection Trust Fund of the
 1102 Department of Agriculture and Consumer Services for the sole
 1103 purpose of administrating this part. As used in this subsection,
 1104 the term "independent agent" means a person who represents a
 1105 seller of travel by soliciting persons on its behalf; who has a

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1106 written contract with a seller of travel which is operating in
 1107 compliance with this part and any rules adopted thereunder; who
 1108 does not receive a fee, commission, or other valuable
 1109 consideration directly from the purchaser for the seller of
 1110 travel; who does not at any time have any unissued ticket stock
 1111 or travel documents in his or her possession; and who does not
 1112 have the ability to issue tickets, vacation certificates, or any
 1113 other travel document. The term "independent agent" does not
 1114 include an affiliate of the seller of travel, as that term is
 1115 used in s. 559.935(3), or the employees of the seller of travel
 1116 or of such affiliates.

1117 (4) Any person applying for or renewing a local business
 1118 tax receipt to engage in business as a seller of travel must
 1119 exhibit a current registration certificate from the department
 1120 before the local business tax receipt may be issued or reissued.

1121 (5) Each contract, advertisement, or certificate, or any
 1122 other travel document, of a seller of travel must include the
 1123 phrase "...(NAME OF FIRM)... is registered with the State of
 1124 Florida as a Seller of Travel. Registration No....."

1125 ~~(6) Each advertisement of a seller of travel must include~~
 1126 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

1127 ~~(6)(7) A~~ registration is not ~~shall be~~ valid for any
 1128 seller of travel transacting business at any place other than
 1129 that designated in its application, unless the department is
 1130 first notified in writing in advance of any change of location.
 1131 ~~A Nor shall the~~ registration is not ~~be~~ valid for an affiliate of
 1132 the seller of travel who engages in the prearranged travel and
 1133 tourist business. A registration issued under this part may
 1134 ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not

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1135 be permitted to conduct business under more than one name except
 1136 as registered. A seller of travel desiring to change its
 1137 registered name or location or designated agent for service of
 1138 process at a time other than upon renewal of registration shall
 1139 notify the department of such change.

1140 ~~(7)(8)~~ Applications under this section are ~~shall be~~ subject
 1141 to ~~the provisions of~~ s. 120.60.

1142 ~~(8)(9)~~ The department may deny, ~~or~~ refuse to renew, or
 1143 revoke the registration of any seller of travel based upon a
 1144 determination that the seller of travel, or any of its
 1145 directors, officers, owners, or general partners:

1146 (a) Has failed to meet the requirements for registration as
 1147 provided in this part;

1148 (b) Has been convicted of a crime involving fraud, theft,
 1149 embezzlement, dishonest dealing, or any other act of moral
 1150 turpitude or any other act arising out of conduct as a seller of
 1151 travel;

1152 (c) Has not satisfied a civil fine or penalty arising out
 1153 of any administrative or enforcement action brought by any
 1154 governmental agency or private person based upon conduct
 1155 involving fraud, theft, embezzlement, dishonest dealing, or any
 1156 violation of this part;

1157 (d) Has pending against her or him any criminal,
 1158 administrative, or enforcement proceedings in any jurisdiction,
 1159 based upon conduct involving fraud, theft, embezzlement,
 1160 dishonest dealing, or any other act of moral turpitude or any
 1161 other act arising out of conduct as a seller of travel; or

1162 (e) Has had a judgment entered against her or him in any
 1163 action brought by the department or the Department of Legal

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1164 Affairs pursuant to ss. 501.201-501.213 or this act part.
 1165 Section 29. Subsections (2) and (6) of section 559.929,
 1166 Florida Statutes, are amended to read:
 1167 559.929 Security requirements.—
 1168 (2) The bond must be filed with the department on a form
 1169 adopted by department rule and must be in favor of the
 1170 department for the use and benefit of a traveler who is injured
 1171 by the fraud, misrepresentation, breach of contract, or
 1172 financial failure, or any other violation of this part by the
 1173 seller of travel. Such liability may be enforced by proceeding
 1174 in an administrative action as specified in subsection (3) or by
 1175 filing a civil action. However, in such civil action the bond
 1176 posted with the department may shall not be amenable or subject
 1177 to a judgment or other legal process issuing out of or from such
 1178 court in connection with such civil action, but such bond shall
 1179 be amenable to and enforceable only by and through
 1180 administrative proceedings before the department. It is the
 1181 intent of the Legislature that such bond be applicable and
 1182 liable only for the payment of claims duly adjudicated by order
 1183 of the department. The bond must be open to successive claims,
 1184 but the aggregate amount awarded may not exceed the amount of
 1185 the bond. In addition to the foregoing, a bond provided by a
 1186 registrant or applicant for registration which certifies its
 1187 business activities under s. 559.9285(1)(b) or (c) must be in
 1188 favor of the department, with payment in the following order of
 1189 priority:
 1190 (a) The expenses for prosecuting the registrant or
 1191 applicant in an administrative or civil action under this part,
 1192 including attorney fees and fees for other professionals, court

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1193 costs or other costs of the proceedings, and all other expenses
 1194 incidental to the action.
 1195 (b) The costs and expenses of investigation before the
 1196 commencement of an administrative or civil action under this
 1197 part.
 1198 (c) An unpaid administrative fine imposed by final order or
 1199 an unpaid civil penalty imposed by final judgment under this
 1200 part.
 1201 (d) Damages or compensation for a traveler injured as
 1202 provided in this subsection.
 1203 (6) The department may waive the bond requirement on an
 1204 annual basis if the seller of travel has had 5 or more
 1205 consecutive years of experience as a seller of travel in this
 1206 state in compliance with this part, has not had a civil,
 1207 criminal, or administrative action instituted against the seller
 1208 of travel in the vacation and travel business by a governmental
 1209 agency or an action involving fraud, theft, misappropriation of
 1210 property, violation of a statute pertaining to business or
 1211 commerce with a terrorist state, ~~or~~ moral turpitude, or other
 1212 violation of this part and has a satisfactory consumer complaint
 1213 history with the department, and certifies its business
 1214 activities under s. 559.9285. Such waiver may be revoked if the
 1215 seller of travel violates this part. A seller of travel which
 1216 certifies its business activities under s. 559.9285(1)(b) or (c)
 1217 is not entitled to the waiver provided in this subsection.
 1218 Section 30. Subsections (10), (14), and (17) of section
 1219 559.9295, Florida Statutes, are amended to read:
 1220 559.9295 Submission of vacation certificate documents.—
 1221 Sellers of travel who offer vacation certificates must submit

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1222 and disclose to the department with the application for
 1223 registration, and any time such document is changed, but prior
 1224 to the sale of any vacation certificate, the following
 1225 materials:

1226 ~~(10) A statement of the number of certificates to be issued~~
 1227 ~~and the date of their expiration.~~

1228 (13)(14) A listing of the full name, address, and telephone
 1229 number of each person through which the distribution and sale of
 1230 vacation certificates is to be carried out, ~~including the number~~
 1231 ~~of vacation certificates allocated or sold to each such person~~
 1232 and the name and address of a Florida registered agent for
 1233 service of process.

1234 ~~(17) Within 10 working days after receipt of any materials~~
 1235 ~~submitted subsequent to filing an initial registration~~
 1236 ~~application or any annual renewal thereof, the department shall~~
 1237 ~~determine whether such materials are adequate to meet the~~
 1238 ~~requirements of this section. The department shall notify the~~
 1239 ~~seller of travel that materials submitted are in substantial~~
 1240 ~~compliance, or shall notify the seller of travel of any specific~~
 1241 ~~deficiencies. If the department fails to notify the seller of~~
 1242 ~~travel of its determination within the period specified in this~~
 1243 ~~subsection, the materials shall be deemed in compliance,~~
 1244 ~~however, the failure of the department to send notification in~~
 1245 ~~either case will not relieve the seller of travel from the duty~~
 1246 ~~of complying with this section. Neither the submission of these~~
 1247 ~~materials nor the department's response implies approval,~~
 1248 ~~recommendation, or endorsement by the department or that the~~
 1249 ~~contents of said materials have been verified by the department.~~

1250 Section 31. Section 559.932, Florida Statutes, is amended

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1251 to read:

1252 559.932 Vacation certificate disclosure.—

1253 (1) ~~A~~ It shall be unlawful for any seller of travel ~~to~~
 1254 ~~fail to~~ provide each person solicited with a contract that
 1255 includes which shall include the following in a 10-point font,
 1256 unless otherwise specified:

1257 (a) A space for the date, name, address, and signature of
 1258 the purchaser.

1259 (b) The expiration date of the vacation certificate and the
 1260 terms and conditions of its extension or renewal, if available.

1261 (c) The name and business address of any seller of travel
 1262 who may solicit vacation certificate purchasers for further
 1263 purchases, and a full and complete statement as to the nature
 1264 and method of that solicitation.

1265 (d) The total financial obligation of the purchaser which
 1266 shall include the initial purchase price and any additional
 1267 charges to which the purchaser may be subject, including, but
 1268 not limited to, any per diem, seasonal, reservation, or
 1269 recreational charge.

1270 (e) The name and street address of any person who has the
 1271 right to alter, amend, or add to the charges to which the
 1272 purchaser may be subject and the terms and conditions under
 1273 which such charges may be imposed.

1274 (f) If any accommodation or facility which a purchaser
 1275 acquires the right to use pursuant to the vacation certificate
 1276 is not completed at the time the certificate is offered for
 1277 sale, the date of availability of each component of the
 1278 accommodation or facility.

1279 (g) By means of a section entitled "terms and conditions":

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1280 1. All eligibility requirements for use of the vacation
1281 certificate, including, but not limited to, age, sex, marital
1282 status, group association, residency, or geographic limitations.

1283 2. All eligibility requirements for use of any discount or
1284 complimentary coupon or ticket.

1285 3. A statement as to whether transportation and meals are
1286 provided pursuant to use of the certificate.

1287 4. Any room deposit requirement, including all conditions
1288 for its return or refund.

1289 5. The manner in which reservation requests are to be made
1290 and the method by which they are to be confirmed.

1291 6. Any identification, credential, or other means by which
1292 a purchaser must establish her or his entitlement to the rights,
1293 benefits, or privileges of the vacation certificate.

1294 7. Any restriction or limitation upon transfer of the
1295 vacation certificate or any right, benefit, or privilege
1296 thereunder.

1297 8. Any other term, limitation, condition, or requirement
1298 material to use of the vacation certificate or any right,
1299 benefit, or privilege thereunder.

1300 (h) In immediate proximity to the space reserved in the
1301 contract for the date and the name, address, and signature of
1302 the purchaser, the following statement in boldfaced type of a
1303 size of 10 points:

1304
1305 "YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR
1306 OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT
1307 OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER."

1308 "YOU MAY ALSO CANCEL THIS CONTRACT IF ACCOMMODATIONS OR

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1309 FACILITIES ARE NOT AVAILABLE PURSUANT TO A REQUEST FOR USE AS
1310 PROVIDED IN THE CONTRACT."

1311 "IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN
1312 WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE
1313 AND SENDING NOTICE TO: ... (NAME OF SELLER)... AT ... (SELLER'S
1314 ADDRESS)...."

1315
1316 (i) In immediate proximity to the statement required in
1317 paragraph (h), the following statement in boldfaced type of a
1318 size of 12 ~~10~~ points:

1319
1320 "NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN
1321 THOSE INCLUDED IN THIS CONTRACT."

1322
1323 However, inclusion of this statement shall not impair any
1324 purchaser's right to bring legal action based on verbal
1325 statements.

1326 (j) In immediate proximity to the statement required in
1327 paragraph (i), the following statement:

1328 "This contract is for the purchase of a vacation
1329 certificate and puts all assignees on notice of the consumer's
1330 right to cancel under section 559.933, Florida Statutes."

1331 (2) If a sale or agreement to purchase a vacation
1332 certificate is completed over the telephone, the seller shall
1333 inform the purchaser over the telephone that:

1334 (a) The purchaser may cancel the contract without any
1335 penalty or obligation within 30 days from the date of purchase
1336 or receipt of the vacation certificate, whichever occurs later.

1337 (b) The purchaser may also cancel the contract if

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1338 accommodations or facilities are not available upon request for
1339 use as provided in the contract.

1340 (3) Upon receipt of a copy of a vacation certificate or
1341 contract required pursuant to s. 559.9295, the department must
1342 review the certificate or contract for compliance with the
1343 disclosures required under this section.

1344 Section 32. Section 559.933, Florida Statutes, is amended
1345 to read:

1346 559.933 Vacation certificate cancellation and refund
1347 provisions.-

1348 (1) A ~~It shall be unlawful for any~~ seller of travel or
1349 assignee ~~must~~ honor a purchaser's request to cancel a vacation
1350 certificate if such request is made:

1351 ~~(1) To fail or refuse to honor a purchaser's vacation~~
1352 ~~certificate request to cancel if such request is made.~~

1353 (a) Within 30 days after ~~from~~ the date of purchase or
1354 receipt of the vacation certificate, whichever occurs later; or

1355 (b) At any time accommodations or facilities are not
1356 available pursuant to a request for use as provided in the
1357 contract, provided that:

1358 1. The contract may ~~shall~~ not require notice greater than
1359 60 days in advance of the date requested for use;

1360 2. If acceptable to the purchaser, comparable alternate
1361 accommodations or facilities in a city, or reservations for a
1362 date different than that requested, may be provided.

1363 (2) A seller of travel or assignee must ~~To fail to~~ refund
1364 any and all payments made by the vacation certificate purchaser
1365 within 30 days after receipt of the certificate and notice of
1366 cancellation made pursuant to this section, if the purchaser has

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1367 not received any benefits pursuant to the vacation certificate.

1368 (3) A seller of travel or assignee must, if the purchaser
1369 has received any benefits pursuant to the vacation certificate,
1370 ~~to fail to~~ refund within 30 days after receipt of the
1371 certificate and notice of cancellation made pursuant to this
1372 section any and all payments made by the purchaser which exceed
1373 a pro rata portion of the total price, representing the portion
1374 of any benefits actually received by the vacation certificate
1375 purchaser during the time preceding cancellation.

1376 (4) If ~~where~~ any purchaser has received confirmation of
1377 reservations in advance and is refused accommodations upon
1378 arrival, a seller of travel or assignee must ~~to fail to~~ procure
1379 comparable alternate accommodations for the purchaser in the
1380 same city at no expense to the purchaser, or ~~to fail to~~ fully
1381 compensate the purchaser for the room rate incurred in securing
1382 comparable alternate accommodations himself or herself.

1383 (5) A seller of travel or assignee may not ~~to~~ collect more
1384 than the full contract price from the purchaser.

1385 (6) A seller of travel or assignee may not ~~to~~ sell, assign,
1386 or otherwise transfer any interest in a seller of travel
1387 business, or ~~to~~ sell, assign, or otherwise transfer to a third
1388 party any interest in any vacation certificate unless:

1389 (a) The third party agrees in writing to fully honor the
1390 rights of vacation certificate purchasers to cancel and to
1391 receive an appropriate refund or reimbursement as provided in
1392 this section.

1393 (b) The third party agrees in writing to comply with all
1394 other provisions of this part for as long as the third party
1395 continues the sale of vacation certificates or for the duration

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1396 of the period of validity of outstanding vacation certificates,
1397 whichever is longer in time.

1398 (c) The seller of travel agrees to be liable for and fully
1399 indemnify a purchaser from any loss occasioned by the failure of
1400 the third party to honor the purchaser's right to cancel and
1401 failure to make prompt and complete refund to the purchaser of
1402 all sums paid to the third party, or occasioned by the third
1403 party's failure to comply with the provisions of this part.

1404 (7) A seller of travel or assignee must ~~To fail to fulfill~~
1405 the terms of a vacation certificate within 18 months after ~~of~~
1406 the initial payment of any consideration by the purchaser to a
1407 seller of travel or third party.

1408 Section 33. Section 559.9335, Florida Statutes, is amended
1409 to read:

1410 559.9335 Violations.—It is a violation of this part for any
1411 seller of travel, independent agent, or other person:

1412 (1) To conduct business as a seller of travel without
1413 registering annually with the department unless exempt pursuant
1414 to s. 559.935.

1415 (2) To conduct business as a seller of travel without an
1416 annual purchase of a performance bond in the amount set by the
1417 department unless exempt pursuant to s. 559.935.

1418 (3) Knowingly to make any false statement, representation,
1419 or certification in any application, document, or record
1420 required to be submitted or retained under this part or in any
1421 response to an inquiry or investigation conducted by the
1422 department or any other governmental agency.

1423 (4) Knowingly to sell or market any ~~number of~~ vacation
1424 certificates that exceed the accommodations available at the

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1425 time of sale ~~the number disclosed to the department pursuant to~~
1426 ~~this section.~~

1427 (5) Knowingly to sell or market vacation certificates with
1428 an expiration date of more than 18 months from the date of
1429 issuance.

1430 ~~(6) Knowingly to require, request, encourage, or suggest,~~
1431 ~~directly or indirectly, that payment for the right to obtain a~~
1432 ~~travel contract, certificate, or vacation package must be by~~
1433 ~~credit card authorization or to otherwise announce a preference~~
1434 ~~for that method of payment over any other when no correct and~~
1435 ~~true explanation for such preference is likewise stated.~~

1436 ~~(6)(7)~~ Knowingly to state, represent, indicate, suggest, or
1437 imply, directly or indirectly, that the travel contract,
1438 certificate, or vacation package being offered by the seller of
1439 travel cannot be purchased at some later time or may not
1440 otherwise be available after the initial contact, or that
1441 callbacks by the prospective purchaser are not accepted, when no
1442 such restrictions or limitations in fact exist.

1443 ~~(7)(8)~~ To misrepresent ~~in any manner~~ the purchaser's right
1444 to cancel and to receive an appropriate refund or reimbursement
1445 as provided by this part.

1446 ~~(8)(9)~~ To sell any vacation certificate the duration of
1447 which exceeds the duration of any agreement between the seller
1448 and any business entity obligated thereby to provide
1449 accommodations or facilities pursuant to the vacation
1450 certificate.

1451 ~~(9)(10)~~ To misrepresent or deceptively represent:

1452 (a) The amount of time or period of time accommodations or
1453 facilities will be available.

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1454 (b) The location of accommodations or facilities offered.

1455 (c) The price, size, nature, extent, qualities, or

1456 characteristics of accommodations or facilities offered.

1457 (d) The nature or extent of other goods, services, or

1458 amenities offered.

1459 (e) A purchaser's rights, privileges, or benefits.

1460 (f) The conditions under which the purchaser may obtain a

1461 reservation for the use of offered accommodations or facilities.

1462 (g) That the recipient of an advertisement or promotional

1463 materials is a winner, or has been selected, or is otherwise

1464 being involved in a select group for receipt, of a gift, award,

1465 or prize, unless this fact is the truth.

1466 (10)~~(11)~~ To fail to inform a purchaser of a nonrefundable

1467 cancellation policy before ~~prior to~~ the seller of travel

1468 accepting any fee, commission, or other valuable consideration.

1469 ~~(12) To fail to include, when offering to sell a vacation~~

1470 ~~certificate, in any advertisement or promotional material, the~~

1471 ~~following statement: "This is an offer to sell travel."~~

1472 (11)~~(13)~~ To fail to honor and comply with all provisions of

1473 the vacation certificate regarding the purchaser's rights,

1474 benefits, and privileges thereunder.

1475 (12)~~(14)~~ (a) To include in any vacation certificate or

1476 contract any provision purporting to waive or limit any right or

1477 benefit provided to purchasers under this part; or

1478 (b) To seek or solicit such waiver or acceptance of

1479 limitation from a purchaser concerning rights or benefits

1480 provided under this part.

1481 (13)~~(15)~~ To offer vacation certificates for any

1482 accommodation or facility for which there is no contract with

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1483 the owner of the accommodation or facility securing the

1484 purchaser's right to occupancy and use, unless the seller is the

1485 owner.

1486 ~~(16) To use a local mailing address, registration facility,~~

1487 ~~drop box, or answering service in the promotion, advertising,~~

1488 ~~solicitation, or sale of vacation certificates, unless the~~

1489 ~~seller's fixed business address is clearly disclosed during any~~

1490 ~~telephone solicitation and is prominently and conspicuously~~

1491 ~~disclosed on all solicitation materials and on the contract.~~

1492 (14)~~(17)~~ To use any registered trademark, trade name, or

1493 trade logo in any promotional, advertising, or solicitation

1494 materials without written authorization from the holder of such

1495 trademark, trade name, or trade logo.

1496 (15)~~(18)~~ To represent, directly or by implication, any

1497 affiliation with, or endorsement by, any governmental,

1498 charitable, educational, medical, religious, fraternal, or civic

1499 organization or body, or any individual, in the promotion,

1500 advertisement, solicitation, or sale of vacation certificates

1501 without express written authorization.

1502 (16)~~(19)~~ To sell a vacation certificate to any purchaser

1503 who is ineligible for its use.

1504 ~~(20) To sell any number of vacation certificates exceeding~~

1505 ~~the number disclosed pursuant to this part.~~

1506 (17)~~(21)~~ During the period of a vacation certificate's

1507 validity, in the event, for any reason whatsoever, of lapse or

1508 breach of an agreement for the provision of accommodations or

1509 facilities to purchasers, to fail to procure similar agreement

1510 for the provision of comparable alternate accommodations or

1511 facilities in the same city or surrounding area.

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1512 ~~(18)(22)~~ To offer to sell, at wholesale or retail,
 1513 prearranged travel ~~or~~ tourist-related services, ~~or tour-guide~~
 1514 ~~services~~ for individuals or groups directly to any terrorist
 1515 state and which originate in Florida, without disclosing such
 1516 business activities in a certification filed under s.
 1517 559.9285(1)(b) or (c).

1518 ~~(19)(23)~~ To violate any state or federal law restricting or
 1519 prohibiting commerce with terrorist states.

1520 ~~(20)(24)~~ To engage in ~~do~~ any other fraudulent action that
 1521 ~~act which~~ constitutes fraud, misrepresentation, or failure to
 1522 disclose a material fact, or to commit any other violation of,
 1523 or fail to comply with, this part.

1524 ~~(21)(25)~~ To refuse or fail, or for any of its principal
 1525 officers to refuse or fail, after notice, to produce any
 1526 document or record or disclose any information required to be
 1527 produced or disclosed.

1528 ~~(22)(26)~~ Knowingly to make a material false statement in
 1529 response to any request or investigation by the department, the
 1530 Department of Legal Affairs, or the state attorney.

1531 Section 34. Subsections (3) and (4) of section 559.935,
 1532 Florida Statutes, are amended to read:

1533 559.935 Exemptions.—

1534 (3) Sections 559.928, 559.929, 559.9295, 559.931, and
 1535 559.932 ~~shall~~ also do not apply to a seller of travel that is an
 1536 affiliate of an entity exempt pursuant to subsection (2) subject
 1537 to the following conditions:

1538 (a) ~~If in the event~~ the department finds the affiliate does
 1539 not have a satisfactory consumer complaint history or the
 1540 affiliate fails to respond to a consumer complaint within 30

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1541 days, the related seller of travel exempt pursuant to subsection
 1542 (2) is shall be liable for the actions of the affiliate, subject
 1543 to the remedies provided in ss. 559.9355 and 559.936.

1544 (b) ~~If in the event~~ the department is unable to locate an
 1545 affiliate, the related seller of travel exempt pursuant to
 1546 subsection (2) is shall be fully liable for the actions of the
 1547 affiliate, subject to the remedies provided in ss. 559.9355 and
 1548 559.936.

1549 ~~(c) In order to obtain an exemption under this subsection,~~
 1550 ~~the affiliate shall file an affidavit of exemption on a form~~
 1551 ~~prescribed by the department and shall certify its business~~
 1552 ~~activities under s. 559.9285(1)(a). The affidavit of exemption~~
 1553 ~~shall be executed by a person who exercises identical control~~
 1554 ~~over the seller of travel exempt pursuant to subsection (2) and~~
 1555 ~~the affiliate. Failure to file an affidavit of exemption or~~
 1556 ~~certification under s. 559.9285(1)(a) prior to engaging in~~
 1557 ~~seller of travel activities shall subject the affiliate to the~~
 1558 ~~remedies provided in ss. 559.9355 and 559.936.~~

1559 ~~(c)(d)~~ Revocation by the department of an exemption
 1560 provided to a seller of travel under subsection (2) shall
 1561 constitute automatic revocation by law of an exemption obtained
 1562 by an affiliate under the subsection.

1563 ~~(d)(e)~~ This subsection does shall not apply to:

1564 1. An affiliate that independently qualifies for another
 1565 exemption under this section.

1566 2. An affiliate that sells, or offers for sale, vacation
 1567 certificates.

1568 3. An affiliate that certifies its business activities
 1569 under s. 559.9285(1)(b) or (c).

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1570 ~~(e)(f)~~ For purposes of this section, the term an
 1571 "affiliate" means an entity that meets the following:
 1572 1. The entity has the identical ownership as the seller of
 1573 travel that is exempt under subsection (2).
 1574 2. The ownership controlling the seller of travel that is
 1575 exempt under subsection (2) also exercises identical control
 1576 over the entity.
 1577 3. The owners of the affiliate hold the identical
 1578 percentage of voting shares as they hold in the seller of travel
 1579 that is exempt under subsection (2).
 1580 (4) The department may revoke the exemption provided in
 1581 subsection (2) or subsection (3) if the department finds that
 1582 the seller of travel does not have a satisfactory consumer
 1583 complaint history, has been convicted of a crime involving
 1584 fraud, theft, embezzlement, misappropriation of property,
 1585 deceptive or unfair trade practices, or moral turpitude, or has
 1586 not complied with the terms of any order or settlement agreement
 1587 arising out of an administrative or enforcement action brought
 1588 by a governmental agency or private person based on conduct
 1589 involving fraud, theft, embezzlement, misappropriation of
 1590 property, deceptive or unfair trade practices, or moral
 1591 turpitude.
 1592 Section 35. Subsection (3) of section 559.936, Florida
 1593 Statutes, is amended to read:
 1594 559.936 Civil penalties; remedies.—
 1595 (3) The department may seek a civil penalty in the Class
 1596 III category pursuant to s. 570.971 for each act or omission in
 1597 violation of s. 559.9335(18) or (19) ~~s. 559.9335(22) or (23)~~.
 1598 Section 36. Paragraph (b) of subsection (5), paragraph (a)

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1599 of subsection (10), and subsections (15) and (16) of section
 1600 616.242, Florida Statutes, are amended to read:
 1601 616.242 Safety standards for amusement rides.—
 1602 (5) ANNUAL PERMIT.—
 1603 (b) To apply for an annual permit, an owner must submit to
 1604 the department a written application on a form prescribed by
 1605 rule of the department, which must include the following:
 1606 1. The legal name, address, and primary place of business
 1607 of the owner.
 1608 2. A description, manufacturer's name, serial number, model
 1609 number and, if previously assigned, the United States Amusement
 1610 Identification Number of the amusement ride.
 1611 3. A valid certificate of insurance ~~or bond~~ for each
 1612 amusement ride.
 1613 4. An affidavit of compliance that the amusement ride was
 1614 inspected in person by the affiant and that the amusement ride
 1615 is in general conformance with the requirements of this section
 1616 and all applicable rules adopted by the department. The
 1617 affidavit must be executed by a professional engineer or a
 1618 qualified inspector no earlier than 60 days before, but not
 1619 later than, the date of the filing of the application with the
 1620 department. The owner shall request inspection and permitting of
 1621 the amusement ride within 60 days of the date of filing the
 1622 application with the department. The department shall inspect
 1623 and permit the amusement ride within 60 days after filing the
 1624 application with the department.
 1625 5. If required by subsection (6), an affidavit of
 1626 nondestructive testing dated and executed no earlier than 60
 1627 days before ~~prior to~~, but not later than, the date of the filing

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1628 of the application with the department. The owner shall request
 1629 inspection and permitting of the amusement ride within 60 days
 1630 of the date of filing the application with the department. The
 1631 department shall inspect and permit the amusement ride within 60
 1632 days after filing the application with the department.

1633 6. A request for inspection.

1634 7. Upon request, the owner shall, at no cost to the
 1635 department, provide the department a copy of the manufacturer's
 1636 current recommended operating instructions in the possession of
 1637 the owner, the owner's operating fact sheet, and any written
 1638 bulletins in the possession of the owner concerning the safety,
 1639 operation, or maintenance of the amusement ride.

1640 (10) EXEMPTIONS.—

1641 (a) This section does not apply to:

1642 1. Permanent facilities that employ at least 1,000 full-
 1643 time employees and that maintain full-time, in-house safety
 1644 inspectors. Furthermore, the permanent facilities must file an
 1645 affidavit of the annual inspection with the department, on a
 1646 form prescribed by rule of the department. Additionally, the
 1647 Department of Agriculture and Consumer Services may consult
 1648 annually with the permanent facilities regarding industry safety
 1649 programs.

1650 2. Any playground operated by a school, local government,
 1651 or business licensed under chapter 509, if the playground is an
 1652 incidental amenity and the operating entity is not primarily
 1653 engaged in providing amusement, pleasure, thrills, or
 1654 excitement.

1655 3. Museums or other institutions principally devoted to the
 1656 exhibition of products of agriculture, industry, education,

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1657 science, religion, or the arts.

1658 4. Conventions or trade shows for the sale or exhibit of
 1659 amusement rides if there are a minimum of 15 amusement rides on
 1660 display or exhibition, and if any operation of such amusement
 1661 rides is limited to the registered attendees of the convention
 1662 or trade show.

1663 5. Skating rinks, arcades, laser ~~lazer~~ or paint ball war
 1664 games, bowling alleys, miniature golf courses, mechanical bulls,
 1665 inflatable rides, trampolines, ball crawls, exercise equipment,
 1666 jet skis, paddle boats, airboats, helicopters, airplanes,
 1667 parasails, hot air or helium balloons whether tethered or
 1668 untethered, theatres, batting cages, stationary spring-mounted
 1669 fixtures, rider-propelled merry-go-rounds, games, side shows,
 1670 live animal rides, or live animal shows.

1671 6. Go-karts operated in competitive sporting events if
 1672 participation is not open to the public.

1673 7. Nonmotorized playground equipment that is not required
 1674 to have a manager.

1675 8. Coin-actuated amusement rides designed to be operated by
 1676 depositing coins, tokens, credit cards, debit cards, bills, or
 1677 other cash money and which are not required to have a manager,
 1678 and which have a capacity of six persons or less.

1679 9. Facilities described in s. 549.09(1)(a) when such
 1680 facilities are operating cars, trucks, or motorcycles only.

1681 10. Battery-powered cars or other vehicles that are
 1682 designed to be operated by children 7 years of age or under and
 1683 that cannot exceed a speed of 4 miles per hour.

1684 11. Mechanically driven vehicles that pull train cars,
 1685 carts, wagons, or other similar vehicles, that are not confined

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1686 to a metal track or confined to an area but are steered by an
1687 operator and do not exceed a speed of 4 miles per hour.

1688 12. A water-related amusement ride operated by a business
1689 licensed under chapter 509 if the water-related amusement ride
1690 is an incidental amenity and the operating business is not
1691 primarily engaged in providing amusement, pleasure, thrills, or
1692 excitement and does not offer day rates.

1693 13. An amusement ride at a private, membership-only
1694 facility if the amusement ride is an incidental amenity and the
1695 facility is not open to the general public; is not primarily
1696 engaged in providing amusement, pleasure, thrills, or
1697 excitement; and does not offer day rates.

1698 14. A nonprofit permanent facility registered under chapter
1699 496 which is not open to the general public.

1700 (15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ Prior to
1701 opening on each day of operation and before ~~prior to~~ any
1702 inspection by the department, the owner or manager of an
1703 amusement ride must inspect and test the amusement ride to
1704 ensure compliance with all requirements of this section. Each
1705 inspection must be recorded on a form prescribed by rule of the
1706 department and signed by the person who conducted the
1707 inspection. In lieu of the form prescribed by rule of the
1708 department, the owner or manager may request approval of an
1709 alternative form if the alternative form includes, at a minimum,
1710 the information required on the form prescribed by rule of the
1711 department. Inspection records of the last 14 daily inspections
1712 must be kept on site by the owner or manager and made
1713 immediately available to the department upon request.

1714 (16) TRAINING OF EMPLOYEES.—The owner or manager of ~~an any~~

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1715 amusement ride shall maintain a record of employee training for
1716 each employee authorized to operate, assemble, disassemble,
1717 transport, or conduct maintenance on an amusement ride, on a
1718 form prescribed by rule of the department. In lieu of the form
1719 prescribed by rule of the department, the owner or manager may
1720 request approval of an alternative form if the alternative form
1721 includes, at a minimum, the information required on the form
1722 prescribed by rule of the department. The training record must
1723 be kept on site by the owner or manager and made immediately
1724 available to the department upon request. Training may not be
1725 conducted when an amusement ride is open to the public unless
1726 the training is conducted under the supervision of an employee
1727 who is trained in the operation of that ride. The owner or
1728 manager shall certify that each employee is trained, as required
1729 by this section and any rules adopted thereunder, on the
1730 amusement ride for which the employee is responsible.

1731 Section 37. Subsections (1), (2), (5), (7), and (13) of
1732 section 713.585, Florida Statutes, are amended to read:

1733 713.585 Enforcement of lien by sale of motor vehicle.—A
1734 person claiming a lien under s. 713.58 for performing labor or
1735 services on a motor vehicle may enforce such lien by sale of the
1736 vehicle in accordance with the following procedures:

1737 (1) The lienor must give notice, by certified mail, return
1738 receipt requested, within 7 ~~15~~ business days, excluding Saturday
1739 and Sunday, from the beginning date of the assessment of storage
1740 charges on said motor vehicle, to the registered owner of the
1741 vehicle, to the customer as indicated on the order for repair,
1742 and to all other persons claiming an interest in or lien
1743 thereon, as disclosed by the records of the Department of

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1744 Highway Safety and Motor Vehicles or as disclosed by the records
1745 of any corresponding agency of any other state in which the
1746 vehicle is identified through a records check of the National
1747 Motor Vehicle Title Information System or an equivalent
1748 commercially available system as being the current state where
1749 the vehicle is titled. Such notice must contain:

1750 (a) A description of the vehicle, including, at minimum,
1751 its year, make, vehicle identification number, and the
1752 vehicle's ~~its~~ location.

1753 (b) The name and address of the owner of the vehicle, the
1754 customer as indicated on the order for repair, and any person
1755 claiming an interest in or lien thereon.

1756 (c) The name, address, and telephone number of the lienor.

1757 (d) Notice that the lienor claims a lien on the vehicle for
1758 labor and services performed and storage charges, if any, and
1759 the cash sum which, if paid to the lienor, would be sufficient
1760 to redeem the vehicle from the lien claimed by the lienor.

1761 (e) Notice that the lien claimed by the lienor is subject
1762 to enforcement pursuant to this section and that the vehicle may
1763 be sold to satisfy the lien.

1764 (f) If known, the date, time, and location of any proposed
1765 or scheduled sale of the vehicle. ~~A~~ ~~No~~ vehicle may not be sold
1766 earlier than 60 days after completion of the repair work.

1767 (g) Notice that the owner of the vehicle or any person
1768 claiming an interest in or lien thereon has a right to a hearing
1769 at any time before ~~prior to~~ the scheduled date of sale by filing
1770 a demand for hearing with the clerk of the circuit court in the
1771 county in which the vehicle is held and mailing copies of the
1772 demand for hearing to all other owners and lienors as reflected

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1773 on the notice.

1774 (h) Notice that the owner of the vehicle has a right to
1775 recover possession of the vehicle without instituting judicial
1776 proceedings by posting bond in accordance with ~~the provisions of~~
1777 s. 559.917.

1778 (i) Notice that any proceeds from the sale of the vehicle
1779 remaining after payment of the amount claimed to be due and
1780 owing to the lienor will be deposited with the clerk of the
1781 circuit court for disposition upon court order pursuant to
1782 subsection (8).

1783 (j) Notice that a lienholder, if any, has the right, as
1784 specified in subsection (5), to demand a hearing or to post a
1785 bond.

1786 (2) If attempts to locate the owner or lienholder are
1787 unsuccessful after a check of the records of the Department of
1788 Highway Safety and Motor Vehicles and any state disclosed by the
1789 check of the National Motor Vehicle Title Information System or
1790 an equivalent commercially available system, the lienor must
1791 notify the local law enforcement agency in writing by certified
1792 mail or acknowledged hand delivery that the lienor has been
1793 unable to locate the owner or lienholder, that a physical search
1794 of the vehicle has disclosed no ownership information, and that
1795 a good faith effort, including records checks of the Department
1796 of Highway Safety and Motor Vehicles database and the National
1797 Motor Vehicle Title Information System or an equivalent
1798 commercially available system, has been made. A description of
1799 the motor vehicle which includes the year, make, and
1800 identification number must be given on the notice. This
1801 notification must take place within 7 ~~15~~ business days,

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1802 excluding Saturday and Sunday, from the beginning date of the
 1803 assessment of storage charges on said motor vehicle. For
 1804 purposes of this paragraph, the term "good faith effort" means
 1805 that the following checks have been performed by the company to
 1806 establish the prior state of registration and title:

1807 (a) A check of the Department of Highway Safety and Motor
 1808 Vehicles database for the owner and any lienholder;

1809 (b) A check of the federally mandated electronic National
 1810 Motor Vehicle Title Information System or an equivalent
 1811 commercially available system to determine the state of
 1812 registration when there is not a current title or registration
 1813 record for the vehicle on file with the Department of Highway
 1814 Safety and Motor Vehicles;

1815 (c) A check of vehicle for any type of tag, tag record,
 1816 temporary tag, or regular tag;

1817 (d) A check of vehicle for inspection sticker or other
 1818 stickers and decals that could indicate the state of possible
 1819 registration; and

1820 (e) A check of the interior of the vehicle for any papers
 1821 that could be in the glove box, trunk, or other areas for the
 1822 state of registration.

1823 (5) At any time ~~before~~ ~~prior~~ to the proposed or scheduled
 1824 date of sale of a vehicle, the owner of the vehicle, or any
 1825 person claiming an interest in the vehicle or a lien thereon,
 1826 may post a bond following the procedures outlined in s. 559.917
 1827 or file a demand for hearing with the clerk of the circuit court
 1828 in the county in which the vehicle is held to determine whether
 1829 the vehicle has been wrongfully taken or withheld from her or
 1830 him. Any person who files a demand for hearing shall mail copies

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1831 of the demand to all other owners and lienors as reflected on
 1832 the notice required in subsection (1).

1833 (a) Upon the filing of a demand for hearing, a hearing
 1834 shall be held ~~before~~ ~~prior~~ to the proposed or scheduled date of
 1835 sale of the vehicle.

1836 (b) Upon the posting of the bond and payment of the
 1837 applicable fee set forth in s. 28.24, the clerk of the court
 1838 shall issue a certificate notifying the lienor of the posting of
 1839 the bond and directing the lienor to release the vehicle to the
 1840 lienholder or the owner, based upon whomever posted the bond.

1841 (c) If a lienholder obtains the vehicle and the owner of
 1842 the vehicle is not in default under the installment sales
 1843 contract or title loan at the time the lienholder has possession
 1844 of the vehicle, the lienholder must return the vehicle to the
 1845 owner within 5 days after the owner repays the lienholder for
 1846 the amount of the bond, or makes arrangements to repay the
 1847 lienholder for the bond under terms agreeable to the lienholder.
 1848 A lienholder may retain possession of the vehicle if the owner
 1849 is in default until such time as the default is cured and the
 1850 amount of the bond is repaid by the owner, or an arrangement
 1851 agreeable to the lienholder is made with the owner.

1852 (7) At a the hearing on a complaint relating to the
 1853 requirements of this section on the complaint, the court shall
 1854 ~~forthwith~~ issue an ~~its~~ order determining:

1855 (a) Whether the vehicle is subject to a valid lien by the
 1856 lienor and the amount thereof;

1857 (b) The priority of the lien of the lienor as against any
 1858 existing security interest in the vehicle;

1859 (c) The distribution of any proceeds of the sale by the

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1860 clerk of the circuit court;

1861 (d) The awarding of damages, if any;

1862 (e) ~~(d)~~ The award of reasonable attorney ~~attorney's~~ fees and
1863 costs, at the court's discretion, to the prevailing party; and

1864 (f) ~~(e)~~ The reasonableness of storage charges.

1865

1866 A final order, by the court, must also provide for immediate
1867 payment of any proceeds or awards, and the immediate release of
1868 the bond to the posting party, if applicable.

