

## Committee on Commerce and Tourism

### **CS/CS/HB 55 — Deceptive and Unfair Trade Practices**

by Judiciary Committee; Business and Professional Regulation Subcommittee; and Rep. Gaetz and others (CS/CS/SB 292 by Judiciary Committee; Commerce and Tourism Committee; and Senators Richter, Flores, Bean, Brandes, and Grimsley)

The bill creates a pre-suit process for actions against motor vehicle dealers under the Florida Deceptive and Unfair Trade Practice Act. Specifically, it requires a claimant to provide a written demand letter to a motor vehicle dealer at least 30 days prior to filing suit or initiating arbitration.

The demand letter must contain:

- The name, address, and telephone number of the claimant.
- The name and address of the motor vehicle dealer.
- A description of the underlying facts of the claim, including a statement describing each item for which actual damages are claimed.
- A statement of the actual damages or if the claimant does not know the exact amount of damages, a best estimate.
- To the extent available, all transaction or other documents upon which the claim is based.

The demand letter must be delivered to the dealer by the United States Postal Service or other nationally recognized carrier, return receipt requested, at the address where the subject vehicle was purchased or leased, where the transaction occurred, or any address at which the dealer regularly conducts business.

A demand letter is satisfactory if it contains sufficient information to reasonably put the dealer on notice as to the nature of the claim and the relief sought. The demand letter expires 30 days after receipt, unless renewed by the claimant, and does not limit the damages the claimant may claim in a subsequent civil lawsuit or arbitration.

If the dealer, within 30 days after receipt of the demand letter, pays the claimant the amount of actual damages and a surcharge of the lesser of \$500 or 10 percent of the damages claimed, then the claimant is precluded from initiating litigation or arbitration. Upon payment, the dealer is released from liability from future claims relating to the incident referenced in the letter. A dealer's compliance with the demand letter does not constitute an admission of liability or fault, and is not admissible into evidence as an offer to compromise.

The dealer is not required to pay attorney fees if the dealer provides written notification to the claimant, within 30 days of receipt of the demand letter, that the amount sought in the demand letter is not reasonable in light of the facts or that the demand letter includes amounts or items not properly recoverable under the law. The court or arbitrator must agree.

If a claimant files a lawsuit or initiates arbitration prior to complying with the demand letter provisions and the dealer timely objects, the court or arbitrator must stay the action until the

claimant complies. The dealer is not liable for attorney fees and costs incurred prior to compliance.

The bill tolls any applicable statute of limitations for 30 days following delivery of the demand letter or any such period as may be agreed to by the parties.

This pre-suit process does not apply to class action litigation or actions brought by an enforcement authority, such as a State Attorney or the Office of Attorney General.

The bill provides a written form of notice for dealers to provide to consumers advising of the demand letter requirement. The provisions of the bill do not apply if the dealer fails to provide the statutory language to the consumer, and therefore the consumer would be permitted to commence litigation or arbitration without sending the demand letter.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 33-4; House 83-29*

## Committee on Commerce and Tourism

### **CS/SB 186 — Jurisdiction of the Courts**

by Judiciary Committee and Senator Diaz de la Portilla

CS/SB 186 addresses personal jurisdiction of the courts of this state.

The bill amends the Florida International Commercial Arbitration Act to correct cross-references within the act to conform exactly to the United Nations Commission on International Trade Law's Model Law on International Commercial Arbitration.

The bill extends personal jurisdiction to parties who initiate arbitration or enter into written contracts that provide for arbitration in this state for any action that arises out of arbitration or a resulting award.

The bill clarifies that full faith and credit is afforded to a judgment, decree, or order of a state court from any territory or commonwealth of the United States, as well as any other state.

