

By Senator Detert

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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending ss. 14.26, 20.14, 213.053,
4 320.275, and 366.85, F.S.; renaming the Division of
5 Consumer Services within the department as the
6 "Division of Consumer Protection"; amending s.
7 493.6105, F.S.; revising the information that a person
8 must supply in an application for licensure as a
9 private investigator, private security service, or
10 repossession service; deleting a requirement that
11 certain applicants supply photographs along with an
12 application; revising the certificates that a person
13 applying for a class "K" firearms instructor's license
14 must supply along with an application for the license;
15 making technical and grammatical changes; amending s.
16 493.6106, F.S.; providing that applicants for certain
17 licenses as a private investigator, private security
18 service or repossession service must meet certain
19 citizenship or immigration requirements and not be
20 prohibited by law from purchasing a firearm; making
21 grammatical and technical changes; amending s.
22 493.6107, F.S.; authorizing a Class "M," Class "G,"
23 and Class "K" licensee or applicant to pay examination
24 fees and license fees by personal check or, if
25 authorized by the department, by electronic funds
26 transfer; amending s. 493.6108, F.S.; requiring the
27 department to investigate the mental fitness of an
28 applicant of a Class "K" firearms instructor license;
29 amending s. 493.6111, F.S.; providing that Class "K"

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30 firearms instructor licenses are valid for 3 years;
31 requiring an applicant for a recovery school or
32 security officer school to receive approval from the
33 department before operating under a fictitious name;
34 making technical and grammatical changes; amending s.
35 493.6113, F.S.; deleting a requirement that Class "A"
36 private investigative agency licensees and Class "R"
37 recovery agency licensees provide evidence of certain
38 insurance coverage with an application to renew a
39 license; requiring a Class "K" firearms instructor
40 licensee to submit proof of certification to provide
41 firearms instruction; amending s. 493.6115, F.S.;
42 conforming cross-references to changes made by the
43 act; making technical and grammatical changes;
44 amending s. 493.6118, F.S.; authorizing the department
45 to take disciplinary action against a Class "G"
46 statewide firearms licensee or applicant or a Class
47 "K" firearms instructor licensee or applicant if the
48 person is prohibited from purchasing a firearm by law;
49 amending s. 493.6121, F.S.; deleting a provision
50 authorizing the department to have access to certain
51 criminal history information of a purchaser of a
52 firearm; amending s. 493.6202, F.S.; authorizing a
53 Class "A," Class "AA," Class "MA," Class "C," or Class
54 "CC" licensee or applicant to pay examination fees and
55 license fees by personal check or, if authorized by
56 the department, by electronic funds transfer; amending
57 s. 493.6203, F.S.; providing that experience as a
58 bodyguard does not qualify as experience or training

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59 for purposes of a Class "MA" or Class "C" license;
60 requiring an initial applicant for a Class "CC"
61 license to complete specified training courses; making
62 technical and grammatical changes and conforming a
63 cross-reference; amending s. 493.6302, F.S.;

64 authorizing a Class "B," Class "BB," Class "MB," Class
65 "D," Class "DS," or Class "DI" licensee or applicant
66 to pay examination fees and license fees by personal
67 check or, if authorized by the department, by
68 electronic funds transfer; amending s. 493.6303, F.S.;

69 requiring an applicant for an initial Class "D"
70 license to complete specified training courses; making
71 technical and grammatical changes; amending s.
72 493.6304, F.S.; requiring an application for a
73 security officer school or training facility to be
74 verified under oath; amending ss. 493.6401 and
75 493.6402, F.S.; renaming reposessors as "recovery
76 agents"; authorizing a Class "R," Class "RR," Class
77 "MR," Class "E," Class "EE," Class "RS," or Class "RI"
78 licensee or applicant to pay examination fees and
79 license fees by personal check or, if authorized by
80 the department, by electronic funds transfer; amending
81 s. 493.6406, F.S.; requiring recovery agent schools or
82 instructors to be licensed by the department to offer
83 training to Class "E" licensees and applicants;

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

85 renaming the Division of Consumer Services as the
86 "Division of Consumer Protection"; amending s.
87 496.419, F.S.; deleting authorization for the

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88 department to enter an order; amending s. 501.015,
89 F.S.; correcting a reference to a local business tax
90 receipt; amending s. 501.017, F.S.; specifying the
91 minimum type size for requiring certain disclosures in
92 contracts between a consumer and a health studio;
93 amending s. 501.145, F.S.; deleting a reference to the
94 department in the Bedding Label Act; amending s.
95 501.160, F.S.; deleting authorization for the
96 department to enforce certain prohibitions against
97 unconscionable practices during a declared state of
98 emergency; amending s. 501.605, F.S.; deleting a
99 requirement that a person supply his or her social
100 security number on an application as a commercial
101 telephone seller; amending s. 501.607, F.S.; deleting
102 a requirement that a person supply his or her social
103 security number on an application as a salesperson;
104 amending s. 539.001, F.S.; correcting a reference to a
105 local business tax receipt; amending s. 559.805, F.S.;
106 deleting a requirement that a seller of a business
107 opportunity provide the social security numbers of the
108 seller's agents to the department; amending s.
109 559.904, F.S.; correcting a reference to a local
110 business tax receipt; amending s. 570.544, F.S.;
111 renaming the Division of Consumer Services as the
112 "Division of Consumer Protection"; amending s.
113 681.102, F.S.; deleting a reference to the division in
114 the Motor Vehicle Warranty Enforcement Act; amending
115 ss. 681.103, 681.108, and 681.109, F.S.; transferring
116 certain responsibilities under the Lemon Law to the

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117 department from the Division of Consumer Services;
118 amending s. 681.1095, F.S.; transferring certain
119 responsibilities relating to the New Motor Vehicle
120 Arbitration Board to the department from the Division
121 of Consumer Services; authorizing the board to send
122 its decisions by any method providing a delivery
123 confirmation; authorizing the department to adopt
124 rules; amending s. 681.1096, F.S.; conforming a cross-
125 reference to changes made by the act; amending s.
126 681.112, F.S.; transferring certain responsibilities
127 relating to the Lemon Law to the department from the
128 Division of Consumer Services; amending s. 681.117,
129 F.S.; deleting a provision requiring the Department of
130 Legal Affairs to contract with the Division of
131 Consumer Services for services relating to dispute
132 settlement procedures and the New Motor Vehicle
133 Arbitration Board; amending s. 849.0915, F.S.;
134 renaming the Division of Consumer Services as the
135 "Division of Consumer Protection"; providing an
136 effective date.

137
138 Be It Enacted by the Legislature of the State of Florida:

139

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

142 14.26 Citizen's Assistance Office.—

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

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146 Section 2. Paragraph (e) of subsection (2) of section
147 20.14, Florida Statutes, is amended to read:

148 20.14 Department of Agriculture and Consumer Services.—
149 There is created a Department of Agriculture and Consumer
150 Services.

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

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

154 Section 3. Paragraph (q) of subsection (8) of section
155 213.053, Florida Statutes, as amended by chapter 2010-280, Laws
156 of Florida, is amended to read:

157 213.053 Confidentiality and information sharing.—

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

160 (q) Names, addresses, and sales tax registration
161 information to the Division of Consumer Protection ~~Services~~ of
162 the Department of Agriculture and Consumer Services in the
163 conduct of its official duties.

164
165 Disclosure of information under this subsection shall be
166 pursuant to a written agreement between the executive director
167 and the agency. Such agencies, governmental or nongovernmental,
168 shall be bound by the same requirements of confidentiality as
169 the Department of Revenue. Breach of confidentiality is a
170 misdemeanor of the first degree, punishable as provided by s.
171 775.082 or s. 775.083.

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

174 320.275 Automobile Dealers Industry Advisory Board.—

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175 (2) MEMBERSHIP, TERMS, MEETINGS.—

176 (a) The board shall be composed of 12 members. The
177 executive director of the Department of Highway Safety and Motor
178 Vehicles shall appoint the members from names submitted by the
179 entities for the designated categories the member will
180 represent. The executive director shall appoint one
181 representative of the Department of Highway Safety and Motor
182 Vehicles, who must represent the Division of Motor Vehicles; two
183 representatives of the independent motor vehicle industry as
184 recommended by the Florida Independent Automobile Dealers
185 Association; two representatives of the franchise motor vehicle
186 industry as recommended by the Florida Automobile Dealers
187 Association; one representative of the auction motor vehicle
188 industry who is from an auction chain and is recommended by a
189 group affiliated with the National Auto Auction Association; one
190 representative of the auction motor vehicle industry who is from
191 an independent auction and is recommended by a group affiliated
192 with the National Auto Auction Association; one representative
193 from the Department of Revenue; a Florida tax collector
194 representative recommended by the Florida Tax Collectors
195 Association; one representative from the Better Business Bureau;
196 one representative from the Department of Agriculture and
197 Consumer Services, who must represent the Division of Consumer
198 Protection Services; and one representative of the insurance
199 industry who writes motor vehicle dealer surety bonds.

