



749088

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/29/2011	.	
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	.	
	.	

The Committee on Commerce and Tourism (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (4) of section 14.26, Florida Statutes, is amended to read:

14.26 Citizen's Assistance Office.—

(4) The Citizen's Assistance Office shall refer consumer-oriented complaints to the Division of Consumer Protection Services of the Department of Agriculture and Consumer Services.

Section 2. Paragraph (e) of subsection (2) of section 20.14, Florida Statutes, is amended to read:



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13 20.14 Department of Agriculture and Consumer Services.-
14 There is created a Department of Agriculture and Consumer
15 Services.

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

18 (e) Consumer Protection Services ~~Services~~.

19 Section 3. Paragraph (q) of subsection (8) of section
20 213.053, Florida Statutes, as amended by chapter 2010-280, Laws
21 of Florida, is amended to read:

22 213.053 Confidentiality and information sharing.-

23 (8) Notwithstanding any other provision of this section,
24 the department may provide:

25 (q) Names, addresses, and sales tax registration
26 information to the Division of Consumer Protection Services ~~Services~~ of
27 the Department of Agriculture and Consumer Services in the
28 conduct of its official duties.

29
30 Disclosure of information under this subsection shall be
31 pursuant to a written agreement between the executive director
32 and the agency. Such agencies, governmental or nongovernmental,
33 shall be bound by the same requirements of confidentiality as
34 the Department of Revenue. Breach of confidentiality is a
35 misdemeanor of the first degree, punishable as provided by s.
36 775.082 or s. 775.083.

37 Section 4. Paragraphs (a) and (b) of subsection (2) of
38 section 320.275, Florida Statutes, are amended to read:

39 320.275 Automobile Dealers Industry Advisory Board.-

40 (2) MEMBERSHIP, TERMS, MEETINGS.-

41 (a) The board shall be composed of 12 members. The



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42 executive director of the Department of Highway Safety and Motor
43 Vehicles shall appoint the members from names submitted by the
44 entities for the designated categories the member will
45 represent. The executive director shall appoint one
46 representative of the Department of Highway Safety and Motor
47 Vehicles, who must represent the Division of Motor Vehicles; two
48 representatives of the independent motor vehicle industry as
49 recommended by the Florida Independent Automobile Dealers
50 Association; two representatives of the franchise motor vehicle
51 industry as recommended by the Florida Automobile Dealers
52 Association; one representative of the auction motor vehicle
53 industry who is from an auction chain and is recommended by a
54 group affiliated with the National Auto Auction Association; one
55 representative of the auction motor vehicle industry who is from
56 an independent auction and is recommended by a group affiliated
57 with the National Auto Auction Association; one representative
58 from the Department of Revenue; a Florida tax collector
59 representative recommended by the Florida Tax Collectors
60 Association; one representative from the Better Business Bureau;
61 one representative from the Department of Agriculture and
62 Consumer Services, who must represent the Division of Consumer
63 Protection Services; and one representative of the insurance
64 industry who writes motor vehicle dealer surety bonds.

65 (b)1. The executive director shall appoint the following
66 initial members to 1-year terms: one representative from the
67 motor vehicle auction industry who represents an auction chain,
68 one representative from the independent motor vehicle industry,
69 one representative from the franchise motor vehicle industry,
70 one representative from the Department of Revenue, one Florida



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71 tax collector, and one representative from the Better Business
72 Bureau.

73 2. The executive director shall appoint the following
74 initial members to 2-year terms: one representative from the
75 motor vehicle auction industry who represents an independent
76 auction, one representative from the independent motor vehicle
77 industry, one representative from the franchise motor vehicle
78 industry, one representative from the Division of Consumer
79 Protection Services, one representative from the insurance
80 industry, and one representative from the Division of Motor
81 Vehicles.

82 3. As the initial terms expire, the executive director
83 shall appoint successors from the same designated category for
84 terms of 2 years. If renominated, a member may succeed himself
85 or herself.

86 4. The board shall appoint a chair and vice chair at its
87 initial meeting and every 2 years thereafter.

88 Section 5. Section 320.90, Florida Statutes, is amended to
89 read:

90 320.90 Notification of consumer's rights.—The department
91 shall develop a motor vehicle consumer's rights pamphlet which
92 shall be distributed free of charge ~~by the Department of~~
93 ~~Agriculture and Consumer Services~~ to the motor vehicle owner
94 upon request. Such pamphlet must contain information relating to
95 odometer fraud and provide a summary of the rights and remedies
96 available to all purchasers of motor vehicles.

97 Section 6. Section 366.85, Florida Statutes, is amended to
98 read:

99 366.85 Responsibilities of Division of Consumer Protection



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100 ~~Services.~~—The Division of Consumer Protection Services of the
101 Department of Agriculture and Consumer Services ~~is shall be~~ the
102 agency responsible for consumer conciliatory conferences, if
103 such conferences are required pursuant to federal law. The
104 division shall also be the agency responsible for preparing
105 lists of sources for energy conservation products or services
106 and of financial institutions offering energy conservation
107 loans, if such lists are required pursuant to federal law.
108 Notwithstanding any provision of federal law to the contrary,
109 the division shall not require any manufacturer's warranty
110 exceeding 1 year in order for a source of conservation products
111 or services to be included on the appropriate list. The lists
112 shall be prepared for the service area of each utility and shall
113 be furnished to each utility for distribution to its customers.
114 The division shall update the lists on a systematic basis and
115 shall remove from any list any person who has been disciplined
116 by any state agency or who has otherwise exhibited a pattern of
117 unsatisfactory work and any person who requests removal from
118 such lists. The division ~~may is authorized to~~ adopt rules to
119 implement the provisions of this section.

120 Section 7. Section 493.6105, Florida Statutes, is amended
121 to read:

122 493.6105 Initial application for license.—

123 (1) Each individual, partner, or principal officer in a
124 corporation, shall file with the department a complete
125 application accompanied by an application fee not to exceed \$60,
126 except that the applicant for a Class "D" or Class "G" license
127 ~~is shall~~ not ~~be~~ required to submit an application fee. The
128 application fee ~~is shall~~ not ~~be~~ refundable.



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129 (a) The application submitted by any individual, partner,
130 or corporate officer must ~~shall~~ be approved by the department
131 before the ~~prior to that~~ individual, partner, or corporate
132 officer assumes ~~assuming~~ his or her duties.

133 (b) Individuals who invest in the ownership of a licensed
134 agency, but do not participate in, direct, or control the
135 operations of the agency are ~~shall~~ not ~~be~~ required to file an
136 application.

137 (2) Each application must ~~shall~~ be signed and verified by
138 the individual under oath as provided in s. 92.525 ~~and shall be~~
139 ~~notarized~~.

140 (3) The application must ~~shall~~ contain the following
141 information concerning the individual signing the application
142 ~~same~~:

143 (a) Name and any aliases.

144 (b) Age and date of birth.

145 (c) Place of birth.

146 (d) Social security number or alien registration number,
147 whichever is applicable.

148 (e) Current ~~Present~~ residence address and mailing address
149 ~~his or her residence addresses within the 5 years immediately~~
150 ~~preceding the submission of the application.~~

151 ~~(f) Occupations held presently and within the 5 years~~
152 ~~immediately preceding the submission of the application.~~

153 ~~(f)-(g)~~ A statement of all criminal convictions, findings of
154 guilt, and pleas of guilty or nolo contendere, regardless of
155 adjudication of guilt. An applicant for a Class "G" or Class "K"
156 license who is younger than 24 years of age shall also include a
157 statement regarding any finding of having committed a delinquent



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158 act in any state, territory, or country which would be a felony
159 if committed by an adult and which is punishable by imprisonment
160 for a term exceeding 1 year.

161 (g) One passport-type color photograph taken within the 6
162 months immediately preceding submission of the application.

163 (h) A statement whether he or she has ever been adjudicated
164 incompetent under chapter 744.

165 (i) A statement whether he or she has ever been committed
166 to a mental institution under chapter 394.

167 (j) A full set of fingerprints on a card provided by the
168 department and a fingerprint fee to be established by rule of
169 the department based upon costs determined by state and federal
170 agency charges and department processing costs. An applicant who
171 has, within the immediately preceding 6 months, submitted a
172 fingerprint card and fee for licensing purposes under this
173 chapter ~~is shall~~ not ~~be~~ required to submit another fingerprint
174 card or fee.

175 (k) A personal inquiry waiver that ~~which~~ allows the
176 department to conduct necessary investigations to satisfy the
177 requirements of this chapter.

178 (l) Such further facts as may be required by the department
179 to show that the individual signing the application is of good
180 moral character and qualified by experience and training to
181 satisfy the requirements of this chapter.

182 ~~(4) In addition to the application requirements outlined in~~
183 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
184 ~~"E," Class "EE," or Class "G" license shall submit two color~~
185 ~~photographs taken within the 6 months immediately preceding the~~
186 ~~submission of the application, which meet specifications~~



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187 ~~prescribed by rule of the department. All other applicants shall~~
188 ~~submit one photograph taken within the 6 months immediately~~
189 ~~preceding the submission of the application.~~

190 ~~(4)(5)~~ In addition to the application requirements outlined
191 under subsection (3), the applicant for a Class "C," Class "E,"
192 Class "M," Class "MA," Class "MB," or Class "MR" license must
193 ~~shall~~ include a statement on a form provided by the department
194 of the experience that ~~which~~ he or she believes will qualify him
195 or her for such license.

196 ~~(5)(6)~~ In addition to the requirements outlined in
197 subsection (3), an applicant for a Class "G" license must ~~shall~~
198 satisfy minimum training criteria for firearms established by
199 rule of the department, which training criteria includes ~~shall~~
200 ~~include~~, but is not limited to, 28 hours of range and classroom
201 training taught and administered by a Class "K" licensee;
202 however, no more than 8 hours of such training shall consist of
203 range training. If the applicant submits ~~can show~~ proof that he
204 or she is an active law enforcement officer currently certified
205 under the Criminal Justice Standards and Training Commission or
206 has completed the training required for that certification
207 within the last 12 months, or if the applicant submits one of
208 the certificates specified in paragraph (6)(a) ~~(7)(a)~~, the
209 department may waive the foregoing firearms training
210 requirement.