A penalty or fine imposed by an agency of another state will not be enforceable against a person or entity incorporated or having its principal place of business in this state if the other state does not provide a mandatory right of review of such agency decision in a state court of competent jurisdiction.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 40-0; House 117-0*

## Committee on Commerce and Tourism

### **CS/CS/SB 336 — Tourist Development Tax**

by Community Affairs Committee; Commerce and Tourism Committee; and Senator Latvala

#### *Use of Tourist Development Taxes*

CS/CS/SB 336 permits counties to use the tax revenues from the tourist development tax for purposes related to aquariums owned and operated by not-for-profit organizations, including the acquisition, construction, maintenance, or promotion of such aquariums. This authorization does not apply to the tax levied for sports franchise facilities.

Due to restructuring of s. 125.0104(5)(a), F.S., the bill clarifies that use of the tourist development tax revenues for certain purposes may be implemented through service contracts and leases with lessees that have sufficient expertise or financial capability to operate such facilities. This applies to purposes related to publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, or museums, aquariums, or zoos that are publicly owned and operated or owned and operated by a not-for-profit organization.

#### *Automatic Expiration of Ordinances Levying Tourist Development Taxes*

The bill clarifies when a county's tourist development tax automatically expires. Under the bill, a county's tourist development tax would automatically expire after the later of:

- The expiration of any agreement for the operation or maintenance, or both, of a publicly owned and operated facility (current law); and
- The retirement of all bonds issued by the county for financing the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of publicly owned and operated convention centers, sports stadiums, sports arenas, coliseums, auditoriums, or museums or aquariums that are publicly owned and operated or owned and operated by a not-for-profit organization.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 40-0; House 117-1*

## Committee on Commerce and Tourism

### **CS/HB 357 — Manufacturing Development**

by Economic Development and Tourism Subcommittee; Reps. Boyd and others (CS/CS/SB 582 by Appropriations Committee; Commerce and Tourism Committee; and Senator Galvano)

CS/HB 357 creates the “Manufacturing Competitiveness Act.”

#### *Model Ordinance*

The bill creates a process by which local governments may adopt an ordinance to establish a local manufacturing development program to grant master development approval for the development, expansion, or modification of manufacturing facilities located within its jurisdiction. The Department of Economic Opportunity (DEO) is directed to create a model ordinance by December 31, 2013, that local governments may use to establish a local manufacturing development program. If a local government enacts an ordinance establishing a manufacturing development program, a copy of the ordinance must be provided to DEO within 20 days of enactment. Local governments that have adopted ordinances before the bill’s effective date that satisfy the minimum requirements of the bill may submit their ordinance to DEO for approval before September 1, 2013.

The ordinance must be consistent with the model ordinance and must establish procedures for the review and approval of a master development plan, the development of the site in a manner consistent with the master development plan without requiring additional local approvals other than building permits, and the certification that a manufacturer is eligible to participate in the local manufacturing development program. Such ordinance must remain in effect for at least 24 months, and if repealed, any application submitted prior to the effective date of the repeal is treated as if the program were still in effect.

The DEO must develop materials that identify each local government with a local manufacturing program for distribution by Enterprise Florida, Inc., to prospective, new, expanding, and relocating manufacturing businesses.

#### *Coordinated Manufacturing Development Approval Process*

The bill directs DEO to coordinate the manufacturing development approval process with the Department of Environmental Protection, the Department of Transportation, the Fish and Wildlife Conservation Commission, and the state’s five water management districts (participating agencies). The coordinated approval process must provide for a collaborative, coordinated, and simultaneous review of applications for permits by the participating agencies, under their respective authorities.

At the time of application, the manufacturer must provide proof that its project is located within the jurisdiction of a local government with a manufacturing development program. If a local government repeals its program, a manufacturer is entitled to participate in the coordinated

manufacturing development approval process if it submitted its application for local development approval prior to the effective date of repeal.

A manufacturer may request that DEO convene a meeting with one or more of the participating agencies to facilitate the process. The DEO is not required to mediate between the parties, but may participate to minimize the duplication of information provided by the manufacturer and the time required to approve or disapprove the application.