200 (b)1. The executive director shall appoint the following
201 initial members to 1-year terms: one representative from the
202 motor vehicle auction industry who represents an auction chain,
203 one representative from the independent motor vehicle industry,

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204 one representative from the franchise motor vehicle industry,
205 one representative from the Department of Revenue, one Florida
206 tax collector, and one representative from the Better Business
207 Bureau.

208 2. The executive director shall appoint the following
209 initial members to 2-year terms: one representative from the
210 motor vehicle auction industry who represents an independent
211 auction, one representative from the independent motor vehicle
212 industry, one representative from the franchise motor vehicle
213 industry, one representative from the Division of Consumer
214 Protection Services, one representative from the insurance
215 industry, and one representative from the Division of Motor
216 Vehicles.

217 3. As the initial terms expire, the executive director
218 shall appoint successors from the same designated category for
219 terms of 2 years. If renominated, a member may succeed himself
220 or herself.

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

223 Section 5. Section 366.85, Florida Statutes, is amended to
224 read:

225 366.85 Responsibilities of Division of Consumer Protection
226 Services.—The Division of Consumer Protection Services of the
227 Department of Agriculture and Consumer Services is ~~shall be~~ the
228 agency responsible for consumer conciliatory conferences, if
229 such conferences are required pursuant to federal law. The
230 division shall also be the agency responsible for preparing
231 lists of sources for energy conservation products or services
232 and of financial institutions offering energy conservation

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233 loans, if such lists are required pursuant to federal law.
234 Notwithstanding any provision of federal law to the contrary,
235 the division shall not require any manufacturer's warranty
236 exceeding 1 year in order for a source of conservation products
237 or services to be included on the appropriate list. The lists
238 shall be prepared for the service area of each utility and shall
239 be furnished to each utility for distribution to its customers.
240 The division shall update the lists on a systematic basis and
241 shall remove from any list any person who has been disciplined
242 by any state agency or who has otherwise exhibited a pattern of
243 unsatisfactory work and any person who requests removal from
244 such lists. The division may ~~is authorized to~~ adopt rules to
245 implement the provisions of this section.

246 Section 6. Section 493.6105, Florida Statutes, is amended
247 to read:

248 493.6105 Initial application for license.—

249 (1) Each individual, partner, or principal officer in a
250 corporation, shall file with the department a complete
251 application accompanied by an application fee not to exceed \$60,
252 except that the applicant for a Class "D" or Class "G" license
253 is ~~shall~~ not ~~be~~ required to submit an application fee. The
254 application fee is ~~shall~~ not ~~be~~ refundable.

255 (a) The application submitted by any individual, partner,
256 or corporate officer must ~~shall~~ be approved by the department
257 before the ~~prior to that~~ individual, partner, or corporate
258 officer assumes ~~assuming~~ his or her duties.

259 (b) Individuals who invest in the ownership of a licensed
260 agency, but do not participate in, direct, or control the
261 operations of the agency are ~~shall~~ not ~~be~~ required to file an

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262 application.

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

266 (3) The application must ~~shall~~ contain the following
267 information concerning the individual signing the application
268 ~~same~~:

269 (a) Name and any aliases.

270 (b) Age and date of birth.

271 (c) Place of birth.

272 (d) Social security number or alien registration number,
273 whichever is applicable.

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

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

279 (f)(g) A statement of all criminal convictions, findings of
280 guilt, and pleas of guilty or nolo contendere, regardless of
281 adjudication of guilt. An applicant for a Class "G" or Class "K"
282 license who is younger than 24 years of age shall also include a
283 statement regarding any finding of having committed a delinquent
284 act in any state, territory, or country which would be a felony
285 if committed by an adult and which is punishable by imprisonment
286 for a term exceeding 1 year.

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

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

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

293 (j) A full set of fingerprints on a card provided by the
294 department and a fingerprint fee to be established by rule of
295 the department based upon costs determined by state and federal
296 agency charges and department processing costs. An applicant who
297 has, within the immediately preceding 6 months, submitted a
298 fingerprint card and fee for licensing purposes under this
299 chapter is ~~shall~~ not be required to submit another fingerprint
300 card or fee.

301 (k) A personal inquiry waiver that ~~which~~ allows the
302 department to conduct necessary investigations to satisfy the
303 requirements of this chapter.

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

308 ~~(4) In addition to the application requirements outlined in~~
309 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
310 ~~"E," Class "EE," or Class "G" license shall submit two color~~
311 ~~photographs taken within the 6 months immediately preceding the~~
312 ~~submission of the application, which meet specifications~~
313 ~~prescribed by rule of the department. All other applicants shall~~
314 ~~submit one photograph taken within the 6 months immediately~~
315 ~~preceding the submission of the application.~~

316 (4)-(5) In addition to the application requirements outlined
317 under subsection (3), the applicant for a Class "C," Class "E,"
318 Class "M," Class "MA," Class "MB," or Class "MR" license must
319 ~~shall~~ include a statement on a form provided by the department

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320 of the experience that ~~which~~ he or she believes will qualify him
321 or her for such license.

322 ~~(5)-(6)~~ In addition to the requirements outlined in
323 subsection (3), an applicant for a Class "G" license must ~~shall~~
324 satisfy minimum training criteria for firearms established by
325 rule of the department, which training criteria includes ~~shall~~
326 ~~include~~, but is not limited to, 28 hours of range and classroom
327 training taught and administered by a Class "K" licensee;
328 however, no more than 8 hours of such training shall consist of
329 range training. If the applicant submits ~~can show~~ proof that he
330 or she is an active law enforcement officer currently certified
331 under the Criminal Justice Standards and Training Commission or
332 has completed the training required for that certification
333 within the last 12 months, or if the applicant submits one of
334 the certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
335 department may waive the foregoing firearms training
336 requirement.

337 ~~(6)-(7)~~ In addition to the requirements under subsection
338 (3), an applicant for a Class "K" license must ~~shall~~:

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

340 1. The Florida Criminal Justice Standards and Training
341 Commission Instructor Firearms Instructor's Certificate ~~and~~
342 written confirmation by the commission that the applicant
343 possesses an active firearms certification.

344 ~~2. The National Rifle Association Police Firearms~~
345 ~~Instructor's Certificate.~~

346 ~~2.3.~~ The National Rifle Association Private Security
347 Firearm Instructor Firearms Instructor's Certificate.

348 ~~3.4.~~ A firearms instructor ~~instructor's~~ certificate issued

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349 ~~by from a federal law enforcement agency, state, county, or~~
350 ~~municipal police academy in this state recognized as such by the~~
351 ~~Criminal Justice Standards and Training Commission or by the~~
352 ~~Department of Education.~~

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

357 ~~(7)-(8)~~ In addition to the application requirements for
358 individuals, partners, or officers outlined under subsection
359 (3), the application for an agency license must ~~shall~~ contain
360 the following information:

361 (a) The proposed name under which the agency intends to
362 operate.

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

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

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

370 ~~(8)-(9)~~ Upon submission of a complete application, a Class
371 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
372 Class "MA," Class "MB," or Class "MR" applicant may commence
373 employment or appropriate duties for a licensed agency or branch
374 office. However, the Class "C" or Class "E" applicant must work
375 under the direction and control of a sponsoring licensee while
376 his or her application is being processed. If the department
377 denies application for licensure, the employment of the

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378 applicant must be terminated immediately, unless he or she
379 performs only unregulated duties.

380 Section 7. Paragraph (f) of subsection (1) and paragraph
381 (a) of subsection (2) of section 493.6106, Florida Statutes, are
382 amended, and paragraph (g) is added to subsection (1) of that
383 section, to read:

384 493.6106 License requirements; posting.—

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

386 (f) Be a citizen or permanent legal resident alien of the
387 United States or have appropriate ~~been granted~~ authorization
388 issued to seek employment in this country by the United States
389 ~~Bureau of~~ Citizenship and Immigration Services of the United
390 States Department of Homeland Security.

391 1. An applicant for a Class "C," Class "CC," Class "D,"
392 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
393 "MB," Class "MR," or Class "RI" license who is not a United
394 States citizen must submit proof of current employment
395 authorization issued by the United States Citizenship and
396 Immigration Services or proof that she or he is deemed a
397 permanent legal resident alien by the United States Citizenship
398 and Immigration Services.