211 ~~(6)(7)~~ In addition to the requirements under subsection
212 (3), an applicant for a Class "K" license must ~~shall~~:

213 (a) Submit one of the following ~~certificates~~:

214 1. The Florida Criminal Justice Standards and Training
215 Commission Instructor ~~Firearms Instructor's~~ Certificate and



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216 written confirmation by the commission that the applicant
217 possesses an active firearms certification.

218 ~~2. The National Rifle Association Police Firearms~~
219 ~~Instructor's Certificate.~~

220 ~~2.3. The National Rifle Association Private Security~~
221 ~~Firearm Instructor Firearms Instructor's Certificate.~~

222 ~~3.4. A firearms instructor instructor's certificate issued~~
223 ~~by from a federal law enforcement agency, state, county, or~~
224 ~~municipal police academy in this state recognized as such by the~~
225 ~~Criminal Justice Standards and Training Commission or by the~~
226 ~~Department of Education.~~

227 (b) Pay the fee for and pass an examination administered by
228 the department which shall be based upon, but is not necessarily
229 limited to, a firearms instruction manual provided by the
230 department.

231 ~~(7)(8)~~ In addition to the application requirements for
232 individuals, partners, or officers outlined under subsection
233 (3), the application for an agency license must ~~shall~~ contain
234 the following information:

235 (a) The proposed name under which the agency intends to
236 operate.

237 (b) The street address, mailing address, and telephone
238 numbers of the principal location at which business is to be
239 conducted in this state.

240 (c) The street address, mailing address, and telephone
241 numbers of all branch offices within this state.

242 (d) The names and titles of all partners or, in the case of
243 a corporation, the names and titles of its principal officers.

244 ~~(8)(9)~~ Upon submission of a complete application, a Class



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245 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
246 Class "MA," Class "MB," or Class "MR" applicant may commence
247 employment or appropriate duties for a licensed agency or branch
248 office. However, the Class "C" or Class "E" applicant must work
249 under the direction and control of a sponsoring licensee while
250 his or her application is being processed. If the department
251 denies application for licensure, the employment of the
252 applicant must be terminated immediately, unless he or she
253 performs only unregulated duties.

254 Section 8. Paragraph (f) of subsection (1) and paragraph
255 (a) of subsection (2) of section 493.6106, Florida Statutes, are
256 amended, and paragraph (g) is added to subsection (1) of that
257 section, to read:

258 493.6106 License requirements; posting.—

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

260 (f) Be a citizen or permanent legal resident alien of the
261 United States or have appropriate ~~been granted~~ authorization
262 issued to seek employment in this country by the United States
263 ~~Bureau~~ of Citizenship and Immigration Services of the United
264 States Department of Homeland Security.

265 1. An applicant for a Class "C," Class "CC," Class "D,"
266 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
267 "MB," Class "MR," or Class "RI" license who is not a United
268 States citizen must submit proof of current employment
269 authorization issued by the United States Citizenship and
270 Immigration Services or proof that she or he is deemed a
271 permanent legal resident alien by the United States Citizenship
272 and Immigration Services.

273 2. An applicant for a Class "G" or Class "K" license who is



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274 not a United States citizen must submit proof that she or he is
275 deemed a permanent legal resident alien by the United States
276 Citizenship and Immigration Services, together with additional
277 documentation establishing that she or he has resided in the
278 state of residence shown on the application for at least 90
279 consecutive days before the date that the application is
280 submitted.

281 3. An applicant for an agency or school license who is not
282 a United States citizen or permanent legal resident alien must
283 submit documentation issued by the United States Citizenship and
284 Immigration Services stating that she or he is lawfully in the
285 United States and is authorized to own and operate the type of
286 agency or school for which she or he is applying. An employment
287 authorization card issued by the United States Citizenship and
288 Immigration Services is not sufficient documentation.

289 (g) Not be prohibited from purchasing or possessing a
290 firearm by state or federal law if the individual is applying
291 for a Class "G" license or a Class "K" license.

292 (2) Each agency shall have a minimum of one physical
293 location within this state from which the normal business of the
294 agency is conducted, and this location shall be considered the
295 primary office for that agency in this state.

296 (a) If an agency or branch office desires to change the
297 physical location of the business, as it appears on the ~~agency~~
298 license, the department must be notified within 10 days of the
299 change, and, except upon renewal, the fee prescribed in s.
300 493.6107 must be submitted for each license requiring revision.
301 Each license requiring revision must be returned with such
302 notification.



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303 Section 9. Subsection (3) of section 493.6107, Florida
304 Statutes, is amended to read:

305 493.6107 Fees.—

306 (3) The fees set forth in this section must be paid by
307 ~~certified~~ check or money order or, at the discretion of the
308 department, by electronic funds transfer ~~agency check~~ at the
309 time the application is approved, except that the applicant for
310 a Class "G" or Class "M" license must pay the license fee at the
311 time the application is made. If a license is revoked or denied
312 or if the application is withdrawn, the license fee is
313 nonrefundable ~~shall not be refunded~~.

314 Section 10. Subsections (1) and (3) of section 493.6108,
315 Florida Statutes, are amended to read:

316 493.6108 Investigation of applicants by Department of
317 Agriculture and Consumer Services.—

318 (1) Except as otherwise provided, ~~prior to the issuance of~~
319 ~~a license under this chapter,~~ the department must investigate an
320 ~~shall make an investigation of the applicant for a license under~~
321 this chapter before it may issue the license. The investigation
322 must ~~shall~~ include:

323 (a)1. An examination of fingerprint records and police
324 records. ~~If~~ ~~When~~ a criminal history record check ~~analysis~~ of any
325 applicant under this chapter is performed by means of
326 fingerprint card identification, the time limitations prescribed
327 by s. 120.60(1) shall be tolled during the time the applicant's
328 fingerprint card is under review by the Department of Law
329 Enforcement or the United States Department of Justice, Federal
330 Bureau of Investigation.

331 2. If a legible set of fingerprints, as determined by the



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332 Department of Law Enforcement or the Federal Bureau of
333 Investigation, cannot be obtained after two attempts, the
334 Department of Agriculture and Consumer Services may determine
335 the applicant's eligibility based upon a criminal history record
336 check under the applicant's name conducted by the Department of
337 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
338 ~~A set of fingerprints are taken by a law enforcement agency or~~
339 ~~the department and the applicant submits~~ a written statement
340 signed by the fingerprint technician or a licensed physician
341 stating that there is a physical condition that precludes
342 obtaining a legible set of fingerprints or that the fingerprints
343 taken are the best that can be obtained ~~is sufficient to meet~~
344 ~~this requirement.~~

345 (b) An inquiry to determine if the applicant has been
346 adjudicated incompetent under chapter 744 or has been committed
347 to a mental institution under chapter 394.

348 (c) Such other investigation of the individual as the
349 department may deem necessary.

350 (3) The department must ~~shall~~ also investigate the mental
351 history and current mental and emotional fitness of any Class
352 "G" or Class "K" applicant, and may deny a Class "G" or Class
353 "K" license to anyone who has a history of mental illness or
354 drug or alcohol abuse.

355 Section 11. Subsections (2) and (4) of section 493.6111,
356 Florida Statutes, are amended to read:

357 493.6111 License; contents; identification card.—

358 (2) Licenses shall be valid for a period of 2 years, except
359 for Class "K" firearms instructor licenses and Class "A," Class
360 "B," Class "AB," Class "R," and branch agency licenses, which



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361 shall be valid for a period of 3 years.

362 (4) Notwithstanding the existence of a valid Florida
363 corporate registration, an ~~no~~ agency or school licensee may not
364 conduct activities regulated under this chapter under any
365 fictitious name without prior written authorization from the
366 department to use that name in the conduct of activities
367 regulated under this chapter. The department may not authorize
368 the use of a name that ~~which~~ is so similar to that of a public
369 officer or agency, or of that used by another licensee, that the
370 public may be confused or misled thereby. The authorization for
371 the use of a fictitious name must ~~shall~~ require, as a condition
372 precedent to the use of such name, the filing of a certificate
373 of engaging in business under a fictitious name under s. 865.09.
374 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
375 under more than one name except as separately licensed nor shall
376 the license be valid to protect any licensee who is engaged in
377 the business under any name other than that specified in the
378 license. An agency desiring to change its licensed name must
379 ~~shall~~ notify the department and, except upon renewal, pay a fee
380 not to exceed \$30 for each license requiring revision including
381 those of all licensed employees except Class "D" or Class "G"
382 licensees. Upon the return of such licenses to the department,
383 revised licenses shall be provided.

384 Section 12. Subsections (2) and (3) of section 493.6113,
385 Florida Statutes, are amended to read:

386 493.6113 Renewal application for licensure.—

387 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
388 expiration date of the license, the department shall mail a
389 written notice to the last known mailing ~~residence~~ address of



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390 ~~the licensee for individual licensees and to the last known~~
391 ~~agency address for agencies.~~

392 (3) Each licensee ~~is shall be~~ responsible for renewing his
393 or her license on or before its expiration by filing with the
394 department an application for renewal accompanied by payment of
395 the prescribed license fee.

396 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~
397 licensee shall additionally submit on a form prescribed by the
398 department a certification of insurance that ~~which~~ evidences
399 that the licensee maintains coverage as required under s.
400 493.6110.

401 (b) Each Class "G" licensee shall additionally submit proof
402 that he or she has received during each year of the license
403 period a minimum of 4 hours of firearms recertification training
404 taught by a Class "K" licensee and has complied with such other
405 health and training requirements which the department may adopt
406 by rule. If proof of a minimum of 4 hours of annual firearms
407 recertification training cannot be provided, the renewal
408 applicant shall complete the minimum number of hours of range
409 and classroom training required at the time of initial
410 licensure.

411 (c) Each Class "DS" or Class "RS" licensee shall
412 additionally submit the current curriculum, examination, and
413 list of instructors.

414 (d) Each Class "K" firearms instructor licensee shall
415 additionally submit one of the certificates specified under s.
416 493.6105(6) as proof that he or she remains certified to provide
417 firearms instruction.