1869 (13) A failure to make good faith efforts as defined in
1870 subsection (2) precludes the imposition of any storage charges
1871 against the vehicle. If a lienor fails to provide notice to any
1872 person claiming a lien on a vehicle under subsection (1) within
1873 7 ~~15~~ business days after the assessment of storage charges has
1874 begun, then the lienor is precluded from charging for more than
1875 7 ~~15~~ days of storage, but failure to provide timely notice does
1876 not affect charges made for repairs, adjustments, or
1877 modifications to the vehicle or the priority of liens on the
1878 vehicle.

1879 Section 38. Subsections (2), (4), (5), and (10) of section
1880 790.06, Florida Statutes, are amended, and paragraph (f) is
1881 added to subsection (6) of that section, to read:

1882 790.06 License to carry concealed weapon or firearm.—

1883 (2) The Department of Agriculture and Consumer Services
1884 shall issue a license if the applicant:

1885 (a) Is a resident of the United States and a citizen of the
1886 United States or a permanent resident alien of the United
1887 States, as determined by the United States Bureau of Citizenship
1888 and Immigration Services, or is a consular security official of

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1889 a foreign government that maintains diplomatic relations and
1890 treaties of commerce, friendship, and navigation with the United
1891 States and is certified as such by the foreign government and by
1892 the appropriate embassy in this country;

1893 (b) Is 21 years of age or older;

1894 (c) Does not suffer from a physical infirmity which
1895 prevents the safe handling of a weapon or firearm;

1896 (d) Is not ineligible to possess a firearm pursuant to s.
1897 790.23 by virtue of having been convicted of a felony;

1898 (e) Has not been committed for the abuse of a controlled
1899 substance or been found guilty of a crime under the provisions
1900 of chapter 893 or similar laws of any other state relating to
1901 controlled substances within a 3-year period immediately
1902 preceding the date on which the application is submitted;

1903 (f) Does not chronically and habitually use alcoholic
1904 beverages or other substances to the extent that his or her
1905 normal faculties are impaired. It shall be presumed that an
1906 applicant chronically and habitually uses alcoholic beverages or
1907 other substances to the extent that his or her normal faculties
1908 are impaired if the applicant has been committed under chapter
1909 397 or under the provisions of former chapter 396 or has been
1910 convicted under s. 790.151 or has been deemed a habitual
1911 offender under s. 856.011(3), or has had two or more convictions
1912 under s. 316.193 or similar laws of any other state, within the
1913 3-year period immediately preceding the date on which the
1914 application is submitted;

1915 (g) Desires a legal means to carry a concealed weapon or
1916 firearm for lawful self-defense;

1917 (h) Demonstrates competence with a firearm by any one of

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1918 the following:

1919 1. Completion of any hunter education or hunter safety
1920 course approved by the Fish and Wildlife Conservation Commission
1921 or a similar agency of another state;

1922 2. Completion of any National Rifle Association firearms
1923 safety or training course;

1924 3. Completion of any firearms safety or training course or
1925 class available to the general public offered by a law
1926 enforcement agency, junior college, college, or private or
1927 public institution or organization or firearms training school,
1928 using ~~utilizing~~ instructors certified by the National Rifle
1929 Association, Criminal Justice Standards and Training Commission,
1930 or the Department of Agriculture and Consumer Services;

1931 4. Completion of any law enforcement firearms safety or
1932 training course or class offered for security guards,
1933 investigators, special deputies, or any division or subdivision
1934 of a law enforcement agency or security enforcement;

1935 5. Presents evidence of equivalent experience with a
1936 firearm through participation in organized shooting competition
1937 or military service;

1938 6. Is licensed or has been licensed to carry a firearm in
1939 this state or a county or municipality of this state, unless
1940 such license has been revoked for cause; or

1941 7. Completion of any firearms training or safety course or
1942 class conducted by a state-certified or National Rifle
1943 Association certified firearms instructor;

1944
1945 A photocopy of a certificate of completion of any of the courses
1946 or classes; ~~or~~ an affidavit from the instructor, school, club,

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1947 organization, or group that conducted or taught such ~~said~~ course
1948 or class attesting to the completion of the course or class by
1949 the applicant; or a copy of any document ~~that~~ which shows
1950 completion of the course or class or evidences participation in
1951 firearms competition shall constitute evidence of qualification
1952 under this paragraph. ~~At any~~ person who conducts a course
1953 pursuant to subparagraph 2., subparagraph 3., or subparagraph
1954 7., or who, as an instructor, attests to the completion of such
1955 courses, must maintain records certifying that he or she
1956 observed the student safely handle and discharge the firearm in
1957 his or her physical presence and that the discharge of the
1958 firearm included live fire using a firearm and ammunition as
1959 defined in s. 790.001;

1960 (i) Has not been adjudicated an incapacitated person under
1961 s. 744.331, or similar laws of any other state, unless 5 years
1962 have elapsed since the applicant's restoration to capacity by
1963 court order;

1964 (j) Has not been committed to a mental institution under
1965 chapter 394, or similar laws of any other state, unless the
1966 applicant produces a certificate from a licensed psychiatrist
1967 that he or she has not suffered from disability for at least 5
1968 years before ~~prior to~~ the date of submission of the application;

1969 (k) Has not had adjudication of guilt withheld or
1970 imposition of sentence suspended on any felony ~~or misdemeanor~~
1971 ~~crime of domestic violence~~ unless 3 years have elapsed since
1972 probation or any other conditions set by the court have been
1973 fulfilled, or expunction has occurred ~~the record has been sealed~~
1974 ~~or expunged~~;

1975 (l) Has not had adjudication of guilt withheld or

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1976 imposition of sentence suspended on any misdemeanor crime of
 1977 domestic violence unless 3 years have elapsed since probation or
 1978 any other conditions set by the court have been fulfilled, or
 1979 the record has been sealed or expunged;

1980 ~~(m)(1)~~ Has not been issued an injunction that is currently
 1981 in force and effect and that restrains the applicant from
 1982 committing acts of domestic violence or acts of repeat violence;
 1983 and

1984 ~~(n)(m)~~ Is not prohibited from purchasing or possessing a
 1985 firearm by any other provision of Florida or federal law.

1986 (4) The application shall be completed, under oath, on a
 1987 form adopted promulgated by the Department of Agriculture and
 1988 Consumer Services and shall include:

1989 (a) The name, address, place of birth, ~~and~~ date of birth,
 1990 and race, and occupation of the applicant;

1991 (b) A statement that the applicant is in compliance with
 1992 criteria contained within subsections (2) and (3);

1993 (c) A statement that the applicant has been furnished a
 1994 copy of this chapter and is knowledgeable of its provisions;

1995 (d) A conspicuous warning that the application is executed
 1996 under oath and that a false answer to any question, or the
 1997 submission of any false document by the applicant, subjects the
 1998 applicant to criminal prosecution under s. 837.06; ~~and~~

1999 (e) A statement that the applicant desires a concealed
 2000 weapon or firearms license as a means of lawful self-defense;
 2001 ~~and-~~

2002 (f) Directions for an applicant who is a servicemember, as
 2003 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
 2004 request expedited processing of his or her application.

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2005 (5) The applicant shall submit to the Department of
 2006 Agriculture and Consumer Services or an approved tax collector
 2007 pursuant to s. 790.0625:

2008 (a) A completed application as described in subsection (4).

2009 (b) A nonrefundable license fee of up to ~~\$60~~ \$70 if he or
 2010 she has not previously been issued a statewide license or of up
 2011 to ~~\$50~~ \$60 for renewal of a statewide license. The cost of
 2012 processing fingerprints as required in paragraph (c) shall be
 2013 borne by the applicant. However, an individual holding an active
 2014 certification from the Criminal Justice Standards and Training
 2015 Commission as a law enforcement officer, correctional officer,
 2016 or correctional probation officer as defined in s. 943.10(1),
 2017 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
 2018 requirements of this section. If such individual wishes to
 2019 receive a concealed ~~weapon weapons~~ or ~~firearm firearms~~ license,
 2020 he or she is exempt from the background investigation and all
 2021 background investigation fees, but must pay the current license
 2022 fees regularly required to be paid by nonexempt applicants.
 2023 Further, a law enforcement officer, a correctional officer, or a
 2024 correctional probation officer as defined in s. 943.10(1), (2),
 2025 or (3) is exempt from the required fees and background
 2026 investigation for ~~a period of~~ 1 year after his or her
 2027 retirement.

2028 (c) A full set of fingerprints of the applicant
 2029 administered by a law enforcement agency or the Division of
 2030 Licensing of the Department of Agriculture and Consumer Services
 2031 or an approved tax collector pursuant to s. 790.0625 together
 2032 with any personal identifying information required by federal
 2033 law to process fingerprints.

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2034 (d) A photocopy of a certificate, affidavit, or document as
2035 described in paragraph (2) (h).

2036 (e) A full frontal view color photograph of the applicant
2037 taken within the preceding 30 days, in which the head, including
2038 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

2039 (f) For expedited processing of an application:

2040 1. A servicemember shall submit a copy of the Common Access
2041 Card, United States Uniformed Services Identification Card, or
2042 current deployment orders.

2043 2. A veteran shall submit a copy of the DD Form 214, issued
2044 by the United States Department of Defense, or another
2045 acceptable form of identification as specified by the Department
2046 of Veterans' Affairs.

2047 (6)

2048 (f) The Department of Agriculture and Consumer Services
2049 shall, upon receipt of a completed application and the
2050 identifying information required under paragraph (5) (f),
2051 expedite the processing of a servicemember's or a veteran's
2052 concealed weapon or firearm license application.

2053 (10) A license issued under this section shall be suspended
2054 or revoked pursuant to chapter 120 if the licensee:

2055 (a) Is found to be ineligible under the criteria set forth
2056 in subsection (2);

2057 (b) Develops or sustains a physical infirmity which
2058 prevents the safe handling of a weapon or firearm;

2059 (c) Is convicted of a felony which would make the licensee
2060 ineligible to possess a firearm pursuant to s. 790.23;

2061 (d) Is found guilty of a crime under the provisions of
2062 chapter 893, or similar laws of any other state, relating to

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2063 controlled substances;

2064 (e) Is committed as a substance abuser under chapter 397,
2065 or is deemed a habitual offender under s. 856.011(3), or similar
2066 laws of any other state;

2067 (f) Is convicted of a second violation of s. 316.193, or a
2068 similar law of another state, within 3 years after ~~of~~ a first
2069 ~~previous~~ conviction of such section, or similar law of another
2070 state, even though the first violation may have occurred before
2071 ~~prior to~~ the date on which the application was submitted;

2072 (g) Is adjudicated an incapacitated person under s.
2073 744.331, or similar laws of any other state; or

2074 (h) Is committed to a mental institution under chapter 394,
2075 or similar laws of any other state.

2076

2077 Notwithstanding s. 120.60(5), service of a notice of the
2078 suspension or revocation of a concealed weapon or firearm
2079 license must be given by either certified mail, return receipt
2080 requested, to the licensee at his or her last known mailing
2081 address furnished to the Department of Agriculture and Consumer
2082 Services, or by personal service. If a notice given by certified
2083 mail is returned as undeliverable, a second attempt must be made
2084 to provide notice to the licensee at that address, by either
2085 first-class mail in an envelope, postage prepaid, addressed to
2086 the licensee at his or her last known mailing address furnished
2087 to the department, or, if the licensee has provided an e-mail
2088 address to the department, by e-mail. Such mailing by the
2089 department constitutes notice, and any failure by the licensee
2090 to receive such notice does not stay the effective date or term
2091 of the suspension or revocation. A request for hearing must be

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2092 filed with the department within 21 days after notice is
 2093 received by personal delivery, or within 26 days after the date
 2094 the department deposits the notice in the United States mail (21
 2095 days plus 5 days for mailing). The department shall document its
 2096 attempts to provide notice and such documentation is admissible
 2097 in the courts of this state and constitutes sufficient proof
 2098 that notice was given.

2099 Section 39. Effective upon this act becoming a law,
 2100 paragraph (a) of subsection (11) of section 790.06, Florida
 2101 Statutes, is amended to read:

2102 790.06 License to carry concealed weapon or firearm.—

2103 (11) (a) At least ~~No less than~~ 90 days before the expiration
 2104 date of the license, the Department of Agriculture and Consumer
 2105 Services shall mail to each licensee a written notice of the
 2106 expiration and a renewal form prescribed by the Department of
 2107 Agriculture and Consumer Services. The licensee must renew his
 2108 or her license on or before the expiration date by filing with
 2109 the Department of Agriculture and Consumer Services the renewal
 2110 form containing an a-notarized ~~notarized~~ affidavit submitted under oath
 2111 and under penalty of perjury stating that the licensee remains
 2112 qualified pursuant to the criteria specified in subsections (2)
 2113 and (3), a color photograph as specified in paragraph (5) (e),
 2114 and the required renewal fee. Out-of-state residents must also
 2115 submit a complete set of fingerprints and fingerprint processing
 2116 fee. The license shall be renewed upon receipt of the completed
 2117 renewal form, color photograph, appropriate payment of fees,
 2118 and, if applicable, fingerprints. Additionally, a licensee who
 2119 fails to file a renewal application on or before its expiration
 2120 date must renew his or her license by paying a late fee of \$15.

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2121 A license may not be renewed 180 days or more after its
 2122 expiration date, and such a license is deemed to be permanently
 2123 expired. A person whose license has been permanently expired may
 2124 reapply for licensure; however, an application for licensure and
 2125 fees under subsection (5) must be submitted, and a background
 2126 investigation shall be conducted pursuant to this section. A
 2127 person who knowingly files false information under this
 2128 subsection is subject to criminal prosecution under s. 837.06.

2129 Section 40. Subsection (8) is added to section 790.0625,
 2130 Florida Statutes, to read:

2131 790.0625 Appointment of tax collectors to accept
 2132 applications for a concealed weapon or firearm license; fees;
 2133 penalties.—

2134 (8) Upon receipt of a completed renewal application, a new
 2135 color photograph, and appropriate payment of fees, a tax
 2136 collector authorized to accept renewal applications for
 2137 concealed weapon or firearm licenses under this section may,
 2138 upon approval and confirmation of license issuance by the
 2139 department, print and deliver a concealed weapon or firearm
 2140 license to a licensee renewing his or her license at the tax
 2141 collector's office.

2142 Section 41. Subsections (1) through (4) of section 559.917,
 2143 Florida Statutes, are amended to read:

2144 559.917 Bond to release possessory lien claimed by motor
 2145 vehicle repair shop.—

2146 (1) As used in this section, the term:

2147 (a) "Lienholder" means a person claiming an interest in or
 2148 a lien on a vehicle pursuant to s. 713.585(5).

2149 (b) "Lienor" means a person claiming a lien for motor

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2150 vehicle repair shop work under part II of chapter 713.
 2151 (2)(1)(a) A lienholder or ~~Any~~ customer may obtain the
 2152 release of ~~a her or his~~ motor vehicle for which the lienholder
 2153 or customer has a lien or ownership rights, respectively, from
 2154 any lien claimed under part II of chapter 713 by a motor vehicle
 2155 repair shop for repair work performed under a written repair
 2156 estimate by filing with the clerk of the court in the circuit in
 2157 which the disputed transaction occurred a cash or surety bond,
 2158 payable to the person claiming the lien and conditioned for the
 2159 payment of any judgment which may be entered on the lien. The
 2160 bond shall be in the amount stated on the invoice required by s.
 2161 559.911, plus accrued storage charges, if any, less any amount
 2162 paid to the motor vehicle repair shop as indicated on the
 2163 invoice. The lienholder or customer shall not be required to
 2164 institute judicial proceedings in order to post the bond in the
 2165 registry of the court, nor shall the lienholder or customer be
 2166 required to use a particular form for posting the bond, unless
 2167 the clerk provides ~~shall provide~~ such form to the lienholder or
 2168 customer for filing. Upon the posting of such bond, the clerk of
 2169 the court shall automatically issue a certificate notifying the
 2170 lienor of the posting of the bond and directing the lienor to
 2171 release the lienholder's or customer's motor vehicle.
 2172 (b) The lienor shall have 60 days to file suit to recover
 2173 the bond. The prevailing party in that action may be entitled to
 2174 damages plus court costs and reasonable attorney attorney's
 2175 fees. If the lienor fails to file suit within 60 days after the
 2176 posting of such bond, the bond shall be discharged.
 2177 (3)(2) The failure of a lienor to release or return to the
 2178 lienholder or customer the motor vehicle upon which any lien is

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2179 claimed, upon receiving a copy of a certificate giving notice of
 2180 the posting of the bond and directing release of the motor
 2181 vehicle, shall subject the lienor to judicial proceedings which
 2182 may be brought by the lienholder or customer to compel
 2183 compliance with the certificate. ~~If whenever~~ a lienholder
 2184 pursuant to s. 713.585 or customer brings an action to compel
 2185 compliance with the certificate, the lienholder or customer need
 2186 only establish that:
 2187 (a) Bond in the amount of the invoice, plus accrued storage
 2188 charges, if any, less any amount paid to the motor vehicle
 2189 repair shop as indicated on the invoice, was posted;
 2190 (b) A certificate was issued pursuant to this section;
 2191 (c) The motor vehicle repair shop, or any employee or agent
 2192 thereof who is authorized to release the motor vehicle, received
 2193 a copy of a certificate issued pursuant to this section; and
 2194 (d) The motor vehicle repair shop or employee authorized to
 2195 release the motor vehicle failed to release the motor vehicle.
 2196
 2197 The lienholder or customer, upon a judgment in her or his favor
 2198 in an action brought under this subsection, may be entitled to
 2199 damages plus court costs and reasonable attorney attorney's fees
 2200 sustained by her or him by reason of such wrongful detention or
 2201 retention. Upon a judgment in favor of the motor vehicle repair
 2202 shop, the shop may be entitled to reasonable attorney attorney's
 2203 fees.
 2204 (4)(3) Any motor vehicle repair shop ~~that which,~~ or any
 2205 employee or agent thereof who is authorized to release the motor
 2206 vehicle who, upon receiving a copy of a certificate giving
 2207 notice of the posting of the bond in the required amount and

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2208 directing release of the motor vehicle, fails to release or
 2209 return the property to the lienholder or customer pursuant to
 2210 this section commits is guilty of a misdemeanor of the second
 2211 degree, punishable as provided in s. 775.082 or s. 775.083.

2212 ~~(5)(4)~~ Any lienholder or customer who stops payment on a
 2213 credit card charge or a check drawn in favor of a motor vehicle
 2214 repair shop on account of an invoice, or who fails to post a
 2215 cash or surety bond pursuant to this section, shall be
 2216 prohibited from any recourse under this section with respect to
 2217 the motor vehicle repair shop.

2218 Section 42. Subsection (1) and paragraph (d) of subsection
 2219 (3) of section 559.9285, Florida Statutes, are amended to read:
 2220 559.9285 Certification of business activities.—

2221 (1) Each certifying party, as defined in s. 559.927(2):

2222 (a) Which does not offer for sale, at wholesale or retail,
 2223 prearranged travel or tourist-related services, ~~or tour-guide~~
 2224 ~~services~~ for individuals or groups directly to any terrorist
 2225 state and which originate in Florida;

2226 (b) Which offers for sale, at wholesale or retail, only
 2227 prearranged travel or tourist-related services, ~~or tour-guide~~
 2228 ~~services~~ for individuals or groups directly to any terrorist
 2229 state and which originate in Florida, but engages in no other
 2230 business dealings or commerce with any terrorist state; or

2231 (c) Which offers for sale, at wholesale or retail,
 2232 prearranged travel or tourist-related services, ~~or tour-guide~~
 2233 ~~services~~ for individuals or groups directly to any terrorist
 2234 state and which originate in Florida, and also engages in any
 2235 other business dealings or commerce with any terrorist state,

2236

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2237 shall annually certify its business activities by filing a
 2238 disclosure statement with the department which accurately
 2239 represents the scope of the seller's business activities
 2240 according to the criteria provided in paragraph (a), paragraph
 2241 (b), or paragraph (c).

2242 (3) The department shall specify by rule the form of each
 2243 certification under this section which shall include the
 2244 following information:

2245 (d) The type of all prearranged travel or tourist-related
 2246 services, ~~or tour-guide services~~ that the certifying party
 2247 offers for sale to individuals or groups traveling directly to
 2248 any terrorist state and that originate in Florida, and the
 2249 frequency with which such services are offered.

2250 Section 43. Subsection (2) of section 559.937, Florida
 2251 Statutes, is amended to read:

2252 559.937 Criminal penalties.—Any person or business that
 2253 violates this part:

2254 (2) Which violation directly or indirectly pertains to an
 2255 offer to sell, at wholesale or retail, prearranged travel or
 2256 tourist-related services, ~~or tour-guide services~~ for individuals
 2257 or groups directly to any terrorist state and which originate in
 2258 Florida, commits a felony of the third degree, punishable as
 2259 provided in s. 775.082 or s. 775.083.

2260 Section 44. Except as otherwise expressly provided in this
 2261 act, this act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/16

Meeting Date

772

Bill Number (if applicable)

588830

Amendment Barcode (if applicable)

Strike
all

Topic _____

Name Reggie Garcia

Job Title _____

Address PO BOX 11069

Street

Phone _____

Tall, Fla 32302

City

State

Zip

Email _____

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Justice Assoc.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/16

Meeting Date

SB 772

Bill Number (if applicable)

588830

Amendment Barcode (if applicable)

Section 27

Topic _____

Name Bruce Kershner

Job Title _____

Address 231 West Bay Ave

Street

Longwood

City

FL

State

32750

Zip

Phone 407-930-1842

Email RBKershner@att.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Southeast Glass Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

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1-21-16

Meeting Date

772

Bill Number (if applicable)

Topic Regulated Service Providers - FDAES

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Dir. Legislative Affairs

Address PL 10 The Capitol

Street

Tallahassee FL 32399

City

State

Zip

Phone 850 617 7700

Email grace.lovette@freshfromflorida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Dept. of Agriculture & Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/16
Meeting Date

772
Bill Number (if applicable)

Topic COMMERCE & TOURISM

Amendment Barcode (if applicable)

Name COLLEEN KREPSTEKIES

Job Title LEGISLATIVE AFFAIRS DIRECTOR

Address THE CAPITOL, 21ST FLOOR

Phone 850-487-1533

TALLAHASSEE FL 32399
City State Zip

Email KREPSTEKIEC@FDVA.STATE.FL.US

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL. DEPT OF VETERANS AFFAIRS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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1-21-16

Meeting Date

772
SB ~~772~~
Bill Number (if applicable)

Topic Agriculture

Amendment Barcode (if applicable)

Name Allen Mortham

Job Title _____

Address 6548 Weeping Willow Way

Phone 566-3760

Street

Kill

City

FL

State

32311

Zip

Email notes97@aol.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Independent Auto Dealers

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/16

Meeting Date

SB 772

Bill Number (if applicable)

Topic DACS Legislative Package

Amendment Barcode (if applicable)

Name Tim Qualls

Job Title Executive Director, FL Tax Collectors Association

Address 216 S. Monroe St

Phone 850-222-7206

Street

Tallahassee

FL

32301

Email TQUALLS@KULAW.NET

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Tax Collectors Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Alan Hays, Chair
Appropriations Subcommittee on General Government

Subject: Committee Agenda Request

Date: January 11, 2016

I respectfully request that **Senate Bill #772**, relating to Department of Agriculture and Consumer Services, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script, appearing to read "Garrett Richter".

Senator Garrett Richter
Florida Senate, District 23

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/CS/SB 822 (811910)

INTRODUCER: Appropriations Subcommittee on General Government; Banking and Insurance Committee; and Senator Stargel

SUBJECT: Firesafety

DATE: January 25, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Matiyow</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Betta</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 822 makes the following changes related to regulations included in the Fire Prevention Code on agricultural property:

- Defines “Agricultural pole barn” and exempts such barns from the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.
- Defines a “nonresidential farm building” and specifies certain uses allowing such buildings to be exempt from the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.
- Clarifies that a tent up to 900 square feet is exempt from the Florida Fire Prevention Code, including the national codes incorporated by reference.
- Authorizes a local fire official to consider the fire safety evaluation systems when trying to identify low-cost, reasonable alternatives.

There is no fiscal impact to the state.

II. Present Situation:

State Fire Prevention – State Fire Marshal

Florida’s fire prevention and control law, ch. 633, F.S., designates the state’s Chief Financial Officer (CFO) as the State Fire Marshal. The State Fire Marshal, through the Division of State

Fire Marshal within the Department of Financial Services (DFS), is charged with enforcing the provisions of ch. 633, F.S., and all other applicable laws relating to fire safety and has the responsibility to minimize the loss of life and property in this state due to fire.¹ Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel and firesafety inspectors; investigates the causes of fires; enforces arson laws; regulates the installation of fire equipment; conducts firesafety inspections of state property; and operates the Florida State Fire College.

In addition to these duties, the State Fire Marshal adopts by rule the Florida Fire Prevention Code (FFPC), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities and the enforcement of such fire safety laws and rules, at ch. 69A-60, F.A.C. The State Fire Marshal adopts a new edition of the FFPC every three years.² The FFPC includes national firesafety and life safety standards set forth by the National Fire Protection Association (NFPA)³, including the NFPA's Fire Code (1), Life Safety Code (101) and Guide on Alternative Approaches to Life Safety (101A).

The FFPC and national codes provide that events held in any location, whether agricultural or not, that are considered assembly, mercantile, or business in nature, require the building where such an event is held to be classified according to the proper occupancy type. When this occurs, the property owner must bring the building up to the new fire prevention code standards for that occupancy type. This may require the installation of several fire protection features such as fire sprinklers, fire alarm systems, or egress capacity.⁴

Fire Safety Enforcement by Local Governments

State law requires all municipalities, counties, and special districts with firesafety responsibilities to enforce the FFPC as the minimum fire prevention code to operate uniformly among local governments and in conjunction with the Florida Building Code.⁵ These local enforcing authorities may adopt more stringent fire safety standards, subject to certain requirements in

¹ s. 633.104, F.S.

² s. 633.202, F.S.

³ Founded in 1895, the NFPA is a global, nonprofit organization devoted to eliminating death, injury, property and economic loss due to fire, electrical and related hazards. It has developed over 300 voluntary consensus codes and standards in the areas of fire, electrical, and building safety which are widely used by state and local officials. NATIONAL FIRE PROTECTION ASSOCIATION, *About NFPA*, at <http://www.nfpa.org/about-nfpa> (last viewed Dec. 29, 2015). The NFPA states that the Guide on Alternative Approaches to Life Safety "is intended to be used in conjunction with the Life Safety Code (101), not as a substitute." NATIONAL FIRE PROTECTION ASSOCIATION, *NFPA 101A: Guide on Alternative Approaches to Life Safety*, at <http://www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=101a> (last viewed Dec. 29, 2015).

⁴ Florida Department of Financial Services, Agency Analysis of 2016 Senate Bill 822 (Nov. 18, 2015). The FFPC and national codes define *assembly occupancy* as an occupancy used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or (2) used as a special amusement building, regardless of occupant load (e.g., dance halls, museums, skating rinks). *Mercantile occupancy* means an occupancy used for the display and sale of merchandise (e.g., drugstores and supermarkets). *Business occupancy* means an occupancy used for the transaction of business other than mercantile (e.g., city and town halls, doctors' offices).

⁵ ss. 633.108 and 633.208, F.S.

s. 633.208, F.S.,⁶ but may not enact fire safety ordinances which conflict with ch. 633, F.S., or any other state law.⁷

The chiefs of local government fire service providers (or their designees) are authorized to enforce ch. 633, F.S., and rules within their respective jurisdictions as agents of those jurisdictions, not agents of the State Fire Marshal.⁸ Each county, municipality, and special district with firesafety enforcement responsibilities is also required to employ or contract with a fire safety inspector (certified by the State Fire Marshal) to conduct all fire safety inspections required by law.⁹

The Legislature has recognized that it is not always practical to apply any or all of the provisions of the FFPC and physical limitations may require disproportionate effort or expense with little increase in fire or life safety. Under the minimum fire safety standards, the local fire officials shall apply the applicable fire safety code for existing buildings to the extent practical to ensure a reasonable degree of life safety and safety of property. The local fire officials are also required to fashion reasonable alternatives that afford an equivalent degree of life safety and safety of property.¹⁰

Current Exemptions from the FFPC

Currently, s. 633.202(16), F.S., exempts two types of structures from the FFPC and national codes incorporated by reference:

- A structure located on property that is classified as agricultural for ad valorem purposes and which is part of a farming or ranching operation, if the occupancy is limited by the property owner to no more than 35 persons and is not used by the public for direct sales or as an educational outreach facility. Structures used for residential or assembly purposes (as defined in the FFPC) are not included in this exemption.¹¹
- Tents up to 30 feet by 30 feet.

“Nonresidential farm buildings” are currently not exempt from the FFPC, but are exempt from the Florida Building Code and any county or municipal code or fee, except for code provisions implementing local, state, or federal floodplain management regulations.¹² These structures are defined under s. 604.50, F.S., as any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm for the purposes of the Florida Building

⁶ s. 633.208, F.S.; *see also* s. 633.102(21), F.S., for the definition of “minimum firesafety standard” and Rule 69A-60.002, F.A.C.

⁷ s. 633.214(4), F.S. A list of local amendments to the FFPC is available at DIVISION OF STATE FIRE MARSHAL, *Local Amendments*: <http://www.myfloridacfo.com/division/sfm/BFP/LocalAmendments.htm> (last viewed Dec. 29, 2015).

⁸ s. 633.118, F.S.

⁹ s. 633.216(1), F.S.

¹⁰ s. 633.208, F.S.

¹¹ Chapter 6 of the FFPC defines “residential occupancy” as “an occupancy that provides sleeping accommodations for purposes other than health care or detention and correctional,” and defines “assembly occupancy” as “an occupancy (1) used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or (2) used as a special amusement building, regardless of occupant load.” *See* NFPA, *Classification of Occupancy and Hazard of Contents*, <http://codesonline.nfpa.org/a/c.ref/ID020101110939/chapter> (last viewed Dec. 29, 2015).

¹² s. 604.50(1), F.S.

Code, or that is classified as agricultural land for assessment purposes, is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Agritourism Activity

Currently, s. 570.86(1), F.S., defines an “agritourism activity” as “any agricultural related activity consistent with a bona fide farm or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, or harvest-your-own activities and attractions. An agritourism activity does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is an agritourism activity regardless of whether the participant paid to participate in the activity.”

III. Effect of Proposed Changes:

The bill defines an “Agricultural pole barn” as a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress. Furthermore, the bill exempts such pole barns from the Florida Fire Prevention Code, National Codes and the Life Safety Code.

The bill defines a nonresidential farm building for purposes of the Florida Fire Prevention Code as having the same meaning as provided in s. 604.50, F.S. The bill establishes classes for use in which such buildings can be exempt from the Florida Fire Prevention Code, National Codes and the Life Safety Code:

Class 1: A nonresidential farm building that is used by the owner 12 times per year or fewer for agritourism activity with up to 100 persons occupying the structure at one time. This class is not subject to inspection or the Florida Fire Prevention Code.

Class 2: A nonresidential farm building that is used by the owner for agritourism activity with up to 300 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code.

Class 3: A new or an additional structure or facility constructed, or an existing structure, which is used primarily for housing, sheltering, or otherwise accommodating members of the general public. A structure or facility in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is subject to the Florida Fire Prevention Code.

The bill requires the State Fire Marshal to adopt rules to administer this section, including;

- The use of alternative lifesafety and fire prevention standards for Classes 1 and 2 structures;
- Notification and inspection requirements for structures in Class 1 and Class 2;
- The application of the Florida Fire Prevention Code for structures in Class 3; and
- Any other standards or rules deemed necessary in order to facilitate the use of structures for agritourism activities.

Finally, the bill allows for a local fire official to consider the fire safety evaluation systems found in NFPA 101A: Guide on Alternative Approaches to Life Safety, adopted by the State Fire Marshal, as acceptable systems for the identification of low-cost, reasonable alternatives to firesafety.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Farm owners will be allowed to lease to the public non-residential agricultural buildings for certain events under certain circumstances without having to make costly retrofitting improvements to meet the requirements of the Florida Fire Prevention Code, National Codes, and the Life Safety Code.

C. Government Sector Impact:

PCS/CS/SB 822 has no fiscal impact. The Department of Financial Services will use existing resources to adopt rules to administer these changes including the use of alternative standards, the inspection requirements for Class 1 and Class 2 and the application process for Class 3.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 633.202 and 633.208.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS/CS by Appropriations Subcommittee on General Government on January 21, 2016:

The CS makes technical drafting changes to the bill and narrows the application of the bill by removing all references to structures or facilities utilized for assembly, business or mercantile purposes and replacing them with references to structures or facilities utilized for agritourism activities.

CS by Banking and Insurance on January 11, 2016:

The CS provides technical changes related to drafting.

- B. **Amendments:**

None.



971186

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Simpson)
recommended the following:

Senate Amendment (with title amendment)

Delete lines 29 - 76

and insert:

(b) Notwithstanding any other provision of law:

1. A nonresidential farm building ~~A structure, located on
property that is classified for ad valorem purposes as
agricultural, which is part of a farming or ranching operation,
in which the occupancy is limited by the property owner to no
more than 35 persons, and which is not used by the public for~~



971186

11 ~~direct sales or as an educational outreach facility,~~ is exempt
12 from the Florida Fire Prevention Code, including the national
13 codes and Life Safety Code incorporated by reference. ~~This~~
14 ~~paragraph does not include structures used for residential or~~
15 ~~assembly occupancies, as defined in the Florida Fire Prevention~~
16 ~~Code.~~

17 2. An agricultural pole barn is exempt from the Florida
18 Fire Prevention Code, including the national codes and the Life
19 Safety Code incorporated by reference.

20 3. Except for an agricultural pole barn, a structure on a
21 farm as defined in s. 823.14(3) (a) which is used by an owner for
22 agritourism activity for which the owner receives consideration
23 must be classified in one of the following classes:

24 a. Class 1: A nonresidential farm building that is used by
25 the owner 12 times per year or fewer for agritourism activity
26 with up to 100 persons occupying the structure at one time. A
27 structure in this class is subject to annual inspection for
28 classification by the local authority having jurisdiction. This
29 class is not subject to the Florida Fire Prevention Code but is
30 subject to rules adopted by the State Fire Marshal pursuant to
31 this section.

32 b. Class 2: A nonresidential farm building that is used by
33 the owner for agritourism activity with up to 300 persons
34 occupying the structure at one time. A structure in this class
35 is subject to annual inspection for classification by the local
36 authority having jurisdiction. This class is not subject to the
37 Florida Fire Prevention Code but is subject to rules adopted by
38 the State Fire Marshal pursuant to this section.

39 c. Class 3: A structure or facility that is used primarily



971186

40 for housing, sheltering, or otherwise accommodating members of
41 the general public. A structure or facility in this class is
42 subject to annual inspection for classification by the local
43 authority having jurisdiction. This class is subject to the
44 Florida Fire Prevention Code.

45 (c) The State Fire Marshal shall adopt rules to administer
46 this section, including, but not limited to:

47 1. The use of alternative lifesafety and fire prevention
48 standards for structures in Classes 1 and 2;

49 2. Notification and inspection requirements for structures
50 in Classes 1 and 2;

51 3. The application of the Florida Fire Prevention Code for
52 structures in Class 3; and

53 4. Any other standards or rules deemed necessary in order
54 to facilitate the use of structures for agritourism activities.

55
56 ===== T I T L E A M E N D M E N T =====

57 And the title is amended as follows:

58 Delete lines 7 - 12

59 and insert:

60 agritourism activity be classified; requiring that
61 certain structures be classified; providing criteria
62 for such classifications; providing that such
63 classifications are subject to annual inspection;
64 specifying applicable fire prevention standards for
65 each class; requiring that the State Fire Marshal
66 adopt rules; providing requirements for revising
67 certain dimensions of a tent that is exempt from the
68 code; amending s.

By the Committee on Banking and Insurance; and Senator Stargel

597-02018-16

2016822c1

A bill to be entitled

An act relating to firesafety; amending s. 633.202, F.S.; defining terms; revising provisions relating to certain structures located on agricultural property which are exempt from the Florida Fire Prevention Code; requiring that certain structures used for assembly, business, or mercantile activity be classified; specifying that certain structures are subject to annual inspection for classification; providing classifications; revising certain dimensions of a tent that is exempt from the code; requiring that the State Fire Marshal adopt rules; amending s. 633.208, F.S.; authorizing a local fire official to consider a specified publication when identifying an alternative to a firesafety code; providing an effective date.

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

Section 1. Subsection (16) of section 633.202, Florida Statutes, is amended to read:

633.202 Florida Fire Prevention Code.—

(16) (a) As used in this subsection, the term:

1. "Agricultural pole barn" means a nonresidential farm building in which 70 percent or more of the perimeter walls are permanently open and allow free ingress and egress.

2. "Nonresidential farm building" has the same meaning as provided in s. 604.50.

(b) Notwithstanding any other provision of law, a nonresidential farm building A structure, located on property that is classified for ad valorem purposes as agricultural, which is part of a farming or ranching operation, in which the

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-02018-16

2016822c1

occupancy is limited by the property owner to no more than 35 persons, ~~and which is not used by the public for direct sales or as an educational outreach facility,~~ is exempt from the Florida Fire Prevention Code, including the national codes and Life Safety Code incorporated by reference. ~~This paragraph does not include structures used for residential or assembly occupancies, as defined in the Florida Fire Prevention Code.~~

(c) Notwithstanding any other provision of law, an agricultural pole barn is exempt from the Florida Fire Prevention Code, including the national codes and the Life Safety Code incorporated by reference.

(d) Notwithstanding any other provision of law, and except for an agricultural pole barn, a structure on a farm as defined in s. 823.14(3) (a) which is used by an owner for assembly, business, or mercantile activity must be classified in one of the following classes:

1. Class 1: A nonresidential farm building that is used by the owner 12 times per year or fewer for assembly, business, or mercantile activity with up to 100 persons occupying the structure at one time. This class is not subject to the Florida Fire Prevention Code.

2. Class 2: A nonresidential farm building that is used by the owner for assembly, business, or mercantile activity with up to 300 persons occupying the structure at one time. A structure in this class is subject to annual inspection for classification by the local authority having jurisdiction. This class is not subject to the Florida Fire Prevention Code.

3. Class 3: A structure or facility that is used primarily for housing, sheltering, or otherwise accommodating members of

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-02018-16

2016822c1

62 the general public. A structure or facility in this class is
 63 subject to annual inspection for classification by the local
 64 authority having jurisdiction. This class is subject to the
 65 Florida Fire Prevention Code.

66 (e) The State Fire Marshal shall adopt rules to administer
 67 this section, including, but not limited to:

68 1. The use of alternative lifesafety and fire prevention
 69 standards for structures in Classes 1 and 2;

70 2. Notification and inspection requirements for structures
 71 in Class 2;

72 3. The application of the Florida Fire Prevention Code for
 73 structures in Class 3; and

74 4. Any other standards or rules deemed necessary in order
 75 to facilitate the use of structures for assembly, business, or
 76 mercantile activities.

77 (17) ~~(b)~~ A tent up to 900 square 30 feet by 30 feet is
 78 exempt from the Florida Fire Prevention Code, including the
 79 national codes incorporated by reference.

80 Section 2. Subsection (5) of section 633.208, Florida
 81 Statutes, is amended to read:

82 633.208 Minimum firesafety standards.—

83 (5) With regard to existing buildings, the Legislature
 84 recognizes that it is not always practical to apply any or all
 85 of the provisions of the Florida Fire Prevention Code and that
 86 physical limitations may require disproportionate effort or
 87 expense with little increase in fire or life safety. Before
 88 prior to applying the minimum firesafety code to an existing
 89 building, the local fire official shall determine whether that a
 90 threat to lifesafety or property exists. If a threat to

597-02018-16

2016822c1

91 lifesafety or property exists, the fire official shall apply the
 92 applicable firesafety code for existing buildings to the extent
 93 practical to ~~ensure assure~~ a reasonable degree of lifesafety and
 94 safety of property or the fire official shall fashion a
 95 reasonable alternative ~~that which~~ affords an equivalent degree
 96 of lifesafety and safety of property. The local fire official
 97 may consider the fire safety evaluation systems found in NFPA
 98 101A: Guide on Alternative Approaches to Life Safety, adopted by
 99 the State Fire Marshal, as acceptable systems for the
 100 identification of low-cost, reasonable alternatives. The
 101 decision of the local fire official may be appealed to the local
 102 administrative board described in s. 553.73.