399 2. An applicant for a Class "G" or Class "K" license who is
400 not a United States citizen must submit proof that she or he is
401 deemed a permanent legal resident alien by the United States
402 Citizenship and Immigration Services, together with additional
403 documentation establishing that she or he has resided in the
404 state of residence shown on the application for at least 90
405 consecutive days before the date that the application is
406 submitted.

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407 3. An applicant for an agency or school license who is not
408 a United States citizen or permanent legal resident alien must
409 submit documentation issued by the United States Citizenship and
410 Immigration Services stating that she or he is lawfully in the
411 United States and is authorized to own and operate the type of
412 agency or school for which she or he is applying. An employment
413 authorization card issued by the United States Citizenship and
414 Immigration Services is not sufficient documentation.

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

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

422 (a) If an agency or branch office desires to change the
423 physical location of the business, as it appears on the agency
424 license, the department must be notified within 10 days of the
425 change, and, except upon renewal, the fee prescribed in s.
426 493.6107 must be submitted for each license requiring revision.
427 Each license requiring revision must be returned with such
428 notification.

429 Section 8. Subsection (3) of section 493.6107, Florida
430 Statutes, is amended to read:

431 493.6107 Fees.—

432 (3) The fees set forth in this section must be paid by
433 ~~certified~~ check or money order or, at the discretion of the
434 department, by electronic funds transfer ~~agency check~~ at the
435 time the application is approved, except that the applicant for

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436 a Class "G" or Class "M" license must pay the license fee at the
437 time the application is made. If a license is revoked or denied
438 or if the application is withdrawn, the license fee is
439 nonrefundable ~~shall not be refunded~~.

440 Section 9. Subsections (1) and (3) of section 493.6108,
441 Florida Statutes, are amended to read:

442 493.6108 Investigation of applicants by Department of
443 Agriculture and Consumer Services.—

444 (1) Except as otherwise provided, ~~prior to the issuance of~~
445 ~~a license under this chapter,~~ the department must investigate an
446 ~~shall make an investigation of the~~ applicant for a license under
447 this chapter before it may issue the license. The investigation
448 must ~~shall~~ include:

449 (a)1. An examination of fingerprint records and police
450 records. ~~If~~ ~~When~~ a criminal history record check analysis of any
451 applicant under this chapter is performed by means of
452 fingerprint card identification, the time limitations prescribed
453 by s. 120.60(1) shall be tolled during the time the applicant's
454 fingerprint card is under review by the Department of Law
455 Enforcement or the United States Department of Justice, Federal
456 Bureau of Investigation.

457 2. If a legible set of fingerprints, as determined by the
458 Department of Law Enforcement or the Federal Bureau of
459 Investigation, cannot be obtained after two attempts, the
460 Department of Agriculture and Consumer Services may determine
461 the applicant's eligibility based upon a criminal history record
462 check under the applicant's name conducted by the Department of
463 Law Enforcement if the ~~and the Federal Bureau of Investigation~~.
464 ~~A set of fingerprints~~ are taken by a law enforcement agency or

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465 the department and the applicant submits a written statement
466 signed by the fingerprint technician or a licensed physician
467 stating that there is a physical condition that precludes
468 obtaining a legible set of fingerprints or that the fingerprints
469 taken are the best that can be obtained ~~is sufficient to meet~~
470 ~~this requirement.~~

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

474 (c) Such other investigation of the individual as the
475 department may deem necessary.

476 (3) The department must ~~shall~~ also investigate the mental
477 history and current mental and emotional fitness of any Class
478 "G" or Class "K" applicant, and may deny a Class "G" or Class
479 "K" license to anyone who has a history of mental illness or
480 drug or alcohol abuse.

481 Section 10. Subsections (2) and (4) of section 493.6111,
482 Florida Statutes, are amended to read:

483 493.6111 License; contents; identification card.—

484 (2) Licenses shall be valid for a period of 2 years, except
485 for Class "K" firearms instructor licenses and Class "A," Class
486 "B," Class "AB," Class "R," and branch agency licenses, which
487 shall be valid for a period of 3 years.

488 (4) Notwithstanding the existence of a valid Florida
489 corporate registration, an ~~ne~~ agency or school licensee may not
490 conduct activities regulated under this chapter under any
491 fictitious name without prior written authorization from the
492 department to use that name in the conduct of activities
493 regulated under this chapter. The department may not authorize

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494 the use of a name that ~~which~~ is so similar to that of a public
495 officer or agency, or of that used by another licensee, that the
496 public may be confused or misled thereby. The authorization for
497 the use of a fictitious name must ~~shall~~ require, as a condition
498 precedent to the use of such name, the filing of a certificate
499 of engaging in business under a fictitious name under s. 865.09.
500 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
501 under more than one name except as separately licensed nor shall
502 the license be valid to protect any licensee who is engaged in
503 the business under any name other than that specified in the
504 license. An agency desiring to change its licensed name must
505 ~~shall~~ notify the department and, except upon renewal, pay a fee
506 not to exceed \$30 for each license requiring revision including
507 those of all licensed employees except Class "D" or Class "G"
508 licensees. Upon the return of such licenses to the department,
509 revised licenses shall be provided.

510 Section 11. Subsections (2) and (3) of section 493.6113,
511 Florida Statutes, are amended to read:

512 493.6113 Renewal application for licensure.-

513 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
514 expiration date of the license, the department shall mail a
515 written notice to the last known mailing ~~residence~~ address of
516 the licensee ~~for individual licensees and to the last known~~
517 ~~agency address for agencies.~~

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

522 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~

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523 licensee shall additionally submit on a form prescribed by the
524 department a certification of insurance that ~~which~~ evidences
525 that the licensee maintains coverage as required under s.
526 493.6110.

527 (b) Each Class "G" licensee shall additionally submit proof
528 that he or she has received during each year of the license
529 period a minimum of 4 hours of firearms recertification training
530 taught by a Class "K" licensee and has complied with such other
531 health and training requirements which the department may adopt
532 by rule. If proof of a minimum of 4 hours of annual firearms
533 recertification training cannot be provided, the renewal
534 applicant shall complete the minimum number of hours of range
535 and classroom training required at the time of initial
536 licensure.

537 (c) Each Class "DS" or Class "RS" licensee shall
538 additionally submit the current curriculum, examination, and
539 list of instructors.

540 (d) Each Class "K" firearms instructor licensee shall
541 additionally submit one of the certificates specified under s.
542 493.6105(6) as proof that he or she remains certified to provide
543 firearms instruction.

544 Section 12. Subsection (8), paragraph (d) of subsection
545 (12), and subsection (16) of section 493.6115, Florida Statutes,
546 are amended to read:

547 493.6115 Weapons and firearms.—

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

551 (12) The department may issue a temporary Class "G"

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552 license, on a case-by-case basis, if:

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

556 (16) If the criminal history record check program
557 referenced in s. 493.6108(1) ~~493.6121(6)~~ is inoperable, the
558 department may issue a temporary "G" license on a case-by-case
559 basis, provided that the applicant has met all statutory
560 requirements for the issuance of a temporary "G" license as
561 specified in subsection (12), excepting the criminal history
562 record check stipulated there; provided, that the department
563 requires that the licensed employer of the applicant conduct a
564 criminal history record check of the applicant pursuant to
565 standards set forth in rule by the department, and provide to
566 the department an affidavit containing such information and
567 statements as required by the department, including a statement
568 that the criminal history record check did not indicate the
569 existence of any criminal history that would prohibit licensure.
570 Failure to properly conduct such a check, or knowingly providing
571 incorrect or misleading information or statements in the
572 affidavit constitutes ~~shall constitute~~ grounds for disciplinary
573 action against the licensed agency, including revocation of
574 license.

575 Section 13. Present paragraph (u) of subsection (1) of
576 section 493.6118, Florida Statutes, is redesignated as paragraph
577 (v), and a new paragraph (u) is added to that subsection to
578 read:

579 493.6118 Grounds for disciplinary action.—

580 (1) The following constitute grounds for which disciplinary

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581 action specified in subsection (2) may be taken by the
582 department against any licensee, agency, or applicant regulated
583 by this chapter, or any unlicensed person engaged in activities
584 regulated under this chapter.