418 Section 13. Subsection (8), paragraph (d) of subsection



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419 (12), and subsection (16) of section 493.6115, Florida Statutes,
420 are amended to read:

421 493.6115 Weapons and firearms.—

422 (8) A Class "G" applicant must satisfy the minimum training
423 criteria as set forth in s. 493.6105(5) ~~493.6105(6)~~ and as
424 established by rule of the department.

425 (12) The department may issue a temporary Class "G"
426 license, on a case-by-case basis, if:

427 (d) The applicant has received approval from the department
428 subsequent to its conduct of a criminal history record check as
429 authorized in s. 493.6108(1) ~~493.6121(6)~~.

430 (16) If the criminal history record check program
431 referenced in s. 493.6108(1) ~~493.6121(6)~~ is inoperable, the
432 department may issue a temporary "G" license on a case-by-case
433 basis, provided that the applicant has met all statutory
434 requirements for the issuance of a temporary "G" license as
435 specified in subsection (12), excepting the criminal history
436 record check stipulated there; provided, that the department
437 requires that the licensed employer of the applicant conduct a
438 criminal history record check of the applicant pursuant to
439 standards set forth in rule by the department, and provide to
440 the department an affidavit containing such information and
441 statements as required by the department, including a statement
442 that the criminal history record check did not indicate the
443 existence of any criminal history that would prohibit licensure.
444 Failure to properly conduct such a check, or knowingly providing
445 incorrect or misleading information or statements in the
446 affidavit constitutes ~~shall constitute~~ grounds for disciplinary
447 action against the licensed agency, including revocation of



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448 license.

449 Section 14. Present paragraph (u) of subsection (1) of
450 section 493.6118, Florida Statutes, is redesignated as paragraph
451 (v), and a new paragraph (u) is added to that subsection to
452 read:

453 493.6118 Grounds for disciplinary action.—

454 (1) The following constitute grounds for which disciplinary
455 action specified in subsection (2) may be taken by the
456 department against any licensee, agency, or applicant regulated
457 by this chapter, or any unlicensed person engaged in activities
458 regulated under this chapter.

459 (u) For a Class "G" or a Class "K" applicant or licensee,
460 being prohibited from purchasing or possessing a firearm by
461 state or federal law.

462 Section 15. Present subsections (7) and (8) of section
463 493.6121, Florida Statutes, are renumbered as subsections (6)
464 and (7), respectively, and subsection (6) of that section is
465 amended, to read:

466 493.6121 Enforcement; investigation.—

467 ~~(6) The department shall be provided access to the program~~
468 ~~that is operated by the Department of Law Enforcement, pursuant~~
469 ~~to s. 790.065, for providing criminal history record information~~
470 ~~to licensed gun dealers, manufacturers, and exporters. The~~
471 ~~department may make inquiries, and shall receive responses in~~
472 ~~the same fashion as provided under s. 790.065. The department~~
473 ~~shall be responsible for payment to the Department of Law~~
474 ~~Enforcement of the same fees as charged to others afforded~~
475 ~~access to the program.~~

476 Section 16. Subsection (3) of section 493.6202, Florida



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477 Statutes, is amended to read:

478 493.6202 Fees.—

479 (3) The fees set forth in this section must be paid by
480 ~~certified~~ check or money order or, at the discretion of the
481 department, by electronic funds transfer ~~agency check~~ at the
482 time the application is approved, except that the applicant for
483 a Class "G," Class "C," Class "CC," Class "M," or Class "MA"
484 license must pay the license fee at the time the application is
485 made. If a license is revoked or denied or if the application is
486 withdrawn, the license fee is nonrefundable ~~shall not be~~
487 ~~refunded~~.

488 Section 17. Subsections (2), (4), and (6) of section
489 493.6203, Florida Statutes, are amended to read:

490 493.6203 License requirements.—In addition to the license
491 requirements set forth elsewhere in this chapter, each
492 individual or agency shall comply with the following additional
493 requirements:

494 (2) An applicant for a Class "MA" license must ~~shall~~ have 2
495 years of lawfully gained, verifiable, full-time experience, or
496 training in:

497 (a) Private investigative work or related fields of work
498 that provided equivalent experience or training;

499 (b) Work as a Class "CC" licensed intern;

500 (c) Any combination of paragraphs (a) and (b);

501 (d) Experience described in paragraph (a) for 1 year and
502 experience described in paragraph (e) for 1 year;

503 (e) No more than 1 year using:

504 1. College coursework related to criminal justice,
505 criminology, or law enforcement administration; or



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506 2. Successfully completed law enforcement-related training
507 received from any federal, state, county, or municipal agency;
508 or

509 (f) Experience described in paragraph (a) for 1 year and
510 work in a managerial or supervisory capacity for 1 year.

511
512 However, experience in performing bodyguard services is not
513 creditable toward the requirements of this subsection.

514 (4) An applicant for a Class "C" license shall have 2 years
515 of lawfully gained, verifiable, full-time experience, or
516 training in one, or a combination of more than one, of the
517 following:

518 (a) Private investigative work or related fields of work
519 that provided equivalent experience or training.

520 (b) College coursework related to criminal justice,
521 criminology, or law enforcement administration, or successful
522 completion of any law enforcement-related training received from
523 any federal, state, county, or municipal agency, except that no
524 more than 1 year may be used from this category.

525 (c) Work as a Class "CC" licensed intern.

526
527 However, experience in performing bodyguard services is not
528 creditable toward the requirements of this subsection.

529 (6) (a) A Class "CC" licensee must ~~shall~~ serve an internship
530 under the direction and control of a designated sponsor, who is
531 a Class "C," Class "MA," or Class "M" licensee.

532 (b) Effective January 1, 2012 ~~September 1, 2008~~, before
533 submission of an application to the department, the an applicant
534 for a Class "CC" license must have completed a minimum of 40 at



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535 ~~least 24 hours of professional training a 40-hour course~~
536 pertaining to general investigative techniques and this chapter,
537 which course is offered by a state university or by a school,
538 community college, college, or university under the purview of
539 the Department of Education, and the applicant must pass an
540 examination. The training must be provided in two parts, one 24-
541 hour course and one 16-hour course. The certificate evidencing
542 satisfactory completion of the 40 ~~at least 24~~ hours of
543 professional training a 40-hour course must be submitted with
544 the application for a Class "CC" license. ~~The remaining 16 hours~~
545 ~~must be completed and an examination passed within 180 days. If~~
546 ~~documentation of completion of the required training is not~~
547 ~~submitted within the specified timeframe, the individual's~~
548 ~~license is automatically suspended or his or her authority to~~
549 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
550 ~~until such time as proof of certificate of completion is~~
551 ~~provided to the department.~~ The training course specified in
552 this paragraph may be provided by face-to-face presentation,
553 online technology, or a home study course in accordance with
554 rules and procedures of the Department of Education. The
555 administrator of the examination must verify the identity of
556 each applicant taking the examination.

557 1. Upon an applicant's successful completion of each part
558 of the approved training course and passage of any required
559 examination, the school, community college, college, or
560 university shall issue a certificate of completion to the
561 applicant. The certificates must be on a form established by
562 rule of the department.

563 2. The department shall establish by rule the general



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564 content of the professional training ~~course~~ and the examination
565 criteria.

566 3. If the license of an applicant for relicensure is ~~has~~
567 ~~been~~ invalid for more than 1 year, the applicant must complete
568 the required training and pass any required examination.

569 (c) An individual who submits an application for a Class
570 "CC" license on or after September 1, 2008, through December 31,
571 2011, who has not completed the 16-hour course must submit proof
572 of successful completion of the course within 180 days after the
573 date the application is submitted. If documentation of
574 completion of the required training is not submitted by that
575 date, the individual's license shall be automatically suspended
576 until proof of the required training is submitted to the
577 department. An individual licensed on or before August 31, 2008,
578 is not required to complete additional training hours in order
579 to renew an active license beyond the total required hours, and
580 the timeframe for completion in effect at the time he or she was
581 licensed applies.

582 Section 18. Subsection (3) of section 493.6302, Florida
583 Statutes, is amended to read:

584 493.6302 Fees.—

585 (3) The fees set forth in this section must be paid by
586 ~~certified~~ check or money order or, at the discretion of the
587 department, by electronic funds transfer ~~agency check~~ at the
588 time the application is approved, except that the applicant for
589 a Class "D," Class "G," Class "M," or Class "MB" license must
590 pay the license fee at the time the application is made. If a
591 license is revoked or denied or if the application is withdrawn,
592 the license fee is nonrefundable ~~shall not be refunded~~.



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593 Section 19. Subsection (4) of section 493.6303, Florida
594 Statutes, is amended to read:

595 493.6303 License requirements.—In addition to the license
596 requirements set forth elsewhere in this chapter, each
597 individual or agency must ~~shall~~ comply with the following
598 additional requirements:

599 (4) (a) Effective January 1, 2012, an applicant for a Class
600 “D” license must submit proof of successful completion of
601 ~~complete~~ a minimum of 40 hours of professional training at a
602 school or training facility licensed by the department. The
603 training must be provided in two parts, one 24-hour course and
604 one 16-hour course. The department shall by rule establish the
605 general content and number of hours of each subject area to be
606 taught.

