

By the Committee on Commerce and Tourism; and 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. 320.90,
7 F.S.; deleting a reference to the Department of
8 Agriculture and Consumer Services; amending s.
9 493.6105, F.S.; revising the information that a person
10 must supply in an application for licensure as a
11 private investigator, private security service, or
12 repossession service; deleting a requirement that
13 certain applicants supply photographs along with an
14 application; revising the certificates that a person
15 applying for a class "K" firearms instructor's license
16 must supply along with an application for the license;
17 making technical and grammatical changes; amending s.
18 493.6106, F.S.; providing that applicants for certain
19 licenses as a private investigator, private security
20 service or repossession service must meet certain
21 citizenship or immigration requirements and not be
22 prohibited by law from purchasing a firearm; making
23 grammatical and technical changes; amending s.
24 493.6107, F.S.; authorizing a Class "M," Class "G,"
25 and Class "K" licensee or applicant to pay examination
26 fees and license fees by personal check or, if
27 authorized by the department, by electronic funds
28 transfer; amending s. 493.6108, F.S.; requiring the
29 department to investigate the mental fitness of an

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30 applicant of a Class "K" firearms instructor license;
31 amending s. 493.6111, F.S.; providing that Class "K"
32 firearms instructor licenses are valid for 3 years;
33 requiring an applicant for a recovery school or
34 security officer school to receive approval from the
35 department before operating under a fictitious name;
36 making technical and grammatical changes; amending s.
37 493.6113, F.S.; deleting a requirement that Class "A"
38 private investigative agency licensees and Class "R"
39 recovery agency licensees provide evidence of certain
40 insurance coverage with an application to renew a
41 license; requiring a Class "K" firearms instructor
42 licensee to submit proof of certification to provide
43 firearms instruction; amending s. 493.6115, F.S.;
44 conforming cross-references to changes made by the
45 act; making technical and grammatical changes;
46 amending s. 493.6118, F.S.; authorizing the department
47 to take disciplinary action against a Class "G"
48 statewide firearms licensee or applicant or a Class
49 "K" firearms instructor licensee or applicant if the
50 person is prohibited from purchasing a firearm by law;
51 amending s. 493.6121, F.S.; deleting a provision
52 authorizing the department to have access to certain
53 criminal history information of a purchaser of a
54 firearm; amending s. 493.6202, F.S.; authorizing a
55 Class "A," Class "AA," Class "MA," Class "C," or Class
56 "CC" licensee or applicant to pay examination fees and
57 license fees by personal check or, if authorized by
58 the department, by electronic funds transfer; amending

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59 s. 493.6203, F.S.; providing that experience as a
60 bodyguard does not qualify as experience or training
61 for purposes of a Class "MA" or Class "C" license;
62 requiring an initial applicant for a Class "CC"
63 license to complete specified training courses; making
64 technical and grammatical changes and conforming a
65 cross-reference; amending s. 493.6302, F.S.;

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

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

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

87 renaming the Division of Consumer Services as the

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88 "Division of Consumer Protection"; amending s.
89 496.419, F.S.; clarifying the powers of the department
90 to enter an order; amending s. 501.015, F.S.;
91 correcting a reference to a local business tax
92 receipt; amending s. 501.017, F.S.; specifying the
93 minimum type size for requiring certain disclosures in
94 contracts between a consumer and a health studio;
95 amending s. 501.145, F.S.; deleting a reference to the
96 department as an enforcing authority in the Bedding
97 Label Act; amending s. 501.160, F.S.; deleting
98 authorization for the department to enforce certain
99 prohibitions against unconscionable practices during a
100 declared state of emergency; amending s. 501.605,
101 F.S.; deleting a requirement that a person supply his
102 or her social security number on an application as a
103 commercial telephone seller and adding a requirement
104 for another valid form of identification; amending s.
105 501.607, F.S.; deleting a requirement that a person
106 supply his or her social security number on an
107 application as a salesperson; amending s. 539.001,
108 F.S.; correcting a reference to a local business tax
109 receipt; amending s. 559.805, F.S.; deleting a
110 requirement that a seller of a business opportunity
111 provide the social security numbers of the seller's
112 agents to the department; amending s. 559.904, F.S.;
113 correcting a reference to a local business tax
114 receipt; amending s. 559.928, F.S.; correcting a
115 reference to a local business tax receipt; amending s.
116 559.935, F.S.; correcting a reference to local

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117 business tax receipts; amending s. 570.29, F.S.;

118 renaming the Division of Consumer Services as the

119 "Division of Consumer Protection"; amending s.