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

588 Section 14. Present subsections (7) and (8) of section
589 493.6121, Florida Statutes, are renumbered as subsections (6)
590 and (7), respectively, and subsection (6) of that section is
591 amended, to read:

592 493.6121 Enforcement; investigation.—

593 ~~(6) The department shall be provided access to the program~~
594 ~~that is operated by the Department of Law Enforcement, pursuant~~
595 ~~to s. 790.065, for providing criminal history record information~~
596 ~~to licensed gun dealers, manufacturers, and exporters. The~~
597 ~~department may make inquiries, and shall receive responses in~~
598 ~~the same fashion as provided under s. 790.065. The department~~
599 ~~shall be responsible for payment to the Department of Law~~
600 ~~Enforcement of the same fees as charged to others afforded~~
601 ~~access to the program.~~

602 Section 15. Subsection (3) of section 493.6202, Florida
603 Statutes, is amended to read:

604 493.6202 Fees.—

605 (3) The fees set forth in this section must be paid by
606 ~~certified~~ check or money order or, at the discretion of the
607 department, by electronic funds transfer ~~agency check~~ at the
608 time the application is approved, except that the applicant for
609 a Class "G," Class "C," Class "CC," Class "M," or Class "MA"

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610 license must pay the license fee at the time the application is
611 made. If a license is revoked or denied or if the application is
612 withdrawn, the license fee is nonrefundable ~~shall not be~~
613 ~~refunded~~.

614 Section 16. Subsections (2), (4), and (6) of section
615 493.6203, Florida Statutes, are amended to read:

616 493.6203 License requirements.—In addition to the license
617 requirements set forth elsewhere in this chapter, each
618 individual or agency shall comply with the following additional
619 requirements:

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

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

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

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

627 (d) Experience described in paragraph (a) for 1 year and
628 experience described in paragraph (e) for 1 year;

629 (e) No more than 1 year using:

630 1. College coursework related to criminal justice,
631 criminology, or law enforcement administration; or

632 2. Successfully completed law enforcement-related training
633 received from any federal, state, county, or municipal agency;
634 or

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

637
638 However, experience in performing bodyguard services is not

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639 creditable toward the requirements of this subsection.

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

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

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

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

652
653 However, experience in performing bodyguard services is not
654 creditable toward the requirements of this subsection.

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

658 (b) Effective January 1, 2012 ~~September 1, 2008~~, before
659 submission of an application to the department, the an applicant
660 for a Class "CC" license must have completed a minimum of 40 at
661 ~~least 24~~ hours of professional training ~~a 40-hour course~~
662 pertaining to general investigative techniques and this chapter,
663 which course is offered by a state university or by a school,
664 community college, college, or university under the purview of
665 the Department of Education, and the applicant must pass an
666 examination. The training must be provided in two parts, one 24-
667 hour course and one 16-hour course. The certificate evidencing

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668 satisfactory completion of the 40 ~~at least 24~~ hours of
669 professional training ~~a 40-hour course~~ must be submitted with
670 the application for a Class "CC" license. ~~The remaining 16 hours~~
671 ~~must be completed and an examination passed within 180 days. If~~
672 ~~documentation of completion of the required training is not~~
673 ~~submitted within the specified timeframe, the individual's~~
674 ~~license is automatically suspended or his or her authority to~~
675 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
676 ~~until such time as proof of certificate of completion is~~
677 ~~provided to the department.~~ The training ~~course~~ specified in
678 this paragraph may be provided by face-to-face presentation,
679 online technology, or a home study course in accordance with
680 rules and procedures of the Department of Education. The
681 administrator of the examination must verify the identity of
682 each applicant taking the examination.

683 1. Upon an applicant's successful completion of each part
684 of the approved training ~~course~~ and passage of any required
685 examination, the school, community college, college, or
686 university shall issue a certificate of completion to the
687 applicant. The certificates must be on a form established by
688 rule of the department.

689 2. The department shall establish by rule the general
690 content of the professional training ~~course~~ and the examination
691 criteria.

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

695 (c) An individual who submits an application for a Class
696 "CC" license on or after September 1, 2008, through December 31,

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697 2011, who has not completed the 16-hour course must submit proof
698 of successful completion of the course within 180 days after the
699 date the application is submitted. If documentation of
700 completion of the required training is not submitted by that
701 date, the individual's license shall be automatically suspended
702 until proof of the required training is submitted to the
703 department. An individual licensed on or before August 31, 2008,
704 is not required to complete additional training hours in order
705 to renew an active license beyond the total required hours, and
706 the timeframe for completion in effect at the time he or she was
707 licensed applies.

708 Section 17. Subsection (3) of section 493.6302, Florida
709 Statutes, is amended to read:

710 493.6302 Fees.—

711 (3) The fees set forth in this section must be paid by
712 ~~certified~~ check or money order or, at the discretion of the
713 department, by electronic funds transfer ~~agency check~~ at the
714 time the application is approved, except that the applicant for
715 a Class "D," Class "G," Class "M," or Class "MB" license must
716 pay the license fee at the time the application is made. If a
717 license is revoked or denied or if the application is withdrawn,
718 the license fee is nonrefundable ~~shall not be refunded~~.

719 Section 18. Subsection (4) of section 493.6303, Florida
720 Statutes, is amended to read:

721 493.6303 License requirements.—In addition to the license
722 requirements set forth elsewhere in this chapter, each
723 individual or agency must ~~shall~~ comply with the following
724 additional requirements:

725 (4) (a) Effective January 1, 2012, an applicant for a Class

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726 "D" license must submit proof of successful completion of
727 ~~complete~~ a minimum of 40 hours of professional training at a
728 school or training facility licensed by the department. The
729 training must be provided in two parts, one 24-hour course and
730 one 16-hour course. The department shall by rule establish the
731 general content and number of hours of each subject area to be
732 taught.

733 (b) An individual who submits an application for a Class
734 "D" license on or after January 1, 2007, through December 31,
735 2011, who has not completed the 16-hour course must submit proof
736 of successful completion of the course within 180 days after the
737 date the application is submitted. If documentation of
738 completion of the required training is not submitted by that
739 date, the individual's license shall be automatically suspended
740 until proof of the required training is submitted to the
741 department. A person licensed before January 1, 2007, is not
742 required to complete additional training hours in order to renew
743 an active license beyond the total required hours, and the
744 timeframe for completion in effect at the time he or she was
745 licensed applies. ~~An applicant may fulfill the training~~
746 ~~requirement prescribed in paragraph (a) by submitting proof of:~~

747 1. Successful completion of the total number of required
748 hours of training before initial application for a Class "D"
749 license; or

750 2. Successful completion of 24 hours of training before
751 initial application for a Class "D" license and successful
752 completion of the remaining 16 hours of training within 180 days
753 after the date that the application is submitted. If
754 documentation of completion of the required training is not

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755 ~~submitted within the specified timeframe, the individual's~~
756 ~~license is automatically suspended until such time as proof of~~
757 ~~the required training is provided to the department.~~

758 (c) An individual ~~However, any person~~ whose license is
759 suspended or has been ~~revoked, suspended~~ pursuant to paragraph
760 (b) subparagraph 2., or is ~~expired~~ for at least 1 year, ~~or~~
761 ~~longer~~ is considered, upon reapplication for a license, an
762 initial applicant and must submit proof of successful completion
763 of 40 hours of professional training at a school or training
764 facility licensed by the department as provided ~~prescribed~~ in
765 paragraph (a) before a license is ~~will be~~ issued. Any person
766 ~~whose license was issued before January 1, 2007, and whose~~
767 ~~license has been expired for less than 1 year must, upon~~
768 ~~reapplication for a license, submit documentation of completion~~
769 ~~of the total number of hours of training prescribed by law at~~
770 ~~the time her or his initial license was issued before another~~
771 ~~license will be issued. This subsection does not require an~~
772 ~~individual licensed before January 1, 2007, to complete~~
773 ~~additional training hours in order to renew an active license,~~
774 ~~beyond the required total amount of training within the~~
775 ~~timeframe prescribed by law at the time she or he was licensed.~~

776 Section 19. Subsection (2) of section 493.6304, Florida
777 Statutes, is amended to read:

778 493.6304 Security officer school or training facility.—

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

782 (a) The name and address of the school or training facility
783 and, if the applicant is an individual, her or his name,

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784 address, and social security or alien registration number.

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

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

789 Section 20. Subsections (7) and (8) of section 493.6401,
790 Florida Statutes, are amended to read:

791 493.6401 Classes of licenses.—

792 (7) Any person who operates a recovery agent ~~repossessor~~
793 school or training facility or who conducts an Internet-based
794 training course or a correspondence training course must have a
795 Class "RS" license.

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

799 Section 21. Subsections (1) and (3) of section 493.6402,
800 Florida Statutes, are amended to read:

801 493.6402 Fees.—

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

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

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

806 (c) Class "MR" license—recovery agency manager: \$75.