607 (b) An individual who submits an application for a Class
608 “D” license on or after January 1, 2007, through December 31,
609 2011, who has not completed the 16-hour course must submit proof
610 of successful completion of the course within 180 days after the
611 date the application is submitted. If documentation of
612 completion of the required training is not submitted by that
613 date, the individual’s license shall be automatically suspended
614 until proof of the required training is submitted to the
615 department. A person licensed before January 1, 2007, is not
616 required to complete additional training hours in order to renew
617 an active license beyond the total required hours, and the
618 timeframe for completion in effect at the time he or she was
619 licensed applies. An applicant may fulfill the training
620 ~~requirement prescribed in paragraph (a) by submitting proof of:~~

621 ~~1. Successful completion of the total number of required~~



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622 ~~hours of training before initial application for a Class "D"~~
623 ~~license; or~~

624 ~~2. Successful completion of 24 hours of training before~~
625 ~~initial application for a Class "D" license and successful~~
626 ~~completion of the remaining 16 hours of training within 180 days~~
627 ~~after the date that the application is submitted. If~~
628 ~~documentation of completion of the required training is not~~
629 ~~submitted within the specified timeframe, the individual's~~
630 ~~license is automatically suspended until such time as proof of~~
631 ~~the required training is provided to the department.~~

632 ~~(c) An individual~~ However, any person whose license is
633 ~~suspended or has been~~ revoked, ~~suspended~~ pursuant to paragraph
634 ~~(b) subparagraph 2., or is~~ expired for at least 1 year, ~~or~~
635 ~~longer~~ is considered, upon reapplication for a license, an
636 initial applicant and must submit proof of successful completion
637 of 40 hours of professional training at a school or training
638 facility licensed by the department as provided ~~prescribed~~ in
639 paragraph (a) before a license is ~~will be~~ issued. Any person
640 whose license was issued before January 1, 2007, and whose
641 license has been expired for less than 1 year must, upon
642 reapplication for a license, submit documentation of completion
643 of the total number of hours of training prescribed by law at
644 the time her or his initial license was issued before another
645 license will be issued. This subsection does not require an
646 individual licensed before January 1, 2007, to complete
647 additional training hours in order to renew an active license,
648 beyond the required total amount of training within the
649 timeframe prescribed by law at the time she or he was licensed.

650 Section 20. Subsection (2) of section 493.6304, Florida



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651 Statutes, is amended to read:

652 493.6304 Security officer school or training facility.—

653 (2) The application shall be signed and verified by the
654 applicant under oath as provided in s. 92.525 ~~notarized~~ and must
655 ~~shall~~ contain, at a minimum, the following information:

656 (a) The name and address of the school or training facility
657 and, if the applicant is an individual, her or his name,
658 address, and social security or alien registration number.

659 (b) The street address of the place at which the training
660 is to be conducted.

661 (c) A copy of the training curriculum and final examination
662 to be administered.

663 Section 21. Subsections (7) and (8) of section 493.6401,
664 Florida Statutes, are amended to read:

665 493.6401 Classes of licenses.—

666 (7) Any person who operates a recovery agent ~~repossessor~~
667 school or training facility or who conducts an Internet-based
668 training course or a correspondence training course must have a
669 Class "RS" license.

670 (8) Any individual who teaches or instructs at a Class "RS"
671 recovery agent ~~repossessor~~ school or training facility shall
672 have a Class "RI" license.

673 Section 22. Subsections (1) and (3) of section 493.6402,
674 Florida Statutes, are amended to read:

675 493.6402 Fees.—

676 (1) The department shall establish by rule biennial license
677 fees that ~~which~~ shall not exceed the following:

678 (a) Class "R" license—recovery agency: \$450.

679 (b) Class "RR" license—branch office: \$125.



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680 (c) Class "MR" license-recovery agency manager: \$75.
681 (d) Class "E" license-recovery agent: \$75.
682 (e) Class "EE" license-recovery agent intern: \$60.
683 (f) Class "RS" license-recovery agent ~~license-repossessor~~
684 school or training facility: \$60.
685 (g) Class "RI" license-recovery agent ~~license-repossessor~~
686 school or training facility instructor: \$60.
687 (3) The fees set forth in this section must be paid by
688 ~~certified~~ check or money order, or, at the discretion of the
689 department, by or electronic funds transfer ~~agency check~~ at the
690 time the application is approved, except that the applicant for
691 a Class "E," Class "EE," or Class "MR" license must pay the
692 license fee at the time the application is made. If a license is
693 revoked or denied, or if an application is withdrawn, the
694 license fee is nonrefundable ~~shall not be refunded~~.
695 Section 23. Section 493.6406, Florida Statutes, is amended
696 to read:
697 493.6406 Recovery agent ~~Repossession services~~ school or
698 training facility.-
699 (1) Any school, training facility, or instructor who offers
700 the training outlined in s. 493.6403(2) for Class "E" or Class
701 "EE" applicants shall, before licensure of such school, training
702 facility, or instructor, file with the department an application
703 accompanied by an application fee in an amount to be determined
704 by rule, not to exceed \$60. The fee shall not be refundable.
705 This training may be offered as face-to-face training, Internet-
706 based training, or correspondence training.
707 (2) The application must ~~shall~~ be signed and verified by
708 the applicant under oath as provided in s. 92.525 ~~notarized~~ and



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709 shall contain, at a minimum, the following information:

710 (a) The name and address of the school or training facility
711 and, if the applicant is an individual, his or her name,
712 address, and social security or alien registration number.

713 (b) The street address of the place at which the training
714 is to be conducted or the street address of the Class "RS"
715 school offering Internet-based or correspondence training.

716 (c) A copy of the training curriculum and final examination
717 to be administered.

718 (3) The department shall adopt rules establishing the
719 criteria for approval of schools, training facilities, and
720 instructors.

721 Section 24. Subsection (7) of section 496.404, Florida
722 Statutes, is amended to read:

723 496.404 Definitions.—As used in ss. 496.401-496.424:

724 (7) "Division" means the Division of Consumer Protection
725 ~~services~~ of the Department of Agriculture and Consumer Services.

726 Section 25. Subsection (3) of section 496.411, Florida
727 Statutes, is amended to read:

728 496.411 Disclosure requirements and duties of charitable
729 organizations and sponsors.—

730 (3) Every charitable organization or sponsor that ~~which~~ is
731 required to register under s. 496.405 must conspicuously display
732 in capital letters the following statement on every printed
733 solicitation, written confirmation, receipt, or reminder of a
734 contribution:

735

736 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
737 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF



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738 CONSUMER PROTECTION SERVICES ~~SERVICES~~ BY CALLING TOLL-FREE
739 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
740 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
741 STATE.”

742

743 The statement must include a toll-free number for the division
744 which ~~that~~ can be used to obtain the registration information.
745 When the solicitation consists of more than one piece, the
746 statement must be displayed prominently in the solicitation
747 materials.

748 Section 26. Paragraph (c) of subsection (1) of section
749 496.412, Florida Statutes, is amended to read:

750 496.412 Disclosure requirements and duties of professional
751 solicitors.—

752 (1) A professional solicitor must comply with and be
753 responsible for complying or causing compliance with the
754 following disclosures:

755 (c) In addition to the information required by paragraph
756 (a), any written confirmation, receipt, or reminder of
757 contribution made pursuant to an oral solicitation and any
758 written solicitation shall conspicuously state in capital
759 letters:

760

761 “A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
762 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
763 CONSUMER PROTECTION SERVICES ~~SERVICES~~ BY CALLING TOLL-FREE
764 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
765 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
766 STATE.”



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767
768 The statement must include a toll-free number for the division
769 which ~~that~~ can be used to obtain the registration information.
770 When the solicitation consists of more than one piece, the
771 statement must be displayed prominently in the solicitation
772 materials.

773 Section 27. Subsection (5) of section 496.419, Florida
774 Statutes, is amended to read:

775 496.419 Powers of the department.—

776 (5) Upon a finding as set forth in subsection (4), the
777 department may ~~enter an order doing one or more of the~~
778 ~~following~~:

779 (a) Issue ~~Issuing~~ a notice of noncompliance pursuant to s.
780 120.695;

781 (b) Issue ~~Issuing~~ a cease and desist order that directs
782 that the person cease and desist specified fundraising
783 activities;

784 (c) Refuse ~~Refusing~~ to register or revoke ~~canceling~~ or
785 suspend ~~suspending~~ a registration;

786 (d) Place ~~Placing~~ the registrant on probation for a period
787 of time, subject to such conditions as the department may
788 specify;

789 (e) Revoke ~~Canceling~~ an exemption granted under s. 496.406;
790 or ~~and~~

791 (f) Impose ~~Imposing~~ an administrative fine not to exceed
792 \$1,000 for each act or omission that ~~which~~ constitutes a
793 violation of ss. 496.401-496.424 or s. 496.426 or a rule or
794 order.

795



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796 With respect to a s. 501(c)(3) organization, the penalty imposed
797 pursuant to this subsection may ~~shall~~ not exceed \$500 per
798 violation. The penalty shall be the entire amount per violation
799 and is not ~~to be interpreted as~~ a daily penalty.

800 Section 28. Subsection (7) of section 501.015, Florida
801 Statutes, is amended to read:

802 501.015 Health studios; registration requirements and
803 fees.—Each health studio shall:

804 (7) ~~Any person applying for or renewing a local~~
805 ~~occupational license to engage in business as a health studio~~
806 ~~must~~ Exhibit an active registration certificate from the
807 Department of Agriculture and Consumer Services before the local
808 business tax receipt ~~occupational license~~ may be issued or
809 reissued.

810 Section 29. Subsection (1) of section 501.017, Florida
811 Statutes, is amended to read:

812 501.017 Health studios; contracts.—

813 (1) Every contract for the sale of future health studio
814 services which is paid for in advance or which the buyer agrees
815 to pay for in future installment payments must ~~shall~~ be in
816 writing and must ~~shall~~ contain, contractual provisions to the
817 contrary notwithstanding, in immediate proximity to the space
818 reserved in the contract for the signature of the buyer, and in
819 at least 10-point boldfaced type, language substantially
820 equivalent to the following:

821 (a) A provision for the penalty-free cancellation of the
822 contract within 3 days, exclusive of holidays and weekends, of
823 its making, upon the mailing or delivery of written notice to
824 the health studio, and refund upon such notice of all moneys



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825 paid under the contract, except that the health studio may
826 retain an amount computed by dividing the number of complete
827 days in the contract term or, if appropriate, the number of
828 occasions health studio services are to be rendered into the
829 total contract price and multiplying the result by the number of
830 complete days that have passed since the making of the contract
831 or, if appropriate, by the number of occasions that health
832 studio services have been rendered. A refund shall be issued
833 within 30 days after receipt of the notice of cancellation made
834 within the 3-day provision.

835 (b)1. A provision for the cancellation and refund of the
836 contract if the contracting business location of the health
837 studio goes out of business, or moves its facilities more than 5
838 driving miles from the business location designated in such
839 contract and fails to provide, within 30 days, a facility of
840 equal quality located within 5 driving miles of the business
841 location designated in such contract at no additional cost to
842 the buyer.