If a participating agency determines that an application is incomplete, it will notify the manufacturer and DEO in writing, and request the missing information. Unless the manufacturer waives the deadline in writing, an agency must request any additional information within 20 days from the date the application was filed. If the agency does not request additional information within that 20-day period, the agency may not then deny the application based on insufficient information. Within 10 days after the manufacturer's response, an agency may make a second request for additional information but the request must be limited to clarification of the manufacturer's response.

Each participating agency must take final agency action on an application within 60 days after a complete application is filed, unless the manufacturer waives the deadline or a federally delegated permitting program mandates a different deadline. If an application is not approved or denied within 60 days, it is deemed approved. If a manufacturer seeks to claim approval by default, it must notify the agency clerks of the participating agency and DEO of its intent prior to taking any action.

If a participating agency plans to deny an application, it must notify DEO and DEO must convene an informal meeting to facilitate a resolution, unless waived by the manufacturer.

Throughout the process, the manufacturer may initiate an administrative hearing under ch. 120, F.S. If such a proceeding is initiated, the 60-day approval period is tolled.

The 60-day approval period does not apply to federally delegated permitting programs to the extent that it is inconsistent with such programs.

The DEO may adopt rules to implement the provisions of the bill.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 38-0; House 116-1*

## Committee on Commerce and Tourism

### **CS/SB 406 — Economic Development**

by Appropriations Committee; and Senators Gardiner and Benacquisto

#### *Oversight of Economic Development Incentives*

The bill creates a rotating, 3-year review schedule for state incentives and economic development programs to be evaluated by the Office of Economic and Demographic Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA). The bill directs that all applicants for an incentive be evaluated for “economic benefits” in the same manner, and streamlines the reports and reporting dates that must be submitted by agencies administering economic development programs. An applicant filing an economic incentives application or providing other information to the Department of Economic Opportunity (DEO) for contract compliance is required to attest that the information provided is true. Effective October 1, 2013, DEO is directed to publish on its website project-specific information about economic development incentives provided to businesses.

#### *Brownfields*

The bill limits where a project can be located in order to receive a sales tax refund for building materials and the brownfield redevelopment bonus refunds for jobs created. The project must be located on a site that has entered into a site rehabilitation agreement with the Department of Environmental Protection (DEP) (or a local government delegated by DEP) or on a parcel of property that abuts the site.

#### *Cigarette Tax Distribution*

The bill delays the sunset date of the 1 percent cigarette tax distribution to the Sanford-Burnham Medical Research Institute from June 30, 2021, to June 30, 2033. This provision is effective July 1, 2013.

#### *Exemption for Natural Gas Used in Fuel Cells*

Effective July 1, 2013, natural gas used to generate electricity in a non-combustion fuel cell is exempt from sales tax.

#### *Rotary Wing Aircraft Sales Tax Exemption*

The bill reduces the maximum takeoff weight threshold for rotary wing aircraft to qualify for an exemption from sales and use tax on the parts and labor used in repair and maintenance.

#### *Spring Training Franchise Retention*

The bill creates a new certification process to allow local governments to receive a monthly sales tax distribution after July 1, 2016, for the public purpose of constructing or renovating a Major

League Baseball spring training facility. Applicants must apply to DEO and meet certain requirements, such as having committed to provide a 50 percent minimum match to state funds and having an agreement with a spring training franchise to use the facility. An applicant may qualify for a monthly distribution of \$55,555 for a facility used by a single spring training franchise, or \$111,110 monthly for a facility used by more than one spring training franchise. Distributions cannot begin until the current agreement with a spring training franchise expires. The new process limits total payments to a local government certified by DEO to no more than \$20 million, or \$50 million if the local government hosts more than one spring training franchise. The bill provides for reporting requirements and decertification under certain circumstances. These provisions are effective July 1, 2013.

### ***Qualified Target Industry and Qualified Defense and Space Contractor Tax Refunds***

The bill removes the individual company lifetime limit for both the Qualified Target Industry and Qualified Defense and Space Contractor tax refund programs. These provisions are effective July 1, 2013.