807 (d) Class "E" license—recovery agent: \$75.

808 (e) Class "EE" license—recovery agent intern: \$60.

809 (f) Class "RS" license—recovery agent ~~license—repossessor~~
810 school or training facility: \$60.

811 (g) Class "RI" license—recovery agent ~~license—repossessor~~
812 school or training facility instructor: \$60.

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813 (3) The fees set forth in this section must be paid by
814 ~~certified~~ check or money order, or, at the discretion of the
815 department, by or electronic funds transfer ~~agency check~~ at the
816 time the application is approved, except that the applicant for
817 a Class "E," Class "EE," or Class "MR" license must pay the
818 license fee at the time the application is made. If a license is
819 revoked or denied, or if an application is withdrawn, the
820 license fee is nonrefundable ~~shall not be refunded~~.

821 Section 22. Section 493.6406, Florida Statutes, is amended
822 to read:

823 493.6406 Recovery agent ~~Repossession services~~ school or
824 training facility.-

825 (1) Any school, training facility, or instructor who offers
826 the training outlined in s. 493.6403(2) for Class "E" or Class
827 "EE" applicants shall, before licensure of such school, training
828 facility, or instructor, file with the department an application
829 accompanied by an application fee in an amount to be determined
830 by rule, not to exceed \$60. The fee shall not be refundable.
831 This training may be offered as face-to-face training, Internet-
832 based training, or correspondence training.

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

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

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

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

844 (3) The department shall adopt rules establishing the
845 criteria for approval of schools, training facilities, and
846 instructors.

847 Section 23. Subsection (7) of section 496.404, Florida
848 Statutes, is amended to read:

849 496.404 Definitions.—As used in ss. 496.401-496.424:

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

852 Section 24. Subsection (3) of section 496.411, Florida
853 Statutes, is amended to read:

854 496.411 Disclosure requirements and duties of charitable
855 organizations and sponsors.—

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

861
862 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
863 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
864 CONSUMER PROTECTION ~~SERVICES~~ BY CALLING TOLL-FREE
865 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
866 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
867 STATE."

868
869 The statement must include a toll-free number for the division
870 which ~~that~~ can be used to obtain the registration information.

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871 When the solicitation consists of more than one piece, the
872 statement must be displayed prominently in the solicitation
873 materials.

874 Section 25. Paragraph (c) of subsection (1) of section
875 496.412, Florida Statutes, is amended to read:

876 496.412 Disclosure requirements and duties of professional
877 solicitors.—

878 (1) A professional solicitor must comply with and be
879 responsible for complying or causing compliance with the
880 following disclosures:

881 (c) In addition to the information required by paragraph
882 (a), any written confirmation, receipt, or reminder of
883 contribution made pursuant to an oral solicitation and any
884 written solicitation shall conspicuously state in capital
885 letters:

886
887 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
888 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
889 CONSUMER PROTECTION ~~SERVICES~~ BY CALLING TOLL-FREE
890 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
891 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
892 STATE."

893
894 The statement must include a toll-free number for the division
895 which ~~that~~ can be used to obtain the registration information.

896 When the solicitation consists of more than one piece, the
897 statement must be displayed prominently in the solicitation
898 materials.

899 Section 26. Subsection (5) of section 496.419, Florida

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900 Statutes, is amended to read:

901 496.419 Powers of the department.—

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

905 (a) Issue ~~Issuing~~ a notice of noncompliance pursuant to s.
906 120.695;

907 (b) Issue ~~Issuing~~ a cease and desist order that directs
908 that the person cease and desist specified fundraising
909 activities;

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

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

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

917 (f) Impose ~~Imposing~~ an administrative fine not to exceed
918 \$1,000 for each act or omission that ~~which~~ constitutes a
919 violation of ss. 496.401-496.424 or s. 496.426 or a rule or
920 order.

921
922 With respect to a s. 501(c)(3) organization, the penalty imposed
923 pursuant to this subsection may ~~shall~~ not exceed \$500 per
924 violation. The penalty shall be the entire amount per violation
925 and is not ~~to be interpreted as~~ a daily penalty.

926 Section 27. Subsection (7) of section 501.015, Florida
927 Statutes, is amended to read:

928 501.015 Health studios; registration requirements and

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929 fees.—Each health studio shall:

930 (7) ~~Any person applying for or renewing a local~~
931 ~~occupational license to engage in business as a health studio~~
932 ~~must~~ Exhibit an active registration certificate from the
933 Department of Agriculture and Consumer Services before the local
934 business tax receipt ~~occupational license~~ may be issued or
935 reissued.

936 Section 28. Subsection (1) of section 501.017, Florida
937 Statutes, is amended to read:

938 501.017 Health studios; contracts.—

939 (1) Every contract for the sale of future health studio
940 services which is paid for in advance or which the buyer agrees
941 to pay for in future installment payments must ~~shall~~ be in
942 writing and must ~~shall~~ contain, contractual provisions to the
943 contrary notwithstanding, in immediate proximity to the space
944 reserved in the contract for the signature of the buyer, and in
945 at least 10-point boldfaced type, language substantially
946 equivalent to the following:

947 (a) A provision for the penalty-free cancellation of the
948 contract within 3 days, exclusive of holidays and weekends, of
949 its making, upon the mailing or delivery of written notice to
950 the health studio, and refund upon such notice of all moneys
951 paid under the contract, except that the health studio may
952 retain an amount computed by dividing the number of complete
953 days in the contract term or, if appropriate, the number of
954 occasions health studio services are to be rendered into the
955 total contract price and multiplying the result by the number of
956 complete days that have passed since the making of the contract
957 or, if appropriate, by the number of occasions that health

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958 studio services have been rendered. A refund shall be issued
959 within 30 days after receipt of the notice of cancellation made
960 within the 3-day provision.

961 (b)1. A provision for the cancellation and refund of the
962 contract if the contracting business location of the health
963 studio goes out of business, or moves its facilities more than 5
964 driving miles from the business location designated in such
965 contract and fails to provide, within 30 days, a facility of
966 equal quality located within 5 driving miles of the business
967 location designated in such contract at no additional cost to
968 the buyer.

969 2. A provision that notice of intent to cancel by the buyer
970 shall be given in writing to the health studio. Such a notice of
971 cancellation from the consumer shall also terminate
972 automatically the consumer's obligation to any entity to whom
973 the health studio has subrogated or assigned the consumer's
974 contract. If the health studio wishes to enforce such contract
975 after receipt of such showing, it may request the department to
976 determine the sufficiency of the showing.

977 3. A provision that if the department determines that a
978 refund is due the buyer, the refund shall be an amount computed
979 by dividing the contract price by the number of weeks in the
980 contract term and multiplying the result by the number of weeks
981 remaining in the contract term. The business location of a
982 health studio is ~~shall~~ not be deemed out of business when
983 temporarily closed for repair and renovation of the premises:

984 a. Upon sale, for not more than 14 consecutive days; or
985 b. During ownership, for not more than 7 consecutive days
986 and not more than two periods of 7 consecutive days in any

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987 calendar year.

988

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

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

994 (d) A provision for the cancellation of the contract if the
995 buyer dies or becomes physically unable to avail himself or
996 herself of a substantial portion of those services which he or
997 she used from the commencement of the contract until the time of
998 disability, with refund of funds paid or accepted in payment of
999 the contract in an amount computed by dividing the contract
1000 price by the number of weeks in the contract term and
1001 multiplying the result by the number of weeks remaining in the
1002 contract term. The contract may require a buyer or the buyer's
1003 estate seeking relief under this paragraph to provide proof of
1004 disability or death. A physical disability sufficient to warrant
1005 cancellation of the contract by the buyer shall be established
1006 if the buyer furnishes to the health studio a certification of
1007 such disability by a physician licensed under chapter 458,
1008 chapter 459, chapter 460, or chapter 461 to the extent the
1009 diagnosis or treatment of the disability is within the
1010 physician's scope of practice. A refund shall be issued within
1011 30 days after receipt of the notice of cancellation made
1012 pursuant to this paragraph.

1013 (e) A provision that the initial contract will not be for a
1014 period in excess of 36 months, and thereafter shall only be
1015 renewable annually. Such renewal contracts may not be executed

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1016 and the fee therefor paid until 60 days or less before the
1017 preceding contract expires.

1018 (f) A provision that if the health studio requires a buyer
1019 to furnish identification upon entry to the facility and as a
1020 condition of using the services of the health studio, the health
1021 studio must ~~shall~~ provide the buyer with the means of such
1022 identification.