103 Section 3. This act shall take effect July 1, 2016.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/2016

Meeting Date

822

Bill Number (if applicable)

971 186

Amendment Barcode (if applicable)

Topic Fire Safety

Name Adam Basford

Job Title Director, Legislative Affairs

Address 315 S Calhoun St #850

Phone 222 2557

Tallahassee FL 32301

Email Adam.Basford@FSF.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/14

Meeting Date

822

Bill Number (if applicable)

Topic Firesafety

Amendment Barcode (if applicable)

Name Eric Prutsman

Job Title _____

Address P.O. Box 10448

Phone 850-894-6601

Street

Tallahassee FL 32302

Email eric@prutsmanlaw.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Fire Chiefs Association & Florida Fire Marshals & Inspectors Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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1-21-16
Meeting Date

822
Bill Number (if applicable)

Topic Firesafety

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Dir. of Legislative Affairs

Address PL 16 The Capital

Phone 850 617 7700

Street

Tallahassee FL 32399

City

State

Zip

Email grace.lovette@freshfromflorida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Dept. of Agriculture + Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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1/21/16
Meeting Date

822
Bill Number (if applicable)

Topic Fire safety

Amendment Barcode (if applicable)

Name Jim Tolley

Job Title President

Address 345 West Madison St

Phone 850 224 7333

Tallahassee FL 32301
City State Zip

Email JimT@FPFP.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Prof Firefighters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/14

Meeting Date

822

Bill Number (if applicable)

Topic Agriculture fire safety - SB 822

Amendment Barcode (if applicable)

Name B.G. Murphy

Job Title Deputy Legislative Affairs Director

Address 400 N. Monroe St.

Phone 850-413-2890

Street

Tallahassee

FL

State

32399

Zip

Email B.G. Murphy@myfloridato.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Department of Financial Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/14
Meeting Date

822
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title _____

Address 310 W College Ave

Phone 850-228-1296

Street

TALLAHASSEE

City

FL

State

32301

Zip

Email Jim@majalistrategiesllc.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Nursery, Growers & LANDSCAPE Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/21/2014

Meeting Date

822

Bill Number (if applicable)

Topic Fire Safety

Amendment Barcode (if applicable)

Name Adam Bastard

Job Title Dir. Legislative Affairs

Address 315 S Calhoun St #850

Phone 272 2557

Tallahassee FL 32301

Email Adam.Bastard@fla.org

Street

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 908

INTRODUCER: Senator Lee

SUBJECT: Organization of the Department of Financial Services

DATE: January 20, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Billmeier</u>	<u>Knudson</u>	<u>BI</u>	Favorable
2.	<u>Betta</u>	<u>DeLoach</u>	<u>AGG</u>	Recommend: Favorable
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 908 changes the organization of the Department of Financial Services (DFS). The bill authorizes the Chief Financial Officer (CFO) any division, bureau, or office necessary to promote the effective and efficient operation of the DFS. The bill does not change the organizational review and approval process of the Department of Management Services and the Executive Office of the Governor.

The bill repeals the statutory requirement to establish the following divisions, bureau, and office:

- The Division of Administration;
- The Division of Legal Services;
- The Division of Information Systems;
- The Bureau of Unclaimed Property; and
- The Office of Fiscal Integrity.

The DFS will continue to perform the requirements of the divisions, office, and bureau directed in law, but the CFO will have the authority to determine the organizational placement of those functions within the DFS.

The bill renames the Division of Insurance Fraud as the Division of Investigative and Forensic Services. The new division will perform the investigative functions currently performed by the Division of Insurance Fraud, the Office of Fiscal Integrity, and the Division of State Fire Marshal. The bill also repeals the Strategic Markets Research and Assessment Unit, which is currently neither active nor funded.

SB 908 expands the Anti-Fraud Reward Program, which provides rewards to persons who report insurance fraud, to provide rewards for the reporting of arson-related crimes and other crimes investigated by the State Fire Marshal.

Finally, the bill provides that the DFS's rulemaking authority relating to unclaimed property includes property reported to the CFO pursuant to statutes relating to unclaimed funds from certain judicial, probate, and guardianship proceedings.

The bill has no fiscal impact to the state.

The effective date of the bill is July 1, 2016.

II. Present Situation:

The CFO is a member of the Cabinet¹ and serves as the chief fiscal officer of the state. The CFO is agency head of the DFS.² The DFS is organized in fourteen divisions and some specialized offices. The divisions are:

- The Division of Accounting and Auditing, which includes the Bureau of Unclaimed Property and the Office of Fiscal Integrity;
- The Division of State Fire Marshal;
- The Division of Risk Management;
- The Division of Treasury;
- The Division of Insurance Fraud;
- The Division of Rehabilitation and Liquidation;
- The Division of Insurance Agent and Agency Services;
- The Division of Consumer Services;
- The Division of Workers' Compensation;
- The Division of Administration;
- The Division of Legal Services;
- The Division of Information Systems;
- The Division of Funeral, Cemetery, and Consumer Services;
- The Division of Public Assistance Fraud.³

Section 20.04, F.S., provides for the establishment of divisions, bureaus, sections, or subsections within a state department. A department head may recommend the establishment of additional divisions, bureaus, sections, and subsections to promote efficient and effective operation of the department.⁴ The Department of Management Services and the Executive Office of the Governor review and approve reorganization requests.⁵

Section 282.709, F.S., creates the Joint Task Force on State Agency Law Enforcement Communications (task force) to advise the Department of Management Services of member agency needs relating to the planning, designing, and establishment of the statewide communication system.⁶ One of the members of the task force is a representative of the State Fire Marshal appointed by the State Fire Marshal.

¹ See Art. IV, s. 4, Fla. Const.

² See s. 20.121(1), F.S.

³ See s. 20.121(2), F.S.

⁴ See s. 20.04(7)(b), F.S.

⁵ See s. 20.04(7)(c), F.S.

⁶ See s. 282.709(2), F.S.

Bureau of Unclaimed Property

Chapter 717, Florida Statutes, governs the disposition of unclaimed property and requires the DFS to administer the statute. Currently, the DFS holds unclaimed property accounts valued at more than \$1 billion from dormant accounts in financial institutions, insurance and utility companies, securities, trust holdings, and unclaimed safe deposit boxes. The Bureau of Unclaimed Property within the DFS is the division responsible for administering ch. 717, F.S.⁷

The Office of Fiscal Integrity

The Office of Fiscal Integrity is a criminal justice agency within the DFS whose mission is to detect and investigate the misappropriation or misuse of state assets. The office performs functions related to the duty of the CFO to examine, audit, adjust, and settle the accounts of all state officers and any other person who has received state funds or moneys.⁸ The Office of Fiscal Integrity has sworn law enforcement officers on staff to conduct investigations or provide investigative assistance to other law enforcement agencies.⁹

Division of Insurance Fraud

The Division of Insurance Fraud investigates various types of insurance fraud including Personal Injury Protection (PIP) fraud, workers' compensation fraud, vehicle fraud, application fraud, licensee fraud, homeowner's insurance fraud, and healthcare fraud.¹⁰ The Division is directed by statute to investigate fraudulent insurance acts, violations of the Unfair Insurance Trade Practices Act,¹¹ false and fraudulent insurance claims,¹² and willful violations of the Florida Insurance Code and rules adopted pursuant to the code.¹³ The Division employs sworn law enforcement officers to investigate insurance fraud. In Fiscal Year 2014-2015, the division received 17,392 referrals.¹⁴

Division of Consumer Services

The Division of Consumer Services within DFS is created in s. 20.121, F.S., and deals with consumer issues and complaints related to the jurisdiction of the DFS and the Office of Insurance Regulation ("OIR"). The Division:

- Receives inquiries and complaints from consumers;
- Prepares and disseminates information as the DFS deems appropriate to inform or assist consumers;

⁷ See <https://www.fltreasurehunt.org/> (discussing the Bureau of Unclaimed Property)(last accessed January 4, 2016).

⁸ Section 17.04, F.S.

⁹ See <http://www.myfloridacfo.com/Division/AA/StateAgencies/OfficeofFiscalIntegrity.htm#.VQCOFPnF8eE> (last accessed January 4, 2016).

¹⁰ See <http://www.myfloridacfo.com/Division/Fraud/#.VQDPuPnF8eF> (last accessed January 4, 2016).

¹¹ Section 626.9541, F.S.

¹² Section 817.234, F.S.

¹³ Section 624.15, F.S.

¹⁴ See

Division of Insurance Fraud Annual Report Fiscal Year 2014-2015 at p. 4 (on file with Committee on Banking and Insurance).

- Provides direct assistance and advocacy for consumers; and
- Reports potential violations of law or applicable rules by a person or entity licensed by the DFS or the OIR to appropriate division within DFS or the OIR, as appropriate.¹⁵

Strategic Markets Research and Assistance Unit

Section 20.121, F.S., creates the Strategic Markets Research and Assessment Unit within the DFS. It requires the CFO or his or her designee to report quarterly to the Cabinet, the President of the Senate, and the Speaker of the House of Representatives on the status of the state's financial services markets. The CFO must also provide findings and recommendations regarding regulatory and policy changes to the Cabinet, the President of the Senate, and the Speaker of the House of Representatives. According to the DFS, the unit has not functioned since before 2010 and funding was discontinued in 2009.¹⁶

Anti-Fraud Reward Program

Section 626.9892, F.S., creates the Anti-Fraud Reward Program within the DFS. The program is funded from the Insurance Regulatory Trust Fund. The program allows the DFS to provide rewards of up to \$25,000 to persons providing information leading to the arrest and conviction of persons convicted of crimes investigated by the Division of Insurance Fraud.¹⁷ The program was established in 1999 and has paid over \$365,000 in rewards.¹⁸

Division of the State Fire Marshal

State law on fire prevention and control is provided in Chapter 633, F.S. Section 633.104, F.S., designates the CFO as the State Fire Marshal, operating through the Division of the State Fire Marshal. Pursuant to this authority, the State Fire Marshal regulates, trains, and certifies fire service personnel, investigates the causes of fires, enforces arson laws, regulates the installation of fire equipment, conducts firesafety inspections of state property, develops firesafety standards, provides facilities for the analysis of fire debris, and operates the Florida State Fire College.

III. Effect of Proposed Changes:

Reorganization of the DFS

Sections 1 and 2 allows the CFO, rather than the Division of Accounting and Auditing, to conduct investigations and refer information that shows a potential violation of statute to appropriate enforcement agencies. The CFO is authorized to keep information related to an investigation confidential.¹⁹ These changes are being made because investigation functions currently in the Division of Accounting and Auditing are being transferred to the Division of Investigative and Forensic Services.²⁰

¹⁵ See s. 20.121(2)(h), F.S.

¹⁶ See Department of Financial Services, *SB 908 Analysis* (December 8, 2015)(on file with the Senate Committee on Banking and Insurance).

¹⁷ Crimes include workers compensation fraud, violations of the Florida Insurance Code, and insurance fraud.

¹⁸ See <http://www.myfloridacfo.com/sitePages/agency/dfs.aspx> (last accessed on January 5, 2016).

¹⁹ The bill does not create a new public records exemption.

²⁰ See Department of Financial Services, *SB 908 Analysis* (December 8, 2015).

Section 3 makes various changes to the organization of the DFS. The bill gives the CFO the authority to establish any division, bureau, or office of the department as the CFO deems necessary to promote the effective and efficient operation of the DFS pursuant to s. 20.04, F.S. The bill does not change the review and approval process of s. 20.04, F.S.

The bill repeals the statutory requirement to establish the following divisions, offices, and bureaus:

- The Division of Administration;
- The Division of Legal Services;
- The Division of Information Systems;
- The Division of Insurance Fraud;
- The Bureau of Unclaimed Property;
- The Office of Fiscal Integrity.

The DFS will continue to perform the requirements of law currently performed by the divisions, bureau, and office. The CFO will have the authority to determine the organizational placement of those functions within the DFS.

The bill requires the creation of two new divisions, the Division of Investigative and Forensic Services and the Division of Unclaimed Property. The Division of Investigative and Forensic Services replaces the Division of Insurance Fraud. The new division will perform the investigative functions currently performed by the Division of Insurance Fraud, the Office of Fiscal Integrity, and the Division of State Fire Marshal. The Division of Unclaimed Property will perform the functions currently performed by the Bureau of Unclaimed Property.

Sections 6 through 24 and 44 amend various statutes to reflect the name change from the Division of Insurance Fraud to the Division of Investigative and Forensic Services.

Sections 37-42 amend various statutes to replace references to the Bureau of Unclaimed Property with the Division of Unclaimed Property.

Section 26-36 transfer investigatory, enforcement, and rulemaking functions currently performed by the State Fire Marshal to the Division of Investigative and Forensic Services.

The Strategic Markets Research and Assessment Unit which is inactive and not funded is repealed.

Division of Consumer Services Statute

Sections 4 and 5 move statutory references to the duties of the Division of Consumer Services from s. 20.121, F.S., to the Insurance Code at s. 624.307, F.S., and provide conforming changes.

State Fire Marshal

Section 15 allows the DFS to give rewards under the Anti-Fraud Reward Program to persons who provide information leading to the arrest and conviction of persons who violate statutes

currently investigated by the State Fire Marshal. Crimes include making false reports regarding explosives or arson (s. 790.164, F.S.), planting a “hoax” bomb (s. 790.165, F.S.), crimes related to weapons of mass destruction (s. 790.166, F.S.), arson resulting in injury to a firefighter (s. 806.031, F.S.), preventing extinguishment of a fire (s. 806.10, F.S.), crimes relating to fire bombs (s. 806.111), and burning to defraud an insurer (s. 817.233, F.S.).

Section 25 provides that the representative to the Joint Task Force on State Agency Law Enforcement Communications will be a representative of the Division of the Investigative and Forensic Services and will be appointed by the CFO.

Rulemaking

Section 43 provides the DFS rulemaking authority relating to unclaimed property to include property reported to the CFO pursuant to s. 43.19, F.S., relating to unclaimed funds paid to the court; s. 45.032, F.S., relating to the disposition of surplus funds after a judicial sale; s. 732.107, F.S., relating to unclaimed funds in intestate probate proceedings; s. 733.816, F.S., relating to unclaimed funds held by personal representatives in probate proceedings; and s. 744.534, F.S., relating to unclaimed funds in guardianship proceedings.

Effective Date

Section 45 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

While SB 908 has no fiscal impact to the state, the General Appropriations Act for the DFS does not reflect this new organizational structure.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 17.04, 17.0401, 20.121, 624.26, 624.307, 16.59, 400.9935, 409.91212, 440.105, 440.1051, 440.12, 624.521, 626.016, 626.989, 626.9892, 626.9893, 626.9894, 626.99278, 627.351, 627.711, 627.736, 627.7401, 631.156, 641.30, 282.709, 552.113, 552.21, 633.112, 633.114, 633.122, 633.126, 633.422, 633.508, 633.512, 633.518, 791.013, 538.32, 717.1241, 717.1323, 717.135, 717.1351, 717.1400, 717.138, and 932.7055.

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

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

None.

B. Amendments:

None.

By Senator Lee

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1 A bill to be entitled
 2 An act relating to organization of the Department of
 3 Financial Services; amending ss. 17.04 and 17.0401,
 4 F.S.; authorizing the Chief Financial Officer, rather
 5 than the Division of Accounting and Auditing, to audit
 6 and adjust accounts of officers and those indebted to
 7 the state; making conforming changes; reordering and
 8 amending s. 20.121, F.S.; revising the divisions and
 9 the location of bureaus within the divisions; revising
 10 the functions of the department; providing duties for
 11 the Division of Investigative and Forensic Services;
 12 authorizing the Chief Financial Officer to establish
 13 divisions, bureaus, and offices of the department;
 14 amending s. 624.26, F.S.; conforming a provision to
 15 changes made by the act; amending s. 624.307, F.S.;
 16 providing powers and duties of the Division of
 17 Consumer Services; authorizing the division to impose
 18 certain penalties; authorizing the department to adopt
 19 rules relating to the division; providing for
 20 construction; amending ss. 16.59, 400.9935, 409.91212,
 21 440.105, 440.1051, 440.12, 624.521, 626.016, 626.989,
 22 626.9892, 626.9893, 626.9894, 626.99278, 627.351,
 23 627.711, 627.736, 627.7401, 631.156, and 641.30, F.S.,
 24 relating to the renaming of the Division of Insurance
 25 Fraud; conforming provisions to changes made by the
 26 act; making technical changes; amending ss. 282.709,
 27 552.113, 552.21, 633.112, 633.114, 633.122, 633.126,
 28 633.422, 633.508, 633.512, 633.518, and 791.013, F.S.,
 29 relating to the transfer of certain functions to the

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30 Division of Investigative and Forensic Services;
 31 conforming provisions to changes made by the act;
 32 amending ss. 538.32, 717.1241, 717.1323, 717.135,
 33 717.1351, and 717.1400, F.S., relating to the renaming
 34 of the Bureau of Unclaimed Property; conforming
 35 provisions to changes made by the act; making
 36 technical changes; amending s. 717.138, F.S.;
 37 specifying rulemaking authority of the department;
 38 amending s. 932.7055, F.S.; conforming provisions to
 39 changes made by the act; providing an effective date.
 40
 41 Be It Enacted by the Legislature of the State of Florida:
 42
 43 Section 1. Section 17.04, Florida Statutes, is amended to
 44 read:
 45 17.04 To audit and adjust accounts of officers and those
 46 indebted to the state.—The Chief Financial Officer, using
 47 generally accepted auditing procedures for testing or sampling,
 48 shall examine, audit, adjust, and settle the accounts of all the
 49 officers of this state, and any other person in anywise
 50 entrusted with, or who may have received any property, funds, or
 51 moneys of this state, or who may be in anywise indebted or
 52 accountable to this state for any property, funds, or moneys,
 53 and require such officer or persons to render full accounts
 54 thereof, and to yield up such property or funds according to
 55 law, or pay such moneys into the treasury of this state, or to
 56 such officer or agent of the state as may be appointed to
 57 receive the same, and on failure so to do, to cause to be
 58 instituted and prosecuted proceedings, criminal or civil, at law

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59 or in equity, against such persons, according to law. The Chief
 60 Financial Officer ~~Division of Accounting and Auditing~~ may
 61 conduct investigations within or outside of this state as it
 62 deems necessary to aid in the enforcement of this section. If
 63 during an investigation the Chief Financial Officer ~~division~~ has
 64 reason to believe that any criminal statute of this state has or
 65 may have been violated, the Chief Financial Officer ~~division~~
 66 shall refer any records tending to show such violation to state
 67 or federal law enforcement or prosecutorial agencies and shall
 68 provide investigative assistance to those agencies as required.

69 Section 2. Section 17.0401, Florida Statutes, is amended to
 70 read:

71 17.0401 Confidentiality of information relating to
 72 financial investigations.—Except as otherwise provided by this
 73 section, information relative to an investigation conducted by
 74 the Chief Financial Officer ~~Division of Accounting and Auditing~~
 75 pursuant to s. 17.04, including any consumer complaint, is
 76 confidential and exempt from the provisions of s. 119.07(1) and
 77 s. 24(a), Art. I of the State Constitution until the
 78 investigation is completed or ceases to be active. Any
 79 information relating to an investigation conducted ~~by the~~
 80 ~~division~~ pursuant to s. 17.04 shall remain confidential and
 81 exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I
 82 of the State Constitution after the ~~division's~~ investigation is
 83 completed or ceases to be active if the Chief Financial Officer
 84 ~~division~~ submits the information to any law enforcement or
 85 prosecutorial agency for further investigation. Such information
 86 shall remain confidential and exempt from the provisions of s.
 87 119.07(1) and s. 24(a), Art. I of the State Constitution until

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88 that agency's investigation is completed or ceases to be active.
 89 For purposes of this section, an investigation shall be
 90 considered "active" so long as the Chief Financial Officer
 91 ~~division~~ or any law enforcement or prosecutorial agency is
 92 proceeding with reasonable dispatch and has a reasonable good
 93 faith belief that the investigation may lead to the filing of an
 94 administrative, civil, or criminal proceeding. This section
 95 shall not be construed to prohibit disclosure of information
 96 that is required by law to be filed with the Department of
 97 Financial Services or the Office of Financial Regulation and
 98 that, but for the investigation, would otherwise be subject to
 99 public disclosure. Nothing in this section shall be construed to
 100 prohibit the Chief Financial Officer ~~division~~ from providing
 101 information to any law enforcement or prosecutorial agency. Any
 102 law enforcement or prosecutorial agency receiving confidential
 103 information from the Chief Financial Officer ~~division~~ in
 104 connection with its official duties shall maintain the
 105 confidentiality of the information as provided for in this
 106 section.

107 Section 3. Subsection (2) of section 20.121, Florida
 108 Statutes, is reordered and amended, and subsection (6) of that
 109 section is amended, to read:

110 20.121 Department of Financial Services.—There is created a
 111 Department of Financial Services.

112 (2) DIVISIONS.—The Department of Financial Services shall
 113 consist of the following divisions and office:

114 (a) The Division of Accounting and Auditing, ~~which shall~~
 115 ~~include the following bureau and office:~~

116 ~~1. The Bureau of Unclaimed Property.~~

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117 ~~2. The Office of Fiscal Integrity which shall function as a~~
 118 ~~criminal justice agency for purposes of ss. 943.045-943.08 and~~
 119 ~~shall have a separate budget. The office may conduct~~
 120 ~~investigations within or outside this state as the bureau deems~~
 121 ~~necessary to aid in the enforcement of this section. If during~~
 122 ~~an investigation the office has reason to believe that any~~
 123 ~~criminal law of this state has or may have been violated, the~~
 124 ~~office shall refer any records tending to show such violation to~~
 125 ~~state or federal law enforcement or prosecutorial agencies and~~
 126 ~~shall provide investigative assistance to those agencies as~~
 127 ~~required.~~

128 ~~(i)(b)~~ The Division of State Fire Marshal.

129 ~~(h)(c)~~ The Division of Risk Management.

130 ~~(j)(d)~~ The Division of Treasury, which shall include a
 131 Bureau of Deferred Compensation responsible for administering
 132 the Government Employees Deferred Compensation Plan established
 133 under s. 112.215 for state employees.

134 ~~(k)~~ The Division of Unclaimed Property.

135 (e) The Division of Investigative and Forensic Services,
 136 which shall include the Bureau of Forensic Services and the
 137 Bureau of Fire and Arson Investigations, and which shall
 138 function as a criminal justice agency for purposes of ss.
 139 943.045-943.08. The division may conduct investigations within
 140 or outside of this state as it deems necessary. If, during an
 141 investigation, the division has reason to believe that any
 142 criminal law of this state has or may have been violated, it
 143 shall refer any records tending to show such violation to state
 144 or federal law enforcement or prosecutorial agencies and shall
 145 provide investigative assistance to those agencies as required

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146 ~~Insurance Fraud.~~

147 ~~(g)(f)~~ The Division of Rehabilitation and Liquidation.

148 ~~(d)(g)~~ The Division of Insurance Agent and Agency Services.

149 ~~(b)(h)~~ The Division of Consumer Services.

150 ~~1. The Division of Consumer Services shall perform the~~
 151 ~~following functions concerning products or services regulated by~~
 152 ~~the department or by the Office of Insurance Regulation:~~
 153 ~~a. Receive inquiries and complaints from consumers.~~
 154 ~~b. Prepare and disseminate such information as the~~
 155 ~~department deems appropriate to inform or assist consumers.~~
 156 ~~c. Provide direct assistance and advocacy for consumers who~~
 157 ~~request such assistance or advocacy.~~
 158 ~~d. With respect to apparent or potential violations of law~~
 159 ~~or applicable rules by a person or entity licensed by the~~
 160 ~~department or office, report apparent or potential violations to~~
 161 ~~the office or the appropriate division of the department, which~~
 162 ~~may take such further action as it deems appropriate.~~

163 ~~e. Designate an employee of the division as primary contact~~
 164 ~~for consumers on issues relating to sinkholes.~~

165 ~~2. Any person licensed or issued a certificate of authority~~
 166 ~~by the department or by the Office of Insurance Regulation shall~~
 167 ~~respond, in writing, to the Division of Consumer Services within~~
 168 ~~20 days after receipt of a written request for information from~~
 169 ~~the division concerning a consumer complaint. The response must~~
 170 ~~address the issues and allegations raised in the complaint. The~~
 171 ~~division may impose an administrative penalty for failure to~~
 172 ~~comply with this subparagraph of up to \$2,500 per violation upon~~
 173 ~~any entity licensed by the department or the office and \$250 for~~
 174 ~~the first violation, \$500 for the second violation, and up to~~

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175 \$1,000 per violation thereafter upon any individual licensed by
176 the department or the office.

177 ~~3. The department may adopt rules to administer this~~
178 ~~paragraph.~~

179 ~~4. The powers, duties, and responsibilities expressed or~~
180 ~~granted in this paragraph do not limit the powers, duties, and~~
181 ~~responsibilities of the Department of Financial Services, the~~
182 ~~Financial Services Commission, the Office of Insurance~~
183 ~~Regulation, or the Office of Financial Regulation set forth~~
184 ~~elsewhere in the Florida Statutes.~~

185 ~~(l)(i) The Division of Workers' Compensation.~~

186 ~~(j) The Division of Administration.~~

187 ~~(k) The Division of Legal Services.~~

188 ~~(l) The Division of Information Systems.~~

189 (m) The Office of Insurance Consumer Advocate.

190 ~~(c)(n) The Division of Funeral, Cemetery, and Consumer~~
191 ~~Services.~~

192 ~~(f)(e) The Division of Public Assistance Fraud.~~

193

194 The Chief Financial Officer may establish any other division,
195 bureau, or office of the department that he or she deems
196 necessary to promote the efficient and effective operation of
197 the department pursuant to s. 20.04.

198 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~
199 ~~Strategic Markets Research and Assessment Unit is established~~
200 ~~within the Department of Financial Services. The Chief Financial~~
201 ~~Officer or his or her designee shall report on September 1,~~
202 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
203 ~~the Senate, and the Speaker of the House of Representatives on~~

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204 ~~the status of the state's financial services markets. At a~~
205 ~~minimum, the report must include a summary of issues, trends,~~
206 ~~and threats that broadly impact the condition of the financial~~
207 ~~services industries, along with the effect of such conditions on~~
208 ~~financial institutions, the securities industries, other~~
209 ~~financial entities, and the credit market. The Chief Financial~~
210 ~~Officer shall also provide findings and recommendations~~
211 ~~regarding regulatory and policy changes to the Cabinet, the~~
212 ~~President of the Senate, and the Speaker of the House of~~
213 ~~Representatives.~~

214 Section 4. Subsection (4) of section 624.26, Florida
215 Statutes, is amended to read:

216 624.26 Collaborative arrangement with the Department of
217 Health and Human Services.—

218 (4) The department's Division of Consumer Services may
219 respond to complaints by consumers relating to a requirement of
220 PPACA ~~as authorized under s. 20.121(2)(h)~~, and report apparent
221 or potential violations to the office and to the federal
222 Department of Health and Human Services.

223 Section 5. Subsection (10) is added to section 624.307,
224 Florida Statutes, to read:

225 624.307 General powers; duties.—

226 (10) (a) The Division of Consumer Services shall perform the
227 following functions concerning products or services regulated by
228 the department or office:

229 1. Receive inquiries and complaints from consumers.

230 2. Prepare and disseminate information that the department
231 deems appropriate to inform or assist consumers.

232 3. Provide direct assistance to and advocacy for consumers

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233 who request such assistance or advocacy.

234 4. With respect to apparent or potential violations of law
 235 or applicable rules committed by a person or entity licensed by
 236 the department or office, report apparent or potential
 237 violations to the office or to the appropriate division of the
 238 department, which may take any additional action it deems
 239 appropriate.

240 5. Designate an employee of the division as the primary
 241 contact for consumers on issues relating to sinkholes.

242 (b) Any person licensed or issued a certificate of
 243 authority by the department or the office shall respond, in
 244 writing, to the division within 20 days after receipt of a
 245 written request for information from the division concerning a
 246 consumer complaint. The response must address the issues and
 247 allegations raised in the complaint. The division may impose an
 248 administrative penalty for failure to comply with this paragraph
 249 of up to \$2,500 per violation upon any entity licensed by the
 250 department or the office and \$250 for the first violation, \$500
 251 for the second violation, and up to \$1,000 for the third or
 252 subsequent violation upon any individual licensed by the
 253 department or the office.

254 (c) The department may adopt rules to administer this
 255 subsection.

256 (d) The powers, duties, and responsibilities expressed or
 257 granted in this subsection do not limit the powers, duties, and
 258 responsibilities of the department, the Financial Services
 259 Commission, the Office of Insurance Regulation, or the Office of
 260 Financial Regulation as otherwise provided by law.

261 Section 6. Section 16.59, Florida Statutes, is amended to

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262 read:

263 16.59 Medicaid fraud control.—The Medicaid Fraud Control
 264 Unit is created in the Department of Legal Affairs to
 265 investigate all violations of s. 409.920 and any criminal
 266 violations discovered during the course of those investigations.
 267 The Medicaid Fraud Control Unit may refer any criminal violation
 268 so uncovered to the appropriate prosecuting authority. The
 269 offices of the Medicaid Fraud Control Unit, the Agency for
 270 Health Care Administration Medicaid program integrity program,
 271 and the Divisions of Investigative and Forensic Services
 272 ~~Insurance Fraud~~ and Public Assistance Fraud within the
 273 Department of Financial Services shall, to the extent possible,
 274 be collocated; however, positions dedicated to Medicaid managed
 275 care fraud within the Medicaid Fraud Control Unit shall be
 276 collocated with the Division of Investigative and Forensic
 277 Services ~~Insurance Fraud~~. The Agency for Health Care
 278 Administration, the Department of Legal Affairs, and the
 279 Divisions of Investigative and Forensic Services ~~Insurance Fraud~~
 280 and Public Assistance Fraud within the Department of Financial
 281 Services shall conduct joint training and other joint activities
 282 designed to increase communication and coordination in
 283 recovering overpayments.

284 Section 7. Subsection (9) of section 400.9935, Florida
 285 Statutes, is amended to read:

286 400.9935 Clinic responsibilities.—

287 (9) In addition to the requirements of part II of chapter
 288 408, the clinic shall display a sign in a conspicuous location
 289 within the clinic readily visible to all patients indicating
 290 that, pursuant to s. 626.9892, the Department of Financial

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291 Services may pay rewards of up to \$25,000 to persons providing
 292 information leading to the arrest and conviction of persons
 293 committing crimes investigated by the Division of Investigative
 294 and Forensic Services Insurance Fraud arising from violations of
 295 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.
 296 An authorized employee of the Division of Investigative and
 297 Forensic Services Insurance Fraud may make unannounced
 298 inspections of a clinic licensed under this part as necessary to
 299 determine whether the clinic is in compliance with this
 300 subsection. A licensed clinic shall allow full and complete
 301 access to the premises to such authorized employee of the
 302 division who makes an inspection to determine compliance with
 303 this subsection.

304 Section 8. Subsection (6) of section 409.91212, Florida
 305 Statutes, is amended to read:

306 409.91212 Medicaid managed care fraud.—

307 (6) Each managed care plan shall report all suspected or
 308 confirmed instances of provider or recipient fraud or abuse
 309 within 15 calendar days after detection to the Office of
 310 Medicaid Program Integrity within the agency. At a minimum the
 311 report must contain the name of the provider or recipient, the
 312 Medicaid billing number or tax identification number, and a
 313 description of the fraudulent or abusive act. The Office of
 314 Medicaid Program Integrity in the agency shall forward the
 315 report of suspected overpayment, abuse, or fraud to the
 316 appropriate investigative unit, including, but not limited to,
 317 the Bureau of Medicaid program integrity, the Medicaid fraud
 318 control unit, the Division of Public Assistance Fraud, the
 319 Division of Investigative and Forensic Services Insurance Fraud,

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320 or the Department of Law Enforcement.

321 (a) Failure to timely report shall result in an
 322 administrative fine of \$1,000 per calendar day after the 15th
 323 day of detection.

324 (b) Failure to timely report may result in additional
 325 administrative, civil, or criminal penalties.

326 Section 9. Paragraph (a) of subsection (1) of section
 327 440.105, Florida Statutes, is amended to read:

328 440.105 Prohibited activities; reports; penalties;
 329 limitations.—

330 (1) (a) Any insurance carrier, any individual self-insured,
 331 any commercial or group self-insurance fund, any professional
 332 practitioner licensed or regulated by the Department of Health,
 333 except as otherwise provided by law, any medical review
 334 committee as defined in s. 766.101, any private medical review
 335 committee, and any insurer, agent, or other person licensed
 336 under the insurance code, or any employee thereof, having
 337 knowledge or who believes that a fraudulent act or any other act
 338 or practice which, upon conviction, constitutes a felony or
 339 misdemeanor under this chapter is being or has been committed
 340 shall send to the Division of Investigative and Forensic
 341 Services Insurance Fraud, Bureau of Workers' Compensation Fraud,
 342 a report or information pertinent to such knowledge or belief
 343 and such additional information relative thereto as the bureau
 344 may require. The bureau shall review such information or reports
 345 and select such information or reports as, in its judgment, may
 346 require further investigation. It shall then cause an
 347 independent examination of the facts surrounding such
 348 information or report to be made to determine the extent, if

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349 any, to which a fraudulent act or any other act or practice
 350 which, upon conviction, constitutes a felony or a misdemeanor
 351 under this chapter is being committed. The bureau shall report
 352 any alleged violations of law which its investigations disclose
 353 to the appropriate licensing agency and state attorney or other
 354 prosecuting agency having jurisdiction with respect to any such
 355 violations of this chapter. If prosecution by the state attorney
 356 or other prosecuting agency having jurisdiction with respect to
 357 such violation is not begun within 60 days of the bureau's
 358 report, the state attorney or other prosecuting agency having
 359 jurisdiction with respect to such violation shall inform the
 360 bureau of the reasons for the lack of prosecution.

361 Section 10. Subsections (1) and (2) of section 440.1051,
 362 Florida Statutes, are amended to read:

363 440.1051 Fraud reports; civil immunity; criminal
 364 penalties.-

365 (1) The Bureau of Workers' Compensation Insurance Fraud of
 366 the Division of Investigative and Forensic Services ~~Insurance~~
 367 ~~Fraud~~ of the department shall establish a toll-free telephone
 368 number to receive reports of workers' compensation fraud
 369 committed by an employee, employer, insurance provider,
 370 physician, attorney, or other person.

371 (2) Any person who reports workers' compensation fraud to
 372 the Division of Investigative and Forensic Services ~~Insurance~~
 373 ~~Fraud~~ under subsection (1) is immune from civil liability for
 374 doing so, and the person or entity alleged to have committed the
 375 fraud may not retaliate against him or her for providing such
 376 report, unless the person making the report knows it to be
 377 false.

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378 Section 11. Paragraph (c) of subsection (1) of section
 379 440.12, Florida Statutes, is amended to read:

380 440.12 Time for commencement and limits on weekly rate of
 381 compensation.-

382 (1) Compensation is not allowed for the first 7 days of the
 383 disability, except for benefits provided under s. 440.13.
 384 However, if the injury results in more than 21 days of
 385 disability, compensation is allowed from the commencement of the
 386 disability.

387 (c) Each carrier shall keep a record of all payments made
 388 under this subsection, including the time and manner of such
 389 payments, and shall furnish these records or a report based on
 390 these records to the Division of Investigative and Forensic
 391 Services ~~Insurance Fraud~~ and the Division of Workers'
 392 Compensation, upon request.

393 Section 12. Subsection (1) of section 624.521, Florida
 394 Statutes, is amended to read:

395 624.521 Deposit of certain tax receipts; refund of improper
 396 payments.-

397 (1) The department ~~of Financial Services~~ shall promptly
 398 deposit in the State Treasury to the credit of the Insurance
 399 Regulatory Trust Fund all "state tax" portions of agents'
 400 licenses collected under s. 624.501 necessary to fund the
 401 Division of Investigative and Forensic Services ~~Insurance Fraud~~.
 402 The balance of the tax shall be credited to the General Fund.
 403 All moneys received by the department ~~of Financial Services~~ or
 404 the office not in accordance with ~~the provisions of~~ this code or
 405 not in the exact amount as specified by the applicable
 406 provisions of this code shall be returned to the remitter. The

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407 records of the department or office shall show the date and
 408 reason for such return.

409 Section 13. Subsection (4) of section 626.016, Florida
 410 Statutes, is amended to read:

411 626.016 Powers and duties of department, commission, and
 412 office.—

413 (4) ~~Nothing in~~ This section is not intended to limit the
 414 authority of the department and the Division of Investigative
 415 and Forensic Services Insurance Fraud, as specified in s.
 416 626.989.

417 Section 14. Section 626.989, Florida Statutes, is amended
 418 to read:

419 626.989 Investigation by department or Division of
 420 Investigative and Forensic Services Insurance Fraud; compliance;
 421 immunity; confidential information; reports to division;
 422 division investigator's power of arrest.—

423 (1) For the purposes of this section:

424 (a) A person commits a "fraudulent insurance act" if the
 425 person:

426 1. Knowingly and with intent to defraud presents, causes to
 427 be presented, or prepares with knowledge or belief that it will
 428 be presented, to or by an insurer, self-insurer, self-insurance
 429 fund, servicing corporation, purported insurer, broker, or any
 430 agent thereof, any written statement as part of, or in support
 431 of, an application for the issuance of, or the rating of, any
 432 insurance policy, or a claim for payment or other benefit
 433 pursuant to any insurance policy, which the person knows to
 434 contain materially false information concerning any fact
 435 material thereto or if the person conceals, for the purpose of

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436 misleading another, information concerning any fact material
 437 thereto.

438 2. Knowingly submits:

439 a. A false, misleading, or fraudulent application or other
 440 document when applying for licensure as a health care clinic,
 441 seeking an exemption from licensure as a health care clinic, or
 442 demonstrating compliance with part X of chapter 400 with an
 443 intent to use the license, exemption from licensure, or
 444 demonstration of compliance to provide services or seek
 445 reimbursement under the Florida Motor Vehicle No-Fault Law.

446 b. A claim for payment or other benefit pursuant to a
 447 personal injury protection insurance policy under the Florida
 448 Motor Vehicle No-Fault Law if the person knows that the payee
 449 knowingly submitted a false, misleading, or fraudulent
 450 application or other document when applying for licensure as a
 451 health care clinic, seeking an exemption from licensure as a
 452 health care clinic, or demonstrating compliance with part X of
 453 chapter 400.

454 (b) The term "insurer" also includes a health maintenance
 455 organization, and the term "insurance policy" also includes a
 456 health maintenance organization subscriber contract.

457 (2) If, by its own inquiries or as a result of complaints,
 458 the department or its Division of Investigative and Forensic
 459 Services Insurance Fraud has reason to believe that a person has
 460 engaged in, or is engaging in, a fraudulent insurance act, an
 461 act or practice that violates s. 626.9541 or s. 817.234, or an
 462 act or practice punishable under s. 624.15, it may administer
 463 oaths and affirmations, request the attendance of witnesses or
 464 proffering of matter, and collect evidence. The department or

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465 its Division of Investigative and Forensic Services shall not
 466 compel the attendance of any person or matter in any such
 467 investigation except pursuant to subsection (4).

468 (3) If matter that the department or its division seeks to
 469 obtain by request is located outside the state, the person so
 470 requested may make it available to the division or its
 471 representative to examine the matter at the place where it is
 472 located. The division may designate representatives, including
 473 officials of the state in which the matter is located, to
 474 inspect the matter on its behalf, and it may respond to similar
 475 requests from officials of other states.

476 (4) (a) The department or its division may request that an
 477 individual who refuses to comply with any such request be
 478 ordered by the circuit court to provide the testimony or matter.
 479 The court shall not order such compliance unless the department
 480 or its division has demonstrated to the satisfaction of the
 481 court that the testimony of the witness or the matter under
 482 request has a direct bearing on the commission of a fraudulent
 483 insurance act, on a violation of s. 626.9541 or s. 817.234, or
 484 on an act or practice punishable under s. 624.15 or is pertinent
 485 and necessary to further such investigation.

486 (b) Except in a prosecution for perjury, an individual who
 487 complies with a court order to provide testimony or matter after
 488 asserting a privilege against self-incrimination to which the
 489 individual is entitled by law may not be subjected to a criminal
 490 proceeding or to a civil penalty with respect to the act
 491 concerning which the individual is required to testify or
 492 produce relevant matter.