### ***Enterprise Zone Tax Credit***

The bill provides that the cap on the enterprise zone tax credit for property taxes paid is applied at each eligible location rather than at the business entity level.

### ***Sales Tax Holiday***

The bill creates a 3-day sales tax holiday beginning August 2, 2013, exempting certain clothing and shoes valued at \$75 or less, school supplies valued at \$15 or less, and personal computers for non-commercial use valued at \$750 or less. The bill provides an appropriation of \$235,695 in nonrecurring funds to the Department of Revenue to administer the holiday.

### ***New Markets Development Program***

The bill increases the cumulative amount of tax credits that can be awarded by \$15 million, to \$178.8 million for the program. The bill also increases the amount of tax credits that can be claimed in a single state fiscal year by \$3 million, to \$36.6 million each year. These provisions are effective July 1, 2013.

If approved by the Governor, except as otherwise expressly provided in the act, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 117-0*

## Committee on Commerce and Tourism

### **CS/HB 423 — Tax on Sales, Use & Other Transactions**

by Agriculture and Natural Resources Subcommittee; and Rep. Adkins and others (CS/CS/SB 960 by Appropriations Committee; Commerce and Tourism Committee; and Senator Bean)

CS/HB 423 provides a sales tax exemption for dyed diesel fuel used in vessels that are used exclusively for commercial fishing and aquaculture purposes. Under current law “commercial fishing and aquacultural purposes” is defined as fuel used in “boats, vessels, or equipment used exclusively for the taking of fish, crayfish, oysters, shrimp, or sponges from salt or fresh waters under the jurisdiction of the state for resale to the public.” The definition specifically excludes fuel used for sport or pleasure fishing.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 37-3; House 114-0*

## Committee on Commerce and Tourism

### **CS/HB 705 — Targeted Economic Development**

by the Economic Development and Tourism Subcommittee and Rep. Workman (CS/SB 546 by Commerce and Tourism Committee and Senator Ring)

The bill amends s. 288.9625, F.S., to expand the purpose of the Institute for the Commercialization of Public Research (the institute) to include the commercialization of products developed by “innovation businesses,” as defined under current law. The bill allows the institute to provide services to private companies and affiliated organizations for a fee, provided such services do not interfere with the institute’s core mission.

The bill creates s. 288.9625, F.S. The bill directs the institute to create a corporate subsidiary called the Florida Technology Seed Capital Fund (the fund). The fund is guided by an investor advisory board and must employ individuals with expertise to manage the fund’s activity.

The fund may make seed-stage equity investments in companies that meet certain qualifications. Once a company’s proposal has been approved by the institute, an investment of between \$50,000 and \$300,000 can be made if the company provides a one-to-one private sector match. Additional seed investments require a two-to-one private sector match, and can reach a cumulative total investment of up to \$500,000 for a single company.

Proceeds resulting from the sale of any equity in a company must be reinvested by the fund. The institute is also permitted to provide certain other value-added services to participating companies, and to support marketing and economic development in Florida.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 37-1; House 116-0*

## Committee on Commerce and Tourism

### **HB 4013 — Tax Refund Programs**

by Rep. Santiago and others (SB 236 by Senator Hukill)

The bill amends s. 288.1045, F.S., to remove the limitation which restricts a qualified applicant from receiving more than \$7 million in tax refunds in all fiscal years it participates in the Qualified Defense Contractor and Spaceflight Business Tax Refund program.