1023 Section 29. Subsection (2) of section 501.145, Florida
1024 Statutes, is amended to read:

1025 501.145 Bedding Label Act.—

1026 (2) DEFINITIONS.—For the purpose of this section, the term:

1027 (a) "Bedding" means any mattress, box spring, pillow, or
1028 cushion made of leather or any other material which is or can be
1029 stuffed or filled in whole or in part with any substance or
1030 material, which can be used by any human being for sleeping or
1031 reclining purposes.

1032 ~~(b) "Department" means the Department of Agriculture and
1033 Consumer Services.~~

1034 (b)(e) "Enforcing authority" means the Department of
1035 Agriculture and Consumer Services or the Department of Legal
1036 Affairs.

1037 Section 30. Subsection (8) of section 501.160, Florida
1038 Statutes, is amended to read:

1039 501.160 Rental or sale of essential commodities during a
1040 declared state of emergency; prohibition against unconscionable
1041 prices.—

1042 (8) Any violation of this section may be enforced by the
1043 ~~Department of Agriculture and Consumer Services,~~ the office of
1044 the state attorney~~7~~ or the Department of Legal Affairs.

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1045 Section 31. Paragraph (a) of subsection (2) of section
1046 501.605, Florida Statutes, is amended to read:

1047 501.605 Licensure of commercial telephone sellers.—

1048 (2) An applicant for a license as a commercial telephone
1049 seller must submit to the department, in such form as it
1050 prescribes, a written application for the license. The
1051 application must set forth the following information:

1052 (a) The true name, date of birth, driver's license number,
1053 ~~social security number,~~ and home address of the applicant,
1054 including each name under which he or she intends to do
1055 business.

1056
1057 The application shall be accompanied by a copy of any: Script,
1058 outline, or presentation the applicant will require or suggest a
1059 salesperson to use when soliciting, or, if no such document is
1060 used, a statement to that effect; sales information or
1061 literature to be provided by the applicant to a salesperson; and
1062 sales information or literature to be provided by the applicant
1063 to a purchaser in connection with any solicitation.

1064 Section 32. Paragraph (a) of subsection (1) of section
1065 501.607, Florida Statutes, is amended to read:

1066 501.607 Licensure of salespersons.—

1067 (1) An applicant for a license as a salesperson must submit
1068 to the department, in such form as it prescribes, a written
1069 application for a license. The application must set forth the
1070 following information:

1071 (a) The true name, date of birth, driver's license number
1072 or other valid form of identification, ~~social security number,~~
1073 and home address of the applicant.

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1074 Section 33. Paragraph (f) of subsection (3) of section
1075 539.001, Florida Statutes, is amended to read:

1076 539.001 The Florida Pawnbroking Act.—

1077 (3) LICENSE REQUIRED.—

1078 (f) Any person applying for or renewing a local business
1079 tax receipt ~~occupational license~~ to engage in business as a
1080 pawnbroker must exhibit a current license from the agency before
1081 the local business tax receipt ~~occupational license~~ may be
1082 issued or reissued.

1083 Section 34. Subsection (1) of section 559.805, Florida
1084 Statutes, is amended to read:

1085 559.805 Filings with the department; disclosure of
1086 advertisement identification number.—

1087 (1) Every seller of a business opportunity shall annually
1088 file with the department a copy of the disclosure statement
1089 required by s. 559.803 before ~~prior to~~ placing an advertisement
1090 or making any other representation designed to offer to, sell
1091 to, or solicit an offer to buy a business opportunity from a
1092 prospective purchaser in this state and must ~~shall~~ update this
1093 filing by reporting any material change in the required
1094 information within 30 days after the material change occurs. An
1095 advertisement is not considered to be placed in the state merely
1096 because the advertisement is published in a publisher
1097 ~~circulates, or there is circulated on his or her behalf in the~~
1098 ~~state, any bona fide newspaper or other publication~~ having a ~~of~~
1099 general, regular, and paid circulation in this state which has
1100 had more than two-thirds of its circulation during the past 12
1101 months outside the state or because the advertisement is
1102 received in this state from a radio or television program

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1103 originating outside the state ~~is received in the state~~. If the
1104 seller is required by s. 559.807 to provide a bond or establish
1105 a trust account or guaranteed letter of credit, the seller ~~he or~~
1106 ~~she~~ shall contemporaneously file with the department a copy of
1107 the bond, a copy of the formal notification by the depository
1108 that the trust account is established, or a copy of the
1109 guaranteed letter of credit. Every seller of a business
1110 opportunity must ~~shall~~ file with the department a list of
1111 independent agents who will engage in the offer or sale of
1112 business opportunities on behalf of the seller in this state.
1113 This list must be kept current and must ~~shall~~ include the
1114 following information: name, home and business address,
1115 telephone number, present employer, ~~social security number,~~ and
1116 birth date. A ~~No~~ person may not ~~shall be allowed to~~ offer or
1117 sell business opportunities unless the required information has
1118 been provided to the department.

1119 Section 35. Subsection (7) of section 559.904, Florida
1120 Statutes, is amended to read:

1121 559.904 Motor vehicle repair shop registration;
1122 application; exemption.—

1123 (7) Any person applying for or renewing a local business
1124 tax receipt ~~occupational license on or after October 1, 1993,~~ to
1125 engage in business as a motor vehicle repair shop must exhibit
1126 an active registration certificate from the department before
1127 the local business tax receipt ~~occupational license~~ may be
1128 issued or renewed.

1129 Section 36. Section 570.544, Florida Statutes, is amended
1130 to read:

1131 570.544 Division of Consumer Protection Services; director;

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1132 powers; processing of complaints; records.-

1133 (1) The director of the Division of Consumer Protection
1134 ~~Services~~ shall be appointed by and serve at the pleasure of the
1135 commissioner.

1136 (2) The Division of Consumer Protection ~~Services~~ may:

1137 (a) Conduct studies and make analyses of matters affecting
1138 the interests of consumers.

1139 (b) Study the operation of laws for consumer protection.

1140 (c) Advise and make recommendations to the various state
1141 agencies concerned with matters affecting consumers.

1142 (d) Assist, advise, and cooperate with local, state, or
1143 federal agencies and officials in order to promote the interests
1144 of consumers.

1145 (e) Make use of the testing and laboratory facilities of
1146 the department for the detection of consumer fraud.

1147 (f) Report to the appropriate law enforcement officers any
1148 information concerning violation of consumer protection laws.

1149 (g) Assist, develop, and conduct programs of consumer
1150 education and consumer information through publications and
1151 other informational and educational material prepared for
1152 dissemination to the public, in order to increase the competence
1153 of consumers.

1154 (h) Organize and hold conferences on problems affecting
1155 consumers.

1156 (i) Recommend programs to encourage business and industry
1157 to maintain high standards of honesty, fair business practices,
1158 and public responsibility in the production, promotion, and sale
1159 of consumer goods and services.

1160 (3) In addition to the powers, duties, and responsibilities

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1161 authorized by this or any other chapter, the Division of
1162 Consumer Protection Services shall serve as a clearinghouse for
1163 matters relating to consumer protection, consumer information,
1164 and consumer services generally. It shall receive complaints and
1165 grievances from consumers and promptly transmit them to that
1166 agency most directly concerned in order that the complaint or
1167 grievance may be expeditiously handled in the best interests of
1168 the complaining consumer. If no agency exists, the Division of
1169 Consumer Protection Services shall seek a settlement of the
1170 complaint using formal or informal methods of mediation and
1171 conciliation and may seek any other resolution of the matter in
1172 accordance with its jurisdiction.

1173 (4) If any complaint received by the Division of Consumer
1174 Protection Services concerns matters that ~~which~~ involve
1175 concurrent jurisdiction in more than one agency, duplicate
1176 copies of the complaint shall be referred to those offices
1177 deemed to have concurrent jurisdiction.

1178 (5) (a) Any agency, office, bureau, division, or board of
1179 state government receiving a complaint that ~~which~~ deals with
1180 consumer fraud or consumer protection and ~~which~~ is not within
1181 the jurisdiction of the receiving agency, office, bureau,
1182 division, or board originally receiving it, shall immediately
1183 refer the complaint to the Division of Consumer Protection
1184 Services.

1185 (b) Upon receipt of such a complaint, the Division of
1186 Consumer Protection Services shall make a determination of the
1187 proper jurisdiction to which the complaint relates and shall
1188 immediately refer the complaint to the agency, office, bureau,
1189 division, or board that has ~~which does have~~ the proper

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1190 regulatory or enforcement authority to deal with it.