843 2. A provision that notice of intent to cancel by the buyer
844 shall be given in writing to the health studio. Such a notice of
845 cancellation from the consumer shall also terminate
846 automatically the consumer's obligation to any entity to whom
847 the health studio has subrogated or assigned the consumer's
848 contract. If the health studio wishes to enforce such contract
849 after receipt of such showing, it may request the department to
850 determine the sufficiency of the showing.

851 3. A provision that if the department determines that a
852 refund is due the buyer, the refund shall be an amount computed
853 by dividing the contract price by the number of weeks in the



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854 contract term and multiplying the result by the number of weeks
855 remaining in the contract term. The business location of a
856 health studio is ~~shall~~ not ~~be~~ deemed out of business when
857 temporarily closed for repair and renovation of the premises:

- 858 a. Upon sale, for not more than 14 consecutive days; or
859 b. During ownership, for not more than 7 consecutive days
860 and not more than two periods of 7 consecutive days in any
861 calendar year.

862
863 A refund shall be issued within 30 days after receipt of the
864 notice of cancellation made pursuant to this paragraph.

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

868 (d) A provision for the cancellation of the contract if the
869 buyer dies or becomes physically unable to avail himself or
870 herself of a substantial portion of those services which he or
871 she used from the commencement of the contract until the time of
872 disability, with refund of funds paid or accepted in payment of
873 the contract in an amount computed by dividing the contract
874 price by the number of weeks in the contract term and
875 multiplying the result by the number of weeks remaining in the
876 contract term. The contract may require a buyer or the buyer's
877 estate seeking relief under this paragraph to provide proof of
878 disability or death. A physical disability sufficient to warrant
879 cancellation of the contract by the buyer shall be established
880 if the buyer furnishes to the health studio a certification of
881 such disability by a physician licensed under chapter 458,
882 chapter 459, chapter 460, or chapter 461 to the extent the



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883 diagnosis or treatment of the disability is within the
884 physician's scope of practice. A refund shall be issued within
885 30 days after receipt of the notice of cancellation made
886 pursuant to this paragraph.

887 (e) A provision that the initial contract will not be for a
888 period in excess of 36 months, and thereafter shall only be
889 renewable annually. Such renewal contracts may not be executed
890 and the fee therefor paid until 60 days or less before the
891 preceding contract expires.

892 (f) A provision that if the health studio requires a buyer
893 to furnish identification upon entry to the facility and as a
894 condition of using the services of the health studio, the health
895 studio must ~~shall~~ provide the buyer with the means of such
896 identification.

897 Section 30. Subsection (2) of section 501.145, Florida
898 Statutes, is amended to read

899 501.145 Bedding Label Act.—

900 (2) DEFINITIONS.—For the purpose of this section, the term:

901 (a) "Bedding" means any mattress, box spring, pillow, or
902 cushion made of leather or any other material which is or can be
903 stuffed or filled in whole or in part with any substance or
904 material, which can be used by any human being for sleeping or
905 reclining purposes.

906 ~~(b) "Department" means the Department of Agriculture and
907 Consumer Services.~~

908 (b) ~~(e)~~ "Enforcing authority" means the Department of
909 Agriculture and Consumer Services or the Department of Legal
910 Affairs.

911 Section 31. Subsection (8) of section 501.160, Florida



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912 Statutes, is amended to read:

913 501.160 Rental or sale of essential commodities during a
914 declared state of emergency; prohibition against unconscionable
915 prices.—

916 (8) Any violation of this section may be enforced by the
917 ~~Department of Agriculture and Consumer Services,~~ the office of
918 the state attorney~~7~~ or the Department of Legal Affairs.

919 Section 32. Paragraph (a) and paragraph (1) of subsection
920 (2) of section 501.605, Florida Statutes, is amended to read:

921 501.605 Licensure of commercial telephone sellers.—

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

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

930
931 The application shall be accompanied by a copy of any:
932 Script, outline, or presentation the applicant will require or
933 suggest a salesperson to use when soliciting, or, if no such
934 document is used, a statement to that effect; sales information
935 or literature to be provided by the applicant to a salesperson;
936 and sales information or literature to be provided by the
937 applicant to a purchaser in connection with any solicitation.

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



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941 1. Principal officer, director, trustee, shareholder,
942 owner, or partner of the applicant, and of each other person
943 responsible for the management of the business of the applicant.

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

946 3. Salesperson or other person to be employed by the
947 applicant.

948

949 The application shall be accompanied by a copy of any: Script,
950 outline, or presentation the applicant will require or suggest a
951 salesperson to use when soliciting, or, if no such document is
952 used, a statement to that effect; sales information or
953 literature to be provided by the applicant to a salesperson; and
954 sales information or literature to be provided by the applicant
955 to a purchaser in connection with any solicitation.

956 Section 33. Paragraph (a) of subsection (1) of section
957 501.607, Florida Statutes, is amended to read:

958 501.607 Licensure of salespersons.—

959 (1) An applicant for a license as a salesperson must submit
960 to the department, in such form as it prescribes, a written
961 application for a license. The application must set forth the
962 following information:

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

966 Section 34. Paragraph (f) of subsection (3) of section
967 539.001, Florida Statutes, is amended to read

968 539.001 The Florida Pawnbroking Act.—

969 (3) LICENSE REQUIRED.—



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970 (f) Any person applying for or renewing a local
971 occupational license to engage in business as a pawnbroker must
972 exhibit a current license from the agency before the local
973 occupational license may be issued or reissued.

974 Section 35. Subsection (1) of section 559.805, Florida
975 Statutes, is amended to read:

976 559.805 Filings with the department; disclosure of
977 advertisement identification number.—

978 (1) Every seller of a business opportunity shall annually
979 file with the department a copy of the disclosure statement
980 required by s. 559.803 before ~~prior to~~ placing an advertisement
981 or making any other representation designed to offer to, sell
982 to, or solicit an offer to buy a business opportunity from a
983 prospective purchaser in this state and must ~~shall~~ update this
984 filing by reporting any material change in the required
985 information within 30 days after the material change occurs. An
986 advertisement is not considered to be placed in the state merely
987 because the advertisement is published in a publisher
988 ~~circulates, or there is circulated on his or her behalf in the~~
989 ~~state, any bona fide newspaper or other publication having a of~~
990 general, regular, and paid circulation in this state which has
991 had more than two-thirds of its circulation during the past 12
992 months outside the state or because the advertisement is
993 received in this state from a radio or television program
994 originating outside the state ~~is received in the state~~. If the
995 seller is required by s. 559.807 to provide a bond or establish
996 a trust account or guaranteed letter of credit, the seller ~~he or~~
997 ~~she~~ shall contemporaneously file with the department a copy of
998 the bond, a copy of the formal notification by the depository



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999 that the trust account is established, or a copy of the
1000 guaranteed letter of credit. Every seller of a business
1001 opportunity must ~~shall~~ file with the department a list of
1002 independent agents who will engage in the offer or sale of
1003 business opportunities on behalf of the seller in this state.
1004 This list must be kept current and must ~~shall~~ include the
1005 following information: name, home and business address,
1006 telephone number, present employer, ~~social security number,~~ and
1007 birth date. A No person may not ~~shall be allowed to~~ offer or
1008 sell business opportunities unless the required information has
1009 been provided to the department.

1010 Section 36. Subsection (7) of section 559.904, Florida
1011 Statutes, is amended to read:

1012 559.904 Motor vehicle repair shop registration;
1013 application; exemption.—

1014 (7) Any person applying for or renewing a local business
1015 tax receipt ~~occupational license on or after October 1, 1993,~~ to
1016 engage in business as a motor vehicle repair shop must exhibit
1017 an active registration certificate from the department before
1018 the local business tax receipt ~~occupational license~~ may be
1019 issued or renewed.

1020 Section 37. Subsections (1), (3), and (4) of section
1021 559.928, Florida Statutes, are amended to read

1022 559.928 Registration.—

1023 (1) Each seller of travel shall annually register with the
1024 department, providing: its legal business or trade name, mailing
1025 address, and business locations; the full names, addresses, and
1026 telephone numbers of its owners or corporate officers and
1027 directors and the Florida agent of the corporation; a statement



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1028 whether it is a domestic or foreign corporation, its state and
1029 date of incorporation, its charter number, and, if a foreign
1030 corporation, the date it registered with the State of Florida,
1031 and local business tax receipt ~~occupational license~~ where
1032 applicable; the date on which a seller of travel registered its
1033 fictitious name if the seller of travel is operating under a
1034 fictitious or trade name; the name of all other corporations,
1035 business entities, and trade names through which each owner of
1036 the seller of travel operated, was known, or did business as a
1037 seller of travel within the preceding 5 years; a list of all
1038 authorized independent agents, including the agent's trade name,
1039 full name, mailing address, business address, and telephone
1040 numbers; the business location and address of each branch office
1041 and full name and address of the manager or supervisor; the
1042 certification required under s. 559.9285; and proof of purchase
1043 of adequate bond as required in this part. A certificate
1044 evidencing proof of registration shall be issued by the
1045 department and must be prominently displayed in the seller of
1046 travel's primary place of business.

1047 (3) Each independent agent shall annually file an affidavit
1048 with the department prior to engaging in business in this state.
1049 This affidavit must include the independent agent's full name,
1050 legal business or trade name, mailing address, business address,
1051 telephone number, ~~social security number,~~ and the name or names
1052 and addresses of each seller of travel represented by the
1053 independent agent. A letter evidencing proof of filing must be
1054 issued by the department and must be prominently displayed in
1055 the independent agent's primary place of business. Each
1056 independent agent must also submit an annual registration fee of



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1057 \$50. All moneys collected pursuant to the imposition of the fee
1058 shall be deposited by the Chief Financial Officer into the
1059 General Inspection Trust Fund of the Department of Agriculture
1060 and Consumer Services for the sole purpose of administrating
1061 this part. As used in this subsection, the term "independent
1062 agent" means a person who represents a seller of travel by
1063 soliciting persons on its behalf; who has a written contract
1064 with a seller of travel which is operating in compliance with
1065 this part and any rules adopted thereunder; who does not receive
1066 a fee, commission, or other valuable consideration directly from
1067 the purchaser for the seller of travel; who does not at any time
1068 have any unissued ticket stock or travel documents in his or her
1069 possession; and who does not have the ability to issue tickets,
1070 vacation certificates, or any other travel document. The term
1071 "independent agent" does not include an affiliate of the seller
1072 of travel, as that term is used in s. 559.935(3), or the
1073 employees of the seller of travel or of such affiliates.