The bill also amends s. 288.106, F.S., to remove the limitation which restricts a qualified target industry business from receiving more than \$7 million in refund payments in all fiscal years it participates in the Qualified Target Industry Tax Refund program, or more than \$7.5 million if the project is located in an enterprise zone.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 38-0; House 110-4*

## Committee on Commerce and Tourism

### **CS/CS/HB 7007 — Economic Development**

by Economic Affairs Committee; Transportation and Economic Development Appropriations Subcommittee; Economic Development and Tourism Subcommittee; Rep. Trujillo and others (CS/CS/SB 1024 by Appropriations Committee; Community Affairs Committee; and Commerce and Tourism Committee)

The bill addresses a number of activities related to economic development as well as activities under the jurisdiction of the Department of Economic Opportunity (DEO). Specifically, the bill addresses the following:

#### ***Economic Development Reporting***

- Consolidates reports and reporting dates of DEO, Enterprise Florida, Inc., the Office of Film and Entertainment, and Space Florida.
- Requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Office of Economic and Demographic Research (EDR) to review specified economic development programs on a rotating, 3-year review schedule.
- Effective October 1, 2013, requires DEO to create a website to allow the public to view information relating to economic development projects that receive state incentives.
- Changes the reporting date for the Florida New Markets Tax Credit Program from April 1 to January 31.
- Requires a person or business filing an economic development program application or providing other information to DEO for contract compliance to attest that the information provided is true.

#### ***Florida Small Business Development Network***

- Links Florida's Small Business Development Center Network to the statewide strategic economic development plan and the statewide goals of the university system.
- Specifies the composition of the network's statewide advisory board and the support services offered by the network.
- Requires the network to match any direct state appropriation.
- Requires the network to establish incentives for the regional centers to create jobs, institute best practices, and serve new areas of the state or underserved areas.
- Requires the network to regularly report on its programs, services, and outcomes, including its economic benefit to the state.

#### ***Economic Development Incentives***

- Requires DEO to evaluate each application for an economic development program for the economic benefits of the proposed incentive award to the state, using a model developed by EDR.
- Effective April 30, 2014, provides a sales tax exemption for certain industrial machinery and equipment used at a fixed location in this state. This provision sunsets on April 30, 2017.

- Specifies the meaning of the term “brownfield” for purposes of the sales tax exemption for building materials in redevelopment projects and for the brownfield redevelopment bonus refund.
- Allows enterprise zones that are between 15 and 20 square miles and located within rural areas of critical economic concern to increase the zone by 3 square miles, and enterprise zones that are at least 20 square miles and located within rural areas of critical concern to increase the zone by 5 square miles.

### ***Florida Small Cities Community Development Block Grant (CDBG) Loan Guarantee Program***

- Revises the Florida Small Cities CDBG Section 108 Loan Guarantee program to reduce the risk to state and local governments.
- Requires DEO to enter into an agreement with an applicant, approved by the U.S. Department of Housing and Urban Development (HUD), that requires the applicant to pledge half the amount necessary to guarantee the loan in the event of default.
- Reduces the maximum amount of an individual loan guarantee commitment from \$7 million to \$5 million; the limit does not apply to loans granted prior to July 1, 2013, so that they may be refinanced.
- Requires DEO to reduce the annual grant award to a local government that defaults on a Section 108 loan to pay the annual debt service on the loan. Any future CDBG program funds the local government receives must be reduced in the amount equal to the state’s grant award used in payment of the debt service on the loan.
- Requires a local government that is the recipient of a Section 108 loan guarantee through the Florida Small Cities CDBG program that is granted entitlement status by HUD prior to paying the loan in full to pledge its CDBG entitlement allocation as a guarantee of its previous loan and request HUD to release DEO as guarantor of the loan.
- Clarifies that the share of the documentary stamp distribution that DEO receives must be used to provide technical assistance to local governments.

### ***Reemployment Assistance***

- To comply with federal requirements:
  - Assesses a 15 percent penalty on individuals who fraudulently collect reemployment assistance benefits; funds collected are deposited into the Unemployment Compensation Trust Fund.
  - Reenacts language assessing penalties for the disclosure of confidential information that was inadvertently repealed in 2012 and is required by federal law.
  - Prohibits DEO from relieving an employer of benefit charges if the employer *or its agent* fails to timely *and adequately* respond to a notice of claim *or request for information*.
- Directs that any excess payments previously collected to pay interest on federal advances be applied to federal interest payments due before any additional assessments on employers are made. The bill prohibits the collection of assessments if the amount on deposit is at least 80 percent of the estimated amount of interest due on federal advances. The provisions related to interest assessments will sunset on July 1, 2014.