493 (c) In the absence of fraud or bad faith, a person is not

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494 subject to civil liability for libel, slander, or any other
 495 relevant tort by virtue of filing reports, without malice, or
 496 furnishing other information, without malice, required by this
 497 section or required by the department or division under the
 498 authority granted in this section, and no civil cause of action
 499 of any nature shall arise against such person:

500 1. For any information relating to suspected fraudulent
 501 insurance acts or persons suspected of engaging in such acts
 502 furnished to or received from law enforcement officials, their
 503 agents, or employees;

504 2. For any information relating to suspected fraudulent
 505 insurance acts or persons suspected of engaging in such acts
 506 furnished to or received from other persons subject to the
 507 provisions of this chapter;

508 3. For any such information furnished in reports to the
 509 department, the division, the National Insurance Crime Bureau,
 510 the National Association of Insurance Commissioners, or any
 511 local, state, or federal enforcement officials or their agents
 512 or employees; or

513 4. For other actions taken in cooperation with any of the
 514 agencies or individuals specified in this paragraph in the
 515 lawful investigation of suspected fraudulent insurance acts.

516 (d) In addition to the immunity granted in paragraph (c),
 517 persons identified as designated employees whose
 518 responsibilities include the investigation and disposition of
 519 claims relating to suspected fraudulent insurance acts may share
 520 information relating to persons suspected of committing
 521 fraudulent insurance acts with other designated employees
 522 employed by the same or other insurers whose responsibilities

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523 include the investigation and disposition of claims relating to
 524 fraudulent insurance acts, provided the department has been
 525 given written notice of the names and job titles of such
 526 designated employees prior to such designated employees sharing
 527 information. Unless the designated employees of the insurer act
 528 in bad faith or in reckless disregard for the rights of any
 529 insured, neither the insurer nor its designated employees are
 530 civilly liable for libel, slander, or any other relevant tort,
 531 and a civil action does not arise against the insurer or its
 532 designated employees:

533 1. For any information related to suspected fraudulent
 534 insurance acts provided to an insurer; or

535 2. For any information relating to suspected fraudulent
 536 insurance acts provided to the National Insurance Crime Bureau
 537 or the National Association of Insurance Commissioners.

538
 539 Provided, however, that the qualified immunity against civil
 540 liability conferred on any insurer or its designated employees
 541 shall be forfeited with respect to the exchange or publication
 542 of any defamatory information with third persons not expressly
 543 authorized by this paragraph to share in such information.

544 (e) The Chief Financial Officer and any employee or agent
 545 of the department, commission, office, or division, when acting
 546 without malice and in the absence of fraud or bad faith, is not
 547 subject to civil liability for libel, slander, or any other
 548 relevant tort, and no civil cause of action of any nature exists
 549 against such person by virtue of the execution of official
 550 activities or duties of the department, commission, or office
 551 under this section or by virtue of the publication of any report

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552 or bulletin related to the official activities or duties of the
 553 department, division, commission, or office under this section.

554 (f) This section does not abrogate or modify in any way any
 555 common-law or statutory privilege or immunity heretofore enjoyed
 556 by any person.

557 (5) The office's and the department's papers, documents,
 558 reports, or evidence relative to the subject of an investigation
 559 under this section are confidential and exempt from the
 560 provisions of s. 119.07(1) until such investigation is completed
 561 or ceases to be active. For purposes of this subsection, an
 562 investigation is considered "active" while the investigation is
 563 being conducted by the office or department with a reasonable,
 564 good faith belief that it could lead to the filing of
 565 administrative, civil, or criminal proceedings. An investigation
 566 does not cease to be active if the office or department is
 567 proceeding with reasonable dispatch and has a good faith belief
 568 that action could be initiated by the office or department or
 569 other administrative or law enforcement agency. After an
 570 investigation is completed or ceases to be active, portions of
 571 records relating to the investigation shall remain exempt from
 572 the provisions of s. 119.07(1) if disclosure would:

573 (a) Jeopardize the integrity of another active
 574 investigation;

575 (b) Impair the safety and soundness of an insurer;

576 (c) Reveal personal financial information;

577 (d) Reveal the identity of a confidential source;

578 (e) Defame or cause unwarranted damage to the good name or
 579 reputation of an individual or jeopardize the safety of an
 580 individual; or

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581 (f) Reveal investigative techniques or procedures. Further,
 582 such papers, documents, reports, or evidence relative to the
 583 subject of an investigation under this section shall not be
 584 subject to discovery until the investigation is completed or
 585 ceases to be active. Office, department, or division
 586 investigators shall not be subject to subpoena in civil actions
 587 by any court of this state to testify concerning any matter of
 588 which they have knowledge pursuant to a pending insurance fraud
 589 investigation by the division.

590 (6) Any person, other than an insurer, agent, or other
 591 person licensed under the code, or an employee thereof, having
 592 knowledge or who believes that a fraudulent insurance act or any
 593 other act or practice which, upon conviction, constitutes a
 594 felony or a misdemeanor under the code, or under s. 817.234, is
 595 being or has been committed may send to the Division of
 596 Investigative and Forensic Services Insurance Fraud a report or
 597 information pertinent to such knowledge or belief and such
 598 additional information relative thereto as the department may
 599 request. Any professional practitioner licensed or regulated by
 600 the Department of Business and Professional Regulation, except
 601 as otherwise provided by law, any medical review committee as
 602 defined in s. 766.101, any private medical review committee, and
 603 any insurer, agent, or other person licensed under the code, or
 604 an employee thereof, having knowledge or who believes that a
 605 fraudulent insurance act or any other act or practice which,
 606 upon conviction, constitutes a felony or a misdemeanor under the
 607 code, or under s. 817.234, is being or has been committed shall
 608 send to the Division of Investigative and Forensic Services
 609 ~~Insurance Fraud~~ a report or information pertinent to such

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610 knowledge or belief and such additional information relative
 611 thereto as the department may require. The Division of
 612 Investigative and Forensic Services Insurance Fraud shall review
 613 such information or reports and select such information or
 614 reports as, in its judgment, may require further investigation.
 615 It shall then cause an independent examination of the facts
 616 surrounding such information or report to be made to determine
 617 the extent, if any, to which a fraudulent insurance act or any
 618 other act or practice which, upon conviction, constitutes a
 619 felony or a misdemeanor under the code, or under s. 817.234, is
 620 being committed. The Division of Investigative and Forensic
 621 Services Insurance Fraud shall report any alleged violations of
 622 law which its investigations disclose to the appropriate
 623 licensing agency and state attorney or other prosecuting agency
 624 having jurisdiction with respect to any such violation, as
 625 provided in s. 624.310. If prosecution by the state attorney or
 626 other prosecuting agency having jurisdiction with respect to
 627 such violation is not begun within 60 days of the division's
 628 report, the state attorney or other prosecuting agency having
 629 jurisdiction with respect to such violation shall inform the
 630 division of the reasons for the lack of prosecution.

631 (7) Division investigators shall have the power to make
 632 arrests for criminal violations established as a result of
 633 investigations. Such investigators shall also be considered
 634 state law enforcement officers for all purposes and shall have
 635 the power to execute arrest warrants and search warrants; to
 636 serve subpoenas issued for the examination, investigation, and
 637 trial of all offenses; and to arrest upon probable cause without
 638 warrant any person found in the act of violating any of the

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639 provisions of applicable laws. Investigators empowered to make
 640 arrests under this section shall be empowered to bear arms in
 641 the performance of their duties. In such a situation, the
 642 investigator must be certified in compliance with the provisions
 643 of s. 943.1395 or must meet the temporary employment or
 644 appointment exemption requirements of s. 943.131 until
 645 certified.

646 (8) It is unlawful for any person to resist an arrest
 647 authorized by this section or in any manner to interfere, either
 648 by abetting or assisting such resistance or otherwise
 649 interfering, with division investigators in the duties imposed
 650 upon them by law or department rule.

651 (9) In recognition of the complementary roles of
 652 investigating instances of workers' compensation fraud and
 653 enforcing compliance with the workers' compensation coverage
 654 requirements under chapter 440, the Department of Financial
 655 Services shall prepare and submit a joint performance report to
 656 the President of the Senate and the Speaker of the House of
 657 Representatives by January 1 of each year. The annual report
 658 must include, but need not be limited to:

659 (a) The total number of initial referrals received, cases
 660 opened, cases presented for prosecution, cases closed, and
 661 convictions resulting from cases presented for prosecution by
 662 the Bureau of Workers' Compensation Insurance Fraud by type of
 663 workers' compensation fraud and circuit.

664 (b) The number of referrals received from insurers and the
 665 Division of Workers' Compensation and the outcome of those
 666 referrals.

667 (c) The number of investigations undertaken by the Bureau

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668 of Workers' Compensation Insurance Fraud which were not the
 669 result of a referral from an insurer or the Division of Workers'
 670 Compensation.

671 (d) The number of investigations that resulted in a
 672 referral to a regulatory agency and the disposition of those
 673 referrals.

674 (e) The number and reasons provided by local prosecutors or
 675 the statewide prosecutor for declining prosecution of a case
 676 presented by the Bureau of Workers' Compensation Insurance Fraud
 677 by circuit.

678 (f) The total number of employees assigned to the Bureau of
 679 Workers' Compensation Insurance Fraud and the Division of
 680 Workers' Compensation Bureau of Compliance delineated by
 681 location of staff assigned; and the number and location of
 682 employees assigned to the Bureau of Workers' Compensation
 683 Insurance Fraud who were assigned to work other types of fraud
 684 cases.

685 (g) The average caseload and turnaround time by type of
 686 case for each investigator and division compliance employee.

687 (h) The training provided during the year to workers'
 688 compensation fraud investigators and the division's compliance
 689 employees.

690 Section 15. Subsection (2) of section 626.9892, Florida
 691 Statutes, is amended to read:

692 626.9892 Anti-Fraud Reward Program; reporting of insurance
 693 fraud.—

694 (2) The department may pay rewards of up to \$25,000 to
 695 persons providing information leading to the arrest and
 696 conviction of persons committing crimes investigated by the

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 697 Division of Investigative and Forensic Services Insurance Fraud
 698 arising from violations of s. 440.105, s. 624.15, s. 626.9541,
 699 s. 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.031, s.
 700 806.10, s. 806.111, s. 817.233, or s. 817.234.

701 Section 16. Subsection (1) of section 626.9893, Florida
 702 Statutes, is amended to read:

703 626.9893 Disposition of revenues; criminal or forfeiture
 704 proceedings.—

705 (1) The Division of Investigative and Forensic Services
 706 ~~Insurance Fraud~~ of the Department of Financial Services may
 707 deposit revenues received as a result of criminal proceedings or
 708 forfeiture proceedings, other than revenues deposited into the
 709 Department of Financial Services' Federal Law Enforcement Trust
 710 Fund under s. 17.43, into the Insurance Regulatory Trust Fund.
 711 Moneys deposited pursuant to this section shall be separately
 712 accounted for and shall be used solely for the division to carry
 713 out its duties and responsibilities.

714 Section 17. Subsection (2) of section 626.9894, Florida
 715 Statutes, is amended to read:

716 626.9894 Gifts and grants.—

717 (2) All rights to, interest in, and title to such donated
 718 or granted property shall immediately vest in the Division of
 719 Investigative and Forensic Services Insurance Fraud upon
 720 donation. The division may hold such property in coownership,
 721 sell its interest in the property, liquidate its interest in the
 722 property, or dispose of its interest in the property in any
 723 other reasonable manner.

724 Section 18. Section 626.99278, Florida Statutes, is amended
 725 to read:

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 726 626.99278 Viatical provider anti-fraud plan.—Every licensed
 727 viatical settlement provider and registered life expectancy
 728 provider must adopt an anti-fraud plan and file it with the
 729 Division of Investigative and Forensic Services Insurance Fraud
 730 of the department. Each anti-fraud plan shall include:

731 (1) A description of the procedures for detecting and
 732 investigating possible fraudulent acts and procedures for
 733 resolving material inconsistencies between medical records and
 734 insurance applications.

735 (2) A description of the procedures for the mandatory
 736 reporting of possible fraudulent insurance acts and prohibited
 737 practices set forth in s. 626.99275 to the Division of
 738 Investigative and Forensic Services Insurance Fraud of the
 739 department.

740 (3) A description of the plan for anti-fraud education and
 741 training of its underwriters or other personnel.

742 (4) A written description or chart outlining the
 743 organizational arrangement of the anti-fraud personnel who are
 744 responsible for the investigation and reporting of possible
 745 fraudulent insurance acts and for the investigation of
 746 unresolved material inconsistencies between medical records and
 747 insurance applications.

748 (5) For viatical settlement providers, a description of the
 749 procedures used to perform initial and continuing review of the
 750 accuracy of life expectancies used in connection with a viatical
 751 settlement contract or viatical settlement investment.

752 Section 19. Paragraph (k) of subsection (6) of section
 753 627.351, Florida Statutes, is amended to read:

754 627.351 Insurance risk apportionment plans.—

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755 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—
 756 (k)1. The corporation shall establish and maintain a unit
 757 or division to investigate possible fraudulent claims by
 758 insureds or by persons making claims for services or repairs
 759 against policies held by insureds; or it may contract with
 760 others to investigate possible fraudulent claims for services or
 761 repairs against policies held by the corporation pursuant to s.
 762 626.9891. The corporation must comply with reporting
 763 requirements of s. 626.9891. An employee of the corporation
 764 shall notify the corporation's Office of the Inspector General
 765 and the Division of Investigative and Forensic Services
 766 ~~Insurance Fraud~~ within 48 hours after having information that
 767 would lead a reasonable person to suspect that fraud may have
 768 been committed by any employee of the corporation.

769 2. The corporation shall establish a unit or division
 770 responsible for receiving and responding to consumer complaints,
 771 which unit or division is the sole responsibility of a senior
 772 manager of the corporation.

773 Section 20. Subsections (4) and (7) of section 627.711,
 774 Florida Statutes, are amended to read:

775 627.711 Notice of premium discounts for hurricane loss
 776 mitigation; uniform mitigation verification inspection form.—
 777 (4) An authorized mitigation inspector that signs a uniform
 778 mitigation form, and a direct employee authorized to conduct
 779 mitigation verification inspections under subsection paragraph
 780 (3), may not commit misconduct in performing hurricane
 781 mitigation inspections or in completing a uniform mitigation
 782 form that causes financial harm to a customer or their insurer;
 783 or that jeopardizes a customer's health and safety. Misconduct

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784 occurs when an authorized mitigation inspector signs a uniform
 785 mitigation verification form that:

786 (a) Falsely indicates that he or she personally inspected
 787 the structures referenced by the form;

788 (b) Falsely indicates the existence of a feature which
 789 entitles an insured to a mitigation discount which the inspector
 790 knows does not exist or did not personally inspect;

791 (c) Contains erroneous information due to the gross
 792 negligence of the inspector; or

793 (d) Contains a pattern of demonstrably false information
 794 regarding the existence of mitigation features that could give
 795 an insured a false evaluation of the ability of the structure to
 796 withstand major damage from a hurricane endangering the safety
 797 of the insured's life and property.

798 (7) An insurer, person, or other entity that obtains
 799 evidence of fraud or evidence that an authorized mitigation
 800 inspector or an employee authorized to conduct mitigation
 801 verification inspections under subsection paragraph (3) has made
 802 false statements in the completion of a mitigation inspection
 803 form shall file a report with the Division of Investigative and
 804 Forensic Services ~~Insurance Fraud~~, along with all of the
 805 evidence in its possession that supports the allegation of fraud
 806 or falsity. An insurer, person, or other entity making the
 807 report shall be immune from liability, in accordance with s.
 808 626.989(4), for any statements made in the report, during the
 809 investigation, or in connection with the report. The Division of
 810 Investigative and Forensic Services ~~Insurance Fraud~~ shall issue
 811 an investigative report if it finds that probable cause exists
 812 to believe that the authorized mitigation inspector, or an

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813 employee authorized to conduct mitigation verification
 814 inspections under ~~subsection paragraph~~ (3), made intentionally
 815 false or fraudulent statements in the inspection form. Upon
 816 conclusion of the investigation and a finding of probable cause
 817 that a violation has occurred, the Division of Investigative and
 818 Forensic Services Insurance Fraud shall send a copy of the
 819 investigative report to the office and a copy to the agency
 820 responsible for the professional licensure of the authorized
 821 mitigation inspector, whether or not a prosecutor takes action
 822 based upon the report.

823 Section 21. Paragraph (i) of subsection (4) and subsection
 824 (14) of section 627.736, Florida Statutes, are amended to read:
 825 627.736 Required personal injury protection benefits;
 826 exclusions; priority; claims.-

827 (4) PAYMENT OF BENEFITS.-Benefits due from an insurer under
 828 ss. 627.730-627.7405 are primary, except that benefits received
 829 under any workers' compensation law must be credited against the
 830 benefits provided by subsection (1) and are due and payable as
 831 loss accrues upon receipt of reasonable proof of such loss and
 832 the amount of expenses and loss incurred which are covered by
 833 the policy issued under ss. 627.730-627.7405. If the Agency for
 834 Health Care Administration provides, pays, or becomes liable for
 835 medical assistance under the Medicaid program related to injury,
 836 sickness, disease, or death arising out of the ownership,
 837 maintenance, or use of a motor vehicle, the benefits under ss.
 838 627.730-627.7405 are subject to the Medicaid program. However,
 839 within 30 days after receiving notice that the Medicaid program
 840 paid such benefits, the insurer shall repay the full amount of
 841 the benefits to the Medicaid program.

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842 (i) If an insurer has a reasonable belief that a fraudulent
 843 insurance act, for the purposes of s. 626.989 or s. 817.234, has
 844 been committed, the insurer shall notify the claimant, in
 845 writing, within 30 days after submission of the claim that the
 846 claim is being investigated for suspected fraud. Beginning at
 847 the end of the initial 30-day period, the insurer has an
 848 additional 60 days to conduct its fraud investigation.
 849 Notwithstanding subsection (10), no later than 90 days after the
 850 submission of the claim, the insurer must deny the claim or pay
 851 the claim with simple interest as provided in paragraph (d).
 852 Interest shall be assessed from the day the claim was submitted
 853 until the day the claim is paid. All claims denied for suspected
 854 fraudulent insurance acts shall be reported to the Division of
 855 Investigative and Forensic Services Insurance Fraud.

856 (14) FRAUD ADVISORY NOTICE.-Upon receiving notice of a
 857 claim under this section, an insurer shall provide a notice to
 858 the insured or to a person for whom a claim for reimbursement
 859 for diagnosis or treatment of injuries has been filed, advising
 860 that:

861 (a) Pursuant to s. 626.9892, the Department of Financial
 862 Services may pay rewards of up to \$25,000 to persons providing
 863 information leading to the arrest and conviction of persons
 864 committing crimes investigated by the Division of Investigative
 865 and Forensic Services Insurance Fraud arising from violations of
 866 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

867 (b) Solicitation of a person injured in a motor vehicle
 868 crash for purposes of filing personal injury protection or tort
 869 claims could be a violation of s. 817.234, s. 817.505, or the
 870 rules regulating The Florida Bar and should be immediately

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871 reported to the Division of Investigative and Forensic Services
872 ~~Insurance Fraud~~ if such conduct has taken place.

873 Section 22. Paragraphs (b) and (c) of subsection (1) of
874 section 627.7401, Florida Statutes, are amended to read:

875 627.7401 Notification of insured's rights.—

876 (1) The commission, by rule, shall adopt a form for the
877 notification of insureds of their right to receive personal
878 injury protection benefits under the Florida Motor Vehicle No-
879 Fault Law. Such notice shall include:

880 (b) An advisory informing insureds that:

881 1. Pursuant to s. 626.9892, the Department of Financial
882 Services may pay rewards of up to \$25,000 to persons providing
883 information leading to the arrest and conviction of persons
884 committing crimes investigated by the Division of Investigative
885 and Forensic Services ~~Insurance Fraud~~ arising from violations of
886 s. 440.105, s. 624.15, s. 626.9541, s. 626.989, or s. 817.234.

887 2. Pursuant to s. 627.736(5)(e)1., if the insured notifies
888 the insurer of a billing error, the insured may be entitled to a
889 certain percentage of a reduction in the amount paid by the
890 insured's motor vehicle insurer.

891 (c) A notice that solicitation of a person injured in a
892 motor vehicle crash for purposes of filing personal injury
893 protection or tort claims could be a violation of s. 817.234, s.
894 817.505, or the rules regulating The Florida Bar and should be
895 immediately reported to the Division of Investigative and
896 Forensic Services ~~Insurance Fraud~~ if such conduct has taken
897 place.

898 Section 23. Subsection (2) of section 631.156, Florida
899 Statutes, is amended to read:

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900 631.156 Investigation by the department; scope of
901 authority; sharing of materials.—

902 (2) The department may provide documents, books, and
903 records; other investigative products, work product, and
904 analysis; and copies of any or all of such materials to the
905 Division of Investigative and Forensic Services ~~Insurance Fraud~~
906 or any other appropriate government agency. The sharing of these
907 materials does ~~shall~~ not waive any work product or other
908 privilege otherwise applicable under law.

909 Section 24. Subsection (4) of section 641.30, Florida
910 Statutes, is amended to read:

911 641.30 Construction and relationship to other laws.—

912 (4) The Division of Investigative and Forensic Services
913 ~~Insurance Fraud~~ of the department is vested with all powers
914 granted to it under the Florida Insurance Code with respect to
915 the investigation of any violation of this part.

916 Section 25. Paragraph (a) of subsection (2) of section
917 282.709, Florida Statutes, is amended to read:

918 282.709 State agency law enforcement radio system and
919 interoperability network.—

920 (2) The Joint Task Force on State Agency Law Enforcement
921 Communications is created adjunct to the department to advise
922 the department of member-agency needs relating to the planning,
923 designing, and establishment of the statewide communication
924 system.

925 (a) The Joint Task Force on State Agency Law Enforcement
926 Communications shall consist of the following members:

927 1. A representative of the Division of Alcoholic Beverages
928 and Tobacco of the Department of Business and Professional

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929 Regulation who shall be appointed by the secretary of the
930 department.

931 2. A representative of the Division of Florida Highway
932 Patrol of the Department of Highway Safety and Motor Vehicles
933 who shall be appointed by the executive director of the
934 department.

935 3. A representative of the Department of Law Enforcement
936 who shall be appointed by the executive director of the
937 department.

938 4. A representative of the Fish and Wildlife Conservation
939 Commission who shall be appointed by the executive director of
940 the commission.

941 5. A representative of the Department of Corrections who
942 shall be appointed by the secretary of the department.

943 6. A representative of the Division of Investigative and
944 Forensic Services ~~State Fire Marshal~~ of the Department of
945 Financial Services who shall be appointed by the Chief Financial
946 Officer ~~State Fire Marshal~~.

947 7. A representative of the Department of Agriculture and
948 Consumer Services who shall be appointed by the Commissioner of
949 Agriculture.

950 Section 26. Subsection (3) of section 552.113, Florida
951 Statutes, is amended to read:

952 552.113 Reports of thefts, illegal use, or illegal
953 possession.-

954 (3) The Division of Investigative and Forensic Services
955 shall investigate, or be certain that a qualified law
956 enforcement agency investigates, the cause and circumstances of
957 each theft, illegal use, or illegal possession of explosives

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958 which occurs within the state. A report of each such
959 investigation shall be made and maintained by the Division of
960 Investigative and Forensic Services.

961 Section 27. Subsections (1) and (2) of section 552.21,
962 Florida Statutes, are amended to read:

963 552.21 Confiscation and disposal of explosives.-

964 (1) Whenever the ~~department division~~ shall have reason to
965 believe that any person is or has been violating the provisions
966 of this chapter or any rules or regulations adopted and
967 promulgated pursuant thereto, the ~~department division~~ may,
968 without further process of law, confiscate the explosives in
969 question and cause them to be stored in a safe manner, or, if
970 any explosives are deemed by the ~~department division~~ to be in
971 such a state or condition as to constitute a hazard to life or
972 property, the ~~department division~~ may dispose of such explosives
973 without further process of law. The ~~department division~~ is
974 authorized to dispose of any abandoned explosives that it deems
975 to be hazardous to life or property.

976 (2) If the person so charged is found guilty of violating
977 ~~the provisions of~~ this chapter or any rule or regulation adopted
978 pursuant thereto with regard to the possession, handling, or
979 storage of explosives, the ~~department division~~ is authorized to
980 dispose of the confiscated materials in such a way as it shall
981 deem equitable.

982 Section 28. Paragraph (c) of subsection (6) of section
983 633.112, Florida Statutes, is amended to read:

984 633.112 State Fire Marshal; hearings; investigations;
985 recordkeeping and reports; subpoenas of witnesses; orders of
986 circuit court.-

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987 (6) Upon request, the State Fire Marshal shall investigate
 988 the cause, origin, and circumstances of fires and explosions
 989 occurring in this state wherein property has been damaged or
 990 destroyed and there is probable cause to believe that the fire
 991 or explosion was the result of carelessness or design.

992 (c) The State Fire Marshal ~~division~~ shall adopt rules to
 993 assist local fire officials and law enforcement officers in
 994 determining the established responsibilities with respect to the
 995 initial or preliminary assessment of fire and explosion scenes,
 996 and the determination of whether probable cause exists to refer
 997 such scenes to the State Fire Marshal for an investigation.

998 Section 29. Subsection (1) of section 633.114, Florida
 999 Statutes, is amended to read:

1000 633.114 State Fire Marshal agents; authority; duties;
 1001 compensation.—

1002 (1) The State Fire Marshal shall appoint such agents,
 1003 including agents of the Division of Investigative and Forensic
 1004 Services, as may be necessary to carry out effectively this
 1005 chapter, who shall be reimbursed for travel expenses as provided
 1006 in s. 112.061, in addition to their salary, when traveling or
 1007 making investigations in the performance of their duties. Such
 1008 agents, including agents of the Division of Investigative and
 1009 Forensic Services, shall be at all times under the direction and
 1010 control of the State Fire Marshal, who shall fix their
 1011 compensation, and all orders shall be issued in the State Fire
 1012 Marshal's name and by her or his authority.

1013 Section 30. Section 633.122, Florida Statutes, is amended
 1014 to read:

1015 633.122 Impersonating State Fire Marshal, firefighter,

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1016 volunteer firefighter, or firesafety inspector; criminal
 1017 penalties.—A person who falsely assumes or pretends to be the
 1018 State Fire Marshal, an agent of the division, an agent of the
 1019 Division of Investigative and Forensic Services, a firefighter,
 1020 a volunteer firefighter, or a firesafety inspector by
 1021 identifying herself or himself as the State Fire Marshal, an
 1022 agent of the division, an agent of the Division of Investigative
 1023 and Forensic Services, a firefighter, a volunteer firefighter,
 1024 or a firesafety inspector by wearing a uniform or presenting or
 1025 displaying a badge as credentials that would cause a reasonable
 1026 person to believe that she or he is a State Fire Marshal, an
 1027 agent of the division, an agent of the Division of Investigative
 1028 and Forensic Services, a firefighter, a volunteer firefighter,
 1029 or firesafety inspector commits a felony of the third degree,
 1030 punishable as provided in ss. 775.082 and 775.083 or, if the
 1031 impersonation occurs during the commission of a separate felony
 1032 by that person, commits a felony of the first degree, punishable
 1033 as provided in ss. 775.082 and 775.083.

1034 Section 31. Paragraph (b) of subsection (1) of section
 1035 633.126, Florida Statutes, is amended to read:

1036 633.126 Investigation of fraudulent insurance claims and
 1037 crimes; immunity of insurance companies supplying information.—

1038 (1)

1039 (b) The State Fire Marshal or an agent appointed pursuant
 1040 to s. 633.114, an agent of the Division of Investigative and
 1041 Forensic Services, any law enforcement officer as defined in s.
 1042 111.065, any law enforcement officer of a federal agency, or any
 1043 fire service provider official who is engaged in the
 1044 investigation of a fire or explosion loss may request any

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1045 insurance company or its agent, adjuster, employee, or attorney,
 1046 investigating a claim under an insurance policy or contract with
 1047 respect to a fire or explosion to release any information
 1048 whatsoever in the possession of the insurance company or its
 1049 agent, adjuster, employee, or attorney relative to a loss from
 1050 that fire or explosion. The insurance company shall release the
 1051 available information to and cooperate with any official
 1052 authorized to request such information pursuant to this section.
 1053 The information shall include, but shall not be limited to:

- 1054 1. Any insurance policy relevant to a loss under
- 1055 investigation and any application for such a policy.
- 1056 2. Any policy premium payment records.
- 1057 3. The records, reports, and all material pertaining to any
- 1058 previous claims made by the insured with the reporting company.
- 1059 4. Material relating to the investigation of the loss,
- 1060 including statements of a person, proof of loss, and other
- 1061 relevant evidence.
- 1062 5. Memoranda, notes, and correspondence relating to the
- 1063 investigation of the loss in the possession of the insurance
- 1064 company or its agents, adjusters, employees, or attorneys.

1065 Section 32. Subsection (5) of section 633.422, Florida
 1066 Statutes, is amended to read:

1067 633.422 Firefighters; supplemental compensation.—

1068 (5) APPLICABILITY.—For the purposes of this section, the
 1069 ~~department division~~ shall be considered a fire service provider
 1070 responsible for the payment of supplemental compensation in
 1071 accordance with this section to firefighters employed full time
 1072 by the ~~department division~~.

1073 Section 33. Subsection (7) of section 633.508, Florida

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1074 Statutes, is amended to read:

1075 633.508 Workplace safety; rulemaking authority; division
 1076 authority.—

1077 (7) The ~~department division~~ shall:

1078 (a) Investigate and prescribe by rule what safety devices,
 1079 safeguards, or other means of protection must be adopted for the
 1080 prevention of accidents and injuries in every firefighter
 1081 employee place of employment or at any fire scene; determine
 1082 what suitable devices, safeguards, or other means of protection
 1083 for the prevention of occupational diseases must be adopted or
 1084 followed in any or all such firefighter places of employment or
 1085 at any emergency fire scene; and adopt reasonable rules for the
 1086 prevention of accidents, the safety, protection, and security of
 1087 firefighter employees engaged in interior firefighting, and the
 1088 prevention of occupational diseases.

1089 (b) Ascertain, fix, and order such reasonable standards and
 1090 rules for the construction, repair, and maintenance of
 1091 firefighter employee places of employment so as to render them
 1092 safe. Such rules and standards shall be adopted in accordance
 1093 with chapter 120.

1094 (c) Adopt rules prescribing recordkeeping responsibilities
 1095 for firefighter employers, which may include maintaining a log
 1096 and summary of occupational injuries, diseases, and illnesses,
 1097 for producing on request a notice of injury and firefighter
 1098 employee accident investigation records, and prescribing a
 1099 retention schedule for such records.

1100 Section 34. Section 633.512, Florida Statutes, is amended
 1101 to read:

1102 633.512 Compliance.—Failure of a firefighter employer or an

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1103 insurer to comply with this part, or with any rules adopted
 1104 under this part, constitutes grounds for the ~~department division~~
 1105 to seek remedies, including injunctive relief, by making
 1106 appropriate filings with the circuit court.

1107 Section 35. Subsection (1) of section 633.518, Florida
 1108 Statutes, is amended to read:

1109 633.518 Studies, investigations, inspections, or inquiries
 1110 by the division; refusal to admit; penalty.—

1111 (1) The ~~department division~~ shall make studies,
 1112 investigations, inspections, or inquiries with respect to
 1113 compliance with this part or any rules authorized under this
 1114 part and the causes of firefighter employee injuries, illnesses,
 1115 safety-based complaints, or Line of Duty Deaths (LODD) as
 1116 defined in rule in firefighter employee places of employment and
 1117 shall make such recommendations to the Legislature and
 1118 firefighter employers and insurers as the ~~department division~~
 1119 considers proper to prevent or reduce future occurrences. In
 1120 making such studies, investigations, inspections, or inquiries,
 1121 the ~~department division~~ may cooperate with any agency of the
 1122 United States charged with the duty of enforcing any law
 1123 securing safety against injury in any place of firefighter
 1124 employment covered by this part or any agency or department of
 1125 the state engaged in enforcing any law to ensure safety for
 1126 firefighter employees.

1127 Section 36. Subsection (3) of section 791.013, Florida
 1128 Statutes, is amended to read:

1129 791.013 Testing and approval of sparklers; penalties.—

1130 (3) For purposes of the testing requirement by this
 1131 section, the division shall perform such tests as are necessary

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1132 to determine compliance with the performance standards in the
 1133 definition of sparklers, pursuant to s. 791.01. The State Fire
 1134 Marshal shall adopt, by rule, procedures for testing products to
 1135 determine compliance with this chapter. The Division of of
 1136 Investigative and Forensic Services shall dispose of any samples
 1137 which remain after testing.

1138 Section 37. Paragraphs (b), (c), and (d) of subsection (7)
 1139 of section 538.32, Florida Statutes, are amended to read:

1140 538.32 Registration, transaction, and recordkeeping
 1141 requirements; penalties.—

1142 (7)

1143 (b) Alternatively, a secondhand dealer must give written
 1144 notice to the seller, by United States mail or e-mail if an e-
 1145 mail address is provided by the seller, that information
 1146 otherwise required to be given by the seller under subsection
 1147 (2) has not been provided by the seller to the secondhand
 1148 dealer. Notice of the deficient information must be sent by the
 1149 secondhand dealer no later than 10 days after the transaction is
 1150 received by the secondhand dealer. The secondhand dealer must
 1151 specify in the notice that:

1152 1. The seller must provide the missing information or must
 1153 request the return of the property from the secondhand dealer
 1154 within 30 days after receiving the notice from the secondhand
 1155 dealer; and

1156 2. The failure of the seller to provide the missing
 1157 information or request return of the property within the
 1158 applicable 30-day time period shall result in abandonment of the
 1159 seller's property to the Division Bureau of Unclaimed Property
 1160 of the Department of Financial Services pursuant to chapter 717.

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1161 (c) If the seller fails to remedy the deficiency in
 1162 information or request return of the property within 30 days
 1163 after receiving the notice, the seller's property is deemed
 1164 abandoned and is relinquished to the Division Bureau of
 1165 Unclaimed Property pursuant to chapter 717 if the property's
 1166 true market value is greater than \$50 as defined in chapter 717.

1167 (d) Within 24 hours after the expiration of the 30-day hold
 1168 period for the property, the secondhand dealer must notify the
 1169 appropriate law enforcement agency of the abandonment of the
 1170 property by electronic transmission or by sending a copy of the
 1171 completed form authorized by chapter 717 to the Department of
 1172 Financial Services, Division Bureau of Unclaimed Property.

1173 Section 38. Subsection (1) of section 717.1241, Florida
 1174 Statutes, is amended to read:

1175 717.1241 Conflicting claims.—

1176 (1) When conflicting claims have been received by the
 1177 department for the same unclaimed property account or accounts,
 1178 the property shall be remitted in accordance with the claim
 1179 filed by the person as follows, notwithstanding the withdrawal
 1180 of a claim:

1181 (a) To the person submitting the first claim received by
 1182 the Division Bureau of Unclaimed Property of the department that
 1183 is complete or made complete.

1184 (b) If a claimant's claim and a claimant's representative's
 1185 claim are received by the Division Bureau of Unclaimed Property
 1186 of the department on the same day and both claims are complete,
 1187 to the claimant.

1188 (c) If a buyer's claim and a claimant's claim or a
 1189 claimant's representative's claim are received by the Division

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1190 ~~Bureau~~ of Unclaimed Property of the department on the same day
 1191 and the claims are complete, to the buyer.

1192 (d) As between two or more claimant's representative's
 1193 claims received by the Division Bureau of Unclaimed Property of
 1194 the department that are complete or made complete on the same
 1195 day, to the claimant's representative who has agreed to receive
 1196 the lowest fee. If the two or more claimant's representatives
 1197 whose claims received by the Division Bureau of Unclaimed
 1198 Property of the department were complete or made complete on the
 1199 same day are charging the same lowest fee, the fee shall be
 1200 divided equally between the claimant's representatives.

1201 (e) If more than one buyer's claim received by the Division
 1202 ~~Bureau~~ of Unclaimed Property of the department is complete or
 1203 made complete on the same day, the department shall remit the
 1204 unclaimed property to the buyer who paid the highest amount to
 1205 the seller. If the buyers paid the same amount to the seller,
 1206 the department shall remit the unclaimed property to the buyers
 1207 divided in equal amounts.

1208 Section 39. Section 717.1323, Florida Statutes, is amended
 1209 to read:

1210 717.1323 Prohibited practice.—~~A No~~ person may not knowingly
 1211 enter false information onto the Internet website of the
 1212 Division Bureau of Unclaimed Property.

1213 Section 40. Subsection (2) and paragraph (a) of subsection
 1214 (3) of section 717.135, Florida Statutes, are amended to read:

1215 717.135 Power of attorney to recover reported property in
 1216 the custody of the department.—

1217 (2) A power of attorney described in subsection (1) must:

1218 (a) Limit the fees and costs for services to 20 percent per

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1219 unclaimed property account held by the department. Fees and
1220 costs for cash accounts shall be based on the value of the
1221 property at the time the power of attorney is signed by the
1222 claimant. Fees and costs for accounts containing securities or
1223 other intangible ownership interests, which securities or
1224 interests are not converted to cash, shall be based on the
1225 purchase price of the security as quoted on a national exchange
1226 or other market on which the property is regularly traded at the
1227 time the securities or other ownership interest is remitted to
1228 the claimant or the claimant's representative. Fees and costs
1229 for tangible property or safe-deposit box accounts shall be
1230 based on the value of the tangible property or contents of the
1231 safe-deposit box at the time the ownership interest is
1232 transferred or remitted to the claimant. Total fees and costs on
1233 any single account owned by a natural person residing in this
1234 country must not exceed \$1,000; or

1235 (b) Fully disclose that the property is held by the
1236 Division Bureau of Unclaimed Property of the Department of
1237 Financial Services pursuant to this chapter, the mailing address
1238 of the division bureau, the Internet address of the division
1239 bureau, the person or name of the entity that held the property
1240 prior to the property becoming unclaimed, the date of the
1241 holder's last contact with the owner, if known, and the
1242 approximate value of the property, and identify which of the
1243 following categories of unclaimed property the claimant's
1244 representative is seeking to recover, as reported by the holder:

- 1245 1. Cash accounts.
1246 2. Stale dated checks.
1247 3. Life insurance or annuity contract assets.

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- 1248 4. Utility deposits.
1249 5. Securities or other interests in business associations.
1250 6. Wages.
1251 7. Accounts receivable.
1252 8. Contents of safe-deposit boxes.
1253

1254 This subsection shall not apply if probate proceedings must be
1255 initiated on behalf of the claimant for an estate that has never
1256 been probated or if the unclaimed property is being claimed by a
1257 person outside of the United States.

1258 (3) (a) A power of attorney described in paragraph (2) (b)
1259 must state in 12-point type or greater in the order indicated
1260 with the blank spaces accurately completed:

1261 FULL DISCLOSURE STATEMENT

1262
1263
1264 The property is currently held by the State of Florida
1265 Department of Financial Services, Division Bureau of
1266 Unclaimed Property, pursuant to chapter 717, Florida
1267 Statutes. The mailing address of the Division Bureau
1268 of Unclaimed Property is The Internet
1269 address of the Division Bureau of Unclaimed Property
1270 is

1271
1272 The property was remitted by:

1273
1274 Date of last contact:

1275
1276 Property category:

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1277
 1278 Section 41. Subsection (2) of section 717.1351, Florida
 1279 Statutes, is amended to read:
 1280 717.1351 Acquisition of unclaimed property.-
 1281 (2) All contracts to acquire ownership of or entitlement to
 1282 unclaimed property from the person or persons entitled to the
 1283 unclaimed property must be in 10-point type or greater and must:
 1284 (a) Have a purchase price that discounts the value of the
 1285 unclaimed property at the time the agreement is executed by the
 1286 seller at no greater than 20 percent per account held by the
 1287 department. An unclaimed property account must not be discounted
 1288 in excess of \$1,000. However, the \$1,000 discount limitation
 1289 does not apply if probate proceedings must be initiated on
 1290 behalf of the seller for an estate that has never been probated
 1291 or if the seller of the unclaimed property is not a natural
 1292 person or is a person outside the United States; or
 1293 (b) Fully disclose that the property is held by the
 1294 Division Bureau of Unclaimed Property of the Department of
 1295 Financial Services pursuant to this chapter, the mailing address
 1296 of the division bureau, the Internet address of the division
 1297 bureau, the person or name of the entity that held the property
 1298 prior to the property becoming unclaimed, the date of the
 1299 holder's last contact with the owner, if known, and the
 1300 approximate value of the property, and identify which of the
 1301 following categories of unclaimed property the buyer is seeking
 1302 to purchase as reported by the holder:
 1303 1. Cash accounts.
 1304 2. Stale dated checks.
 1305 3. Life insurance or annuity contract assets.