1191 (6) The office or agency to which a complaint has been
1192 referred shall within 30 days acknowledge receipt of the
1193 complaint. If an office or agency receiving a complaint
1194 determines that the matter presents a prima facie case for
1195 criminal prosecution or if the complaint cannot be settled at
1196 the administrative level, the complaint together with all
1197 supporting evidence shall be transmitted to the Department of
1198 Legal Affairs or other appropriate enforcement agency with a
1199 recommendation for civil or criminal action warranted by the
1200 evidence.

1201 (7) The records of the Division of Consumer Protection
1202 ~~Services~~ are public records. However, customer lists, customer
1203 names, and trade secrets are confidential and exempt from the
1204 provisions of s. 119.07(1). Disclosure necessary to enforcement
1205 procedures does ~~shall~~ not violate ~~be construed as violative of~~
1206 this prohibition on the disclosure of confidential information.

1207 ~~It shall be the duty of~~ The Division of Consumer
1208 Protection shall ~~Services to~~ maintain records and compile
1209 summaries and analyses of consumer complaints and their eventual
1210 disposition, which data may serve as a basis for recommendations
1211 to the Legislature and to state regulatory agencies.

1212 Section 37. Subsection (7) of section 681.102, Florida
1213 Statutes, is amended, and present subsections (8) through (23)
1214 of that subsection are renumbered as subsections (7) through
1215 (22), respectively, to read:

1216 681.102 Definitions.—As used in this chapter, the term:

1217 ~~(7) "Division" means the Division of Consumer Services of~~
1218 ~~the Department of Agriculture and Consumer Services.~~

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1219 Section 38. Subsection (3) of section 681.103, Florida
1220 Statutes, is amended to read:

1221 681.103 Duty of manufacturer to conform a motor vehicle to
1222 the warranty.—

1223 (3) At the time of acquisition, the manufacturer shall
1224 inform the consumer clearly and conspicuously in writing how and
1225 where to file a claim with a certified procedure if such
1226 procedure has been established by the manufacturer pursuant to
1227 s. 681.108. The nameplate manufacturer of a recreational vehicle
1228 shall, at the time of vehicle acquisition, inform the consumer
1229 clearly and conspicuously in writing how and where to file a
1230 claim with a program pursuant to s. 681.1096. The manufacturer
1231 shall provide to the dealer and, at the time of acquisition, the
1232 dealer shall provide to the consumer a written statement that
1233 explains the consumer's rights under this chapter. The written
1234 statement shall be prepared by the Department of Legal Affairs
1235 and shall contain a toll-free number for the department which
1236 ~~division that~~ the consumer can contact to obtain information
1237 regarding the consumer's rights and obligations under this
1238 chapter or to commence arbitration. If the manufacturer obtains
1239 a signed receipt for timely delivery of sufficient quantities of
1240 this written statement to meet the dealer's vehicle sales
1241 requirements, it shall constitute prima facie evidence of
1242 compliance with this subsection by the manufacturer. The
1243 consumer's signed acknowledgment of receipt of materials
1244 required under this subsection shall constitute prima facie
1245 evidence of compliance by the manufacturer and dealer. The form
1246 of the acknowledgments shall be approved by the Department of
1247 Legal Affairs, and the dealer shall maintain the consumer's

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1248 signed acknowledgment for 3 years.

1249 Section 39. Section 681.108, Florida Statutes, is amended
1250 to read:

1251 681.108 Dispute-settlement procedures.—

1252 (1) If a manufacturer has established a procedure that,
1253 ~~which~~ the department ~~division~~ has certified as substantially
1254 complying with the provisions of 16 C.F.R. part 703, in effect
1255 October 1, 1983, and with the provisions of this chapter and the
1256 rules adopted under this chapter, and has informed the consumer
1257 how and where to file a claim with such procedure pursuant to s.
1258 681.103(3), the provisions of s. 681.104(2) apply to the
1259 consumer only if the consumer has first resorted to such
1260 procedure. The decisionmakers for a certified procedure shall,
1261 in rendering decisions, take into account all legal and
1262 equitable factors germane to a fair and just decision,
1263 including, but not limited to, the warranty; the rights and
1264 remedies conferred under 16 C.F.R. part 703, in effect October
1265 1, 1983; the provisions of this chapter; and any other equitable
1266 considerations appropriate under the circumstances.

1267 Decisionmakers and staff of a procedure shall be trained in the
1268 provisions of this chapter and in 16 C.F.R. part 703, in effect
1269 October 1, 1983. In an action brought by a consumer concerning
1270 an alleged nonconformity, the decision that results from a
1271 certified procedure is admissible in evidence.

1272 (2) A manufacturer may apply to the department ~~division~~ for
1273 certification of its procedure. After receipt and evaluation of
1274 the application, the department ~~division~~ shall certify the
1275 procedure or notify the manufacturer of any deficiencies in the
1276 application or the procedure.

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1277 (3) A certified procedure or a procedure of an applicant
1278 seeking certification shall submit to the department ~~division~~ a
1279 copy of each settlement approved by the procedure or decision
1280 made by a decisionmaker within 30 days after the settlement is
1281 reached or the decision is rendered. The decision or settlement
1282 must contain at a minimum the:

1283 (a) Name and address of the consumer;

1284 (b) Name of the manufacturer and address of the dealership
1285 from which the motor vehicle was purchased;

1286 (c) Date the claim was received and the location of the
1287 procedure office that handled the claim;

1288 (d) Relief requested by the consumer;

1289 (e) Name of each decisionmaker rendering the decision or
1290 person approving the settlement;

1291 (f) Statement of the terms of the settlement or decision;

1292 (g) Date of the settlement or decision; and

1293 (h) Statement of whether the decision was accepted or
1294 rejected by the consumer.

1295 (4) Any manufacturer establishing or applying to establish
1296 a certified procedure must file with the department ~~division~~ a
1297 copy of the annual audit required under the provisions of 16
1298 C.F.R. part 703, in effect October 1, 1983, together with any
1299 additional information required for purposes of certification,
1300 including the number of refunds and replacements made in this
1301 state pursuant to the provisions of this chapter by the
1302 manufacturer during the period audited.

1303 (5) The department ~~division~~ shall review each certified
1304 procedure at least annually, prepare an annual report evaluating
1305 the operation of certified procedures established by motor

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1306 vehicle manufacturers and procedures of applicants seeking
1307 certification, and, for a period not to exceed 1 year, shall
1308 grant certification to, or renew certification for, those
1309 manufacturers whose procedures substantially comply with the
1310 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
1311 with the provisions of this chapter and rules adopted under this
1312 chapter. If certification is revoked or denied, the department
1313 ~~division~~ shall state the reasons for such action. The reports
1314 and records of actions taken with respect to certification shall
1315 be public records.

1316 (6) A manufacturer whose certification is denied or revoked
1317 is entitled to a hearing pursuant to chapter 120.

1318 (7) If federal preemption of state authority to regulate
1319 procedures occurs, the provisions of subsection (1) concerning
1320 prior resort do not apply.

1321 (8) The department may ~~division shall~~ adopt rules to
1322 administer ~~implement~~ this section.

1323 Section 40. Section 681.109, Florida Statutes, is amended
1324 to read:

1325 681.109 Florida New Motor Vehicle Arbitration Board;
1326 dispute eligibility.—

1327 (1) If a manufacturer has a certified procedure, a consumer
1328 claim arising during the Lemon Law rights period must be filed
1329 with the certified procedure no later than 60 days after the
1330 expiration of the Lemon Law rights period. If a decision is not
1331 rendered by the certified procedure within 40 days of filing,
1332 the consumer may apply to the department ~~division~~ to have the
1333 dispute removed to the board for arbitration.

1334 (2) If a manufacturer has a certified procedure, a consumer

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1335 claim arising during the Lemon Law rights period must be filed
1336 with the certified procedure within ~~no later than~~ 60 days after
1337 the expiration of the Lemon Law rights period. If a consumer is
1338 not satisfied with the decision or the manufacturer's compliance
1339 therewith, the consumer may apply to the department ~~division~~ to
1340 have the dispute submitted to the board for arbitration. A
1341 manufacturer may not seek review of a decision made under its
1342 procedure.

1343 (3) If a manufacturer does not have a ~~has no~~ certified
1344 procedure or if the ~~a~~ certified procedure does not have
1345 jurisdiction to resolve the dispute, a consumer may apply
1346 directly to the department ~~division~~ to have the dispute
1347 submitted to the board for arbitration.

1348 (4) A consumer must request arbitration before the board
1349 with respect to a claim arising during the Lemon Law rights
1350 period no later than 60 days after the expiration of the Lemon
1351 Law rights period, or within 30 days after the final action of a
1352 certified procedure, whichever date occurs later.