- Provides specific examples of misconduct for which an individual may be disqualified for benefits.
- Adds failure without good cause to maintain a license, registration, or certification, required by law, as an additional ground for which an individual may be disqualified from obtaining benefits.
- Prohibits a claimant from including the same employer at the same location for three consecutive weeks in his or her work search efforts unless the employer has indicated that it is hiring after the initial contact by the claimant.
- Exempts a claimant who is participating in reemployment assistance services, such as Reemployment and Eligibility Assessments, from work search requirements.
- Extends the deployment date of the Reemployment Assistance Claims and Benefits Information System to June 30, 2014 (end of FY 2013-2014).
- Clarifies that an individual must complete DEO's online work registration to be eligible for benefits.
- Expands the current exemption for the initial skills review such that individuals unable to complete the online work registration or initial skills review due to illiteracy, physical or mental impairment, a legal prohibition from using a computer, or a language impediment are exempt from the online work registration and initial skills review.
- Effective January 1, 2014, an appeals referee appointed by DEO must be an attorney in good standing with the Florida Bar; however, those referees appointed prior to January 1, 2014, are exempt from this requirement.

#### ***Gulf Coast Economic Corridor Act***

- Creates the Gulf Coast Economic Corridor Act.
- Creates Triumph Gulf Coast, Inc., a nonprofit corporation administratively housed within DEO, to administer and invest the Recovery Fund.
- Creates the Recovery Fund for the benefit of the eight disproportionately affected counties, to be funded by 75 percent of all funds recovered by the Attorney General for economic damages to the state as a result from the Deepwater Horizon oil spill.
- Defines "disproportionately affected counties" as Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton, and Wakulla Counties.
- Specifies the composition of the Board of Directors of Triumph Gulf Coast, Inc., and its duties; board members are subject to state ethics laws.
- Requires annual audits and reports by Triumph Gulf Coast, Inc., and subjects the corporation to public record and public meetings laws.
- Directs Triumph Gulf Coast, Inc., to make awards to projects and programs in the eight disproportionately affected counties that meet certain criteria and priorities.
- Requires a financial and operational audit of funds related to the Deepwater Horizon oil spill.
  - The financial audit will be included as part of the scope a local government's annual audit. The operational audit will be done by the Auditor General every 2 years.
  - For audits of any funds received under 33 U.S.C. s. 1321(t), the audits must be done in accordance with the federal rules adopted by the Secretary of the Treasury.

If approved by the Governor, these provisions take effect upon becoming law except as otherwise expressly provided in the bill.

*Vote: Senate 37-3; House 68-48*

## Committee on Commerce and Tourism

### **CS/CS/HB 7023 — Department of Agriculture and Consumer Services**

by Regulatory Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Business and Professional Regulation Subcommittee; and Rep. Cummings (CS/CS/SB 1040 by Appropriations Committee; Commerce and Tourism Committee; and Senator Stargel)

The bill modifies a number of regulatory activities under the jurisdiction of the Florida Department of Agriculture and Consumer Services (DACS). Specifically, the bill makes the following changes to DACS' regulatory activities:

#### ***Recovery Agents and Private Investigators***

- Revises the definition of repossession to specify when a recovery agent has active possession and command of a recovered vehicle or other equipment, i.e., when the repossession is complete.
- Clarifies that proof of annual firearms training for class "G" and "K" licensees be submitted to DACS upon completion, provides suspension or non-renewal for non-compliance, and creates a third-degree felony for issuing a fraudulent training certificate as part of an application for licensure.
- Removes the 50-mile radius limitation on private investigator and recovery agent internships.