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1306 4. Utility deposits.
 1307 5. Securities or other interests in business associations.
 1308 6. Wages.
 1309 7. Accounts receivable.
 1310 8. Contents of safe-deposit boxes.
 1311
 1312 The purchase agreement described in this paragraph must state in
 1313 12-point type or greater in the order indicated with the blank
 1314 spaces accurately completed:
 1315
 1316 FULL DISCLOSURE STATEMENT
 1317
 1318 The property is currently held by the State of Florida
 1319 Department of Financial Services, Division Bureau of
 1320 Unclaimed Property, pursuant to chapter 717, Florida
 1321 Statutes. The mailing address of the Division Bureau
 1322 of Unclaimed Property is The Internet
 1323 address of the Division Bureau of Unclaimed Property
 1324 is
 1325
 1326 The property was remitted by:
 1327
 1328 Date of last contact:
 1329
 1330 Property category:
 1331
 1332 Immediately above the signature line for the seller, the
 1333 purchase agreement described in this paragraph must state in 12-
 1334 point type or greater:

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Seller agrees, by signing below, that the FULL DISCLOSURE STATEMENT has been read and fully understood.

Section 42. Paragraphs (a) and (b) of subsection (5) of section 717.1400, Florida Statutes, are amended to read:

717.1400 Registration.—

(5) If a material change in the status of a registration occurs, a registrant must, within 30 days, provide the department with the updated documentation and information in writing. Material changes include, but are not limited to: a designated agent or employee ceasing to act on behalf of the designating person, a surrender, suspension, or revocation of a license, or a license renewal.

(a) If a designated agent or employee ceases to act on behalf of the person who has designated the agent or employee to act on such person's behalf, the designating person must, within 30 days, inform the Division ~~Bureau~~ of Unclaimed Property in writing of the termination of agency or employment.

(b) If a registrant surrenders the registrant's license or the license is suspended or revoked, the registrant must, within 30 days, inform the division ~~bureau~~ in writing of the surrender, suspension, or revocation.

Section 43. Section 717.138, Florida Statutes, is amended to read:

717.138 Rulemaking authority.—The department shall administer and provide for the enforcement of this chapter. The department has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this

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chapter. The department may adopt rules to allow for electronic filing of fees, forms, and reports required by this chapter. The authority to adopt rules pursuant to this chapter applies to all unclaimed property reported and remitted to the Chief Financial Officer, including, but not limited to, property reported pursuant to ss. 43.19, 45.032, 732.107, 733.816, and 744.534.

Section 44. Paragraphs (k) and (l) of subsection (6) of section 932.7055, Florida Statutes, are amended to read:

932.7055 Disposition of liens and forfeited property.—

(6) If the seizing agency is a state agency, all remaining proceeds shall be deposited into the General Revenue Fund. However, if the seizing agency is:

(k) The Division of Investigative and Forensic Services ~~State Fire Marshal~~ in the Department of Financial Services, the proceeds accrued under the Florida Contraband Forfeiture Act shall be deposited into the Insurance Regulatory Trust Fund to be used for the purposes of arson suppression, arson investigation, and the funding of anti-arson rewards.

(l) The Division of Investigative and Forensic Services ~~Insurance Fraud~~ of the Department of Financial Services, the proceeds accrued pursuant to ~~the provisions of~~ the Florida Contraband Forfeiture Act shall be deposited into the Insurance Regulatory Trust Fund as provided in s. 626.9893 or into the Department of Financial Services' Federal Law Enforcement Trust Fund as provided in s. 17.43, as applicable.

Section 45. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-14

Meeting Date

SB 908

Bill Number (if applicable)

Topic SB 908

Amendment Barcode (if applicable)

Name Elizabeth Boyd

Job Title Legislative Affairs Director

Address 400 N. Monroe St

Phone 850-413-2863

Street

Tallahassee FL 32399

Email elizabeth.boyd@cmyflorida.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing CFO Atwater

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/16
Meeting Date

908
Bill Number (if applicable)

Topic org Dept Financial Services

Amendment Barcode (if applicable)

Name Jim Tolley

Job Title President

Address 345 West Madison St.
Street

Phone 250 224 7333

Tallahassee FL 32301
City State Zip

Email JimT@FPFB.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Prof Firefighters

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations, *Chair*
Appropriations Subcommittee on General
Government
Banking and Insurance
Reapportionment
Rules

JOINT COMMITTEE:
Joint Legislative Budget Commission,
Alternating Chair

SENATOR TOM LEE
24th District

January 12, 2016

The Honorable Alan Hays
Senate Appropriations Subcommittee on General Government, Chair
320 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Hays,

I respectfully request that SB 908 related to *Organization of the Department of Financial Services*, be placed on the Senate Appropriations Subcommittee on General Government agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Tom Lee".

Tom Lee
Senator, District 24

Cc: Jamie DeLoach, Staff Director

REPLY TO:

- 915 Oakfield Drive, Suite D, Brandon, Florida 33511 (813) 653-7061
- 418 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5024

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: PCS/CS/SB 1010 (249924)

INTRODUCER: Appropriations Subcommittee on General Government; Agriculture Committee; and Senator Montford

SUBJECT: Department of Agriculture and Consumer Services

DATE: January 25, 2016 **REVISED:**

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>DeLoach</u>	<u>AGG</u>	<u>Recommend: Fav/CS</u>
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1010 addresses issues relating to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). The bill:

- Designates tupelo honey as the official state honey.
- Changes the procedure to obtain and renew a pest control operator’s certificate and eliminates a late charge.
- Changes the deadline to submit a recertification application for the limited certification for urban landscape commercial fertilizer application and eliminates the \$50 per month late charge for late recertification.
- Adds the term “dietary supplements” to the list of possibly adulterated foods.
- Defines the term “vehicle” to provide clarity to the types of mobile carriers that fall under the department’s regulatory authority.
- Adds allergen information labeling requirements to the list of possibly misbranded foods.
- Authorizes the department to sponsor “events” (not just breakfasts, luncheons, or dinners) to promote agriculture and agricultural business products.
- Authorizes the department to secure letters of patent, copyrights, and trademarks on any work products of the department and accordingly to enforce its rights.
- Authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers and duties of the Division of Agricultural Environmental Services.
- Creates an Office of Agriculture Technology Services.

- Removes the requirement for the department to provide administrative staff relating to meetings and office space for the Florida Agriculture Center and Horse Park Authority.
- Specifies the intent of the “Fresh From Florida” marketing brand.
- Amends membership requirements for the Florida Agricultural Promotional Campaign Advisory Council.
- Modifies the reporting period for fertilizer tonnage sales from monthly to quarterly and changes the reporting requirement from 15 days to 30 days following the close of the reporting period.
- Preempts regulatory authority for commercial feed and feedstuff to the department.
- Removes the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. This change provides the department with the flexibility to not have to require an owner to destroy or remove the plant.
- Creates the Grove Removal or Vector Elimination Program.
- Rewrites ch. 582, F.S., to modernize the Soil and Water Conservation Districts’ (SWCDs) statutes to reflect the actual functions of the districts.
- Removes obsolete statutory references relating to Watershed Improvement Districts.
- Adds definitions for “school breakfast program,” “summer nutrition program,” and “universal school breakfast program” to specify that they are programs which are authorized by federal law.
- Authorizes the department to implement the Farmers’ Market Nutrition Program to provide participants in the Supplemental Nutrition Program for Women, Infants, and Children with locally grown fruits and vegetables.
- Eliminates a federal licensing requirement for certain citrus fruit inspectors.
- Requires the department to provide the highest rate of reimbursement to which it is entitled under the federal school breakfast program to a “severe need school”.
- Renames the “Florida Farm Fresh Schools Program” to be the “Florida Farm to School Program.”
- Eliminates the requirement that each grain dealer report monthly to the department the value of grain it received from producers for which the producers have not received payment; and
- Eliminates the Florida Forest Service’s power to dedicate its land for use by the public as a park.

The bill has an insignificant impact on state revenues (see Section V. Fiscal Impact Statement); however, the bill will have a significant impact on state expenditures relating to the creation of the Grove Removal or Vector Elimination Program created in section 21.

II. Present Situation:

This section typically describes the present situation and the bill’s impact on each. See Section III., for a section-by section analysis of the bill’s provisions.

Tupelo Honey

The Legislature has not designated an official state honey. Pure Tupelo honey is commercially produced in only three river valleys in the world – the Ogeechee, the Apalachicola, and the Chattahoochee River Basins, which are all located in northwest Florida and Southeast Georgia. The bill designates tupelo honey as the official state honey.

Pest Control Operator’s Certification Application Fee

Each location of each licensed pest control business must have a certified operator in charge that is registered with the Department of Agriculture and Consumer Services (department).¹ This person must be certified for the particular category of pest control engaged in at that location and may be in charge of one or more categories if they are certified in those categories.² To become a certified operator, an individual must pass an examination and satisfy specified education and experience requirements.³

Currently, persons seeking this certification pay \$300 to take the exam.⁴ After the individual has passed the exam, he or she must then receive an original certificate before engaging in pest control work.⁵ To obtain the original certificate, the individual must pay an additional \$150 issuance fee.⁶ These requirements cause the department to process an additional, repetitive application and to collect an additional fee. Improvements in on-line processing capability have eliminated the need for this process and can improve the speed with which applicants can obtain their certificate. According to the department, while there will be a negative fiscal impact, there will also be decreased costs and administrative burdens for processing the application for initial certification.

Limited Certification for Urban Landscape Commercial Fertilizer Application

Section 482.1562, F.S., outlines the application requirements to receive a limited urban landscape commercial fertilizer certificate. Renewals are required every four years. For those who hold a limited license, recertification applications must be submitted 90-days prior to expiration of the current license. If the renewal application is not received 60 days prior to the expiration date, a late fee of \$50 is assessed in addition to the \$25 renewal fee. In order to renew a limited commercial fertilizer certificate, the cost may be as much as \$75. A new license is \$25. The bill removes the late fee and allows certificate holders 30 days to renew their licenses. This process is consistent with other certifications under ch. 482, F.S.

Florida Food Safety Act

The Florida Food Safety Act is intended to:

¹ Section 482.111(6)(a), F.S.

² Id.

³ Section 482.132, F.S.

⁴ Section 482.141, F.S.; Rule 5E-14.123(4), F.A.C.

⁵ Section 482.111, F.S.

⁶ Id.; Rule 5E-14.132(3), F.A.C.

- Promote public welfare by protecting the consuming public from injury by product use and the purchasing public from injury by merchandising deceit, flowing from intrastate commerce in food;
- Provide uniform legislation so far as practical with federal regulations; and
- Promote uniform administration and enforcement of federal and state food safety laws.⁷

The bill proposes adoption by reference of federal law (21 USC 321) which details information about dietary supplements or ingredients. The changes proposed add dietary supplements to the list of foods that could possibly be adulterated. Additionally, the bill sets forth criteria to determine if the supplement is adulterated. Dietary supplements have historically been regulated as a food item and are defined as such in federal law. The expansive growth of such products in the last decade, combined with a lack of understanding by many consumers and producers that supplements and supplement ingredients are food products, has created considerable confusion in the regulation of such products. The department is seeking to clarify its ongoing regulation of these products through definition of the product and inclusion of dietary supplements.

The department currently has authority to inspect vehicles which transport food products. However, the various modes of transportation are not clearly identified. Adding the term “vehicle” to the list of definitions will provide clarity around the types of mobile carriers that fall under the department’s regulatory authority.

The department’s federal partners recognize allergens as a critical food safety issue and have created regulations for such. Section 500.11, F.S., defines what constitutes misbranded food; however, the language is incomplete and/or inconsistent with federal law in 21 U.S.C. 343. The department recommends adoption by reference of federal law, 21 U.S.C. 343 (w) (1) (a) and (b), which includes labeling requirements for allergen information. Such requirements will better protect consumers by requiring appropriate labeling of foods containing known allergens.

Powers and Organization of the Department of Agriculture and Consumer Services

The Legislature has granted the department authority to regulate and promote Florida agriculture, protect the environment, safeguard consumers, and ensure the safety of food. The department has 13 divisions and five offices that establish rules for the state’s animal, aquaculture, forestry and produce industries, license producers, the state’s agribusiness marketing needs, oversight of emergency preparedness, and law enforcement efforts covering the agriculture industry. In addition to its agricultural duties, the department regulates various consumer service businesses, including motor vehicle repair shops, charitable organizations, dance studios, pawnshops, telemarketers, and several others. The bill repeals certain department authority and duties that are obsolete and updates others to allow the department to more effectively carry out its duties.

Pest Control Trust Fund

Section 482.2401, F.S., requires all moneys collected or received by the department under chapter 482, F.S., to be deposited into the Pest Control Trust Fund. The department indicates that current language restricts the use of funds to carry out the provisions of ch. 482, F.S., because it

⁷ Section 500.02, F.S.

prevents resources funded in ch. 482, F.S., from being used to conduct work for other programs. This is problematic when functions across programs are combined within a work unit, such as licensing or inspections. Prior to the reorganization of the Division of Agriculture Environmental Services (AES), the work units were separate for each statutory area. The re-organization streamlined these units. The bill authorizes the department to use money deposited in the Pest Control Trust Fund to carry out any of the responsibilities of the Division of Agricultural Environmental Services (set forth in s. 570.44, F.S.), not just the Structural Pest Control Act (ch. 482, F.S.). The authority of the Division of Agricultural and Environmental Services includes state mosquito control program coordination, agricultural pesticide registration, testing and regulation, and feed, seed, and fertilizer production inspection and testing. This authorization expires June 30, 2019.

Office of Agriculture Technology Services

Currently, the Division of Administration is responsible for “providing electronic data processing and management information systems support for the department.” The bill would create an Office of Agriculture Technology Services as a stand-alone office under the supervision of a senior manager within ch. 570, F.S. This change paves the way for continued implementation of the department’s information technology strategic plan.

Florida Agriculture Center and Horse Park

In 1994, the Florida Legislature created the Florida Agriculture Center and Horse Park (Florida Horse Park) in order to provide a unique tourist experience for visitors and Florida residents.⁸ The Florida Horse Park is situated on 500 acres that are located south of Ocala. Numerous events occur at the Florida Horse Park throughout the year including rodeos, dressage, polo, obstacle challenges, dog shows, and trail rides.⁹ The Florida Agriculture Center and Horse Park Authority (Authority), a twenty-one member group appointed by the Commissioner of Agriculture, oversees the management of the park.¹⁰ The department is currently required to provide administrative and staff support services for the meetings of the Authority and provide suitable space in the offices of the department for Authority’s meetings and storage of the Authority’s records.¹¹ The bill revises these requirements so that the department may provide them, but is not required to do so.

Florida Agricultural Promotion Campaign

The department is authorized to establish and coordinate the Florida Agricultural Promotional Campaign (FAPC), also known as the “Fresh From Florida” campaign.¹² This campaign is intended to increase consumer awareness and to expand the market for Florida’s agricultural products.¹³ Florida agricultural producers may voluntarily join the FAPC. FAPC members may

⁸ Section 570.681, F.S.

⁹ Florida Agricultural Center and Horse Park Authority, *Welcome to the Florida Horse Park*, <http://flhorsepark.com/> (last visited December 21, 2015).

¹⁰ Section 570.685, F.S.

¹¹ Section 570.685(4)(b), F.S.

¹² Section 571.24, F.S.

¹³ Section 571.22, F.S.

use the “Fresh From Florida” logos, participate in industry trade shows at a reduced cost, receive point-of-purchase materials, have access to trade leads, and receive the “Fresh From Florida” magazine and industry newsletter. Additionally, members of the FAPC can tie into supermarket promotions that feature Florida products in newspaper and store circular advertisements, and receive a farm sign customized with the member’s business name.¹⁴ The bill would clarify the intent of the marketing brand to avoid misconception that the brand is indicative of inspection for food safety purposes and to decrease the possibility of liability to the department. It makes clear that the department is not warranting safety of products by use of the brand. These changes will clarify intent that the FAPC is only providing a marketing program aimed at promoting department brands, including the “Fresh From Florida” program.

Commercial Feed and Feedstuff

“Commercial feed” is all materials or combinations of materials that are distributed or intended to be distributed for use as feed or for mixing in a feed for animals other than humans.¹⁵ “Feedstuff” is edible materials, other than commercial feed, that are distributed for animal consumption and that contribute energy or nutrients, or both, to an animal diet.¹⁶ The department has indicated that it, as well as local governments, if they are inclined to, are authorized to regulate commercial feed and feedstuff for quality, safety, labeling requirements, and standards. At present, there is no regulation of animal feed and feedstuff through local ordinances. The federal Food and Drug Administration is currently promulgating rules which would bring the manufacture and distribution of commercial livestock feed and ingredients to a standard of sanitation safe for both human handling and animal consumption through the Food Safety Modernization Act. The bill would clarify the department’s preemptive authority to regulate, inspect, sample, and analyze any commercial feed and feedstuff to eliminate potential duplication of regulation.

Removal and Destruction of Infected and Infested Plants

The Division of Plant Industry must order the removal and destruction of any plant or plant product infested or infected with plant pests or noxious weeds.¹⁷ The division may take this action in order to stop the introduction and dissemination of plants or pests that may threaten Florida’s agriculture industry. The division provides written notice to the owner or the person in charge of the premises when the department finds an infested or infected plant or plant product. Within ten days of the notice, the owner or person in charge must treat as directed or remove and destroy the infested or infected plant or plant product. If the owner or person in charge does not, the department may treat as directed or remove and destroy the infested or infected plant or plant product.¹⁸ The bill would create an exception from the destruction requirement for plant or plant products infested with pests or noxious weeds that are widely established in Florida and not regulated. According to the department, there are times when noxious plants, plant pests, or plant

¹⁴ Florida Department of Agriculture and Consumer Services, *Join “Fresh From Florida,”* <http://www.freshfromflorida.com/Divisions-Offices/Marketing-and-Development/Agriculture-Industry/Join-Fresh-From-Florida> (last visited December 21, 2015).

¹⁵ Section 580.031(2), F.S.

¹⁶ Section 580.031(10), F.S.

¹⁷ Section 581.181(1), F.S.

¹⁸ Section 581.181(2), F.S.

diseases are well established in Florida and are not under a department eradication or control program. The bill provides the department with flexibility if the situation does not justify action to eliminate or otherwise mitigate the plant pest or noxious weed.

Citrus Greening

Huanglongbing, citrus greening, is thought to be caused by the bacterium, *Candidatus Liberibacter asiaticus*. Citrus greening has seriously affected citrus production in a number of countries in Asia, Africa, the Indian subcontinent and the Arabian Peninsula, and was discovered in July 2004 in Brazil. Wherever the disease has appeared, citrus production has been compromised with the loss of millions of trees. In August 2005, the disease was found in the south Florida region of Homestead and Florida City. Since that time, citrus greening has been found in commercial and residential sites in all counties with commercial citrus.¹⁹ In these areas, citrus crops have been seriously threatened or even completely destroyed. Primary disease symptoms include leaf yellowing or blotchy mottling of leaves; lopsided and bitter fruit; fruit that remains green even when ripe; twig dieback; and stunted, sparsely foliated trees that may bloom off season.²⁰ When dying groves and unmaintained properties are abandoned by property owners who have not removed the diseased trees, the properties become breeding grounds for citrus greening to spread to neighboring healthy groves. The bill creates the Grove Removal or Vector Elimination Program for the removal or destruction of abandoned citrus groves in order to eliminate the material harboring the citrus greening and spread of the disease.

Soil and Water Conservation Districts

Faced with the problems of the Dust Bowl in the 1930's, President Franklin D. Roosevelt signed the Soil Conservation Act of 1935, which authorized the Secretary of Agriculture to make payments and grants of aid to support approved soil and water conservation measures. The Soil Conservation Service addressed the challenge by setting up a number of large-scale demonstration projects around the country. Although these projects were successful, this approach was not far-reaching enough. It was not only costly and slow to achieve the desired results, but it lacked grass-roots support and participation and did not provide long-lasting conservation treatment. It was recognized that a local organization was necessary through which conservation could be accomplished. In 1937, a model Soil Conservation District Law was developed for consideration by each of the states. Along with a letter from President Roosevelt, this model enabling act was sent to each of the state governors, suggesting that farmers and ranchers be granted the authority to establish districts specifically for conservation of soil and water resources.²¹

Florida adopted much of the model law in 1937.²² The Legislature recognized farms, forests, and grazing lands as among Florida's basic assets in need of protection from improper land use

¹⁹ See <http://www.crec.ifas.ufl.edu/extension/greening/index.shtml>, (last visited January 11, 2012).

²⁰ See <http://www.hungrypests.com/faqs/citrus-greening.php>, (last visited January 11, 2012).

²¹ United States Department of Agriculture, http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/technical/nra/rca/?cid=nrcs143_014208 (last visited December 21, 2015).

²² Chapter 18144, 1937, Laws of Florida.

techniques that cause erosion.²³ It found that erosion reduced the productivity of land, harmed water resources, injured wildlife, caused flooding, and destroyed infrastructure.²⁴ Thus, corrective measures were required to prevent erosion and conserve, develop, and utilize soil and water resources.²⁵ The Legislature intended for soil and water conservation districts (SWCDs) to control and prevent soil erosion, prevent floodwater and sediment damage, further conservation, development, and utilization of soil and water resources, preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect public lands, and protect and promote the health, safety and general welfare of the people of Florida.²⁶ Currently there are 58 SWCDs in Florida. The bill amends ch. 582, F.S., to eliminate obsolete powers and duties relating to the soil and water conservation districts that are obsolete or exercised by other arms of government.

School Nutrition Program

The National School Lunch Program (NSLP) is a federally funded program that assists schools and other agencies in providing nutritious meals to children at reasonable prices. The program was established under the National School Lunch Act, signed by President Harry Truman in 1946.²⁷ In addition to financial assistance, the NSLP provides donated commodity foods to help reduce lunch program costs. Chapter 595, F.S., authorizes the department to coordinate with the federal government to use federal and state funding to provide school nutrition programs. The Legislature declared that it is the policy of the state to provide standards for school food and nutrition services and to require each school district to establish and maintain an appropriate school food and nutrition service program consistent with the nutritional needs of students.²⁸

Schools must apply through the department and complete certain requirements prior to the operation of a school nutrition program.²⁹ Once approved, the department reimburses the schools for each lunch and breakfast meal served, provided they meet established state and federal regulations. Chapter 595, F.S., does not contain definitions for “school breakfast program,” “summer nutrition program,” or “universal school breakfast program.” The bill adds these definitions to clarify the meaning and usage of these terms both in statute and in rule and to specify that they are the programs authorized by federal law. The department administers more than one United States Department of Agriculture summer nutrition program. The bill amends the definition of “summer nutrition programs” to specify that certain requirements apply to all summer nutrition programs.

Currently, the department must make a reasonable effort to ensure that any school designated as a “severe need school” receives the highest rate of reimbursement to which it is entitled under the federal school breakfast program for each breakfast meal served. The bill clarifies that the department does not just make efforts to, but actually ensures through its processes and

²³ Section 582.02, F.S.

²⁴ Section 582.03, F.S.

²⁵ Section 582.04, F.S.

²⁶ Section 582.05, F.S.

²⁷ See <http://www.fns.usda.gov/nslp/national-school-lunch-program-nslp>

²⁸ Section 595.403, F.S.

²⁹ Requirements found in s. 595.405, F.S.

procedures, that all eligible severe need schools receive the higher rate of reimbursement. This change will have no economic or substantive effect on any interest groups or stakeholders and will remove ambiguities from the statute that could potentially result in misinterpretation and misapplication of the law. Further, the department may advance funds from the school nutrition program's annual appropriation to sponsors in order to implement the school nutrition program. There is no restriction on when or for which program the funds may be advanced. The bill also clarifies that the department will only advance funds when requested by sponsors of the Summer Food Service Program.

Florida Farm to Schools Program

Section 595.406, F.S., provides for implementation of the Florida Farm Fresh Schools Program. The program was instituted in 2010 to require the Florida Department of Education to work with the department to increase the presence of Florida-grown products in schools. When the administration of the school nutrition programs was transferred to the department, this program became part of the Florida Farm to School Program, which was already being administered by the department. The bill replaces all references to the "Florida Farm Fresh Schools Program" with the "Florida Farm to School Program." This allows for consistent messaging and marketing around the department's efforts as stated in the statute. Further changes will allow the department to recognize those school districts who have purchased ten percent of the food they serve under the Florida Farm to School Program.

Children's Summer Nutrition Program

Section 595.407, F.S., requires all school districts to develop a plan to sponsor a summer nutrition program to operate within five miles of at least one elementary school where 50 percent or more of the students are eligible for free or reduced price meals for 35 consecutive days, and also within 10 miles of each elementary school where 50 percent or more of the students are eligible for free or reduced-price meals. The bill specifies that each school district must provide a summer nutrition program within five miles of at least one school that serves any combination of grades K-5, not just elementary schools. This provision attempts to close a loophole where some K-8 or K-12 schools claimed they were not elementary schools, and therefore, did not have to comply. According to the department, interpretation of this statute has varied greatly. This change may require district school boards to adjust the location or increase the number of summer nutrition program sites they operate. The bill removes the requirement that each school district provide reduced-price school meals during the summer for 35 consecutive days and replaces it with the requirement that each school district provide reduced-price school meals during the summer for 35 days between the end of one school year and the beginning of the next. This allows school districts to exclude holidays and weekends.

Food and Nutrition Services Trust Fund

The Food and Nutrition Services Trust Fund was created for deposit of revenue and disbursements of Federal Food and Nutrition funds received by the department. In s. 595.601, F.S., the authorizing statute for this trust fund is incorrectly cited. Because the Child Nutrition Programs and Food Distribution Programs were housed in separate agencies, federal funding for these programs is currently maintained separately in the Food and Nutrition Services Trust Fund

and the Federal Grants Trust Fund. Correcting this reference in s. 595.601, F.S., will direct all future allocations of federal funding into the Food and Nutrition Services Trust Fund and create better efficiency.

State Test House for Citrus Inspectors

The state test house for citrus inspectors is staffed by the Division of Fruit and Vegetables (DFV) employees within the department. The DFV inspectors certify wholesomeness and maturity of fruit received at citrus processing plants and determine juice content and pounds solids contained in each box of fruit, pursuant to ch. 601, F.S. Currently, the DFV inspectors are licensed by the United States Department of Agriculture (USDA), as required by s. 601.31, F.S. The USDA license does not convey regulatory authority. Regulatory functions are carried out under the authority of the department.³⁰

Financial Assurance Requirements for Dealers in Agricultural Products and Grain Dealers

Currently, any agricultural dealer who is engaged within this state in the business of purchasing, receiving, or soliciting agricultural products from the producer or the producer's agent or representative is required to obtain a bond or certificate of deposit (CD), as required in s. 604.20(1) F.S. If a CD is the chosen form of security, the dealer is required to furnish the department the CD or a CD receipt, a bank's acknowledgement letter, and an assignment of CD. The bill eliminates the need to provide a letter, accompanying a certificate of deposit, from the issuing institution acknowledging that the assignment has been properly recorded on the books of the issuing institution and will be honored by the issuing institution. This requirement is unnecessary because issuance of the certificate of deposit is acknowledgement that the agreement has been properly recorded.

Each grain dealer must report to the department monthly the value of grain it received from producers for which the producers have not received payment. This report must include a statement showing the type and amount of security maintained to cover the grain dealer's liability to producers. The bill eliminates the requirement that each grain dealer report monthly to the department, as only three of the four licensed dealers are required to do so. The dealers will continue to be licensed and bonded which allows the department to request information from dealers in the event of a complaint or suspected malpractice.

III. Effect of Proposed Changes:

Section 1 creates s. 15.0521, F.S., to designate tupelo honey as the official state honey.

Section 2 amends s. 482.111, F.S., to eliminate the initial certification fee and associated application deadlines for pest control operator applicants.

Section 3 amends s. 482.1562, F.S., to provide renewal clarification for limited certification for urban landscape commercial fertilizer application and to remove a \$50 per month late fee. Application for recertification must be submitted four years after the date of issuance.

³⁰ Analysis by the Department of Agriculture and Consumer Services for SB 1010, p.16 (December 11, 2015).

Section 4 amends s. 500.03, F.S., to revise the definition of the term “food” to include dietary supplements. It also adds a definition for the term “vehicle” in order to recognize the various modes of transportation used by service food establishments and to be consistent with the federal rules implementing the Food Safety Modernization Act. Currently, the Florida Food Safety Act does not define the term.

Section 5 amends s. 500.10, F.S., to include foods transported under certain conditions to be adulterated. The change also adds dietary supplements in the list of foods that could possibly be adulterated and sets forth criteria to determine if it is adulterated.

Section 6 amends s. 500.11, F.S., to adopt by reference federal law which includes labeling requirements for allergen information.

Section 7 amends s. 570.07, F.S., to authorize the Department of Agriculture and Consumer Services (department) to sponsor “events,” in addition to trade breakfasts, luncheons, and dinners to promote agriculture and agricultural business products. It also authorizes the department to secure letters of patent, copyrights, and trademarks on any work product of the department and accordingly to enforce its rights.

Section 8 amends s. 570.30, F.S., to remove electronic data processing and management information systems support as a duty for the department’s Division of Administration.

Section 9 amends s. 570.441, F.S., to authorize the department to use money deposited in the Pest Control Trust Fund to carry out any of the powers and duties of the Division of Agricultural Environmental Services. This subsection expires June 30, 2019.

Section 10 amends s. 570.53, F.S., to remove duties associated with issuing Agriculture Dealer’s Licenses from the duties of the Division of Marketing and Development.

Section 11 amends s. 570.544, F.S., to move issuance of Agriculture Dealer’s Licenses from the Division of Marketing and Development to the Division of Consumer Services, which already issues several other licenses. It also requires the department, rather than a specific division, to regulate Live Stock Markets.

Section 12 creates s. 570.68, F.S., to create the Office of Agriculture Technology Services to provide electronic data processing and agency information technology services to the department.

Section 13 amends s. 570.681, F.S., to clarify legislative findings with regard to the Florida Agriculture Center and Horse Park.

Section 14 amends s. 570.685, F.S., to authorize the department to provide staff, meeting space and records storage space for the Florida Agriculture Center and Horse Park Authority.

Section 15 amends s. 571.24, F.S., to clarify the intent of the Florida Agricultural Promotional Campaign as a marketing program. It removes an obsolete provision relating to the designation

of a Division of Marketing and Development employee as a member of the Advertising Interagency Coordinating Council.

Section 16 amends s. 571.27, F.S., to remove obsolete provisions relating to the department's authority to adopt rules related to negotiating and entering into contracts with advertising agencies for services that are directly related to the Florida Agricultural Promotional Campaign.

Section 17 amends s. 571.28, F.S., to change the membership criteria for the Florida Agricultural Promotional Campaign Advisory Council. This change would allow members to be selected without regard for a specific number from each category of business, but rather an overall representation of the major business components important to the business of agriculture.

Section 18 amends s. 576.041, F.S., to change fertilizer reporting requirements. This would take advantage of the department's web-based reporting tool and align Florida's tonnage reporting requirement with other states, where reporting is quarterly. In addition, the grace period in which reports must be submitted after the reporting period would be extended from 15 to 30 days. By moving the reporting period from monthly to quarterly, the potential for licensees to incur penalties for late reporting will decrease and compliance will increase. Reducing the reporting requirement by 66 percent per year will improve customer service, allow staff to be proactive during the four reporting months, and afford them the time to follow up with licensees to ensure compliance with mandated reporting requirements.

Section 19 creates s. 580.0365, F.S., to preempt the regulatory authority for commercial feed and feedstuff to the department in order to eliminate duplication of regulation.

Section 20 amends s. 581.181, F.S., to eliminate the requirement that the department notify a property owner that a plant infested or infected with plant pests or noxious weeds has been found on their property if the plant is infested with pests or noxious weeds that are determined to be widely established in Florida. With this change, the owner will not be required to destroy or remove the plant within ten days.

Section 21 creates s. 581.189, F.S., to create the Grove Removal or Vector Elimination Program, which is a cost-sharing program for the removal or destruction of abandoned citrus groves to eliminate the material harboring the citrus greening and the vectors that spread the disease. It provides definitions for "abandoned citrus grove," "applicant," "eligible costs," "funded application," and "program." This section authorizes the department to adopt rules for reviewing and ranking applications for cost-share funding and establishes the maximum that an applicant may be awarded in any given fiscal year. It specifies the application process and authorizes the department to deny an application if the applicant has not complied with this section or department rules. Applicants selected for funding must initiate and complete the removal of identified citrus trees in the timeframe specified by department rule or the cost-share funding will be forfeited. The annual awarding of funding through the program is subject to specific legislative appropriations.

Section 22 amends s. 582.01, F.S., to redefine terms relating to soil and water conservation. It eliminates the definition of "administrative officer."

Section 23 amends s. 582.02, F.S., to revise legislative intent concerning soil and water conservation districts (SWCDs). This section emphasizes that the purpose of SWCDs is to promote the appropriate and efficient use of soil and water resources, protect water quality, prevent floodwater and sediment damage, preserve wildlife, and protect public lands. It is also to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and water resource protection practices.

Section 24 amends s. 582.055, F.S., to update the powers and duties of the department in relation to SWCDs to reflect its current practices. This section ensures that the department is authorized to work with SWCDs to receive state and federal assistance. It grants the department the power to create and dissolve SWCDs and to adopt rules to implement this chapter.

Section 25 amends s. 582.06, F.S., to grant the Soil and Water Conservation Council the authority to review requests to create or dissolve a SWCD. It also authorizes the council to consider and provide a recommendation, at the request of the Governor or a district, as to whether a SWCD supervisor should be removed because of neglect of duty or malfeasance in office.

Section 26 amends s. 582.16, F.S., to revise the procedure used in changing district boundaries so that it is the same as when forming a district.

Section 27 amends s. 582.20, F.S., to modernize language relating to SWCDs and their supervisors. The changes focus more on water and best management practices, and less on erosion, to align with the current practices and missions of the districts. Further changes clarify that districts are authorized to partner with other entities on projects regarding floodwater control or soil and water resources. The bill would also allow a supervisor to ask the Governor to remove a fellow supervisor for neglect of duty.

Section 28 amends s. 582.29, F.S., to revise the terms under which state agencies charged with maintenance and administration of state lands must cooperate with the supervisors of any county-owned or publicly owned lands in the implementation of programs and operations under this chapter.

Section 29 amends s. 595.402, F.S., to add definitions for “school breakfast program,” “summer nutrition program,” and “universal school breakfast program” to specify that these programs are authorized by federal law.

Section 30 amends s. 595.404, F.S., to authorize the department to implement the Farmers’ Market Nutrition Program which would provide participants in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)³¹ with locally grown fruits and vegetables. The program is to be carried out using federal or state funds or funds from any other source. The bill authorizes the department to adopt rules to administer, operate, and enforce the program.

³¹ WIC provides federal grants to states for supplemental foods, health care referrals, and nutrition education for low-income pregnant, breastfeeding and non-breastfeeding postpartum women, and to infants and children up to age five who are found to be at nutritional risk <http://www.fns.usda.gov/wic/women-infants-and-children-wic> (last visited December 14, 2015).

The bill clarifies requirements for the School Nutrition Program. It creates a duty for each school district to provide to a “severe need school” the highest rate of reimbursement to which it is entitled under the federal school breakfast program for each breakfast meal served. It specifies that funds from the school nutrition program may only be advanced to the sponsors of Summer Food Service Programs. This is consistent with the federal requirement in 7 CFR 225.9. This change will have no economic or substantive effect on any interest groups or stakeholders and will remove ambiguities from the statute that could potentially result in misinterpretation and misapplication of the law. The bill requires the department to collect and annually publish data from multiple sources on food purchased by sponsors through the Florida Farm to School Program and other school food and nutrition service programs. The bill also authorizes the department to enter into agreements with federal or state agencies to coordinate or cooperate in the implementation of nutrition programs.

Section 31 amends s. 595.405, F.S., to replace every instance of the term “school district” with “district school board.” It rewrites the provisions of this section, which specifies that each district school board is encouraged to provide universal, free school breakfast meals to all students in each elementary, middle, and high school. The bill also provides criteria for when a universal school breakfast program must be provided. The reorganizing of the section combines several subsections and removes conflicting and duplicative clauses, so that the section is easier to read, interpret, and apply.

Section 32 amends s. 595.406, F.S., to change the name of the “Florida Farm Fresh Schools Program” to the “Florida Farm to School Program.” The bill authorizes the department to recognize school districts who purchase at least ten percent of the food they serve from the Florida Farm to School Program.

Section 33 amends s. 595.407, F.S., to specify that each school district must provide a summer nutrition program within five miles of at least one school that serves any combination of grades kindergarten through five, not just elementary schools. The bill removes the requirement that each school district provide reduced-price school meals during the summer for 35 consecutive days and replaces it with the requirement that each school district provide reduced-price school meals during the summer for 35 days between the end of one school year and the beginning of the next. School districts may exclude holidays and weekends.

Section 34 amends s. 595.408, F.S., to change every instance of the word “commodity” with the word “food” to be consistent with the federal USDA Foods Program.

Section 35 amends s. 595.501, F.S., to remove requirements for corrective action plans from s. 595.405, F.S., and place them within this section. It would require sponsors to complete corrective action plans, required by the department or a federal agency, so that they are in compliance with school food and nutrition service programs. The bill also removes “school district” from the phrase “any person, sponsor, or school district” because the definition of “sponsor” is inclusive of “school districts.”³²

³² Section 595.402(5), F.S.

Section 36 amends s. 595.601, F.S., to correct a cross-reference.

Section 37 amends s. 601.31, F.S., to require that certain citrus inspectors be licensed by the department rather than the United States Department of Agriculture.

Section 38 amends s. 604.21, F.S., to eliminate the requirement that a complainant against an agricultural dealer must file three notarized complaint affidavits with the department. The bill also eliminates the requirement to file an original complaint with the department if the complaint has been submitted electronically.

Section 39 amends s. 604.33, F.S., to remove provisions requiring grain dealers to submit monthly reports. The bill authorizes rather than requires the department to make at least one spot check annually of each grain dealer.

Section 40 repeals s. 582.03, F.S., relating to the consequences of soil erosion.

Section 41 repeals s. 582.04, F.S., relating to appropriate corrective measures for soil conservation.

Section 42 repeals s. 582.05, F.S., relating to legislative policy for soil and water conservation.

Section 43 repeals s. 582.08, F.S., relating to additional powers of the department in relation to SWCDs.

Section 44 repeals s. 582.09, F.S., relating to the employment of an administrative officer of soil and water conservation as well as supporting staff.

Section 45 repeals s. 582.17, F.S., relating to the establishment of SWCDs.

Section 46 repeals s. 582.21, F.S., relating to adoption of land use regulations of SWCDs.

Section 47 repeals s. 582.22, F.S., relating to SWCD regulations and the uniformity of their content within a district.

Section 48 repeals s. 582.23, F.S., relating to the duties of supervisors under SWCD regulations.

Section 49 repeals s. 582.24, F.S., relating to boards of adjustment for SWCDs which requires supervisors of any district to hear and consider petitions made by landowners for relief of land use regulations.

Section 50 repeals s. 582.25, F.S., relating to rule adoption and procedures of boards of adjustment.

Section 51 repeals s. 582.26, F.S., relating to petitions made to a board to vary from SWCD regulations.

Section 52 repeals s. 582.331, F.S., relating to the authorization to establish watershed improvement districts within SWCDs.

Section 53 repeals s. 582.34, F.S., relating to petitions for establishment of watershed improvement districts.

Section 54 repeals s. 582.35, F.S., relating to requirements of supervisors when a petition has been filed that include giving notice, conducting hearings on the petition, determinations of need for watershed improvement districts, and definition of boundaries.

Section 55 repeals s. 582.36, F.S., relating to the determination by supervisors that a proposed watershed improvement district is feasible and the referendum that must be held to consider the question of whether the operation of the proposed district is administratively practicable and feasible.

Section 56 repeals s. 582.37, F.S., relating to consideration of results of referendums on establishing watershed improvement districts and to declarations of the approved organization of a district.

Section 57 repeals s. 582.38, F.S., relating to organization of watershed improvement districts, certification to clerks of circuits courts, and limitations on tax rates.

Section 58 repeals s. 582.39, F.S., relating to the establishment of watershed improvement districts that are situated in more than one SWCD.

Section 59 repeals s. 582.40, F.S., relating to changes of district boundaries, additions, detachments, transfers of land from one district to another, and the change of district names.

Section 60 repeals s. 582.41, F.S., relating to the boards of directors of watershed improvement districts.

Section 61 repeals s. 582.42, F.S., relating to officers, agents, and employees that are retained by boards of supervisors of watershed improvement districts. This section of the Florida Statutes also provides for surety bonds for such officers, agents, and employees and requires an annual audit of the accounts of the district.

Section 62 repeals s. 582.43, F.S., relating to the status and general powers of watershed improvement districts.