1074 (4) Any person applying for or renewing a local business
1075 tax receipt ~~occupational license~~ to engage in business as a
1076 seller of travel must exhibit a current registration certificate
1077 from the department before the local business tax receipt
1078 ~~occupational license~~ may be issued or reissued.

1079 Section 38. Subsection (6) of section 559.935, Florida
1080 Statutes, is amended to read

1081 559.935 Exemptions.—

1082 (6) The department shall request from the Airlines
1083 Reporting Corporation any information necessary to implement the
1084 provisions of subsection (2). Persons claiming an exemption
1085 under subsection (2) or subsection (3) must show a letter of



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1086 exemption from the department before a local business tax
1087 receipt ~~occupational license~~ to engage in business as a seller
1088 of travel may be issued or reissued. If the department fails to
1089 issue a letter of exemption on a timely basis, the seller of
1090 travel shall submit to the department, through certified mail,
1091 an affidavit containing her or his name and address and an
1092 explanation of the exemption sought. Such affidavit may be used
1093 in lieu of a letter of exemption for the purpose of obtaining a
1094 business tax receipt ~~an occupational license~~. In any civil or
1095 criminal proceeding, the burden of proving an exemption under
1096 this section shall be on the person claiming such exemption. A
1097 letter of exemption issued by the department shall not be used
1098 in, and shall have no bearing on, such proceedings.

1099 Section 39. Subsection (5) of section 570.29, Florida
1100 Statutes, is amended to read

1101 570.29 Departmental divisions.—The department shall include
1102 the following divisions:

1103 (5) Consumer Protection Services ~~Services~~.

1104 Section 40. Section 570.544, Florida Statutes, is amended
1105 to read:

1106 570.544 Division of Consumer Protection Services ~~Services~~; director;
1107 powers; processing of complaints; records.—

1108 (1) The director of the Division of Consumer Protection
1109 ~~Services~~ shall be appointed by and serve at the pleasure of the
1110 commissioner.

1111 (2) The Division of Consumer Protection Services ~~Services~~ may:

1112 (a) Conduct studies and make analyses of matters affecting
1113 the interests of consumers.

1114 (b) Study the operation of laws for consumer protection.



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1115 (c) Advise and make recommendations to the various state
1116 agencies concerned with matters affecting consumers.

1117 (d) Assist, advise, and cooperate with local, state, or
1118 federal agencies and officials in order to promote the interests
1119 of consumers.

1120 (e) Make use of the testing and laboratory facilities of
1121 the department for the detection of consumer fraud.

1122 (f) Report to the appropriate law enforcement officers any
1123 information concerning violation of consumer protection laws.

1124 (g) Assist, develop, and conduct programs of consumer
1125 education and consumer information through publications and
1126 other informational and educational material prepared for
1127 dissemination to the public, in order to increase the competence
1128 of consumers.

1129 (h) Organize and hold conferences on problems affecting
1130 consumers.

1131 (i) Recommend programs to encourage business and industry
1132 to maintain high standards of honesty, fair business practices,
1133 and public responsibility in the production, promotion, and sale
1134 of consumer goods and services.

1135 (3) In addition to the powers, duties, and responsibilities
1136 authorized by this or any other chapter, the Division of
1137 Consumer Protection Services ~~Services~~ shall serve as a clearinghouse for
1138 matters relating to consumer protection, consumer information,
1139 and consumer services generally. It shall receive complaints and
1140 grievances from consumers and promptly transmit them to that
1141 agency most directly concerned in order that the complaint or
1142 grievance may be expeditiously handled in the best interests of
1143 the complaining consumer. If no agency exists, the Division of



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1144 Consumer Protection Services shall seek a settlement of the
1145 complaint using formal or informal methods of mediation and
1146 conciliation and may seek any other resolution of the matter in
1147 accordance with its jurisdiction.

1148 (4) If any complaint received by the Division of Consumer
1149 Protection Services concerns matters that ~~which~~ involve
1150 concurrent jurisdiction in more than one agency, duplicate
1151 copies of the complaint shall be referred to those offices
1152 deemed to have concurrent jurisdiction.

1153 (5) (a) Any agency, office, bureau, division, or board of
1154 state government receiving a complaint that ~~which~~ deals with
1155 consumer fraud or consumer protection and ~~which~~ is not within
1156 the jurisdiction of the receiving agency, office, bureau,
1157 division, or board originally receiving it, shall immediately
1158 refer the complaint to the Division of Consumer Protection
1159 Services.

1160 (b) Upon receipt of such a complaint, the Division of
1161 Consumer Protection Services shall make a determination of the
1162 proper jurisdiction to which the complaint relates and shall
1163 immediately refer the complaint to the agency, office, bureau,
1164 division, or board that has ~~which does have~~ the proper
1165 regulatory or enforcement authority to deal with it.

1166 (6) The office or agency to which a complaint has been
1167 referred shall within 30 days acknowledge receipt of the
1168 complaint. If an office or agency receiving a complaint
1169 determines that the matter presents a prima facie case for
1170 criminal prosecution or if the complaint cannot be settled at
1171 the administrative level, the complaint together with all
1172 supporting evidence shall be transmitted to the Department of



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1173 Legal Affairs or other appropriate enforcement agency with a
1174 recommendation for civil or criminal action warranted by the
1175 evidence.

1176 (7) The records of the Division of Consumer Protection
1177 ~~Services~~ are public records. However, customer lists, customer
1178 names, and trade secrets are confidential and exempt from the
1179 provisions of s. 119.07(1). Disclosure necessary to enforcement
1180 procedures does shall not violate be construed as violative of
1181 this prohibition on the disclosure of confidential information.

1182 (8) ~~It shall be the duty of~~ The Division of Consumer
1183 Protection shall Services to maintain records and compile
1184 summaries and analyses of consumer complaints and their eventual
1185 disposition, which data may serve as a basis for recommendations
1186 to the Legislature and to state regulatory agencies.

1187 Section 41. Subsection (7) of section 681.102, Florida
1188 Statutes, is amended, and present subsections (8) through (23)
1189 of that subsection are renumbered as subsections (7) through
1190 (22), respectively, to read:

1191 681.102 Definitions.—As used in this chapter, the term:

1192 ~~(7) "Division" means the Division of Consumer Services of~~
1193 ~~the Department of Agriculture and Consumer Services.~~

1194 Section 42. Subsection (3) of section 681.103, Florida
1195 Statutes, is amended to read:

1196 681.103 Duty of manufacturer to conform a motor vehicle to
1197 the warranty.—

1198 (3) At the time of acquisition, the manufacturer shall
1199 inform the consumer clearly and conspicuously in writing how and
1200 where to file a claim with a certified procedure if such
1201 procedure has been established by the manufacturer pursuant to



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1202 s. 681.108. The nameplate manufacturer of a recreational vehicle
1203 shall, at the time of vehicle acquisition, inform the consumer
1204 clearly and conspicuously in writing how and where to file a
1205 claim with a program pursuant to s. 681.1096. The manufacturer
1206 shall provide to the dealer and, at the time of acquisition, the
1207 dealer shall provide to the consumer a written statement that
1208 explains the consumer's rights under this chapter. The written
1209 statement shall be prepared by the Department of Legal Affairs
1210 and shall contain a toll-free number for the department which
1211 ~~division that~~ the consumer can contact to obtain information
1212 regarding the consumer's rights and obligations under this
1213 chapter or to commence arbitration. If the manufacturer obtains
1214 a signed receipt for timely delivery of sufficient quantities of
1215 this written statement to meet the dealer's vehicle sales
1216 requirements, it shall constitute prima facie evidence of
1217 compliance with this subsection by the manufacturer. The
1218 consumer's signed acknowledgment of receipt of materials
1219 required under this subsection shall constitute prima facie
1220 evidence of compliance by the manufacturer and dealer. The form
1221 of the acknowledgments shall be approved by the Department of
1222 Legal Affairs, and the dealer shall maintain the consumer's
1223 signed acknowledgment for 3 years.

1224 Section 43. Section 681.108, Florida Statutes, is amended
1225 to read:

1226 681.108 Dispute-settlement procedures.—

1227 (1) If a manufacturer has established a procedure that,
1228 ~~which~~ the department ~~division~~ has certified as substantially
1229 complying with the provisions of 16 C.F.R. part 703, in effect
1230 October 1, 1983, and with the provisions of this chapter and the



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1231 rules adopted under this chapter, and has informed the consumer
1232 how and where to file a claim with such procedure pursuant to s.
1233 681.103(3), the provisions of s. 681.104(2) apply to the
1234 consumer only if the consumer has first resorted to such
1235 procedure. The decisionmakers for a certified procedure shall,
1236 in rendering decisions, take into account all legal and
1237 equitable factors germane to a fair and just decision,
1238 including, but not limited to, the warranty; the rights and
1239 remedies conferred under 16 C.F.R. part 703, in effect October
1240 1, 1983; the provisions of this chapter; and any other equitable
1241 considerations appropriate under the circumstances.

1242 Decisionmakers and staff of a procedure shall be trained in the
1243 provisions of this chapter and in 16 C.F.R. part 703, in effect
1244 October 1, 1983. In an action brought by a consumer concerning
1245 an alleged nonconformity, the decision that results from a
1246 certified procedure is admissible in evidence.

1247 (2) A manufacturer may apply to the department ~~division~~ for
1248 certification of its procedure. After receipt and evaluation of
1249 the application, the department ~~division~~ shall certify the
1250 procedure or notify the manufacturer of any deficiencies in the
1251 application or the procedure.