#### ***Charitable Organizations and Professional Solicitors***

- Updates the requirements for filing financial reports for charitable organizations, and provides that charitable organization and sponsor renewal statements must be issued by DACS 30 days prior to expiration and may be sent via electronic mail. In addition, removes notary requirements for registration packages, increases the application and renewal processing time from 10 to 15 days, and clarifies criminal reporting requirements for charitable organizations and sponsors.
- Updates the annual registration requirement for professional solicitors and fundraising consultants so that registration renewal is based on the date of issuance.
- Exempts charities that have total revenue of less than \$25,000, have no employees or members compensated to do fundraising, and that do not use a professional solicitor, from the \$10 annual registration fee.
- Reduces the time for professional solicitors to file financial documentation for campaigns lasting less than 1 year and extends the due date for financial reporting on campaigns lasting more than 1 year.
- Eliminates the requirement that charitable organizations and sponsors place a statement on all printed material stating the percentage of each contribution retained by a professional solicitor and the percentage of each contribution received by the organization or sponsor.
- Makes it unlawful for solicitors of contributions to provide false, misleading, or inaccurate information and authorizes the issuance of cease and desist orders for certain prohibited acts committed by charitable organizations.

***Health Studios***

- Reduces the required security for certain health studios from \$50,000 to \$25,000.

***Telemarketers***

- Amends the Florida Do Not Call statute to prohibit telephone solicitors seeking donations on behalf of charities from contacting individuals who have previously communicated to the solicitor that he or she does not wish to receive telephone solicitations from that charitable organization.
- Eliminates the requirement that telemarketing salespersons provide a 3-year work history, and requires a telemarketing business to keep its bond or other security in force as long as the business is open and operating. Authorizes onsite inspection by investigators and provides notice to telemarketers engaged in timeshare sales that they must comply with DACS and the Department of Business and Professional Regulation licensing requirements.

***Moving Brokers***

- Requires moving brokers to supply a list of affiliated movers, and requires moving brokers only contract with properly registered movers.

***Fuels***

- Transfers petroleum inspection fee collections from DACS to the Department of Revenue, exempts certain measuring devices from permitting fees, and exempts devices used for measuring aviation fuel from permitting requirements.
- Amends the definition of alternative fuel to provide for adopting fuel quality standards that cover new blended fuels.
- Requires entities that sell or distribute petroleum or alternative fuels to meet fuel standards adopted by DACS.
- Provides that terminal suppliers, wholesalers, or blenders licensed under ch. 206, F.S., are not liable for injuries or damage resulting from the subsequent blending of petroleum or alternative fuels if the petroleum or alternative fuels met the standards adopted by DACS while under ownership of the terminal suppliers, wholesale, or blender.
- Provides that terminal suppliers, wholesalers, or retailers are not liable for damages caused by the incompatible use of motor fuels under certain circumstances.

***LP Gas Licenses***

- Staggers the license expiration dates for Liquefied Petroleum gas licensees, requires applicants taking the license examination pass each area of the examination with a score of at least 75 percent, and increases the minimum number of hours of continuing education from 12 to 16 hours.

***Weighing and Measuring Devices***

- Extends the sunset repeal provision from July 1, 2014, to July 1, 2020, relating to permitting fees for weighing and measuring devices.

***Pawnshops***

- Allows pawnshop owners to have their fingerprints taken at a fingerprinting service provider authorized by the Florida Department of Law Enforcement.

***Business Opportunities***

- Authorizes DACS to create a form allowing franchises to file a notice of exemption from the business opportunity regulation statute and eliminates the required disclosure statements and mandatory filing requirements applicable to the seller of a business opportunity. In addition, eliminates the required \$300 annual fee and the \$50 filing update fee due from the seller of a business opportunity, and eliminates DACS' enforcement authority on unlawful acts committed by a seller of a business opportunity.

***Motor Vehicle Repair Council***

- Decreases the size of the Motor Vehicle Repair Council from eleven to nine members.

***Amusement Rides***

- Eliminates the option of obtaining a bond for operators of amusement rides.

The bill contains a severability clause.

If approved by the Governor, these provisions take effect July 1, 2013.

*Vote: Senate 38-0; House 114-0*