Section 63 repeals s. 582.44, F.S., relating to watershed improvement districts levying taxes.

Section 64 repeals s. 582.45, F.S., relating to the fiscal powers of a watershed improvement district's governing board.

Section 65 repeals s. 582.46, F.S., relating to additional powers and authorities of watershed improvement districts. Such powers are additional to those of the soil and water conservation district in which the watershed improvement district is situated.

Section 66 repeals s. 582.47, F.S., relating to the requirement that a watershed improvement district must consult with and advise flood control districts to coordinate the work of the districts involved.

Section 67 repeals s. 582.48, F.S., relating to the discontinuance of a watershed improvement district.

Section 68 repeals s. 582.49, F.S., relating to the discontinuance of a soil and water conservation district.

Section 69 repeals s. 589.26, F.S., relating to the authority of the Florida Forest Service to dedicate its land for use by the public as a park.

Section 70 provides that except as otherwise expressly provided in the bill, the bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Please see Private Sector Impact Section below.

B. Private Sector Impact:

PCS/CS/SB 1010 eliminates the \$50 late fee for limited certification for urban landscape commercial fertilizer application. This may have a positive impact on persons who apply commercial fertilizer by eliminating this fee.

The bill eliminates certain financial assurance and licensing requirements for dealers in agricultural products and for grain dealers. This may have a positive impact on those professions by eliminating the filing requirements.

The bill also creates an exemption from the destruction requirement for plant or plant products infested with pests or noxious weeds that are widely established in Florida and not regulated by the department. This may have a positive impact on those who own the plant or plant products infested with pests or noxious weeds by not requiring the owners to destroy them.

In addition, the bill eliminates the necessity for a complainant to submit three notarized complaint affidavits when an individual is damaged by an agricultural products dealer. This may have a positive impact on those individuals by eliminating the extra filings and speeding up the complaint process.

C. Government Sector Impact:

Pest Control Operator's Certification Application Fee

The bill appears to have an insignificant negative fiscal impact on state funds because of the elimination of the original certification fee of \$150 for pest control certification applicants. The Department of Agriculture and Consumer Services (department) will have decreased revenues in the Pest Control Trust Fund of \$76,762 annually. The department has indicated that the impact is expected to be minimal and will be absorbed by the department.³³

Fee for Limited Certification for Urban Landscape Commercial Fertilizer Application

Eliminating the \$50 late fee for a limited certification for urban landscape commercial fertilizer application will have an insignificant negative impact on state government revenues. The fee was first established in ch. 2009-199, Laws of Florida. Beginning January 1, 2014, any person applying commercial fertilizer to an urban landscape is required to be certified. The certification is for four years from the date of issuance; therefore, no late fees have been assessed.

Office of Agricultural Technology Services

The bill has an insignificant impact associated with the creation of s. 570.68, F.S., which creates the Office of Agricultural Technology Services, under the supervision of a senior management class employee. Changing the department's current Chief Information Officer from the Regular Class in the Florida Retirement System to the Senior Management Class would result in an additional state retirement contribution of \$12,402 from the General Revenue Fund. The department will manage the additional costs within existing salary and benefit resources.

Grove Removal or Vector Elimination (GROVE) Program

Under the provisions of PCS/CS/SB 1010, funding of the Grove Removal or Vector Elimination (GROVE) program is subject to specific legislative appropriation. The department's Fiscal Year 2016-2017 legislative budget request includes \$1,000,000 in nonrecurring general revenue to fund the GROVE program.

³³ Analysis by the Department of Agriculture and Consumer Services for SB 1010, p.19 (December 16, 2015).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 482.111, 482.1562, 500.03, 500.10, 500.11, 570.07, 570.30, 570.441, 570.53, 570.544, 570.681, 570.685, 571.24, 571.27, 571.28, 576.041, 581.181, 582.01, 582.02, 582.055, 582.06, 582.16, 582.20, 582.29, 595.402, 595.404, 595.405, 595.406, 595.407, 595.408, 595.501, 595.601, 601.31, 604.21, and 604.33.

This bill creates the following sections of the Florida Statutes: 15.0521, 570.68, 580.0365, and 581.189.

This bill repeals the following sections of the Florida Statutes: 582.03, 582.04, 582.05, 582.08, 582.09, 582.17, 582.21, 582.22, 582.23, 582.24, 582.25, 582.26, 582.331, 582.34, 582.35, 582.36, 582.37, 582.38, 582.39, 582.40, 582.41, 582.42, 582.43, 582.44, 582.45, 582.46, 582.47, 582.48, 582.49, and 589.26.

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

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

Recommended CS/CS by Appropriations Subcommittee on General Government on January 21, 2016:

The committee substitute authorizes the Department of Agriculture and Consumer Services to license certain citrus inspectors rather than the United States Department of Agriculture.

CS by Agriculture on January 11, 2016:

The committee substitute:

- Restores current statute and removes language in the bill that changes the definition of “due notice” with regard to public hearings by soil and water conservation districts. It eliminates the requirement that notification must be published in a newspaper of general circulation seven days in advance of an event.
- Creates the Grove Removal or Vector Elimination Program to help eliminate citrus greening and improve the health of Florida’s citrus industry.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/21/2016	.	
	.	
	.	
	.	

Appropriations Subcommittee on General Government (Dean)
recommended the following:

Senate Amendment (with title amendment)

Between lines 1303 and 1304

insert:

Section 37. Section 601.31, Florida Statutes, is amended to
read:

601.31 Citrus inspectors; employment.—The Department of
Agriculture may in each year employ as many citrus fruit
inspectors for such period or periods, not exceeding 1 year, as
the Department of Agriculture shall deem necessary for the



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11 effective enforcement of the citrus fruit laws of this state.
12 All persons authorized to inspect and certify to the maturity
13 and grade of citrus fruit shall be governed in the discharge of
14 their duties as such inspectors by the provisions of law and by
15 the rules adopted by the Department of Citrus and the Department
16 of Agriculture and shall perform their duties under the
17 direction and supervision of the Department of Agriculture. All
18 citrus inspectors appointed for the enforcement of this chapter
19 shall be persons who are duly licensed or certified by the
20 ~~United States~~ Department of Agriculture as citrus fruit
21 inspectors.

22

23 ===== T I T L E A M E N D M E N T =====

24 And the title is amended as follows:

25 Delete line 134

26 and insert:

27 reference; amending s. 601.31, F.S.; specifying that
28 certain citrus inspectors must be licensed by the
29 state Department of Agriculture rather than the United
30 States Department of Agriculture; amending s. 604.21,
31 F.S.; deleting a

By the Committee on Agriculture; and Senator Montford

575-02016-16

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1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; creating s. 15.0521, F.S.;
 4 designating tupelo honey as the official state honey;
 5 amending s. 482.111, F.S.; specifying the requirements
 6 for original certification as a pest control operator;
 7 specifying the fee for the renewal of a certificate;
 8 amending s. 482.1562, F.S.; specifying the deadline
 9 for recertification of persons who wish to apply urban
 10 landscape commercial fertilizer; providing a grace
 11 period for recertification; amending s. 500.03, F.S.;
 12 revising the definition of the term "food" to include
 13 dietary supplements; defining the term "vehicle";
 14 amending s. 500.10, F.S.; providing additional
 15 conditions under which food may be deemed adulterated;
 16 amending s. 500.11, F.S.; including failure to comply
 17 with labeling relating to major food allergens as a
 18 criterion for use in determining whether food has been
 19 misbranded; amending s. 570.07, F.S.; revising the
 20 department's functions, powers, and duties; amending
 21 s. 570.30, F.S.; revising the powers and duties of the
 22 Division of Administration; amending s. 570.441, F.S.;
 23 authorizing the use of funds in the Pest Control Trust
 24 Fund for activities of the Division of Agricultural
 25 Environmental Services; providing for expiration;
 26 amending s. 570.53, F.S.; revising the powers and
 27 duties of the Division of Marketing and Development to
 28 remove the enforcement provisions relating to the
 29 dealers in agricultural products law; amending s.
 30 570.544, F.S.; revising the duties of the director of
 31 the Division of Consumer Services to include
 32 enforcement provisions relating to the dealers in

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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33 agricultural products law; creating s. 570.68, F.S.;
 34 authorizing the Commissioner of Agriculture to create
 35 an Office of Agriculture Technology Services;
 36 providing duties of the office; amending s. 570.681,
 37 F.S.; revising the legislative findings relating to
 38 the Florida Agriculture Center and Horse Park;
 39 amending s. 570.685, F.S.; authorizing, rather than
 40 requiring, the department to provide administrative
 41 and staff support services, meeting space, and record
 42 storage for the Florida Agriculture Center and Horse
 43 Park Authority; amending s. 571.24, F.S.; clarifying
 44 the intent that the Florida Agricultural Promotional
 45 Campaign serve as a marketing program; removing an
 46 obsolete provision relating to the designation of a
 47 division employee as a member of the Advertising
 48 Interagency Coordinating Council; amending s. 571.27,
 49 F.S.; removing obsolete provisions relating to the
 50 authority of the department to adopt rules for
 51 entering into contracts with advertising agencies for
 52 services that are directly related to the Florida
 53 Agricultural Promotional Campaign; amending s. 571.28,
 54 F.S.; revising the composition of the Florida
 55 Agricultural Promotional Campaign Advisory Council;
 56 amending s. 576.041, F.S.; revising the frequency with
 57 which tonnage reports of fertilizer sales must be
 58 made; revising the timeframe for submission of such
 59 reports; creating s. 580.0365, F.S.; providing for the
 60 preemption of commercial feed and feedstuff
 61 regulation; amending s. 581.181, F.S.; providing

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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62 applicability of provisions requiring treatment or
 63 destruction of infested or infected plants and plant
 64 products; creating s. 581.189, F.S.; creating the
 65 Grove Removal or Vector Elimination (GROVE) Program;
 66 specifying the purpose of the program; defining terms;
 67 requiring the department to adopt rules for reviewing
 68 and ranking applications for cost-share funding to
 69 removal or destroy abandoned citrus groves;
 70 establishing per applicant award maximums; specifying
 71 that the total funds awarded in a fiscal year cannot
 72 exceed the amount specifically appropriated for the
 73 program; specifying application requirements;
 74 specifying how the department must process
 75 applications; specifying that noncompliance will
 76 result in forfeiture of cost-share funds; requiring
 77 the department to rank and review applications and to
 78 conduct a certain inspection; specifying grounds for
 79 denial of an application; requiring applicants
 80 selected for funding to timely initiate and complete
 81 the removal of identified citrus trees in accordance
 82 with their respective applications; providing the
 83 process for making payments to applicants; authorizing
 84 the department to adopt rules; specifying that funding
 85 for the program is contingent upon specific
 86 appropriation by the Legislature; amending s. 582.01,
 87 F.S.; redefining terms relating to soil and water
 88 conservation; amending s. 582.02, F.S.; providing
 89 legislative intent and findings relating to soil and
 90 water conservation districts; providing a statement of

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91 purpose; amending s. 582.055, F.S.; revising the
 92 powers and duties of the department; authorizing the
 93 department to adopt rules; amending s. 582.06, F.S.;
 94 requiring the Soil and Water Conservation Council to
 95 accept and review requests for creating or dissolving
 96 soil and water conservation districts and to make
 97 recommendations to the commissioner; requiring the
 98 council to provide recommendations to the commissioner
 99 relating to the removal of supervisors under certain
 100 circumstances; amending s. 582.16, F.S.; revising how
 101 district boundaries may be changed; amending s.
 102 582.20, F.S.; revising the powers and duties of
 103 districts and supervisors; amending s. 582.29, F.S.;
 104 revising the terms under which certain state agencies
 105 must cooperate; amending s. 595.402, F.S.; defining
 106 terms relating to the school food and nutrition
 107 service program; amending s. 595.404, F.S.; revising
 108 the powers and duties of the department with regard to
 109 the school food and nutrition service program;
 110 directing the department to collect and annually
 111 publish data on food purchased by sponsors through the
 112 Florida Farm to School Program and other school food
 113 and nutrition service programs; amending s. 595.405,
 114 F.S.; clarifying requirements for the school nutrition
 115 program; requiring breakfast meals to be available to
 116 all students in schools that serve any combination of
 117 grades kindergarten through 5; amending s. 595.406,
 118 F.S.; renaming the "Florida Farm Fresh Schools
 119 Program" as the "Florida Farm to School Program";

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120 authorizing the department to establish by rule a
 121 recognition program for certain sponsors; amending s.
 122 595.407, F.S.; revising provisions of the children's
 123 summer nutrition program to include certain schools
 124 that serve any combination of grades kindergarten
 125 through 5; revising provisions relating to the
 126 duration of the program; authorizing school districts
 127 to exclude holidays and weekends; amending s. 595.408,
 128 F.S.; conforming provisions to changes made by the
 129 act; amending s. 595.501, F.S.; requiring certain
 130 entities to complete corrective action plans required
 131 by the department or a federal agency to be in
 132 compliance with school food and nutrition service
 133 programs; amending s. 595.601, F.S.; revising a cross-
 134 reference; amending s. 604.21, F.S.; deleting a
 135 requirement relating to complaints filed by electronic
 136 transmission or facsimile; amending s. 604.33, F.S.;
 137 deleting provisions requiring grain dealers to submit
 138 monthly reports; authorizing, rather than requiring,
 139 the department to make at least one spot check
 140 annually of each grain dealer; repealing s. 582.03,
 141 F.S., relating to the consequences of soil erosion;
 142 repealing s. 582.04, F.S., relating to appropriate
 143 corrective methods; repealing s. 582.05, F.S.,
 144 relating to legislative policy for conservation;
 145 repealing s. 582.08, F.S., relating to additional
 146 powers of the department; repealing s. 582.09, F.S.,
 147 relating to an administrative officer of soil and
 148 water conservation; repealing s. 582.17, F.S.,

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149 relating to the presumption as to establishment of a
 150 district; repealing s. 582.21, F.S., relating to
 151 adoption of land use regulations; repealing s. 582.22,
 152 F.S., relating to district regulations and contents;
 153 repealing s. 582.23, F.S., relating to performance of
 154 work under the regulations by the supervisors;
 155 repealing s. 582.24, F.S., relating to the board of
 156 adjustment; repealing s. 582.25, F.S., relating to
 157 rules of procedure of the board; repealing s. 582.26,
 158 F.S., relating to petitioning the board to vary from
 159 regulations; repealing s. 582.331, F.S., relating to
 160 the authorization to establish watershed improvement
 161 districts within soil and water conservation
 162 districts; repealing s. 582.34, F.S., relating to
 163 petitions for establishment of watershed improvement
 164 districts; repealing s. 582.35, F.S., relating to
 165 notice and hearing on petitions, determinations of
 166 need for districts, and boundaries; repealing s.
 167 582.36, F.S., relating to determination of feasibility
 168 of proposed districts and referenda; repealing s.
 169 582.37, F.S., relating to consideration of results of
 170 referendums and declaration of organization of
 171 districts; repealing s. 582.38, F.S., relating to the
 172 organization of districts, certification to clerks of
 173 circuit courts, and limitation on tax rates; repealing
 174 s. 582.39, F.S., relating to establishment of
 175 watershed improvement districts situated in more than
 176 one soil and water conservation district; repealing s.
 177 582.40, F.S., relating to change of district

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178 boundaries or names; repealing s. 582.41, F.S.,
 179 relating to boards of directors of districts;
 180 repealing s. 582.42, F.S., relating to officers,
 181 agents, and employees, surety bonds, and annual
 182 audits; repealing s. 582.43, F.S., relating to status
 183 and general powers of districts; repealing s. 582.44,
 184 F.S., relating to the levy of taxes and taxing
 185 procedures; repealing s. 582.45, F.S., relating to
 186 fiscal powers of a governing body; repealing s.
 187 582.46, F.S., relating to additional powers and
 188 authority of districts; repealing s. 582.47, F.S.,
 189 relating to the coordination between watershed
 190 improvement districts and flood control districts;
 191 repealing s. 582.48, F.S., relating to the
 192 discontinuance of watershed improvement districts;
 193 repealing s. 582.49, F.S., relating to the
 194 discontinuance of soil and water conservation
 195 districts; repealing s. 589.26, F.S., relating to the
 196 dedication of state park lands for public use;
 197 providing effective dates.

198
 199 Be It Enacted by the Legislature of the State of Florida:

200
 201 Section 1. Effective upon this act becoming a law, section
 202 15.0521, Florida Statutes, is created to read:

203 15.0521 Official state honey.—Tupelo honey is designated as
 204 the official Florida state honey.

205 Section 2. Subsections (1) and (7) of section 482.111,
 206 Florida Statutes, are amended to read:

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207 482.111 Pest control operator's certificate.—
 208 (1) The department shall issue a pest control operator's
 209 certificate to each individual who qualifies under this chapter.
 210 Before the issuance of the original certification, an individual
 211 must have completed an application for examination, paid the
 212 examination fee provided for in s. 482.141, and passed the
 213 examination. Before engaging in pest control work, each
 214 certified operator must be certified as provided in this
 215 section. ~~Application must be made and the issuance fee must be~~
 216 ~~paid to the department for the original certificate within 60~~
 217 ~~days after the postmark date of written notification of passing~~
 218 ~~the examination. During a period of 30 calendar days following~~
 219 ~~expiration of the 60 day period, an original certificate may be~~
 220 ~~issued; however, a late issuance charge of \$50 shall be assessed~~
 221 ~~and must be paid in addition to the issuance fee. An original~~
 222 ~~certificate may not be issued after expiration of the 30-day~~
 223 ~~period, without reexamination.~~

224 (7) The fee for ~~issuance of an original certificate or the~~
 225 ~~renewal of a certificate thereof~~ shall be set by the department
 226 but may not be more than \$150 or less than \$75; however, until
 227 rules setting these fees are adopted by the department, the
 228 issuance fee and the renewal fee shall each be \$75.

229 Section 3. Subsections (5) and (6) of section 482.1562,
 230 Florida Statutes, are amended to read:

231 482.1562 Limited certification for urban landscape
 232 commercial fertilizer application.—

233 (5) An application for recertification must be made 4 years
 234 after the date of issuance at least 90 days before the
 235 ~~expiration~~ of the current certificate and be accompanied by:

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236 (a) Proof of having completed the 4 classroom hours of
237 acceptable continuing education required under subsection (4).

238 (b) A recertification fee set by the department in an
239 amount of at least \$25 but not more than \$75. Until the fee is
240 set by rule, the fee for certification is \$25.

241 ~~(6) A late renewal charge of \$50 per month shall be~~
242 ~~assessed 30 days after the date the application for~~
243 ~~recertification is due and must be paid in addition to the~~
244 ~~renewal fee. Unless timely recertified, a certificate~~
245 ~~automatically expires 90 days after the recertification date.~~
246 Upon expiration or after a grace period ending 30 days after
247 expiration, a certificate may be issued only upon the person
248 reapplying in accordance with subsection (3).

249 Section 4. Paragraph (n) of subsection (1) of section
250 500.03, Florida Statutes, is amended, and paragraph (cc) is
251 added to that subsection, to read:

252 500.03 Definitions; construction; applicability.—

253 (1) For the purpose of this chapter, the term:

254 (n) "Food" includes:

- 255 1. Articles used for food or drink for human consumption;
- 256 2. Chewing gum;
- 257 3. Articles used for components of any such article; ~~and~~
- 258 4. Articles for which health claims are made, which claims
259 are approved by the Secretary of the United States Department of
260 Health and Human Services and which claims are made in
261 accordance with s. 343(r) of the federal act, and which are not
262 considered drugs solely because their labels or labeling contain
263 health claims; and

264 5. "Dietary supplements" as the term is defined in 21

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265 U.S.C. s. 321(ff)(1) and (2).

266
267 The term includes any raw, cooked, or processed edible
268 substance; ice; any beverage; or any ingredient used, intended
269 for use, or sold for human consumption.

270 (cc) "Vehicle" means a mode of transportation or mobile
271 carrier used to transport food from one location to another,
272 including, but not limited to, cars, carts, cycles, trucks,
273 vans, trains, railcars, aircraft, and watercraft.

274 Section 5. Subsection (1) of section 500.10, Florida
275 Statutes, is amended, and subsection (5) is added to that
276 section, to read:

277 500.10 Food deemed adulterated.—A food is deemed to be
278 adulterated:

279 (1)(a) If it bears or contains any poisonous or deleterious
280 substance which may render it injurious to health; but in case
281 the substance is not an added substance such food shall not be
282 considered adulterated under this clause if the quantity of such
283 substance in such food does not ordinarily render it injurious
284 to health;

285 (b) If it bears or contains any added poisonous or added
286 deleterious substance, other than one which is a pesticide
287 chemical in or on a raw agricultural commodity; a food additive;
288 or a color additive, which is unsafe within the meaning of s.
289 500.13(1);

290 (c) If it is a raw agricultural commodity and it bears or
291 contains a pesticide chemical which is unsafe within the meaning
292 of 21 U.S.C. s. 346(a) or s. 500.13(1);

293 (d) If it is or it bears or contains, any food additive

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294 which is unsafe within the meaning of 21 U.S.C. s. 348 or s.
 295 500.13(1); provided that where a pesticide chemical has been
 296 used in or on a raw agricultural commodity in conformity with an
 297 exemption granted or tolerance prescribed under 21 U.S.C. s. 346
 298 or s. 500.13(1), and such raw agricultural commodity has been
 299 subjected to processing such as canning, cooking, freezing,
 300 dehydrating, or milling, the residue of such pesticide chemical
 301 remaining in or on such processed food shall, notwithstanding
 302 the provisions of s. 500.13, and this paragraph, not be deemed
 303 unsafe if such residue in or on the raw agricultural commodity
 304 has been removed to the extent possible in good manufacturing
 305 practice, and the concentration of such residue in the processed
 306 food when ready to eat, is not greater than the tolerance
 307 prescribed for the raw agricultural commodity;

308 (e) If it consists in whole or in part of a diseased,
 309 contaminated, filthy, putrid, or decomposed substance, or if it
 310 is otherwise unfit for food;

311 (f) If it has been produced, prepared, packed, transported,
 312 or held under insanitary conditions whereby it may become
 313 contaminated with filth, or whereby it may have been rendered
 314 diseased, unwholesome, or injurious to health;

315 (g) If it is the product of a diseased animal or an animal
 316 which has died otherwise than by slaughter, or that has been fed
 317 upon the uncooked offal from a slaughterhouse; or

318 (h) If its container is composed, in whole or in part, of
 319 any poisonous or deleterious substance which may render the
 320 contents injurious to health.

321 (5) If a dietary supplement or its ingredients present a
 322 significant risk of illness or injury due to:

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323 (a) The recommended or suggested conditions of use on the
 324 product label;

325 (b) The failure to provide conditions of use on the product
 326 label; or

327 (c) It containing an ingredient for which there is
 328 inadequate information to provide reasonable assurances that the
 329 ingredient does not present a significant risk of illness or
 330 injury.

331 Section 6. Paragraph (m) of subsection (1) of section
 332 500.11, Florida Statutes, is amended to read:

333 500.11 Food deemed misbranded.—

334 (1) A food is deemed to be misbranded:

335 (m) If it is offered for sale and its label or labeling
 336 does not comply with the requirements of 21 U.S.C. s. 343(q) or
 337 21 U.S.C. s. 343(w) pertaining to nutrition or allergen
 338 information.

339 Section 7. Subsection (20) of section 570.07, Florida
 340 Statutes, is amended, and subsection (44) is added to that
 341 section, to read:

342 570.07 Department of Agriculture and Consumer Services;
 343 functions, powers, and duties.—The department shall have and
 344 exercise the following functions, powers, and duties:

345 (20) (a) To stimulate, encourage, and foster the production
 346 and consumption of agricultural and agricultural business
 347 products;

348 (b) To conduct activities that may foster a better
 349 understanding and more efficient cooperation among producers,
 350 dealers, buyers, food editors, and the consuming public in the
 351 promotion and marketing of Florida's agricultural and

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352 agricultural business products; and

353 (c) To sponsor events, trade breakfasts, luncheons, and
 354 dinners and distribute promotional materials and favors in
 355 connection with meetings, conferences, and conventions of
 356 dealers, buyers, food editors, and merchandising executives that
 357 will assist in the promotion and marketing of Florida's
 358 agricultural and agricultural business products to the consuming
 359 public.

360

361 The department is authorized to receive and expend donations
 362 contributed by private persons for the purpose of covering costs
 363 associated with the above described activities.

364 (44) In its own name:

365 (a) To perform all acts necessary to secure letters of
 366 patent, copyrights, and trademarks on any work products of the
 367 department and enforce its rights therein.

368 (b) To license, lease, assign, or otherwise give written
 369 consent to any person, firm, or corporation for the manufacture
 370 or use of such department work products on a royalty basis or
 371 for such other consideration as the department deems proper.

372 (c) To take any action necessary, including legal action,
 373 to protect such department work products against improper or
 374 unlawful use or infringement.

375 (d) To enforce the collection of any sums due to the
 376 department for the manufacture or use of such department work
 377 products by another party.

378 (e) To sell any of such department work products and
 379 execute all instruments necessary to consummate any such sale.

380 (f) To do all other acts necessary and proper for the

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381 execution of powers and duties conferred upon the department by
 382 this section, including adopting rules, as necessary, in order
 383 to administer this section.

384 Section 8. Subsection (5) of section 570.30, Florida
 385 Statutes, is amended to read:

386 570.30 Division of Administration; powers and duties.—The
 387 Division of Administration shall render services required by the
 388 department and its other divisions, or by the commissioner in
 389 the exercise of constitutional and cabinet responsibilities,
 390 that can advantageously and effectively be centralized and
 391 administered and any other function of the department that is
 392 not specifically assigned by law to some other division. The
 393 duties of this division include, but are not limited to:

394 ~~(5) Providing electronic data processing and management~~
 395 ~~information systems support for the department.~~

396 Section 9. Subsection (4) is added to section 570.441,
 397 Florida Statutes, to read:

398 570.441 Pest Control Trust Fund.—

399 (4) In addition to the uses authorized under subsection
 400 (2), the department may use moneys collected or received under
 401 chapter 482 to carry out s. 570.44. This subsection expires June
 402 30, 2019.

403 Section 10. Subsection (2) of section 570.53, Florida
 404 Statutes, is amended to read:

405 570.53 Division of Marketing and Development; powers and
 406 duties.—The powers and duties of the Division of Marketing and
 407 Development include, but are not limited to:

408 ~~(2) Enforcing the provisions of ss. 604.15-604.34, the~~
 409 ~~dealers in agricultural products law, and ss. 534.47-534.53.~~

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410 Section 11. Subsection (2) of section 570.544, Florida
411 Statutes, is amended to read:

412 570.544 Division of Consumer Services; director; powers;
413 processing of complaints; records.-

414 (2) The director shall supervise, direct, and coordinate
415 the activities of the division and shall, under the direction of
416 the department, enforce ss. 604.15-604.34 and ~~the provisions of~~
417 chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616,
418 and 849.

419 Section 12. Section 570.68, Florida Statutes, is created to
420 read:

421 570.68 Office of Agriculture Technology Services.-The
422 commissioner may create an Office of Agriculture Technology
423 Services under the supervision of a senior manager. The senior
424 manager is exempt under s. 110.205 in the Senior Management
425 Service and shall be appointed by the commissioner. The office
426 shall provide electronic data processing and agency information
427 technology services to support and facilitate the functions,
428 powers, and duties of the department.

429 Section 13. Section 570.681, Florida Statutes, is amended
430 to read:

431 570.681 Florida Agriculture Center and Horse Park;
432 legislative findings.-It is the finding of the Legislature that:

433 ~~(1) Agriculture is an important industry to the State of~~
434 ~~Florida, producing over \$6 billion per year while supporting~~
435 ~~over 230,000 jobs.-~~

436 (1)(2) Equine and other agriculture-related industries will
437 strengthen and benefit each other with the establishment of a
438 statewide agriculture and horse facility.

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439 ~~(2)(3) The A~~ Florida Agriculture Center and Horse Park
440 ~~provides will provide~~ Florida with a unique tourist experience
441 for visitors and residents, thus generating taxes and additional
442 dollars for the state.

443 ~~(3)(4) Promoting the Florida Agriculture Center and Horse~~
444 ~~Park as a joint effort between the state and the private sector~~
445 ~~allows will allow~~ this facility to use utilize experts and
446 generate revenue from many areas to ensure the success of this
447 facility.

448 Section 14. Paragraphs (b) and (c) of subsection (4) of
449 section 570.685, Florida Statutes, are amended to read:

450 570.685 Florida Agriculture Center and Horse Park
451 Authority.-

452 (4) The authority shall meet at least semiannually and
453 elect a chair, a vice chair, and a secretary for 1-year terms.

454 (b) The department may provide ~~shall be responsible for~~
455 ~~providing~~ administrative and staff support services relating to
456 the meetings of the authority and ~~shall provide~~ suitable space
457 in the offices of the department for the meetings and the
458 storage of records of the authority.

459 (c) In conducting its meetings, the authority shall use
460 accepted rules of procedure. The secretary shall keep a complete
461 record of the proceedings of each meeting showing, ~~which record~~
462 ~~shall show~~ the names of the members present and the actions
463 taken. These records shall be kept on file with the department,
464 and such records and other documents regarding matters within
465 the jurisdiction of the authority shall be subject to inspection
466 by members of the authority.

467 Section 15. Section 571.24, Florida Statutes, is amended to

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468 read:

469 571.24 Purpose; duties of the department.—The purpose of
 470 this part is to authorize the department to establish and
 471 coordinate the Florida Agricultural Promotional Campaign. The
 472 campaign is intended to serve as a marketing program for the
 473 promotion of agricultural commodities, value-added products, and
 474 agricultural-related businesses of this state. The campaign is
 475 not a food safety and traceability program. The duties of the
 476 department shall include, but are not limited to:

- 477 (1) Developing logos and authorizing the use of logos as
 478 provided by rule.
- 479 (2) Registering participants.
- 480 (3) Assessing and collecting fees.
- 481 (4) Collecting rental receipts for industry promotions.
- 482 (5) Developing in-kind advertising programs.
- 483 (6) Contracting with media representatives for the purpose
 484 of dispersing promotional materials.
- 485 (7) Assisting the representative of the department who
 486 serves on the Florida Agricultural Promotional Campaign Advisory
 487 Council.
- 488 ~~(8) Designating a division employee to be a member of the~~
 489 ~~Advertising Interagency Coordinating Council.~~
- 490 (8)(9) Adopting rules pursuant to ss. 120.536(1) and 120.54
 491 to implement the provisions of this part.
- 492 (9)(10) Enforcing and administering the provisions of this
 493 part, including measures ensuring that only Florida agricultural
 494 or agricultural based products are marketed under the "Fresh
 495 From Florida" or "From Florida" logos or other logos of the
 496 Florida Agricultural Promotional Campaign.

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497 Section 16. Section 571.27, Florida Statutes, is amended to
 498 read:

499 571.27 Rules.—The department is authorized to adopt rules
 500 that implement, make specific, and interpret ~~the provisions of~~
 501 ~~this part, including rules for entering into contracts with~~
 502 ~~advertising agencies for services which are directly related to~~
 503 ~~the Florida Agricultural Promotional Campaign. Such rules shall~~
 504 ~~establish the procedures for negotiating costs with the offerors~~
 505 ~~of such advertising services who have been determined by the~~
 506 ~~department to be qualified on the basis of technical merit,~~
 507 ~~creative ability, and professional competency. Such~~
 508 ~~determination of qualifications shall also include consideration~~
 509 ~~of the provisions in s. 287.055(3), (4), and (5).~~ The department
 510 is further authorized to determine, by rule, the logos or
 511 product identifiers to be depicted for use in advertising,
 512 publicizing, and promoting the sale of Florida agricultural
 513 products or agricultural-based products in the Florida
 514 Agricultural Promotional Campaign. The department may also adopt
 515 rules consistent not inconsistent with ~~the provisions of~~ this
 516 part as in its judgment may be necessary for participant
 517 registration, renewal of registration, classes of membership,
 518 application forms, and ~~as well as~~ other forms and enforcement
 519 measures ensuring compliance with this part.

520 Section 17. Subsection (1) of section 571.28, Florida
 521 Statutes, is amended to read:

522 571.28 Florida Agricultural Promotional Campaign Advisory
 523 Council.—
 524 (1) ORGANIZATION.—There is ~~hereby~~ created within the
 525 department the Florida Agricultural Promotional Campaign

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 526 Advisory Council, to consist of 15 members appointed by the
 527 Commissioner of Agriculture for 4-year staggered terms. The
 528 membership shall include: ~~13 six~~ members representing
 529 agricultural producers, shippers, ~~or~~ packers, ~~three members~~
 530 ~~representing agricultural~~ retailers, ~~two members representing~~
 531 agricultural associations, and wholesalers ~~one member~~
 532 ~~representing a wholesaler~~ of agricultural products; ~~1, one~~
 533 member representing consumers; ~~7~~ and 1 one member representing
 534 the department. Initial appointment of the council members shall
 535 be four members to a term of 4 years, four members to a term of
 536 3 years, four members to a term of 2 years, and three members to
 537 a term of 1 year.

538 Section 18. Subsection (2) of section 576.041, Florida
 539 Statutes, is amended to read:

540 576.041 Inspection fees; records.—

541 (2) Before the distribution of a fertilizer, each licensee
 542 shall make application upon a form provided by the department to
 543 report quarterly ~~monthly~~ the tonnage of fertilizer sold in the
 544 state and make payment of the inspection fee. The continuance of
 545 a license is conditioned upon the applicant's:

546 (a) Maintaining records and a bookkeeping system that will
 547 accurately indicate the tonnage of fertilizer sold by the
 548 licensee; and

549 (b) Consent to examination of the business records and
 550 books by the department for a verification of the correctness of
 551 tonnage reports and inspection fees. Tonnage reports of sales
 552 and payment of inspection fee shall be made quarterly using the
 553 department's regulatory website or monthly on forms furnished by
 554 the department and submitted within 30 days following the close

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 555 ~~of the reporting period on or before the fifteenth day of the~~
 556 ~~month succeeding the month covered by the reports.~~

557 Section 19. Section 580.0365, Florida Statutes, is created
 558 to read:

559 580.0365 Preemption of regulatory authority over commercial
 560 feed and feedstuff.—It is the intent of the Legislature to
 561 eliminate duplication of regulation over commercial feed and
 562 feedstuff. Notwithstanding any other law, the authority to
 563 regulate, inspect, sample, and analyze commercial feed or
 564 feedstuff distributed in this state or to exercise the powers
 565 and duties of regulation granted by this chapter, including the
 566 assessment of penalties for violation of this chapter, is
 567 preempted to the department.

568 Section 20. Subsection (3) is added to section 581.181,
 569 Florida Statutes, to read:

570 581.181 Notice of infection of plants; destruction.—

571 (3) This section does not apply to plants or plant products
 572 infested with pests or noxious weeds if such pests and weeds are
 573 determined to be widely established within the state and are not
 574 specifically regulated under rules adopted by the department or
 575 under any other provisions of law.

576 Section 21. Effective upon becoming a law, section 581.189,
 577 Florida Statutes, is created to read:

578 581.189 Grove Removal or Vector Elimination (GROVE)
 579 Program.—

580 (1) There is created within the Department of Agriculture
 581 and Consumer Services the Grove Removal or Vector Elimination
 582 Program, a cost-sharing program for the removal or destruction
 583 of abandoned citrus groves to eliminate the material harboring

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584 the citrus disease Huanglongbing, also known as citrus greening,
585 and the vectors that spread the disease.

586 (2) For purposes of this section, the term:

587 (a) "Abandoned citrus grove" means a citrus grove that has
588 minimal or no production value and is no longer economically
589 viable as a commercial citrus grove.

590 (b) "Applicant" means the person who owns an abandoned
591 citrus grove.

592 (c) "Eligible costs" means the costs, incurred after an
593 application is selected for funding, of the removal or
594 destruction the citrus trees and the elimination of any citrus
595 greening vectors, as described in the removal or destruction
596 plan in the funded application.

597 (d) "Funded application" means an application selected for
598 cost-share funding pursuant to this section and rules adopted by
599 the department.

600 (e) "Program" means the Grove Removal or Vector Elimination
601 Program.

602 (3) The department shall adopt by rule the standards to be
603 used in reviewing and ranking applications for cost-share
604 funding under the program based on the following factors:

605 (a) The length of time the citrus groves have been
606 abandoned.

607 (b) Whether the citrus groves are located within a Citrus
608 Health Management Area.

609 (c) The proximity of the abandoned citrus groves to other
610 citrus groves currently in production.

611 (4) An applicant may submit multiple applications for the
612 program, but is eligible only for a maximum of \$125,000 in

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613 program cost-share funding in a given fiscal year. The
614 department may award to each funded application a cost-share of
615 up to 80 percent of eligible costs. The total amount of cost-
616 share allocated under the program in each fiscal year may not
617 exceed the amount specifically appropriated for the program for
618 the fiscal year.

619 (5) An applicant seeking cost-share assistance under the
620 program must submit an application to the department by a date
621 determined by department rule. The application must include, at
622 minimum:

623 (a) The applicant's plan to remove or destroy citrus trees
624 and any citrus greening vectors in the abandoned citrus grove.

625 (b) An affidavit from the applicant certifying that all
626 information contained in the application is true and correct.

627 (c) All information determined by rule to be necessary for
628 the department to determine eligibility for the program and rank
629 applications.

630 (6) If the department determines an application to be
631 incomplete, it may require the applicant to submit additional
632 information within 10 days after such determination is made.

633 (7) Each fiscal year, the department shall review all
634 complete applications received in accordance with its rules
635 adopted pursuant to subsection (5). For each such complete
636 submitted application, the department must rank the applications
637 in accordance with the factors specified in subsection (3) and,
638 before selecting an application for funding, must conduct an
639 inspection of the abandoned citrus grove that is the subject of
640 the application.

641 (8) The department may deny an application pursuant to

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642 chapter 120 for failure to comply with this section and
643 department rules.

644 (9) If an application is selected for funding, the
645 applicant must initiate and complete the removal or destruction
646 of the citrus trees identified in the application within the
647 timeframe specified by department rule. The applicant's failure
648 to initiate and complete the removal or destruction of the
649 identified citrus trees within the time specified by the
650 department results in the forfeiture of the cost-share funding
651 approved based on the application. Upon such occurrence, the
652 department shall notify the next eligible applicant, based upon
653 its ranking of applicants for the fiscal year, of the
654 availability of cost-share funding. Such applicant, upon
655 acceptance, may be awarded cost-share funding pursuant to this
656 section, subject to available program funds.

657 (10) Upon completion of the removal or destruction of the
658 citrus trees identified in the funded application, the applicant
659 shall present proof of payment of removal or destruction costs
660 to the department. Upon receipt of satisfactory proof of payment
661 and satisfactory proof of the removal or destruction of the
662 trees identified in the funded application, the department may
663 issue payment to the applicant for the previously approved cost-
664 share amount.

665 (11) The department may adopt rules to implement and
666 administer this section, including an application process and
667 requirements, an application ranking process that is consistent
668 with the factors specified in subsection (3), and the
669 administration of cost-share funding.

670 (12) The annual awarding of funding through the program is

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671 subject to specific legislative appropriation for this purpose.

672 Section 22. Subsections (1), (4), (5), (7), and (8) of
673 section 582.01, Florida Statutes, are amended to read:

674 582.01 Definitions.—Wherever used or referred to in this
675 chapter unless a different meaning clearly appears from the
676 context:

677 (1) "District" ~~or "soil conservation district"~~ or "soil and
678 water conservation district" means a governmental subdivision of
679 this state, and a body corporate and politic, organized in
680 accordance with the provisions of this chapter, for the purpose,
681 with the powers, and subject to the provisions set forth in this
682 chapter. The term "district," ~~or "soil conservation district,"~~
683 when used in this chapter, means and includes a "soil and water
684 conservation district." All districts heretofore or hereafter
685 organized under this chapter shall be known as soil and water
686 conservation districts and shall have all the powers set out
687 herein.

688 (4) "Landowner" or "owner of land" includes any person who
689 holds ~~shall hold~~ legal or equitable title to any lands lying
690 within a district organized under the provisions of this
691 chapter.