1353 (5) The department ~~division~~ shall screen all requests for
1354 arbitration before the board to determine eligibility. The
1355 consumer's request for arbitration before the board shall be
1356 made on a form prescribed by the department. The department
1357 ~~division~~ shall forward to the board all disputes that the
1358 department ~~division~~ determines are potentially entitled to
1359 relief under this chapter.

1360 (6) The department ~~division~~ may reject a dispute that it
1361 determines to be fraudulent or outside the scope of the board's
1362 authority. Any dispute deemed by the department ~~division~~ to be
1363 ineligible for arbitration by the board due to insufficient

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1364 evidence may be reconsidered upon the submission of new
1365 information regarding the dispute. Following a second review,
1366 the department ~~division~~ may reject a dispute if the evidence is
1367 clearly insufficient to qualify for relief. If the department
1368 rejects a dispute, it must provide notice of the rejection and a
1369 brief explanation of the reason for rejection ~~Any dispute~~
1370 ~~rejected by the division shall be forwarded to the department~~
1371 ~~and a copy shall be sent by registered mail to the consumer and~~
1372 ~~to the manufacturer, containing a brief explanation as to the~~
1373 ~~reason for rejection.~~

1374 (7) If the department ~~division~~ rejects a dispute, the
1375 consumer may file a lawsuit to enforce the remedies provided
1376 under this chapter. In any civil action arising under this
1377 chapter and relating to a matter considered by the department
1378 ~~division~~, any determination made to reject a dispute is
1379 admissible in evidence.

1380 (8) The department ~~may~~ shall ~~have the authority to adopt~~
1381 ~~reasonable rules to administer~~ carry out the provisions of this
1382 section.

1383 Section 41. Subsections (2), (3), (4), (5), (9), (11), and
1384 (12) of section 681.1095, Florida Statutes, are amended, and
1385 subsection (17) is added to that section, to read:

1386 681.1095 Florida New Motor Vehicle Arbitration Board;
1387 creation and function.—

1388 (2) The board ~~boards~~ shall hear cases in various locations
1389 throughout the state so that any consumer whose dispute is
1390 approved for arbitration by the department ~~division~~ may attend
1391 an arbitration hearing at a reasonably convenient location and
1392 present a dispute orally. Hearings shall be conducted by panels

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1393 of three board members assigned by the department. A majority
1394 vote of the three-member board panel shall be required to render
1395 a decision. Arbitration proceedings under this section shall be
1396 open to the public on reasonable and nondiscriminatory terms.

1397 (3) Each region of the board shall consist of up to eight
1398 members. The members of the board shall construe and apply the
1399 provisions of this chapter, and rules adopted thereunder, in
1400 making their decisions. An administrator and a secretary shall
1401 be assigned to the each board by the Department of Legal
1402 Affairs. At least one member of the each board in each region
1403 must have ~~be a person with~~ expertise in motor vehicle mechanics.
1404 A member may ~~must~~ not be employed by a manufacturer or a
1405 franchised motor vehicle dealer or be a staff member, a
1406 decisionmaker, or a consultant for a procedure. Board members
1407 shall be trained in the application of this chapter and any
1408 rules adopted under this chapter. Members of the board, shall be
1409 ~~reimbursed for travel expenses pursuant to s. 112.061, and shall~~
1410 ~~be~~ compensated at a rate or wage prescribed by the Attorney
1411 General and are entitled to reimbursement for per diem and
1412 travel expenses pursuant to s. 112.061.

1413 (4) Before filing a civil action on a matter subject to s.
1414 681.104, the consumer must first submit the dispute to the
1415 department ~~division~~, and to the board if such dispute is deemed
1416 eligible for arbitration.

1417 (5) Manufacturers shall submit to arbitration conducted by
1418 the board if such arbitration is requested by a consumer and the
1419 dispute is deemed eligible for arbitration by the department
1420 ~~division~~ pursuant to s. 681.109.

1421 (9) The decision of the board shall be sent by any method

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1422 providing a delivery confirmation ~~registered mail~~ to the
1423 consumer and the manufacturer, and shall contain written
1424 findings of fact and rationale for the decision. If the decision
1425 is in favor of the consumer, the manufacturer must, within 40
1426 days after receipt of the decision, comply with the terms of the
1427 decision. Compliance occurs on the date the consumer receives
1428 delivery of an acceptable replacement motor vehicle or the
1429 refund specified in the arbitration award. In any civil action
1430 arising under this chapter and relating to a dispute arbitrated
1431 before the board, any decision by the board is admissible in
1432 evidence.

1433 (11) ~~All provisions in~~ This section and s. 681.109
1434 pertaining to compulsory arbitration before the board, the
1435 dispute eligibility screening by the department ~~division~~, the
1436 proceedings and decisions of the board, and any appeals thereof,
1437 are exempt from ~~the provisions of~~ chapter 120.

1438 (12) An appeal of a decision by the board to the circuit
1439 court by a consumer or a manufacturer shall be by trial de novo.
1440 In a written petition to appeal a decision by the board, the
1441 appealing party must state the action requested and the grounds
1442 relied upon for appeal. Within 15 ~~30~~ days after ~~of~~ final
1443 disposition of the appeal, the appealing party shall furnish the
1444 department with ~~notice of such disposition and, upon request,~~
1445 ~~shall furnish the department with~~ a copy of the settlement or
1446 the order or judgment of the court.

1447 (17) The department may adopt rules to administer this
1448 section.

1449 Section 42. Subsection (2) of section 681.1096, Florida
1450 Statutes, is amended to read:

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1451 681.1096 RV Mediation and Arbitration Program; creation and
1452 qualifications.-

1453 (2) Each manufacturer of a recreational vehicle involved in
1454 a dispute that is determined eligible under this chapter,
1455 including chassis and component manufacturers that ~~which~~
1456 separately warrant the chassis and components and that ~~which~~
1457 otherwise meet the definition of manufacturer set forth in s.
1458 681.102(13) ~~681.102(14)~~, shall participate in a mediation and
1459 arbitration program that is deemed qualified by the department.

1460 Section 43. Subsection (2) of section 681.112, Florida
1461 Statutes, is amended to read:

1462 681.112 Consumer remedies.-

1463 (2) An action brought under this chapter must be commenced
1464 within 1 year after the expiration of the Lemon Law rights
1465 period, or, if a consumer resorts to an informal dispute-
1466 settlement procedure or submits a dispute to the department
1467 ~~division~~ or board, within 1 year after the final action of the
1468 procedure, department ~~division~~, or board.

1469 Section 44. Subsection (1) of section 681.117, Florida
1470 Statutes, is amended to read:

1471 681.117 Fee.-

1472 (1) A \$2 fee shall be collected by a motor vehicle dealer,
1473 or by a person engaged in the business of leasing motor
1474 vehicles, from the consumer at the consummation of the sale of a
1475 motor vehicle or at the time of entry into a lease agreement for
1476 a motor vehicle. Such fees shall be remitted to the county tax
1477 collector or private tag agency acting as agent for the
1478 Department of Revenue. If the purchaser or lessee removes the
1479 motor vehicle from the state for titling and registration

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1480 outside this state, the fee shall be remitted to the Department
1481 of Revenue. All fees, less the cost of administration, shall be
1482 transferred monthly to the Department of Legal Affairs for
1483 deposit into the Motor Vehicle Warranty Trust Fund. The
1484 Department of Legal Affairs shall distribute monthly an amount
1485 not exceeding one-fourth of the fees received to the Division of
1486 Consumer Protection Services of the Department of Agriculture
1487 and Consumer Services to carry out the provisions of ss. 681.108
1488 and 681.109. ~~The Department of Legal Affairs shall contract with~~
1489 ~~the Division of Consumer Services for payment of services~~
1490 ~~performed by the division pursuant to ss. 681.108 and 681.109.~~

1491 Section 45. Subsection (3) of section 849.0915, Florida
1492 Statutes, is amended to read:

1493 849.0915 Referral selling.-

1494 (3) In addition to the penalty provided herein, the
1495 Attorney General and her or his assistants, the state attorneys
1496 and their assistants, and the Division of Consumer Protection
1497 ~~Services~~ of the Department of Agriculture and Consumer Services
1498 are authorized to apply to the circuit court within their
1499 respective jurisdictions, and the ~~such~~ court has ~~shall have~~
1500 jurisdiction, upon hearing and for cause shown, to grant a
1501 temporary or permanent injunction restraining any person from
1502 violating the provisions of this section, whether or not there
1503 exists an adequate remedy at law, and such injunction shall
1504 issue without bond.

1505 Section 46. This act shall take effect July 1, 2011.