1252 (3) A certified procedure or a procedure of an applicant
1253 seeking certification shall submit to the department ~~division~~ a
1254 copy of each settlement approved by the procedure or decision
1255 made by a decisionmaker within 30 days after the settlement is
1256 reached or the decision is rendered. The decision or settlement
1257 must contain at a minimum the:

1258 (a) Name and address of the consumer;

1259 (b) Name of the manufacturer and address of the dealership



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1260 from which the motor vehicle was purchased;

1261 (c) Date the claim was received and the location of the
1262 procedure office that handled the claim;

1263 (d) Relief requested by the consumer;

1264 (e) Name of each decisionmaker rendering the decision or
1265 person approving the settlement;

1266 (f) Statement of the terms of the settlement or decision;

1267 (g) Date of the settlement or decision; and

1268 (h) Statement of whether the decision was accepted or
1269 rejected by the consumer.

1270 (4) Any manufacturer establishing or applying to establish
1271 a certified procedure must file with the department ~~division~~ a
1272 copy of the annual audit required under the provisions of 16
1273 C.F.R. part 703, in effect October 1, 1983, together with any
1274 additional information required for purposes of certification,
1275 including the number of refunds and replacements made in this
1276 state pursuant to the provisions of this chapter by the
1277 manufacturer during the period audited.

1278 (5) The department ~~division~~ shall review each certified
1279 procedure at least annually, prepare an annual report evaluating
1280 the operation of certified procedures established by motor
1281 vehicle manufacturers and procedures of applicants seeking
1282 certification, and, for a period not to exceed 1 year, shall
1283 grant certification to, or renew certification for, those
1284 manufacturers whose procedures substantially comply with the
1285 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
1286 with the provisions of this chapter and rules adopted under this
1287 chapter. If certification is revoked or denied, the department
1288 ~~division~~ shall state the reasons for such action. The reports



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1289 and records of actions taken with respect to certification shall
1290 be public records.

1291 (6) A manufacturer whose certification is denied or revoked
1292 is entitled to a hearing pursuant to chapter 120.

1293 (7) If federal preemption of state authority to regulate
1294 procedures occurs, the provisions of subsection (1) concerning
1295 prior resort do not apply.

1296 (8) The department may ~~division shall~~ adopt rules to
1297 administer ~~implement~~ this section.

1298 Section 44. Section 681.109, Florida Statutes, is amended
1299 to read:

1300 681.109 Florida New Motor Vehicle Arbitration Board;
1301 dispute eligibility.-

1302 (1) If a manufacturer has a certified procedure, a consumer
1303 claim arising during the Lemon Law rights period must be filed
1304 with the certified procedure no later than 60 days after the
1305 expiration of the Lemon Law rights period. If a decision is not
1306 rendered by the certified procedure within 40 days of filing,
1307 the consumer may apply to the department ~~division~~ to have the
1308 dispute removed to the board for arbitration.

1309 (2) If a manufacturer has a certified procedure, a consumer
1310 claim arising during the Lemon Law rights period must be filed
1311 with the certified procedure within ~~no later than~~ 60 days after
1312 the expiration of the Lemon Law rights period. If a consumer is
1313 not satisfied with the decision or the manufacturer's compliance
1314 therewith, the consumer may apply to the department ~~division~~ to
1315 have the dispute submitted to the board for arbitration. A
1316 manufacturer may not seek review of a decision made under its
1317 procedure.



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1318 (3) If a manufacturer does not have a ~~has no~~ certified
1319 procedure or if the a certified procedure does not have
1320 jurisdiction to resolve the dispute, a consumer may apply
1321 directly to the department ~~division~~ to have the dispute
1322 submitted to the board for arbitration.

1323 (4) A consumer must request arbitration before the board
1324 with respect to a claim arising during the Lemon Law rights
1325 period no later than 60 days after the expiration of the Lemon
1326 Law rights period, or within 30 days after the final action of a
1327 certified procedure, whichever date occurs later.

1328 (5) The department ~~division~~ shall screen all requests for
1329 arbitration before the board to determine eligibility. The
1330 consumer's request for arbitration before the board shall be
1331 made on a form prescribed by the department. The department
1332 ~~division~~ shall forward to the board all disputes that the
1333 department ~~division~~ determines are potentially entitled to
1334 relief under this chapter.

1335 (6) The department ~~division~~ may reject a dispute that it
1336 determines to be fraudulent or outside the scope of the board's
1337 authority. Any dispute deemed by the department ~~division~~ to be
1338 ineligible for arbitration by the board due to insufficient
1339 evidence may be reconsidered upon the submission of new
1340 information regarding the dispute. Following a second review,
1341 the department ~~division~~ may reject a dispute if the evidence is
1342 clearly insufficient to qualify for relief. If the department
1343 rejects a dispute, it must provide notice of the rejection and a
1344 brief explanation of the reason for rejection ~~Any dispute~~
1345 ~~rejected by the division shall be forwarded to the department~~
1346 ~~and a copy shall be sent by registered mail to the consumer and~~



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1347 ~~to the manufacturer, containing a brief explanation as to the~~
1348 ~~reason for rejection.~~

1349 (7) If the department ~~division~~ rejects a dispute, the
1350 consumer may file a lawsuit to enforce the remedies provided
1351 under this chapter. In any civil action arising under this
1352 chapter and relating to a matter considered by the department
1353 ~~division~~, any determination made to reject a dispute is
1354 admissible in evidence.

1355 (8) The department ~~may~~ shall ~~have the authority to~~ adopt
1356 ~~reasonable~~ rules to administer ~~carry out the provisions of this~~
1357 ~~section.~~

1358 Section 45. Subsections (2), (3), (4), (5), (9), (11), and
1359 (12) of section 681.1095, Florida Statutes, are amended, and
1360 subsection (17) is added to that section, to read:

1361 681.1095 Florida New Motor Vehicle Arbitration Board;
1362 creation and function.—

1363 (2) The board ~~boards~~ shall hear cases in various locations
1364 throughout the state so that any consumer whose dispute is
1365 approved for arbitration by the department ~~division~~ may attend
1366 an arbitration hearing at a reasonably convenient location and
1367 present a dispute orally. Hearings shall be conducted by panels
1368 of three board members assigned by the department. A majority
1369 vote of the three-member board panel shall be required to render
1370 a decision. Arbitration proceedings under this section shall be
1371 open to the public on reasonable and nondiscriminatory terms.

1372 (3) Each region of the board shall consist of up to eight
1373 members. The members of the board shall construe and apply the
1374 provisions of this chapter, and rules adopted thereunder, in
1375 making their decisions. An administrator and a secretary shall



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1376 be assigned to the ~~each~~ board by the Department of Legal
1377 Affairs. At least one member of the ~~each~~ board in each region
1378 must have ~~be a person with~~ expertise in motor vehicle mechanics.
1379 A member may ~~must~~ not be employed by a manufacturer or a
1380 franchised motor vehicle dealer or be a staff member, a
1381 decisionmaker, or a consultant for a procedure. Board members
1382 shall be trained in the application of this chapter and any
1383 rules adopted under this chapter. Members of the board, shall be
1384 ~~reimbursed for travel expenses pursuant to s. 112.061, and shall~~
1385 ~~be~~ compensated at a rate or wage prescribed by the Attorney
1386 General and are entitled to reimbursement for per diem and
1387 travel expenses pursuant to s. 112.061.

1388 (4) Before filing a civil action on a matter subject to s.
1389 681.104, the consumer must first submit the dispute to the
1390 department ~~division~~, and to the board if such dispute is deemed
1391 eligible for arbitration.

1392 (5) Manufacturers shall submit to arbitration conducted by
1393 the board if such arbitration is requested by a consumer and the
1394 dispute is deemed eligible for arbitration by the department
1395 ~~division~~ pursuant to s. 681.109.

1396 (9) The decision of the board shall be sent by any method
1397 providing a delivery confirmation ~~registered mail~~ to the
1398 consumer and the manufacturer, and shall contain written
1399 findings of fact and rationale for the decision. If the decision
1400 is in favor of the consumer, the manufacturer must, within 40
1401 days after receipt of the decision, comply with the terms of the
1402 decision. Compliance occurs on the date the consumer receives
1403 delivery of an acceptable replacement motor vehicle or the
1404 refund specified in the arbitration award. In any civil action



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1405 arising under this chapter and relating to a dispute arbitrated
1406 before the board, any decision by the board is admissible in
1407 evidence.

1408 (11) ~~All provisions in~~ This section and s. 681.109
1409 pertaining to compulsory arbitration before the board, the
1410 dispute eligibility screening by the department ~~division~~, the
1411 proceedings and decisions of the board, and any appeals thereof,
1412 are exempt from ~~the provisions of~~ chapter 120.

1413 (12) An appeal of a decision by the board to the circuit
1414 court by a consumer or a manufacturer shall be by trial de novo.
1415 In a written petition to appeal a decision by the board, the
1416 appealing party must state the action requested and the grounds
1417 relied upon for appeal. Within 15 ~~30~~ days after ~~of~~ final
1418 disposition of the appeal, the appealing party shall furnish the
1419 department with ~~notice of such disposition and, upon request,~~
1420 ~~shall furnish the department with~~ a copy of the settlement or
1421 the order or judgment of the court.

1422 (17) The department may adopt rules to administer this
1423 section.

1424 Section 46. Subsection (2) of section 681.1096, Florida
1425 Statutes, is amended to read:

1426 681.1096 RV Mediation and Arbitration Program; creation and
1427 qualifications.—

1428 (2) Each manufacturer of a recreational vehicle involved in
1429 a dispute that is determined eligible under this chapter,
1430 including chassis and component manufacturers that ~~which~~
1431 separately warrant the chassis and components and that ~~which~~
1432 otherwise meet the definition of manufacturer set forth in s.
1433 681.102(13) ~~681.102(14)~~, shall participate in a mediation and



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1434 arbitration program that is deemed qualified by the department.

1435 Section 47. Subsection (2) of section 681.112, Florida
1436 Statutes, is amended to read:

1437 681.112 Consumer remedies.—

1438 (2) An action brought under this chapter must be commenced
1439 within 1 year after the expiration of the Lemon Law rights
1440 period, or, if a consumer resorts to an informal dispute-
1441 settlement procedure or submits a dispute to the department
1442 ~~division~~ or board, within 1 year after the final action of the
1443 procedure, department ~~division~~, or board.