692 (5) "Land occupier" or "occupier of land" includes any
693 person, other than the owner, who is a lessee, renter, or tenant
694 or who is otherwise ~~shall be~~ in possession of land ~~any lands~~
695 lying within a district ~~organized under the provisions of this~~
696 ~~chapter, whether as lessee, renter, tenant, or otherwise.~~

697 (7) "Due notice," in addition to notice required pursuant
698 to the provisions of chapter 120, means notice published at
699 least twice, with an interval of at least 7 days between the two

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700 publication dates, in a newspaper or other publication of
 701 general circulation within the appropriate area ~~or, if no such~~
 702 ~~publication of general circulation be available, by posting at a~~
 703 ~~reasonable number of conspicuous places within the appropriate~~
 704 ~~area, such posting to include, where possible, posting at public~~
 705 ~~places where it may be customary to post notices concerning~~
 706 ~~county or municipal affairs generally. At any hearing held~~
 707 ~~pursuant to such notice, at the time and place designated in~~
 708 ~~such notice, adjournment may be made from time to time without~~
 709 ~~the necessity of renewing such notice for such adjourned dates.~~

710 ~~(8) "Administrative officer" means the administrative~~
 711 ~~officer of soil and water conservation created by s. 582.09.~~

712 Section 23. Section 582.02, Florida Statutes, is amended to
 713 read:

714 582.02 Legislative intent and findings; purpose of
 715 districts ~~lands a basic asset of state.~~

716 (1) It is the intent of the Legislature to promote the
 717 appropriate and efficient use of soil and water resources,
 718 protect water quality, prevent floodwater and sediment damage,
 719 preserve wildlife, protect public lands, and protect and promote
 720 the health, safety, and welfare of the public.

721 (2) The Legislature finds that the farm, forest, and
 722 grazing lands; green spaces; recreational areas; and natural
 723 areas of the state are among its the basic assets of the state
 724 and that the conservation preservation of these assets lands is
 725 in the public interest necessary to protect and promote the
 726 health, safety, and general welfare of its people ; improper
 727 land use practices have caused and have contributed to, and are
 728 now causing and contributing to a progressively more serious

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729 ~~erosion of the farm and grazing lands of this state by fire,~~
 730 ~~wind and water; the breaking of natural grass, plant, and forest~~
 731 ~~cover has interfered with the natural factors of soil~~
 732 ~~stabilization, causing loosening of soil and exhaustion of~~
 733 ~~humus, and developing a soil condition that favors erosion; the~~
 734 ~~top soil is being burned, washed and blown out of fields and~~
 735 ~~pastures; there has been an accelerated washing of sloping~~
 736 ~~fields; these processes of erosion by fire, wind and water speed~~
 737 ~~up with removal of absorptive topsoil, causing exposure of less~~
 738 ~~absorptive and less protective but more erosive subsoil; failure~~
 739 ~~by any landowner or occupier to conserve the soil and control~~
 740 ~~erosion upon her or his lands causes destruction by burning,~~
 741 ~~washing and blowing of soil and water from her or his lands onto~~
 742 ~~other lands and makes the conservation of soil and control~~
 743 ~~erosion of such other lands difficult or impossible.~~

744 (3) The Legislature further finds it necessary that
 745 appropriate land and water resource protection practices be
 746 implemented to ensure the conservation of this state's farm,
 747 forest, and grazing lands; green spaces; recreational areas; and
 748 natural areas and to conserve, protect, and properly use soil
 749 and water resources.

750 (4) The purpose of the soil and water conservation
 751 districts is to provide assistance, guidance, and education to
 752 landowners, land occupiers, the agricultural industry, and the
 753 general public in implementing land and water resource
 754 protection practices and to work in conjunction with federal,
 755 state, and local agencies in all matters to implement this
 756 chapter.

757 Section 24. Section 582.055, Florida Statutes, is amended

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758 to read:

759 582.055 Powers and duties of the Department of Agriculture
760 and Consumer Services.~~The department has all of the following~~
761 powers and duties:

762 (1) To administer ~~The provisions of this chapter shall be~~
763 ~~administered by the Department of Agriculture and Consumer~~
764 ~~Services.~~

765 (2) ~~The department is authorized~~ To receive gifts,
766 appropriations, materials, equipment, lands, and facilities and
767 to manage, operate, and disburse them for the use and benefit of
768 the soil and water conservation districts of the state.

769 (3) To require ~~The department shall provide~~ for an annual
770 audit of the accounts of receipts and disbursements.

771 (4) To ~~The department may~~ furnish information and call upon
772 any state or local agencies for cooperation in carrying out the
773 provisions of this chapter.

774 (5) To offer assistance as may be appropriate to the
775 supervisors of soil and water conservation districts and to
776 facilitate communication and cooperation between the districts.

777 (6) To seek the cooperation and assistance of the Federal
778 Government and any of its agencies, and of agencies and counties
779 of this state, in the work of such districts, including the
780 receipt and expenditure of state, federal, or other funds or
781 contributions.

782 (7) To disseminate information throughout the state
783 concerning the activities and programs of the soil and water
784 conservation districts and to encourage the formation of such
785 districts in areas where their organization is desirable.

786 (8) To create or dissolve a soil and water conservation

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787 district pursuant to this chapter.

788 (9) To adopt rules, as necessary, to implement this
789 chapter.

790 Section 25. Subsection (2) of section 582.06, Florida
791 Statutes, is amended to read:

792 582.06 Soil and Water Conservation Council; powers and
793 duties.—

794 (2) POWERS AND DUTIES; MEETINGS; PROCEDURES; RECORDS.—

795 (a) The meetings, powers and duties, procedures, and
796 recordkeeping of the Soil and Water Conservation Council shall
797 be conducted pursuant to s. 570.232.

798 (b) The council shall accept and review requests for
799 creating or dissolving soil and water conservation districts and
800 shall, by a majority vote, recommend to the commissioner by
801 resolution that a district be created or dissolved pursuant to
802 the request or that the request be denied.

803 (c) At the request of the Governor or a district, the
804 council shall consider and recommend to the Governor the removal
805 or retention of a supervisor for neglect of duty or malfeasance
806 in office.

807 Section 26. Section 582.16, Florida Statutes, is amended to
808 read:

809 582.16 Change of Addition of territory to district
810 boundaries or removal of territory therefrom. ~~Requests to~~
811 increase or decrease the boundaries of ~~Petitions for including~~
812 additional territory or removing territory within ~~an existing~~
813 district may be filed with the department of Agriculture and
814 Consumer Services, and the department shall follow the
815 proceedings provided for in this chapter to create a district ~~#~~

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816 the case of petitions to organize a district shall be observed
 817 in the case of petitions for such inclusion or removal. The
 818 department shall prescribe the form for such petition, which
 819 shall be as nearly as may be in the form prescribed in this
 820 chapter for petitions to organize a district. If the petition is
 821 signed by a majority of the landowners of such area, no
 822 referendum need be held. In referenda upon petitions for such
 823 inclusions or removals, all owners of land lying within the
 824 proposed area to be added or removed shall be eligible to vote.

825 Section 27. Section 582.20, Florida Statutes, is amended to
 826 read:

827 582.20 Powers of districts and supervisors.—A soil and
 828 water conservation district organized under the provisions of
 829 this chapter constitutes ~~shall constitute~~ a governmental
 830 subdivision of this state, and a public body corporate and
 831 politic, exercising public powers, and such district and the
 832 supervisors thereof, shall have all of the following powers, in
 833 addition to others granted in other sections of this chapter:

834 (1) To conduct surveys, studies investigations, and
 835 research relating to the character of soil and water resources
 836 and erosion and floodwater and sediment damages, to the
 837 conservation, development and utilization of soil and water
 838 resources and the disposal of water, and to the preventive and
 839 control measures and works of improvement needed; to publish and
 840 disseminate the results of such surveys, studies, and
 841 investigations, or research, and related to disseminate
 842 information, concerning such preventive and control measures and
 843 works of improvement; provided, however, that in order to avoid
 844 duplication of research activities, no district shall initiate

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845 any research program except in cooperation with the government
 846 of this state or any of its agencies, or with the United States
 847 or any of its agencies;

848 (2) To conduct agricultural best management practices
 849 demonstration demonstrational projects and projects for the
 850 conservation, protection, and restoration of soil and water
 851 resources:

852 (a) Within the district's boundaries;

853 (b) Within another district's boundaries, subject to the
 854 other district's approval; ~~territory within another district's~~
 855 ~~boundaries subject to the other district's approval, or~~
 856 ~~territory~~

857 (c) In areas not contained within any district's boundaries
 858 on lands owned or controlled by this state or any of its
 859 agencies, with the cooperation of the agency administering and
 860 having jurisdiction thereof; or, and

861 (d) On any other lands within the district's boundaries,
 862 ~~territory~~ within another district's boundaries subject to the
 863 other district's approval, or on lands territory not contained
 864 within any district's boundaries upon obtaining the consent of
 865 the owner and occupiers of such lands or the necessary rights or
 866 interests in such lands, ~~in order to demonstrate by example the~~
 867 ~~means, methods, and measures by which soil and soil resources~~
 868 ~~may be conserved, and soil erosion in the form of soil blowing~~
 869 ~~and soil washing may be prevented and controlled, and works of~~
 870 ~~improvement for flood prevention or the conservation,~~
 871 ~~development and utilization of soil and water resources, and the~~
 872 ~~disposal of water may be carried out;~~

873 (3) To carry out preventive and control measures and works

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874 of improvement for flood prevention or the conservation,
 875 development and utilization of soil and water resources, and the
 876 disposal of water within the district's boundaries, territory
 877 within another district's boundaries subject to the other
 878 district's approval, or territory not contained within any
 879 district's boundaries, including, but not limited to,
 880 engineering operations, methods of cultivation, the growing of
 881 vegetation, changes in use of land, and the measures listed in
 882 s. 582.04 on lands owned or controlled by this state or any of
 883 its agencies, with the cooperation of the agency administering
 884 and having jurisdiction thereof, and on any other lands within
 885 the district's boundaries, territory within another district's
 886 boundaries subject to the other district's approval, or
 887 territory not contained within any district's boundaries upon
 888 obtaining the consent of the owner and the occupiers of such
 889 lands or the necessary rights or interests in such lands;

890 (3)(4) To cooperate, or enter into agreements with, and
 891 within the limits of appropriations duly made available to it by
 892 law, to furnish financial or other aid to, any special district,
 893 municipality, county, water management district, state or
 894 federal agency, governmental or otherwise, or any owner or
 895 occupier of lands within the district's boundaries; on lands,
 896 territory within another district's boundaries, subject to the
 897 other district's approval; or on lands, or territory not
 898 contained within any district's boundaries, to further the
 899 purpose of this chapter. in the carrying on of erosion control
 900 or prevention operations and works of improvement for flood
 901 prevention or the conservation, development and utilization, of
 902 soil and water resources and the disposal of water within the

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903 ~~district's boundaries, territory within another district's~~
 904 ~~boundaries subject to the other district's approval, or~~
 905 ~~territory not contained within any district's boundaries,~~
 906 ~~subject to such conditions as the supervisors may deem necessary~~
 907 ~~to advance the purposes of this chapter;~~

908 (4)(5) To obtain options upon and to acquire, by purchase,
 909 exchange, lease, gift, grant, bequest, devise, or otherwise, any
 910 property, real or personal, or rights or interests in such
 911 property therein; to maintain, administer, and improve any
 912 properties acquired, to receive income from such properties, and
 913 to expend such income in complying with carrying out the
 914 purposes and provisions of this chapter; and to sell, lease, or
 915 otherwise dispose of any of its property or interests therein in
 916 compliance with furtherance of the purposes and the provisions
 917 of this chapter.

918 (5)(6) To make available, on such terms as it shall
 919 prescribe, agricultural, engineering, and other machinery,
 920 materials, and equipment to landowners and occupiers of land
 921 within the district's boundaries, on lands territory within
 922 another district's boundaries, subject to the other district's
 923 approval; or on lands territory not contained within any
 924 district's boundaries. Such machinery, materials, and equipment
 925 must, agricultural and engineering machinery and equipment,
 926 fertilizer, seeds and seedlings, and such other material or
 927 equipment, as will assist such landowners and occupiers of land
 928 to conduct carry-on operations upon their lands for the
 929 conservation and protection of soil and water resources, and for
 930 the prevention or control of soil erosion and for flood
 931 prevention or the conservation, development and utilization, of

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932 ~~soil and water resources and the disposal of water;~~
 933 (6)(7) To construct, improve, operate, and maintain such
 934 structures as may be necessary or convenient for the performance
 935 of any of the operations authorized in this chapter;
 936 (7)(8) To provide or assist in providing training and
 937 education programs that further the purposes of this chapter.
 938 ~~develop comprehensive plans for the conservation of soil and~~
 939 ~~water resources and for the control and prevention of soil~~
 940 ~~erosion and for flood prevention or the conservation,~~
 941 ~~development and utilization of soil and water resources, and the~~
 942 ~~disposal of water within the district's boundaries, territory~~
 943 ~~within another district's boundaries subject to the other~~
 944 ~~district's approval, or territory not contained within any~~
 945 ~~district's boundaries, which plans shall specify in such detail~~
 946 ~~as may be possible the acts, procedures, performances, and~~
 947 ~~avoidances which are necessary or desirable for the effectuation~~
 948 ~~of such plans, including the specification of engineering~~
 949 ~~operations, methods of cultivation, the growing of vegetation,~~
 950 ~~cropping programs, tillage practices, and changes in use of~~
 951 ~~land; control of artesian wells; and to publish such plans and~~
 952 ~~information and bring them to the attention of owners and~~
 953 ~~occupiers of lands within the district's boundaries, territory~~
 954 ~~within another district's boundaries subject to the other~~
 955 ~~district's approval, or territory not contained within any~~
 956 ~~district's boundaries;~~
 957 ~~(9) To take over, by purchase, lease, or otherwise, and to~~
 958 ~~administer any soil conservation, erosion control, erosion-~~
 959 ~~prevention project, or any project for flood prevention or for~~
 960 ~~the conservation, development and utilization of soil and water~~

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961 ~~resources, and the disposal of water, located within the~~
 962 ~~district's boundaries, territory within another district's~~
 963 ~~boundaries subject to the other district's approval, or~~
 964 ~~territory not contained within any district's boundaries,~~
 965 ~~undertaken by the United States or any of its agencies, or by~~
 966 ~~this state or any of its agencies; to manage as agent of the~~
 967 ~~United States or any of its agencies, or of the state or any of~~
 968 ~~its agencies, any soil conservation, erosion control, erosion-~~
 969 ~~prevention, or any project for flood prevention or for the~~
 970 ~~conservation, development, and utilization of soil and water~~
 971 ~~resources, and the disposal of water within the district's~~
 972 ~~boundaries, territory within another district's boundaries~~
 973 ~~subject to the other district's approval, or territory not~~
 974 ~~contained within any district's boundaries; to act as agent for~~
 975 ~~the United States, or any of its agencies, or for the state or~~
 976 ~~any of its agencies, in connection with the acquisition,~~
 977 ~~construction, operation or administration of any soil-~~
 978 ~~conservation, erosion control, erosion prevention, or any~~
 979 ~~project for flood prevention or for the conservation,~~
 980 ~~development and utilization of soil and water resources, and the~~
 981 ~~disposal of water within the district's boundaries, territory~~
 982 ~~within another district's boundaries subject to the other~~
 983 ~~district's approval, or territory not contained within any~~
 984 ~~district's boundaries; to accept donations, gifts, and~~
 985 ~~contributions in money, services, materials, or otherwise, from~~
 986 ~~the United States or any of its agencies, or from this state or~~
 987 ~~any of its agencies, or from others, and to use or expend such~~
 988 ~~moneys, services, materials or other contributions in carrying~~
 989 ~~on its operations;~~

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990 ~~(8)(10)~~ To sue and be sued in the name of the district; to
 991 have a seal, which seal shall be judicially noticed; to have
 992 perpetual succession unless terminated as provided in this
 993 chapter; to make and execute contracts and other instruments
 994 necessary or convenient to the exercise of its powers; and upon
 995 a majority vote of the supervisors of the district, to borrow
 996 money and to execute promissory notes and other evidences of
 997 indebtedness in connection therewith, and to pledge, mortgage,
 998 and assign the income of the district and its personal property
 999 as security therefor, the notes and other evidences of
 1000 indebtedness to be general obligations only of the district and
 1001 in no event to constitute an indebtedness for which the faith
 1002 and credit of the state or any of its revenues are pledged; ~~to~~
 1003 ~~make, amend, and repeal rules and regulations not inconsistent~~
 1004 ~~with this chapter to carry into effect its purposes and powers.~~

1005 (9) In coordination with the applicable counties, to use
 1006 the services of the county agricultural agents and the
 1007 facilities of their offices, if practicable and feasible. The
 1008 supervisors may employ additional permanent or temporary staff,
 1009 as needed, and determine their qualifications, duties, and
 1010 compensation. The supervisors may delegate to their chair, to
 1011 one or more supervisors, or to employees such powers and duties
 1012 as they may deem proper, consistent with this chapter. The
 1013 supervisors shall furnish to the department, upon request,
 1014 copies of rules, orders, contracts, forms, and other documents
 1015 they adopt or employ, and other information concerning their
 1016 activities which the department may require in the performance
 1017 of its duties under this chapter.

1018 (10) To adopt rules pursuant to chapter 120 to implement

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1019 this chapter.

1020 (11) To request that the Governor remove a supervisor for
 1021 neglect of duty or malfeasance in office by adoption of a
 1022 resolution at a public meeting. If the district believes there
 1023 is a need for a review of the request, the district may request
 1024 the council, by resolution, to review the request and recommend
 1025 action to the Governor. As a condition to the extending of any
 1026 ~~benefits under this chapter to, or the performance of work upon,~~
 1027 ~~any lands not owned or controlled by this state or any of its~~
 1028 ~~agencies, the supervisors may require contributions in money,~~
 1029 ~~services, materials, or otherwise to any operations conferring~~
 1030 ~~such benefits, and may require landowners and occupiers to enter~~
 1031 ~~into and perform such agreements or covenants as to the~~
 1032 ~~permanent use of such lands as will tend to prevent or control~~
 1033 ~~erosion and prevent floodwater and sediment damages thereon;~~

1034 (12) ~~Ne~~ Provisions with respect to the acquisition,
 1035 operation, or disposition of property by public bodies of this
 1036 state ~~do not apply shall be applicable~~ to a district organized
 1037 under this chapter ~~hereunder~~ unless the Legislature ~~shall~~
 1038 specifically provides for their application ~~se~~ state. The
 1039 property and property rights ~~of every kind and nature~~ acquired
 1040 by a ~~any~~ district organized under the provisions of this chapter
 1041 are ~~shall be~~ exempt from state, county, and other taxation.

1042 Section 28. Section 582.29, Florida Statutes, is amended to
 1043 read:

1044 582.29 State agencies to cooperate.—Agencies of this state
 1045 which ~~shall~~ have jurisdiction over, or are ~~be~~ charged with, the
 1046 administration of any state-owned lands, and agencies of any
 1047 county, or other governmental subdivision of the state, which

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1048 ~~shall~~ have jurisdiction over, or are be charged with the
 1049 administration of, any county-owned or other publicly owned
 1050 lands, ~~lying within the boundaries of any district organized~~
 1051 ~~under this chapter, the boundaries of another district subject~~
 1052 ~~to that district's approval, or territory not contained within~~
 1053 ~~the boundaries of any district organized under this chapter,~~
 1054 shall cooperate to the fullest extent with the supervisors of
 1055 such districts in the implementation effectuation of programs
 1056 and operations undertaken by the supervisors under ~~the~~
 1057 ~~provisions of~~ this chapter. The supervisors of such districts
 1058 shall be given free access to enter and perform work upon such
 1059 publicly owned lands. ~~The provisions of land use regulations~~
 1060 ~~adopted shall be in all respects observed by the agencies~~
 1061 ~~administering such publicly owned lands.~~

1062 Section 29. Present subsections (4) and (5) of section
 1063 595.402, Florida Statutes, are redesignated as subsections (5)
 1064 and (6), respectively, and a new subsection (4) and subsections
 1065 (7) and (8) are added to that section, to read:

1066 595.402 Definitions.—As used in this chapter, the term:

1067 (4) "School breakfast program" means a program authorized
 1068 by s. 4 of the Child Nutrition Act of 1966 and administered by
 1069 the department.

1070 (7) "Summer nutrition program" means one or more of the
 1071 programs authorized under 42 U.S.C. s. 1761.

1072 (8) "Universal school breakfast program" means a program
 1073 that makes breakfast available at no cost to all students
 1074 regardless of their household income.

1075 Section 30. Section 595.404, Florida Statutes, is amended
 1076 to read:

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1077 595.404 School food and other nutrition programs ~~service~~
 1078 ~~program~~; powers and duties of the department.—The department has
 1079 the following powers and duties:

1080 (1) To conduct, supervise, and administer the program that
 1081 will be carried out using federal or state funds, or funds from
 1082 any other source.

1083 (2) To conduct, supervise, and administer a Farmers' Market
 1084 Nutrition Program to provide participants in the Special
 1085 Supplemental Nutrition Program for Women, Infants, and Children
 1086 (WIC) with locally grown fruits and vegetables. The program is
 1087 to be carried out using federal or state funds or funds from any
 1088 other source.

1089 (3)(2) To fully cooperate with the United States Government
 1090 and its agencies and instrumentalities so that the department
 1091 may receive the benefit of all federal financial allotments and
 1092 assistance possible to carry out the purposes of this chapter.

1093 (4)(3) To implement and adopt by rule, as required, federal
 1094 regulations to maximize federal assistance for the program.

1095 (5)(4) To act as agent of, or contract with, the Federal
 1096 Government, another state agency, any county or municipal
 1097 government, or sponsor for the administration of the program,
 1098 including the distribution of funds provided by the Federal
 1099 Government to support the program.

1100 (6)(5) To provide make a reasonable effort to ensure that
 1101 any school designated as a "severe need school" receives the
 1102 highest rate of reimbursement to which it is entitled under 42
 1103 U.S.C. s. 1773 for each breakfast meal served.

1104 (7)(6) To develop and propose legislation necessary to
 1105 implement the program, encourage the development of innovative

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1106 school food and nutrition services, and expand participation in
1107 the program.

1108 ~~(8)-(7)~~ To annually allocate among the sponsors, as
1109 applicable, funds provided from the school breakfast supplement
1110 in the General Appropriations Act based on each district's total
1111 number of free and reduced-price breakfast meals served.

1112 ~~(9)-(8)~~ To employ such persons as are necessary to perform
1113 its duties under this chapter.

1114 ~~(10)-(9)~~ To adopt rules covering the administration,
1115 operation, and enforcement of the program, and the Farmers'
1116 Market Nutrition Program, as well as to implement ~~the provisions~~
1117 ~~of this chapter.~~

1118 ~~(11)-(10)~~ To adopt and implement an appeal process by rule,
1119 as required by federal regulations, for applicants and
1120 participants under the programs implemented under this chapter
1121 program, notwithstanding ss. 120.569 and 120.57-120.595.

1122 ~~(12)-(11)~~ To assist, train, and review each sponsor in its
1123 implementation of the program.

1124 ~~(13)-(12)~~ To advance funds from the program's annual
1125 appropriation to a summer nutrition program sponsor ~~sponsors~~,
1126 when requested, in order to implement ~~the provisions of this~~
1127 chapter and in accordance with federal regulations.

1128 ~~(14)~~ To collect data on food purchased through the programs
1129 defined in ss. 595.402(3) and 595.406 and to publish that data
1130 annually.

1131 ~~(15)~~ To enter into agreements with federal or state
1132 agencies to coordinate or cooperate in the implementation of
1133 nutrition programs.

1134 Section 31. Section 595.405, Florida Statutes, is amended

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1135 to read:

1136 595.405 School nutrition program requirements ~~for school~~
1137 ~~districts and sponsors.~~

1138 (1) Each ~~school~~ district school board shall consider the
1139 recommendations of the district school superintendent and adopt
1140 policies to provide for an appropriate food and nutrition
1141 service program for students consistent with federal law and
1142 department rules.

1143 (2) Each ~~school~~ district school board shall implement
1144 school breakfast programs that make breakfast meals available to
1145 all students in each elementary school that serves any
1146 combination of grades kindergarten through 5. Universal school
1147 breakfast programs shall be offered in schools in which 80
1148 percent or more of the students are eligible for free or
1149 reduced-price meals. Each school shall, to the maximum extent
1150 practicable, make breakfast meals available to students at an
1151 alternative site location, which may include, but need not be
1152 limited to, alternative breakfast options as described in
1153 publications of the Food and Nutrition Service of the United
1154 States Department of Agriculture for the federal School
1155 Breakfast Program.

1156 (3) Each ~~school~~ district school board must annually set
1157 prices for breakfast meals at rates that, combined with federal
1158 reimbursements and state allocations, are sufficient to defray
1159 costs of school breakfast programs without requiring allocations
1160 from the district's operating funds, except if the district
1161 school board approves lower rates.

1162 ~~(4) Each school district is encouraged to provide~~
1163 ~~universal, free school breakfast meals to all students in each~~

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1164 elementary, middle, and high school. Each school district shall
 1165 approve or disapprove a policy, after receiving public testimony
 1166 concerning the proposed policy at two or more regular meetings,
 1167 which makes universal, free school breakfast meals available to
 1168 all students in each elementary, middle, and high school in
 1169 which 80 percent or more of the students are eligible for free
 1170 or reduced-price meals.

1171 (4)(5) Each elementary, middle, and high school operating a
 1172 breakfast program shall make a breakfast meal available if a
 1173 student arrives at school on the school bus less than 15 minutes
 1174 before the first bell rings and shall allow the student at least
 1175 15 minutes to eat the breakfast.

1176 (5) Each district school board is encouraged to provide
 1177 universal, free school breakfast meals to all students in each
 1178 elementary, middle, and high school. A universal school
 1179 breakfast program shall be implemented in each school in which
 1180 80 percent or more of the students are eligible for free or
 1181 reduced-price meals, unless the district school board, after
 1182 considering public testimony at two or more regularly scheduled
 1183 board meetings, decides to not implement such a program in such
 1184 schools.

1185 (6) To increase school breakfast and universal school
 1186 breakfast program participation, each school district must, to
 1187 the maximum extent practicable, make breakfast meals available
 1188 to students through alternative service models as described in
 1189 publications of the Food and Nutrition Service of the United
 1190 States Department of Agriculture for the federal School
 1191 Breakfast Program.

1192 (7)(6) Each school district school board shall annually

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1193 provide to all students in each elementary, middle, and high
 1194 school information prepared by the district's food service
 1195 administration regarding available ~~its~~ school breakfast
 1196 programs. The information shall be communicated through school
 1197 announcements and ~~written~~ notices sent to all parents.

1198 (8)(7) A school district school board may operate a
 1199 breakfast program providing for food preparation at the school
 1200 site or in central locations with distribution to designated
 1201 satellite schools or any combination thereof.

1202 ~~(8) Each sponsor shall complete all corrective action plans~~
 1203 ~~required by the department or a federal agency to be in~~
 1204 ~~compliance with the program.~~

1205 Section 32. Section 595.406, Florida Statutes, is amended
 1206 to read:

1207 595.406 Florida Farm to School ~~Fresh Schools~~ Program.—

1208 (1) In order to implement the Florida Farm to School ~~Fresh~~
 1209 ~~Schools~~ Program, the department shall develop policies
 1210 pertaining to school food services which encourage:

1211 (a) Sponsors to buy fresh and high-quality foods grown in
 1212 this state when feasible.

1213 (b) Farmers in this state to sell their products to
 1214 sponsors, school districts, and schools.

1215 (c) Sponsors to demonstrate a preference for competitively
 1216 priced organic food products.

1217 (d) Sponsors to make reasonable efforts to select foods
 1218 based on a preference for those that have maximum nutritional
 1219 content.

1220 (2) The department shall provide outreach, guidance, and
 1221 training to sponsors, schools, school food service directors,

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1222 parent and teacher organizations, and students about the benefit
1223 of fresh food products from farms in this state.

1224 (3) The department may recognize sponsors who purchase at
1225 least 10 percent of the food they serve from the Florida Farm to
1226 School Program.

1227 Section 33. Subsection (2) of section 595.407, Florida
1228 Statutes, is amended to read:

1229 595.407 Children's summer nutrition program.—

1230 (2) Each school district shall develop a plan to sponsor or
1231 operate a summer nutrition program to operate sites in the
1232 school district as follows:

1233 (a) Within 5 miles of at least one ~~elementary~~ school that
1234 serves any combination of grades kindergarten through 5 at which
1235 50 percent or more of the students are eligible for free or
1236 reduced-price school meals and for the duration of 35
1237 ~~consecutive~~ days between the end of the school year and the
1238 beginning of the next school year. School districts may exclude
1239 holidays and weekends.

1240 (b) Within 10 miles of each ~~elementary~~ school that serves
1241 any combination of grades kindergarten through 5 at which 50
1242 percent or more of the students are eligible for free or
1243 reduced-price school meals, except as operated pursuant to
1244 paragraph (a).

1245 Section 34. Section 595.408, Florida Statutes, is amended
1246 to read:

1247 595.408 ~~Food Commodity~~ distribution services; department
1248 responsibilities and functions.—

1249 (1)(a) The department shall conduct, supervise, and
1250 administer all ~~food commodity~~ distribution services that will be

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1251 carried on using federal or state funds, or funds from any other
1252 source, or ~~food commodities~~ received and distributed from the
1253 United States or any of its agencies.

1254 (b) The department shall determine the benefits each
1255 applicant or recipient of assistance is entitled to receive
1256 under this chapter, provided that each applicant or recipient is
1257 a resident of this state and a citizen of the United States or
1258 is an alien lawfully admitted for permanent residence or
1259 otherwise permanently residing in the United States under color
1260 of law.

1261 (2) The department shall cooperate fully with the United
1262 States Government and its agencies and instrumentalities so that
1263 the department may receive the benefit of all federal financial
1264 allotments and assistance possible to carry out the purposes of
1265 this chapter.

1266 (3) The department may:

1267 (a) Accept any duties with respect to ~~food commodity~~
1268 distribution services as are delegated to it by an agency of the
1269 Federal Government or any state, county, or municipal
1270 government.

1271 (b) Act as agent of, or contract with, the Federal
1272 Government, state government, or any county or municipal
1273 government in the administration of ~~food commodity~~ distribution
1274 services to secure the benefits of any public assistance that is
1275 available from the Federal Government or any of its agencies,
1276 and in the distribution of funds received from the Federal
1277 Government, state government, or any county or municipal
1278 government for ~~food commodity~~ distribution services within the
1279 state.

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1280 (c) Accept from any person or organization all offers of
1281 personal services, ~~food commodities~~, or other aid or assistance.

1282 (4) This chapter does not limit, abrogate, or abridge the
1283 powers and duties of any other state agency.

1284 Section 35. Section 595.501, Florida Statutes, is amended
1285 to read:

1286 595.501 Penalties.—

1287 (1) If a corrective action plan is issued by the department
1288 or a federal agency, each sponsor must complete the corrective
1289 action plan to be in compliance with the program.

1290 (2) Any person ~~or~~ sponsor, ~~or school district~~ that
1291 violates any provision of this chapter or any rule adopted
1292 thereunder or otherwise does not comply with the program is
1293 subject to a suspension or revocation of their agreement, loss
1294 of reimbursement, or a financial penalty in accordance with
1295 federal or state law or both. This section does not restrict the
1296 applicability of any other law.

1297 Section 36. Section 595.601, Florida Statutes, is amended
1298 to read:

1299 595.601 Food and Nutrition Services Trust Fund.—Chapter 99-
1300 37, Laws of Florida, recreated the Food and Nutrition Services
1301 Trust Fund to record revenue and disbursements of Federal Food
1302 and Nutrition funds received by the department as authorized in
1303 ss. 595.404 and 598.408 s. 595.405.

1304 Section 37. Paragraphs (b) and (d) of subsection (1) and
1305 subsection (2) of section 604.21, Florida Statutes, are amended
1306 to read:

1307 604.21 Complaint; investigation; hearing.—

1308 (1)

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1309 (b) To be considered timely filed, a complaint together
1310 with any required affidavits ~~or notarizations~~ must be received
1311 by the department within 6 months after the date of sale by
1312 electronic transmission, facsimile, regular mail, certified
1313 mail, or private delivery service. If the complaint is sent by a
1314 service other than electronic mail or facsimile, the mailing
1315 shall be postmarked or dated on or before the 6-month deadline
1316 to be accepted as timely filed.

1317 (d) A person, partnership, corporation, or other business
1318 entity filing a complaint shall submit to the department a the
1319 following documents: three completed complaint affidavit
1320 affidavits on a form provided by the department which bears with
1321 an original signature of an owner, partner, general partner, or
1322 corporate officer and an original notarization and which is
1323 accompanied by on each affidavit. If the complaint is filed by
1324 electronic transmission or facsimile, the original affidavits
1325 and original notarizations shall be filed with the department
1326 not later than the close of business of the tenth business day
1327 following the electronic transmission or facsimile filing.
1328 Attached to each complaint affidavit shall be copies of all
1329 documents ~~that~~ to support the complaint. Supporting documents
1330 may ~~include~~ be copies of invoices, bills of lading, packing or
1331 shipping documents, demand letters, or any other documentation
1332 to support the claim. In cases in which ~~there are~~ multiple
1333 invoices are being claimed, a summary list of all claimed
1334 invoices must accompany the complaint.

1335 (2) Upon the filing of a such complaint under this
1336 subsection in the manner herein provided, the department shall
1337 investigate the complaint and matters complained of; whereupon,

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1338 ~~if it finds that, in the opinion of the department,~~ the facts
 1339 contained in the complaint warrant it such action, the
 1340 ~~department~~ shall serve notice of the filing of complaint ~~on to~~
 1341 the dealer against whom the complaint has been filed at the last
 1342 address of record. Such notice shall be accompanied by a ~~true~~
 1343 copy of the complaint. A copy of such notice and complaint shall
 1344 also be served ~~on any to the~~ surety company, ~~if any,~~ that
 1345 provided the bond for the dealer, and the which surety company
 1346 shall become party to the action. Such notice of the complaint
 1347 shall inform the dealer of a reasonable time within which to
 1348 answer the complaint by advising the department in writing that
 1349 the allegations in the complaint are admitted or denied or that
 1350 the complaint has been satisfied. Such notice shall also inform
 1351 the dealer and the surety company or financial institution of a
 1352 right to request a hearing on the complaint, ~~if requested.~~

1353 Section 38. Section 604.33, Florida Statutes, is amended to
 1354 read:

1355 604.33 Security requirements for grain dealers.—Each grain
 1356 dealer doing business in the state shall maintain liquid
 1357 security, in the form of grain on hand, cash, certificates of
 1358 deposit, or other nonvolatile security that can be liquidated in
 1359 10 days or less, or cash bonds, surety bonds, or letters of
 1360 credit, that have been assigned to the department and that are
 1361 conditioned to secure the faithful accounting for and payment to
 1362 the producers for grain stored or purchased, in an amount equal
 1363 to the value of grain which the grain dealer has received from
 1364 grain producers for which the producers have not received
 1365 payment. The bonds must be executed by the applicant as
 1366 principal and by a surety corporation authorized to transact

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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1367 business in the state. The certificates of deposit and letters
 1368 of credit must be from a recognized financial institution doing
 1369 business in the United States. ~~Each grain dealer shall report to~~
 1370 ~~the department monthly, on or before a date established by rule~~
 1371 ~~of the department, the value of grain she or he has received~~
 1372 ~~from producers for which the producers have not received payment~~
 1373 ~~and the types of transaction involved, showing the value of each~~
 1374 ~~type of transaction. The report shall also include a statement~~
 1375 ~~showing the type and amount of security maintained to cover the~~
 1376 ~~grain dealer's liability to producers.~~ The department may shall
 1377 make at least one spot check annually of each grain dealer to
 1378 determine compliance with the requirements of this section.

1379 Section 39. Section 582.03, Florida Statutes, is repealed.
 1380 Section 40. Section 582.04, Florida Statutes, is repealed.
 1381 Section 41. Section 582.05, Florida Statutes, is repealed.
 1382 Section 42. Section 582.08, Florida Statutes, is repealed.
 1383 Section 43. Section 582.09, Florida Statutes, is repealed.
 1384 Section 44. Section 582.17, Florida Statutes, is repealed.
 1385 Section 45. Section 582.21, Florida Statutes, is repealed.
 1386 Section 46. Section 582.22, Florida Statutes, is repealed.
 1387 Section 47. Section 582.23, Florida Statutes, is repealed.
 1388 Section 48. Section 582.24, Florida Statutes, is repealed.
 1389 Section 49. Section 582.25, Florida Statutes, is repealed.
 1390 Section 50. Section 582.26, Florida Statutes, is repealed.
 1391 Section 51. Section 582.331, Florida Statutes, is repealed.
 1392 Section 52. Section 582.34, Florida Statutes, is repealed.
 1393 Section 53. Section 582.35, Florida Statutes, is repealed.
 1394 Section 54. Section 582.36, Florida Statutes, is repealed.
 1395 Section 55. Section 582.37, Florida Statutes, is repealed.

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1396 Section 56. Section 582.38, Florida Statutes, is repealed.
1397 Section 57. Section 582.39, Florida Statutes, is repealed.
1398 Section 58. Section 582.40, Florida Statutes, is repealed.
1399 Section 59. Section 582.41, Florida Statutes, is repealed.
1400 Section 60. Section 582.42, Florida Statutes, is repealed.
1401 Section 61. Section 582.43, Florida Statutes, is repealed.
1402 Section 62. Section 582.44, Florida Statutes, is repealed.
1403 Section 63. Section 582.45, Florida Statutes, is repealed.
1404 Section 64. Section 582.46, Florida Statutes, is repealed.
1405 Section 65. Section 582.47, Florida Statutes, is repealed.
1406 Section 66. Section 582.48, Florida Statutes, is repealed.
1407 Section 67. Section 582.49, Florida Statutes, is repealed.
1408 Section 68. Section 589.26, Florida Statutes, is repealed.
1409 Section 69. Except as otherwise expressly provided in this
1410 act, this act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/16

Meeting Date

1010

Bill Number (if applicable)

Topic Department of Agriculture

Amendment Barcode (if applicable)

Name Adam Basford

Job Title Director, Legislative Affairs

Address 315 S Calhoun St #850

Phone _____

Street

Tallahassee FL 32301

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Farm Bureau

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

01/21/2016
Meeting Date

SB 1010
Bill Number (if applicable)

Topic AGRICULTURE

Amendment Barcode (if applicable)

Name HOWARD E. "GENE" ADAMS

Job Title ATTORNEY

Address 215 S. MONROE ST., 2ND FLOOR, P.O. BOX 70095

Phone 850-222-3533

TALLAHASSEE FLA. 32302-2095
City State Zip

Email GENE@PENNINGTONLAW.COM

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLORIDA FEED ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-21-16

Meeting Date

1010

Bill Number (if applicable)

Topic Agriculture

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Director Legislative Affairs

Address PL 10 The Capitol

Phone 850 617 7700

Street

Tallahassee

City

FL

State

32399

Zip

Email grace.lovett@freshfrom

florida.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Dept. of Agriculture & Consumer Services

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Agriculture, *Chair*
Appropriations Subcommittee on Education, *Vice Chair*
Appropriations
Banking and Insurance
Education Pre-K - 12
Rules

SENATOR BILL MONTFORD

3rd District

January 13, 2016

Senator Alan Hays, Chair
Senate Appropriations Subcommittee
On General Government
320 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Hays:

I respectfully request that CS/SB 1010 be scheduled for a hearing before the Senate Appropriations Subcommittee on General Committee. CS/SB 1010 is the Department of Agriculture and Consumer Services Legislative Package and also includes a provision to help with the Citrus Greening issue.

Your assistance and favorable consideration of my request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William "Bill" Montford, III
State Senator, District 3

cc: Jamie DeLoach, Staff Director

BJM/mam

REPLY TO:

- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on General Government

BILL: SB 7028

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: State Board of Administration

DATE: January 20, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	Peacock	McVaney		GO Submitted as Committee Bill
1.	McSwain	DeLoach	AGG	Recommend: Favorable
2.			AP	

I. Summary:

SB 7028 deletes one of the conditions that trigger the expiration of the State Board of Administration's (SBA) duty to scrutinize companies and to assemble the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. The SBA will no longer be required to consider declarations from the United States Congress or the President via legislation, executive order, or written certification from the President to Congress, that mandatory divestment of companies with scrutinized business operations in Iran interfere with the conduct of U.S. foreign policy. The State Board of Administration must monitor certain events and report occurrence of these events to its trustees.

The bill clarifies the duties of the State Board of Administration relating to:

- The creation and maintenance of the various lists of scrutinized companies;
- The divestment of certain investments relating to those scrutinized companies; and
- The reporting of the various lists of scrutinized companies and specified criteria of the Florida Retirement System.

The fiscal impact on state government is indeterminate. The bill takes effect on July 1, 2016.