1444 Section 48. Subsection (1) of section 681.117, Florida
1445 Statutes, is amended to read:

1446 681.117 Fee.—

1447 (1) A \$2 fee shall be collected by a motor vehicle dealer,
1448 or by a person engaged in the business of leasing motor
1449 vehicles, from the consumer at the consummation of the sale of a
1450 motor vehicle or at the time of entry into a lease agreement for
1451 a motor vehicle. Such fees shall be remitted to the county tax
1452 collector or private tag agency acting as agent for the
1453 Department of Revenue. If the purchaser or lessee removes the
1454 motor vehicle from the state for titling and registration
1455 outside this state, the fee shall be remitted to the Department
1456 of Revenue. ~~All fees, less the cost of administration, shall be~~
1457 ~~transferred monthly to the Department of Legal Affairs for~~
1458 ~~deposit into the Motor Vehicle Warranty Trust Fund. The~~
1459 ~~Department of Legal Affairs shall distribute monthly an amount~~
1460 ~~not exceeding one-fourth of the fees received to the Division of~~
1461 ~~Consumer Services of the Department of Agriculture and Consumer~~
1462 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~



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1463 ~~The Department of Legal Affairs shall contract with the Division~~
1464 ~~of Consumer Services for payment of services performed by the~~
1465 ~~division pursuant to ss. 681.108 and 681.109.~~

1466 Section 49. Subsection (3) of section 849.0915, Florida
1467 Statutes, is amended to read:

1468 849.0915 Referral selling.-

1469 (3) In addition to the penalty provided herein, the
1470 Attorney General and her or his assistants, the state attorneys
1471 and their assistants, and the Division of Consumer Protection
1472 ~~Services~~ of the Department of Agriculture and Consumer Services
1473 are authorized to apply to the circuit court within their
1474 respective jurisdictions, and the ~~such~~ court has ~~shall have~~
1475 jurisdiction, upon hearing and for cause shown, to grant a
1476 temporary or permanent injunction restraining any person from
1477 violating the provisions of this section, whether or not there
1478 exists an adequate remedy at law, and such injunction shall
1479 issue without bond.

1480 Section 50. This act shall take effect July 1, 2011.

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1483 ===== T I T L E A M E N D M E N T =====

1484 And the title is amended as follows:

1485 Delete everything before the enacting clause
1486 and insert:

1487 A bill to be entitled

1488 An act relating to the Department of Agriculture and
1489 Consumer Services; amending ss. 14.26, 20.14, 213.053,
1490 320.275, and 366.85, F.S.; renaming the Division of
1491 Consumer Services within the department as the



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1492 "Division of Consumer Protection"; amending s. 320.90,
1493 F.S.; deleting a reference to the Department of
1494 Agriculture and Consumer Services; amending s.
1495 493.6105, F.S.; revising the information that a person
1496 must supply in an application for licensure as a
1497 private investigator, private security service, or
1498 repossession service; deleting a requirement that
1499 certain applicants supply photographs along with an
1500 application; revising the certificates that a person
1501 applying for a class "K" firearms instructor's license
1502 must supply along with an application for the license;
1503 making technical and grammatical changes; amending s.
1504 493.6106, F.S.; providing that applicants for certain
1505 licenses as a private investigator, private security
1506 service or repossession service must meet certain
1507 citizenship or immigration requirements and not be
1508 prohibited by law from purchasing a firearm; making
1509 grammatical and technical changes; amending s.
1510 493.6107, F.S.; authorizing a Class "M," Class "G,"
1511 and Class "K" licensee or applicant to pay examination
1512 fees and license fees by personal check or, if
1513 authorized by the department, by electronic funds
1514 transfer; amending s. 493.6108, F.S.; requiring the
1515 department to investigate the mental fitness of an
1516 applicant of a Class "K" firearms instructor license;
1517 amending s. 493.6111, F.S.; providing that Class "K"
1518 firearms instructor licenses are valid for 3 years;
1519 requiring an applicant for a recovery school or
1520 security officer school to receive approval from the



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1521 department before operating under a fictitious name;
1522 making technical and grammatical changes; amending s.
1523 493.6113, F.S.; deleting a requirement that Class "A"
1524 private investigative agency licensees and Class "R"
1525 recovery agency licensees provide evidence of certain
1526 insurance coverage with an application to renew a
1527 license; requiring a Class "K" firearms instructor
1528 licensee to submit proof of certification to provide
1529 firearms instruction; amending s. 493.6115, F.S.;
1530 conforming cross-references to changes made by the
1531 act; making technical and grammatical changes;
1532 amending s. 493.6118, F.S.; authorizing the department
1533 to take disciplinary action against a Class "G"
1534 statewide firearms licensee or applicant or a Class
1535 "K" firearms instructor licensee or applicant if the
1536 person is prohibited from purchasing a firearm by law;
1537 amending s. 493.6121, F.S.; deleting a provision
1538 authorizing the department to have access to certain
1539 criminal history information of a purchaser of a
1540 firearm; amending s. 493.6202, F.S.; authorizing a
1541 Class "A," Class "AA," Class "MA," Class "C," or Class
1542 "CC" licensee or applicant to pay examination fees and
1543 license fees by personal check or, if authorized by
1544 the department, by electronic funds transfer; amending
1545 s. 493.6203, F.S.; providing that experience as a
1546 bodyguard does not qualify as experience or training
1547 for purposes of a Class "MA" or Class "C" license;
1548 requiring an initial applicant for a Class "CC"
1549 license to complete specified training courses; making



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1550 technical and grammatical changes and conforming a
1551 cross-reference; amending s. 493.6302, F.S.;

1552 authorizing a Class "B," Class "BB," Class "MB," Class
1553 "D," Class "DS," or Class "DI" licensee or applicant
1554 to pay examination fees and license fees by personal
1555 check or, if authorized by the department, by
1556 electronic funds transfer; amending s. 493.6303, F.S.;

1557 requiring an applicant for an initial Class "D"
1558 license to complete specified training courses; making
1559 technical and grammatical changes; amending s.
1560 493.6304, F.S.; requiring an application for a
1561 security officer school or training facility to be
1562 verified under oath; amending ss. 493.6401 and
1563 493.6402, F.S.; renaming reposessors as "recovery
1564 agents"; authorizing a Class "R," Class "RR," Class
1565 "MR," Class "E," Class "EE," Class "RS," or Class "RI"
1566 licensee or applicant to pay examination fees and
1567 license fees by personal check or, if authorized by
1568 the department, by electronic funds transfer; amending
1569 s. 493.6406, F.S.; requiring recovery agent schools or
1570 instructors to be licensed by the department to offer
1571 training to Class "E" licensees and applicants;

1572 amending ss. 496.404, 496.411, and 496.412, F.S.;

1573 renaming the Division of Consumer Services as the
1574 "Division of Consumer Protection"; amending s.
1575 496.419, F.S.; clarifying the powers of the department
1576 to enter an order; amending s. 501.015, F.S.;

1577 correcting a reference to a local business tax
1578 receipt; amending s. 501.017, F.S.; specifying the



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1579 minimum type size for requiring certain disclosures in
1580 contracts between a consumer and a health studio;
1581 amending s. 501.145, F.S.; deleting a reference to the
1582 department as an enforcing authority in the Bedding
1583 Label Act; amending s. 501.160, F.S.; deleting
1584 authorization for the department to enforce certain
1585 prohibitions against unconscionable practices during a
1586 declared state of emergency; amending s. 501.605,
1587 F.S.; deleting a requirement that a person supply his
1588 or her social security number on an application as a
1589 commercial telephone seller and adding requirement for
1590 other valid form of identification; amending s.
1591 501.607, F.S.; deleting a requirement that a person
1592 supply his or her social security number on an
1593 application as a salesperson; amending s. 526.06,
1594 F.S.; to delete reference to sale of gasoline blended
1595 with ethanol; amending s. 526.203, F.S.; altering the
1596 mixture of blended gasoline; amending s. 539.001,
1597 F.S.; correcting a reference to a local business tax
1598 receipt; amending s. 559.805, F.S.; deleting a
1599 requirement that a seller of a business opportunity
1600 provide the social security numbers of the seller's
1601 agents to the department; amending s. 559.904, F.S.;
1602 correcting a reference to a local business tax
1603 receipt; amending s. 559.928, F.S.; correcting a
1604 reference to a local business tax receipt; amending s.
1605 559.935, F.S.; correcting a reference to local
1606 business tax receipts; amending s. 570.29, F.S.;
1607 renaming the Division of Consumer Services as the



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1608 Division of Consumer Protection; amending s. 570.544,
1609 F.S.; renaming the Division of Consumer Services as
1610 the "Division of Consumer Protection"; amending s.
1611 681.102, F.S.; deleting a reference to the division in
1612 the Motor Vehicle Warranty Enforcement Act; amending
1613 ss. 681.103, 681.108, and 681.109, F.S.; transferring
1614 certain responsibilities under the Lemon Law to the
1615 department from the Division of Consumer Services;
1616 amending s. 681.1095, F.S.; transferring certain
1617 responsibilities relating to the New Motor Vehicle
1618 Arbitration Board to the department from the Division
1619 of Consumer Services; authorizing the board to send
1620 its decisions by any method providing a delivery
1621 confirmation; authorizing the department to adopt
1622 rules; amending s. 681.1096, F.S.; conforming a cross-
1623 reference to changes made by the act; amending s.
1624 681.112, F.S.; transferring certain responsibilities
1625 relating to the Lemon Law to the department from the
1626 Division of Consumer Services; amending s. 681.117,
1627 F.S.; deleting a provision requiring the Department of
1628 Legal Affairs to contract with the Division of
1629 Consumer Services for services relating to dispute
1630 settlement procedures and the New Motor Vehicle
1631 Arbitration Board; amending s. 849.0915, F.S.;
1632 renaming the Division of Consumer Services as the
1633 "Division of Consumer Protection"; providing an
1634 effective date.