II. Present Situation:

State Board of Administration Investing Duties

The State Board of Administration (SBA) was created by Article IV, section 4(e) of the Florida Constitution. Its members are the Governor, the Chief Financial Officer, and the Attorney General. The board derives its powers to oversee state funds from Article XII, section 9 of the Florida Constitution and ch. 215, F.S.

The SBA has oversight over the Florida Retirement System (FRS) pension plan and the FRS investment plan, which represent approximately \$157.14 billion, or 87.3 percent, of the \$180 billion in assets managed by the SBA, as of June 30, 2015.¹ The pension plan is a defined benefit plan, and the investment plan is a defined contribution plan that employees may choose in lieu of the pension plan. The SBA also manages over 30 other investment portfolios, with combined assets of \$22.86 billion, including the Florida Hurricane Catastrophe Fund, the Florida Lottery Fund, the Florida Prepaid College Plan, and various debt-service accounts for state bond issues.²

State Sponsors of Terrorism

The United States Department of State maintains a list of countries determined to have repeatedly provided support for acts of international terrorism.³ The countries are designated "terrorist nations" under requirements in three federal laws: the Export Administration Act⁴; the Arms Export Control Act⁵; and the Foreign Assistance Act⁶. Taken together, the four main categories of sanctions resulting from designation under these authorities include restrictions on U.S. foreign assistance; a ban on defense exports and sales; certain controls over exports of dual use items; and miscellaneous financial and other restrictions.⁷

Currently, the State Department designates three countries under these authorities: Iran, Sudan and Syria.⁸ The chart below shows the date each country was designated a terrorist nation.

Country	Designation Date
Iran	January 19, 1984
Sudan	August 12, 1993
Syria	December 29, 1979

Cuba had been designated as a State Sponsor of Terrorism on March 1, 1982. In December 2014, President Obama requested the Secretary of State to review Cuba's designation as a state sponsor of terrorism, and to provide him a report within six months in regards to Cuba's support for international terrorism.⁹ On April 8, 2015, the Secretary of State completed his review and recommended to the President that Cuba no longer be designated as a state sponsor of terrorism.¹⁰

On April 14, 2015, the President submitted this report to Congress indicating the administration's intent to rescind Cuba's state sponsor of terrorism designation, including the certification that Cuba has not provided any support for international terrorism during the

¹ State Board of Administration "Performance Report to the Trustees" dated June 30, 2015, and issued on August 12, 2015.

² *Id.*

³ U.S. Department of State, Diplomacy in Action can be found online at <http://www.state.gov/j/ct/list/c14151.htm> (last visited Sept. 9, 2015).

⁴ 50 U.S.C. App 2405(j)

⁵ 22 U.S.C. s. 2780

⁶ 22 U.S.C. s. 2371

⁷ See <http://www.state.gov/s/ct/c14151.htm>.

⁸ *Id.*

⁹ U.S. Department of State, Diplomacy in Action, Recession of Cuba as a State Sponsor of Terrorism, at <http://www.state.gov/r/pa/prs/ps/2015/05/242986.htm> (last visited on Sept. 15, 2015).

¹⁰ *Id.*

previous six months and that Cuba has provided assurances that it will not support acts of international terrorism in the future.¹¹

After the 45-day Congressional pre-notification period expired, Cuba was officially removed from the list on May 29, 2015.¹²

Protecting Florida Investments Act

In 2007, the Legislature enacted the Protecting Florida's Investments Act (PFIA).¹³ The PFIA requires the SBA, acting on behalf of the Florida Retirement System Trust Fund (FRSTF), to assemble and publish a list of "Scrutinized Companies" that have prohibited business operations in Sudan and Iran. Once placed on the list of Scrutinized Companies, the SBA and its investment managers are prohibited from acquiring those companies' securities¹⁴ and are required to divest those securities if the companies¹⁵ do not cease the prohibited activities or take certain compensating actions. The implementation of the PFIA by the SBA does not affect any FRSTF investments in U.S. companies; the PFIA affects foreign companies with certain business operations in Sudan and Iran involving the petroleum or energy sector, oil or mineral extraction, power production, or military support activities.

The definition of "company" for purposes of the PFIA includes all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies, or affiliates of such entities or business associations.

The term "public fund" is defined as "all funds, assets, trustee, and other designates under the State Board of Administration pursuant to chapter 121."¹⁶ This means those assets of the Florida Retirement System - both the pension plan as well as the investment plan.

According to staff of the SBA, the PFIA imposes the following reporting, engagement, and investment requirements on the SBA:

- Quarterly reporting to the Board of Trustees of every equity security in which the SBA has invested for the quarter, along with its industry category. This report is posted on the SBA website.
- Quarterly presentation to the Trustees of a "Scrutinized Companies" list for both Sudan and Iran for their approval. Scrutinized Company lists are available on the SBA's website¹⁷, along with information on the FRSTF direct and indirect holdings of Scrutinized Companies.
- Written notice to external investment managers of all PFIA requirements. Letters request that the managers of actively managed commingled vehicles (i.e., those with FRSTF and other clients' assets) consider removing Scrutinized Companies from the product or create a

¹¹ *Id.*

¹² *Id.*

¹³ Chapter 2007-88, Laws of Florida; *also, see* Senate Bill 2142 (reg. session 2007).

¹⁴ Section 215.473(3)(c), F.S.

¹⁵ Section 215.473(3)(b), F.S.

¹⁶ Section 215.473(1)(r), F.S.

¹⁷ The quarterly reports are available at

<http://www.sbafla.com/fsb/Portals/Internet/PFIA/CurrentProhibitedCompaniesList.pdf>

similar actively managed product that excludes such companies. Similar written requests must be provided to relevant investment managers within the Investment Plan.

- Written notice to any company with inactive business operations in Sudan or Iran, informing the company of the PFIA and encouraging it to continue to refrain from reinitiating active business operations.¹⁸ Such correspondence continues semiannually.¹⁹
- Written notice to any Scrutinized Company with active business operations, informing the company of its Scrutinized Company status and that it may become subject to divestment.²⁰ The written notice must inform the company of the opportunity to clarify its Sudan-related or Iran-related activities and encourage the company, within 90 days, to cease its scrutinized business operations or convert such operations to inactive status.²¹
- A prohibition on further investment on behalf of the FRSTF in any Scrutinized Company once the Sudan and Iran scrutinized lists have been approved by the Trustees. All publicly traded securities of Scrutinized Companies must be divested within 12 months after the company's initial (and continued) appearance on the Scrutinized Companies list. Divestment does not apply to indirect holdings in actively managed commingled investment funds—i.e., where the SBA is not the sole investor in the fund. Private equity funds are considered to be actively managed.
- Reporting to each member of the Board of Trustees, President of the Senate, and the Speaker of the House of Representatives of Scrutinized Company lists within 30 days of creation, and public disclosure of each list.²²
- Quarterly reporting to each member of the Board of Trustees, the President of the Senate, the Speaker of the House of Representatives, the United States Presidential Special Envoy to Sudan, and the United States Presidential Special Envoy to Iran.²³ The report must include the following:²⁴
 - A summary of correspondence with engaged companies;
 - A listing of all investments sold, redeemed, divested, or withdrawn;
 - A listing of all prohibited investments;
 - A description of any progress related to external managers offering PFIA compliant funds; and
 - A list of all publicly traded securities held directly by the state.
- Adoption and incorporation into the FRSTF Investment Policy Statement (IPS) of SBA actions taken in accordance with the PFIA. Changes to the IPS are reviewed by the Investment Advisory Council (IAC) and approved by the Trustees.
- Relevant Sudan or Iran portions of the PFIA are discontinued if the Congress or President of the United States passes legislation, executive order, or other written certification that:
 - Darfur genocide has been halted for at least 12 months;²⁵
 - Sanctions imposed against the Government of Sudan are revoked;²⁶

¹⁸ Section 215.473(3)(a)2., F.S.

¹⁹ *Id.*

²⁰ Section 215.473(3)(a)3., F.S.

²¹ *Id.*

²² Section 215.473(4)(a), F.S.

²³ Section 215.473(4)(b), F.S.

²⁴ Section 215.473(4)(b)1.-5., F.S.

²⁵ Section 215.473(5)(a)1., F.S.

²⁶ Section 215.473(5)(a)2., F.S.

- Government of Sudan honors its commitments to cease attacks on civilians, demobilize and demilitarize the Janjaweed and associated militias, grant free and unfettered access for deliveries of humanitarian assistance, and allow for the safe and voluntary return of refugees and internally displaced persons;²⁷
- Government of Iran has ceased to acquire weapons of mass destruction and support international terrorism;²⁸
- Sanctions imposed against the government of Iran are revoked;²⁹ or
- Mandatory divestment of the type provided for by the PFIA interferes with the conduct of U.S. foreign policy.³⁰
- Cessation of divestment and/or reinvestment into previously divested companies may occur if the value of all FRSTF assets under management decreases by 50 basis points (0.5 percent) or more as a result of divestment.³¹ If cessation of divestment is triggered, the SBA is required to provide a written report to each member of the Board of Trustees, the President of the Senate, and the Speaker of the House of Representatives prior to initial reinvestment.³² Such condition is required to be updated semiannually.³³

Prohibition Against Contracting with Scrutinized Companies and Companies Engaged in Business Operations in Cuba or Syria

Section 287.135(2), F.S., prohibits a company on the Scrutinized Companies with Activities in Sudan List or on the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List or is engaged in business operations in Cuba or Syria from bidding on, submitting a proposal for, or entering into or renewing a contract with an agency³⁴ or local governmental entity for goods or services of \$1 million or more. “Local governmental entity,” for the purposes of s. 287.135, F.S., means a county, municipality, special district, or other political subdivision of the state.

Section 287.135(3)(b), F.S., provides that any contract with an agency or local governmental entity for goods or services of \$1 million or more entered into or renewed on or after July 1, 2012, must contain a provision that allows for the termination of such contract at the option of the awarding body if the company is found to have submitted a false certification or has been placed on the Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List or have been engaged in business operations in Cuba or Syria.

Section 287.135(4)(a)1., F.S., allows an agency or local governmental entity to make a case-by-case exception to the prohibition for a company on the Scrutinized Companies with Activities in

²⁷ Section 215.473(5)(a)3., F.S.

²⁸ Section 215.473(5)(b)1., F.S.

²⁹ Section 215.473(5)(b)2., F.S.

³⁰ Section 215.473(5)(b)3., F.S.

³¹ Section 215.473(7), F.S.

³² *Id.*

³³ *Id.*

³⁴ Agency is defined in s. 287.012(1), F.S., as any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. “Agency” does not include the university and college boards of trustees or the state universities and colleges. Also, see s. 287.135(1), F.S. Definitions contained in ss. 287.012 and 215.473, F.S. are incorporated into s. 287.135, F.S.

Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List if:

- The scrutinized business operations³⁵ were made before July 1, 2011;
- The scrutinized business operations have not been expanded or renewed after July 1, 2011;
- The agency or local governmental entity determines that it is in the best interest of the state or local community to contract with the company;
- The company has adopted, has publicized, and is implementing a formal plan to cease scrutinized business operations and to refrain from engaging in any new scrutinized business operations; *and*
- *One* of the following occurs:
 - The local governmental entity makes a public finding that, absent such an exemption, the local governmental entity would be unable to obtain the goods or services for which the contract is offered.
 - For a contract with an executive agency, the Governor makes a public finding that, absent such an exemption, the agency would be unable to obtain the goods or services for which the contract is offered.
 - For a contract with an office of a state constitutional officer other than the Governor, the state constitutional officer makes a public finding that, absent such an exemption, the office would be unable to obtain the goods or services for which the contract is offered.

Section 287.135(4)(a)2., F.S., allows an agency or local governmental entity to make a case-by-case exception to the prohibition for a company engaged in business operations in Cuba or Syria if:

- The business operations were made before July 1, 2012;
- The business operations have not been expanded or renewed after July 1, 2012;
- The agency or local governmental entity determines that it is in the best interest of the state or local community to contract with the company;
- The company has adopted, has publicized, and is implementing a formal plan to cease business operations and to refrain from engaging in any new business operations; *and*
- *One* of the following occurs:
 - The local governmental entity makes a public finding that, absent such an exemption, the local governmental entity would be unable to obtain the goods or services for which the contract is offered.
 - For a contract with an executive agency, the Governor makes a public finding that, absent such an exemption, the agency would be unable to obtain the goods or services for which the contract is offered.
 - For a contract with an office of a state constitutional officer other than the Governor, the state constitutional officer makes a public finding that, absent such an exemption, the office would be unable to obtain the goods or services for which the contract is offered.

An agency or local governmental entity must require a company that submits a bid or proposal for, or that otherwise proposes to enter into or renew, a contract with the agency or local governmental entity for goods or services of \$1 million or more to certify, at the time a bid or proposal is submitted or before a contract is executed or renewed, that the company is not on the

³⁵ Section 215.473(1)(t), F.S., defines “scrutinized business operations” to mean business operations that result in a company becoming a scrutinized company.

Scrutinized Companies with Activities in Sudan List or the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List, or that it does not have business operations in Cuba or Syria.³⁶

If an agency or local governmental entity determines that a company has submitted a false certification, it shall provide the company with written notice, and the company will have 90 days to respond in writing to such determination.³⁷ If the company fails to demonstrate that the determination of false certification was made in error, then the awarding body *must* bring a civil action against the company.³⁸ If a civil action is brought and the court determines that the company submitted a false certification, the company shall pay all reasonable attorney's fees and costs (including costs for investigations that led to the finding of false certification).³⁹ Also, a civil penalty equal to the greater of \$2 million or twice the amount of the contract for which the false certification was submitted shall be imposed.⁴⁰ The company is ineligible to bid on any contract with an agency or local governmental entity for 3 years after the date the agency or local governmental entity determined that the company submitted a false certification.⁴¹ A civil action to collect the penalties must commence within 3 years after the date the false certification is made.⁴²

Section 287.135(6), F.S., specifies that only the awarding body may cause a civil action to be brought, and that the section does not create or authorize a private right of action or enforcement of the provided penalties. An unsuccessful bidder, or any other person other than the awarding body, may not protest the award or contract renewal on the basis of a false certification.

Section 287.135(7), F.S., specifies that this section preempts any ordinance or rule of any agency or local governmental entity involving public contracts for goods or services of \$1 million or more with a company engaged in scrutinized business operations.

Section 287.135 (8), F.S., provides that this provision becomes inoperative on the date that federal law ceases to authorize the state to adopt and enforce the contracting prohibitions of the type provided for in this section.

Fiduciary Standards

The fiduciary standards for the SBA are specified out as follows in s. 215.47(10), F.S.:

Investments made by the State Board of Administration shall be designed to maximize the financial return to the fund consistent with the risks incumbent in each investment and shall be designed to preserve an appropriate diversification of the portfolio. The board shall discharge its duties with respect to a plan solely in the interest of its participants and beneficiaries. The board in performing the

³⁶ Section 287.135(5), F.S.

³⁷ Section 287.135(5)(a), F.S.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Section 287.135(5)(a)1., F.S.

⁴¹ Section 287.135(5)(a)2., F.S.

⁴² Section 287.135(5)(b), F.S.

above investment duties shall comply with the fiduciary standards set forth in the Employee Retirement Income Security Act of 1974 (ERISA) at 29 U.S.C. s. 1104(a)(1)(A) through (C). In case of conflict with other provisions of law authorizing investments, the investment and fiduciary standards set forth in this subsection shall prevail.

The ERISA standard at 29 U.S.C. s. 1104(a)(1)(A) - (C) provides for the “prudent man standard of care,” requiring a fiduciary to:

discharge his duties with respect to a plan solely in the interest of the participants and beneficiaries and—

(A) for the exclusive purpose of:

- (i) providing benefits to participants and their beneficiaries; and
- (ii) defraying reasonable expenses of administering the plan;

(B) with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims;

(C) by diversifying the investments of the plan so as to minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so;

III. Effect of Proposed Changes:

Section 1 amends s. 215.473, F.S., to define the term “board” as the State Board of Administration. The definition of “public fund” is revised to mean all assets of the Florida Retirement System (FRS) held by the SBA in its capacity as a fiduciary pursuant to chapter 121.

Also, this section clarifies that the SBA must identify all scrutinized companies that have prohibited business operations in Sudan and Iran in which the FRS has direct and indirect holdings or could possibly have such holdings in the future.

Additionally, the bill clarifies that the SBA must maintain a list of Scrutinized Companies with Activities in Sudan and a list of Scrutinized Companies with Activities in the Iran Petroleum Energy Sector.

Further, the bill deletes one of the conditions that trigger the expiration of the SBA’s duty to scrutinize companies and to assemble the Scrutinized Companies with Activities in the Iran Petroleum Energy Sector List. The SBA will no longer be required to consider declarations from Congress or the President via legislation, executive order, or written certification from the President to Congress, that mandatory divestment of companies with scrutinized business operations in Iran interfere with the conduct of U.S. foreign policy. The bill requires the SBA, acting as a fiduciary pursuant to s. 215.47(10), F.S., to monitor events relating to expiration provisions of s. 215.473, F.S., and to report the occurrence and status of such conditions at quarterly meetings of its trustees.

Section 2 provides an effective date of July 1, 2016.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shares with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 215.473 of the Florida Statutes.

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

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

None.

B. Amendments:

None.

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

By the Committee on Governmental Oversight and Accountability

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1 A bill to be entitled
 2 An act relating to the State Board of Administration;
 3 amending s. 215.473, F.S.; redefining the term "public
 4 fund"; defining the term "board"; requiring the board,
 5 rather than the public fund, to maintain a list of
 6 certain scrutinized companies rather than assembling
 7 the list by a certain time; clarifying provisions;
 8 deleting a condition that may no longer be used by the
 9 board in scrutinizing companies, relating to a
 10 specified declaration; requiring the board to monitor
 11 certain events and make specified reports at certain
 12 meetings of trustees; conforming provisions to changes
 13 made by the act; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Present paragraphs (b) through (x) of subsection
 18 (1) of section 215.473, Florida Statutes, are redesignated as
 19 paragraphs (c) through (y), respectively, present paragraph (r)
 20 of that subsection is amended, a new paragraph (b) is added to
 21 that subsection, and subsections (2) through (7) of that section
 22 are amended, to read:

23 215.473 Divestiture by the State Board of Administration;
 24 Sudan; Iran.—

25 (1) DEFINITIONS.—As used in this section, the term:

26 (b) "Board" means the State Board of Administration.

27 (s)-(x) "Public fund" means all funds, assets of the Florida
 28 Retirement System held by, trustee, and other designates under
 29 the State Board of Administration in its capacity as a fiduciary

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30 pursuant to chapter 121.

31 (2) IDENTIFICATION OF COMPANIES.—

32 (a) ~~Within 90 days after June 8, 2007,~~ The board public
 33 ~~fund~~ shall make its best efforts to identify all scrutinized
 34 companies in which the public fund has direct or indirect
 35 holdings or could possibly have such holdings in the future.
 36 Such efforts include:

37 1. Reviewing and relying, as appropriate in the board's
 38 ~~public fund's~~ judgment, on publicly available information
 39 regarding companies having business operations in Sudan,
 40 including information provided by nonprofit organizations,
 41 research firms, international organizations, and government
 42 entities;

43 2. Contacting asset managers contracted by the board public
 44 ~~fund~~ which invest in companies having business operations in
 45 Sudan;

46 3. Contacting other institutional investors that have
 47 divested from or engaged with companies that have business
 48 operations in Sudan; or

49 4. Reviewing the laws of the United States regarding the
 50 levels of business activity that would cause application of
 51 sanctions for companies conducting business or investing in
 52 countries that are designated state sponsors of terror.

53 (b) ~~By the first meeting of the public fund following the~~
 54 ~~90-day period described in paragraph (a),~~ The board public fund
 55 shall maintain a list of assemble all scrutinized companies that
 56 fit criteria specified in subparagraphs (1)(v)1., 2., and 3.
 57 labeled the (1)(u)1., 2., and 3. into a "Scrutinized Companies
 58 with Activities in Sudan List" and a list of all scrutinized

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59 companies that fit criteria specified in subparagraph (1)(v)4.
 60 ~~labeled the (1)(u)4. into a~~ "Scrutinized Companies with
 61 Activities in the Iran Petroleum Energy Sector List."

62 (c) The ~~board public fund~~ shall update and make publicly
 63 available quarterly the Scrutinized Companies with Activities in
 64 Sudan List and the Scrutinized Companies with Activities in the
 65 Iran Petroleum Energy Sector List based on evolving information
 66 from, among other sources, those listed in paragraph (a).

67 (d) Notwithstanding ~~the provisions of~~ this section, a
 68 social-development company that is not complicit in the Darfur
 69 genocide is not considered a scrutinized company under
 70 subparagraph (1)(v)1. ~~(1)(u)1.~~, subparagraph (1)(v)2. ~~(1)(u)2.~~,
 71 or subparagraph (1)(v)3. ~~(1)(u)3.~~

72 (3) REQUIRED ACTIONS.—The ~~board public fund~~ shall adhere to
 73 the following procedure for assembling companies on the
 74 Scrutinized Companies with Activities in Sudan List and the
 75 Scrutinized Companies with Activities in the Iran Petroleum
 76 Energy Sector List:

77 (a) *Engagement.*—

78 1. The ~~board public fund~~ shall immediately determine the
 79 companies on the Scrutinized Companies with Activities in Sudan
 80 List and the Scrutinized Companies with Activities in the Iran
 81 Petroleum Energy Sector List in which the public fund owns
 82 direct or indirect holdings.

83 2. For each company identified in this paragraph that has
 84 only inactive business operations, the ~~board public fund~~ shall
 85 send a written notice informing the company of this act and
 86 encouraging it to continue to refrain from initiating active
 87 business operations in Sudan or Iran until it is able to avoid

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88 scrutinized business operations. The ~~board public fund~~ shall
 89 continue such correspondence semiannually.

90 3. For each company newly identified under this paragraph
 91 ~~which that~~ has active business operations, the ~~board public fund~~
 92 shall send a written notice informing the company of its
 93 scrutinized company status and that it may become subject to
 94 divestment by the public fund. The notice must inform the
 95 company of the opportunity to clarify its Sudan-related or Iran-
 96 related activities and encourage the company, ~~within 90 days,~~ to
 97 cease its scrutinized business operations or convert such
 98 operations to inactive business operations within 90 days in
 99 order to avoid qualifying for divestment by the public fund.

100 4. If, within 90 days after the ~~board's public fund's~~ first
 101 engagement with a company pursuant to this paragraph, that
 102 company ceases scrutinized business operations, the company
 103 shall be removed from the Scrutinized Companies with Activities
 104 in Sudan List and the Scrutinized Companies with Activities in
 105 the Iran Petroleum Energy Sector List, and the provisions of
 106 this act shall cease to apply to that company unless that
 107 company resumes scrutinized business operations. If, within 90
 108 days after the ~~board's public fund's~~ first engagement, the
 109 company converts its scrutinized active business operations to
 110 inactive business operations, the company is subject to all
 111 provisions relating to inactive business operations. A company
 112 may be removed from one list but remain on the other list, in
 113 which case the company shall be subject to the provisions
 114 applicable to the list on which the company remains.

115 (b) *Divestment.*—

116 1. If, after 90 days following the ~~board's public fund's~~

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117 first engagement with a company pursuant to paragraph (a), the
 118 company continues to have scrutinized active business
 119 operations, and only while such company continues to have
 120 scrutinized active business operations, the ~~board public fund~~
 121 shall sell, redeem, divest, or withdraw all publicly traded
 122 securities of the company, except as provided in paragraph (d),
 123 from the public ~~fund fund's assets under management~~ within 12
 124 months after the company's most recent appearance on the
 125 Scrutinized Companies with Activities in Sudan List or on the
 126 Scrutinized Companies with Activities in the Iran Petroleum
 127 Energy Sector List.

128 2. If a company that ceased scrutinized active business
 129 operations following engagement pursuant to paragraph (a)
 130 resumes such operations, this paragraph immediately applies, and
 131 the ~~board public fund~~ shall send a written notice to the
 132 company. The company shall also be immediately reintroduced onto
 133 the Scrutinized Companies with Activities in Sudan List or on
 134 the Scrutinized Companies with Activities in the Iran Petroleum
 135 Energy Sector List, as applicable.

136 (c) *Prohibition.*—The ~~board public fund~~ may not acquire, on
 137 behalf of the public fund, securities of companies on the
 138 Scrutinized Companies with Activities in Sudan List or the
 139 Scrutinized Companies with Activities in the Iran Petroleum
 140 Energy Sector List that have active business operations, except
 141 as provided in paragraph (d).

142 (d) *Exemption.*—A company that the United States Government
 143 affirmatively declares to be excluded from its present or any
 144 future federal sanctions regime relating to Sudan or Iran is not
 145 subject to divestment or the investment prohibition pursuant to

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146 paragraphs (b) and (c).

147 (e) *Excluded securities.*—

148 1. Notwithstanding ~~the provisions of~~ this section,
 149 paragraphs (b) and (c) do not apply to indirect holdings in
 150 actively managed investment funds. However, the ~~board public~~
 151 ~~fund~~ shall submit letters to the managers of such investment
 152 funds containing companies that have scrutinized active business
 153 operations requesting that they consider removing such companies
 154 from the fund or create a similar actively managed fund having
 155 indirect holdings devoid of such companies. If the manager
 156 creates a similar fund, the board, on behalf of the public fund,
 157 shall replace all applicable investments with investments in the
 158 similar fund in an expedited timeframe consistent with prudent
 159 investing standards. For the purposes of this section, a private
 160 equity fund is deemed to be an actively managed investment fund.

161 2. Notwithstanding ~~the provisions of~~ this section,
 162 paragraphs (b) and (c) do not apply to exchange-traded funds.

163 (f) *Further exclusions.*—Notwithstanding any other provision
 164 of this act, the ~~board public fund~~, when discharging its
 165 responsibility for operation of a defined contribution plan,
 166 shall engage the manager of the investment offerings in such
 167 plans requesting that they consider removing scrutinized
 168 companies from the investment offerings or create an alternative
 169 investment offering devoid of scrutinized companies. If the
 170 manager creates an alternative investment offering and the
 171 offering is deemed by the ~~board public fund~~ to be consistent
 172 with prudent investor standards, the ~~board public fund~~ shall
 173 consider including such investment offering in the plan.

174 (4) REPORTING.—

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175 (a) The ~~board public fund~~ shall file a report with each
 176 member of ~~its~~ the Board of Trustees ~~of the State Board of~~
 177 ~~Administration~~, the President of the Senate, and the Speaker of
 178 the House of Representatives ~~which that~~ includes the Scrutinized
 179 Companies with Activities in Sudan List and the Scrutinized
 180 Companies with Activities in the Iran Petroleum Energy Sector
 181 List within 30 days after the list is created. This report shall
 182 be made available to the public.

183 (b) At each quarterly meeting of the Board of Trustees
 184 thereafter, the ~~board public fund~~ shall file a report regarding
 185 the public fund, which shall be made available to the public and
 186 to each member of ~~its~~ the Board of Trustees ~~of the State Board~~
 187 ~~of Administration~~, the President of the Senate, and the Speaker
 188 of the House of Representatives, and send a copy of that report
 189 to the United States Presidential Special Envoy to Sudan and the
 190 United States Presidential Special Envoy to Iran, or an
 191 appropriate designee or successor, which includes:

192 1. A summary of correspondence with companies engaged by
 193 the board on behalf of the public fund under subparagraphs
 194 (3) (a)2. and 3.;

195 2. All investments sold, redeemed, divested, or withdrawn
 196 in compliance with paragraph (3) (b);

197 3. All prohibited investments under paragraph (3) (c);

198 4. Any progress made under paragraph (3) (e); and

199 5. A list of all publicly traded securities held directly
 200 by the public fund this state.

201 (5) EXPIRATION.—This section expires upon the occurrence of
 202 all of the following:

203 (a) If any of the following occurs ~~eeer~~, the board may

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204 ~~public fund shall~~ no longer scrutinize companies according to
 205 subparagraphs (1) (v)1. ~~(1) (u)1.~~, 2., and 3. and ~~may shall~~ no
 206 longer assemble the Scrutinized Companies with Activities in
 207 Sudan List, shall cease engagement and divestment of such
 208 companies, and may reinvest in such companies if such companies
 209 do not satisfy the criteria for inclusion in the Scrutinized
 210 Companies with Activities in the Iran Petroleum Energy Sector
 211 List:

212 1. The Congress or President of the United States,
 213 affirmatively and unambiguously states, by means including, but
 214 not limited to, legislation, executive order, or written
 215 certification from the President to Congress, that the Darfur
 216 genocide has been halted for at least 12 months;

217 2. The United States revokes all sanctions imposed against
 218 the government of Sudan;

219 3. The Congress or President of the United States
 220 affirmatively and unambiguously states, by means including, but
 221 not limited to, legislation, executive order, or written
 222 certification from the President to Congress, that the
 223 government of Sudan has honored its commitments to cease attacks
 224 on civilians, demobilize and demilitarize the Janjaweed and
 225 associated militias, grant free and unfettered access for
 226 deliveries of humanitarian assistance, and allow for the safe
 227 and voluntary return of refugees and internally displaced
 228 persons; or

229 4. The Congress or President of the United States
 230 affirmatively and unambiguously states, by means including, but
 231 not limited to, legislation, executive order, or written
 232 certification from the President to Congress, that mandatory

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233 divestment of the type provided for in this section interferes
234 with the conduct of United States foreign policy.

235 (b) If ~~either any~~ of the following ~~occurs occur~~, the board
236 ~~may public fund shall~~ no longer scrutinize companies according
237 to subparagraph ~~(1)(v)4., may (1)(u)4. and shall~~ no longer
238 assemble the Scrutinized Companies with Activities in the Iran
239 Petroleum Energy Sector List, and shall cease engagement,
240 investment prohibitions, and divestment: ~~The public fund may~~
241 ~~reinvest in such companies if such companies do not satisfy the~~
242 ~~criteria for inclusion in the Scrutinized Companies with~~
243 ~~Activities in Sudan List.~~

244 1. The Congress or President of the United States
245 affirmatively and unambiguously states, by means including, but
246 not limited to, legislation, executive order, or written
247 certification from the President to Congress, that the
248 government of Iran has ceased to acquire weapons of mass
249 destruction and support international terrorism; or

250 2. The United States revokes all sanctions imposed against
251 the government of Iran; ~~or~~

252 ~~3. The Congress or President of the United States~~
253 ~~affirmatively and unambiguously declares, by means including,~~
254 ~~but not limited to, legislation, executive order, or written~~
255 ~~certification from the President to Congress, that mandatory~~
256 ~~divestment of the type provided for in this section interferes~~
257 ~~with the conduct of United States foreign policy.~~

258
259 The board, on behalf of the public fund, may reinvest in such
260 companies if such companies do not satisfy the criteria for
261 inclusion in the Scrutinized Companies with Activities in Sudan

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262 List. The board, acting as a fiduciary in accordance with s.
263 215.47(10), shall monitor events relating to subparagraphs 1.
264 and 2., and, upon finding that the conditions in subparagraph 1.
265 or subparagraph 2. have occurred, the board shall report such
266 finding at a quarterly meeting of its trustees. At each
267 quarterly meeting of the trustees, the board shall report on the
268 status of events relating to subparagraphs 1. and 2.

269 (6) INVESTMENT POLICY STATEMENT OBLIGATIONS.—The board's
270 ~~public fund's~~ actions taken in compliance with this act,
271 including all good faith determinations regarding companies as
272 required by this act, shall be adopted and incorporated into the
273 public fund's investment policy statement ~~(the IPS)~~ as provided
274 ~~set forth~~ in s. 215.475.

275 (7) REINVESTMENT IN CERTAIN COMPANIES HAVING SCRUTINIZED
276 ACTIVE BUSINESS OPERATIONS.—Notwithstanding any other provision
277 of this act to the contrary, the public fund may cease divesting
278 from certain scrutinized companies pursuant to paragraph (3) (b)
279 or reinvest in certain scrutinized companies from which it
280 divested pursuant to paragraph (3) (b) if clear and convincing
281 evidence shows that the value of all assets of under management
282 ~~by~~ the public fund becomes equal to or less than 99.50 percent,
283 or 50 basis points, of the hypothetical value of all assets of
284 ~~under management by~~ the public fund assuming no divestment for
285 any company had occurred under paragraph (3) (b). Cessation of
286 divestment, reinvestment, or any subsequent ongoing investment
287 authorized by this act is limited to the minimum steps necessary
288 to avoid the contingency set forth in this subsection or that no
289 divestment of any company is required for less than fair value.
290 For any cessation of divestment, reinvestment, or subsequent

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291 ongoing investment authorized by this act, the board ~~public fund~~
292 shall provide a written report to each member of its ~~the~~ Board
293 of Trustees ~~of the State Board of Administration~~, the President
294 of the Senate, and the Speaker of the House of Representatives
295 in advance of initial reinvestment, updated semiannually
296 thereafter as applicable, setting forth the reasons and
297 justification, supported by clear and convincing evidence, for
298 its decisions to cease divestment, reinvest, or remain invested
299 in companies having scrutinized active business operations. This
300 act does not apply to reinvestment in companies on the grounds
301 that they have ceased to have scrutinized active business
302 operations.

303 Section 2. This act shall take effect July 1, 2016.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/21/16
Meeting Date

S 702 P
Bill Number (if applicable)

Topic ~~SBA~~

Amendment Barcode (if applicable)

Name ASH WILLIAMS

Job Title EX DIR & CIO, FL SBA

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Street

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Tallahassee FL 32308
City State Zip

Email ash.williams@
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Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

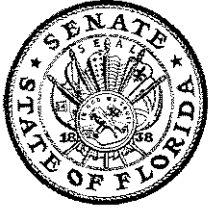
Representing FL SBA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Judiciary, *Vice Chair*
Appropriations
Appropriations Subcommittee on Education
Children, Families, and Elder Affairs
Commerce and Tourism

SENATOR JEREMY RING
29th District

December 7, 2015

Honorable Alan Hays
Appropriations Subcommittee on General Government
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear Mr. Chairman,

I am writing to respectfully request your cooperation in placing Senate Bill 7028, relating to State Board of Administration, on the Appropriations Subcommittee on General Government agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 29

cc: Jamie DeLoach, Staff Director
Lisa Waddell, Committee Administrative Assistant

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flisenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: EL 110
Caption: Senate Appropriations Subcommittee on General Government

Case No.:

Type:
Judge:

Started: 1/21/2016 9:03:22 AM
Ends: 1/21/2016 10:22:34 AM

Length: 01:19:13

9:03:29 AM Sen. Hays (Chair)
9:04:14 AM SB 716
9:04:18 AM Sen. Sobel
9:05:27 AM Steve Uhlfelder
9:06:39 AM SB 426
9:06:47 AM Trent Phillips, Legislative Assistant to Senator Brandes
9:07:53 AM SB 772
9:08:03 AM Sen. Richter
9:08:29 AM Am. 588830
9:08:39 AM Sen. Richter
9:09:56 AM Sen. Braynon
9:09:59 AM Sen. Richter
9:10:19 AM Sen. Braynon
9:10:52 AM Grace Lovett, Director of Legislative Affairs, Florida Department of Agriculture and Consumer Services
9:12:20 AM Sen. Braynon
9:12:33 AM G. Lovett
9:12:58 AM Sen. Braynon
9:14:10 AM G. Lovett
9:14:22 AM Sen. Braynon
9:14:27 AM G. Lovett
9:14:29 AM Sen. Braynon
9:14:33 AM G. Lovett
9:14:40 AM Sen. Braynon
9:14:54 AM Sen. Richter
9:16:05 AM Sen. Braynon
9:16:16 AM Sen. Richter
9:16:32 AM Sen. Hays
9:17:05 AM Sen. Richter
9:17:31 AM Sen. Braynon
9:17:46 AM Sen. Richter
9:18:03 AM Sen. Dean
9:18:15 AM Sen. Richter
9:20:26 AM Sen. Simpson
9:21:43 AM Sen. Richter
9:22:35 AM Sen. Simpson
9:23:30 AM Sen. Richter
9:24:33 AM Reggie Garcia, The Florida Justice Association
9:28:04 AM Bruce Kershner, Southeast Glass Association
9:30:43 AM Sen. Margolis
9:32:11 AM Am. 817068
9:33:30 AM Sen. Richter
9:33:56 AM Sen. Hays
9:34:31 AM Am. 588830 (cont.)
9:34:39 AM Sen. Lee
9:35:02 AM G. Lovett
9:35:14 AM Grace Lovett waives in support
9:35:24 AM Colleen Krepstekies, Legislative Affairs Director, Florida Department of Veterans Affairs, waives in support
9:35:31 AM Allen Mortham, Florida Independent Auto Dealers, waives in support
9:35:34 AM Tim Qualls, Executive Director, Florida Tax Collectors Association, waives in support
9:35:47 AM Sen. Braynon
9:37:26 AM Sen. Hays

9:37:31 AM Sen. Braynon
9:37:39 AM Sen. Dean
9:37:43 AM Sen. Richter
9:38:42 AM Sen. Hays
9:38:55 AM Sen. Richter
9:39:45 AM Sen. Simpson
9:40:08 AM Sen. Dean
9:41:04 AM Sen. Richter
9:41:47 AM Sen. Simpson
9:42:52 AM Sen. Richter
9:43:22 AM Sen. Margolis
9:44:19 AM Sen. Hays
9:44:24 AM Sen. Margolis
9:45:21 AM SB 772 (cont.)
9:45:42 AM T. Qualls, waives in support
9:45:43 AM A. Mortham, waives in support
9:45:44 AM C. Krepstekies, waives in support
9:45:50 AM G. Lovett waives in support
9:46:01 AM Sen. Braynon
9:47:22 AM Sen. Lee
9:48:56 AM Sen. Hays
9:49:44 AM Sen. Richter
9:53:38 AM SB 1010
9:53:45 AM Sen. Montford
9:55:27 AM Sen. Simpson
9:55:44 AM Sen. Montford
9:55:55 AM Sen. Simpson
9:56:14 AM Am. 499442
9:56:30 AM Sen. Montford
9:57:06 AM SB 1010 (cont.)
9:57:15 AM G. Lovett, waives in support
9:57:22 AM Howard E. "Gene" Adams, Attorney, Florida Feed Association, waives in support
9:57:26 AM Adam Basford, Director of Legislative Affairs, Florida Farm Bureau, waives in support
9:58:19 AM SB 822
9:58:30 AM Sen. Stargel
9:59:03 AM Am. 971186
9:59:12 AM Sen. Stargel
9:59:35 AM A. Basford, waives in support
9:59:51 AM SB 822 (cont.)
9:59:57 AM A. Basford, waives in support
10:00:00 AM Jim Spratt, Florida Nursery, Growers and Landscape Association, waives in support
10:00:02 AM B.G. Murphy, Deputy Legislative Affairs Director, Department of Financial Services, waives in support
10:00:10 AM Jim Tolley, President, Florida Professional Firefighters, waives in support
10:00:16 AM G. Lovett, waives in support
10:00:21 AM Eric Prutsman, Florida Fire Chiefs Association and Florida Fire Marshals & Inspectors Association,
waives in support
10:01:16 AM SB 546
10:01:34 AM Sen. Simpson
10:01:53 AM Am. 363980
10:01:59 AM Sen. Simpson
10:02:27 AM Steve Minnis, Suwannee River Water Management District, waives in support
10:02:30 AM Colleen Thayer, Southwest Florida Water Management District, waives in support
10:02:40 AM Sen. Altman
10:03:31 AM Sen. Dean
10:03:36 AM Sen. Simpson
10:04:16 AM Sen. Dean
10:04:25 AM Sen. Simpson
10:05:00 AM SB 570
10:05:04 AM Sen. Dean
10:06:02 AM Am. 220724
10:06:09 AM Sen. Dean
10:06:40 AM Sen. Lee

10:07:43 AM Sen. Hays
10:07:54 AM Sen. Lee
10:08:53 AM Sen. Dean
10:10:15 AM Sen. Hays
10:10:44 AM Sen. Dean
10:11:00 AM SB 570 (cont.)
10:11:40 AM SB 7028
10:11:54 AM Sen. Ring
10:13:34 AM Sen. Lee
10:14:05 AM Sen. Ring
10:15:56 AM Sen. Lee
10:16:29 AM Sen. Ring
10:16:45 AM Sen. Altman
10:17:03 AM Sen. Ring
10:18:37 AM SB 908
10:18:40 AM Sen. Lee
10:20:54 AM Elizabeth Boyd, Legislative Affairs Director, Chief Financial Officer Atwater, waives in support
10:21:01 AM J. Tolley, waives in support
10:21:34 AM Sen. Altman
10:22:10 AM Sen. Braynon
10:22:22 AM
10:22:24 AM