120 570.544, F.S.; renaming the Division of Consumer

121 Services as the "Division of Consumer Protection";

122 amending s. 681.102, F.S.; deleting a reference to the

123 division in the Motor Vehicle Warranty Enforcement

124 Act; amending ss. 681.103, 681.108, and 681.109, F.S.;

125 transferring certain responsibilities under the Lemon

126 Law to the department from the Division of Consumer

127 Services; amending s. 681.1095, F.S.; transferring

128 certain responsibilities relating to the New Motor

129 Vehicle Arbitration Board to the department from the

130 Division of Consumer Services; authorizing the board

131 to send its decisions by any method providing a

132 delivery confirmation; authorizing the department to

133 adopt rules; amending s. 681.1096, F.S.; conforming a

134 cross-reference; amending s. 681.112, F.S.;

135 transferring certain responsibilities relating to the

136 Lemon Law to the department from the Division of

137 Consumer Services; amending s. 681.117, F.S.; deleting

138 a provision requiring the Department of Legal Affairs

139 to contract with the Division of Consumer Services for

140 services relating to dispute settlement procedures and

141 the New Motor Vehicle Arbitration Board; amending s.

142 849.0915, F.S.; renaming the Division of Consumer

143 Services as the "Division of Consumer Protection";

144 providing an effective date.

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

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

150 14.26 Citizen's Assistance Office.—

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

154 Section 2. Paragraph (e) of subsection (2) of section
155 20.14, Florida Statutes, is amended to read:

156 20.14 Department of Agriculture and Consumer Services.—

157 There is created a Department of Agriculture and Consumer
158 Services.

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

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

162 Section 3. Paragraph (q) of subsection (8) of section
163 213.053, Florida Statutes, as amended by chapter 2010-280, Laws
164 of Florida, is amended to read:

165 213.053 Confidentiality and information sharing.—

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

168 (q) Names, addresses, and sales tax registration
169 information to the Division of Consumer Protection ~~Services~~ of
170 the Department of Agriculture and Consumer Services in the
171 conduct of its official duties.

172

173 Disclosure of information under this subsection shall be
174 pursuant to a written agreement between the executive director

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175 and the agency. Such agencies, governmental or nongovernmental,
176 shall be bound by the same requirements of confidentiality as
177 the Department of Revenue. Breach of confidentiality is a
178 misdemeanor of the first degree, punishable as provided by s.
179 775.082 or s. 775.083.

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

182 320.275 Automobile Dealers Industry Advisory Board.—

183 (2) MEMBERSHIP, TERMS, MEETINGS.—

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

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204 one representative from the Department of Agriculture and
205 Consumer Services, who must represent the Division of Consumer
206 Protection Services; and one representative of the insurance
207 industry who writes motor vehicle dealer surety bonds.

208 (b)1. The executive director shall appoint the following
209 initial members to 1-year terms: one representative from the
210 motor vehicle auction industry who represents an auction chain,
211 one representative from the independent motor vehicle industry,
212 one representative from the franchise motor vehicle industry,
213 one representative from the Department of Revenue, one Florida
214 tax collector, and one representative from the Better Business
215 Bureau.

216 2. The executive director shall appoint the following
217 initial members to 2-year terms: one representative from the
218 motor vehicle auction industry who represents an independent
219 auction, one representative from the independent motor vehicle
220 industry, one representative from the franchise motor vehicle
221 industry, one representative from the Division of Consumer
222 Protection Services, one representative from the insurance
223 industry, and one representative from the Division of Motor
224 Vehicles.

225 3. As the initial terms expire, the executive director
226 shall appoint successors from the same designated category for
227 terms of 2 years. If renominated, a member may succeed himself
228 or herself.

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

231 Section 5. Section 320.90, Florida Statutes, is amended to
232 read:

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233 320.90 Notification of consumer's rights.—The department
234 shall develop a motor vehicle consumer's rights pamphlet which
235 shall be distributed free of charge ~~by the Department of~~
236 ~~Agriculture and Consumer Services~~ to the motor vehicle owner
237 upon request. Such pamphlet must contain information relating to
238 odometer fraud and provide a summary of the rights and remedies
239 available to all purchasers of motor vehicles.

240 Section 6. Section 366.85, Florida Statutes, is amended to
241 read:

242 366.85 Responsibilities of Division of Consumer Protection
243 ~~Services~~.—The Division of Consumer Protection Services of the
244 Department of Agriculture and Consumer Services is ~~shall be~~ the
245 agency responsible for consumer conciliatory conferences, if
246 such conferences are required pursuant to federal law. The
247 division shall also be the agency responsible for preparing
248 lists of sources for energy conservation products or services
249 and of financial institutions offering energy conservation
250 loans, if such lists are required pursuant to federal law.
251 Notwithstanding any provision of federal law to the contrary,
252 the division shall not require any manufacturer's warranty
253 exceeding 1 year in order for a source of conservation products
254 or services to be included on the appropriate list. The lists
255 shall be prepared for the service area of each utility and shall
256 be furnished to each utility for distribution to its customers.
257 The division shall update the lists on a systematic basis and
258 shall remove from any list any person who has been disciplined
259 by any state agency or who has otherwise exhibited a pattern of
260 unsatisfactory work and any person who requests removal from
261 such lists. The division may ~~is authorized to~~ adopt rules to

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262 implement the provisions of this section.

263 Section 7. Section 493.6105, Florida Statutes, is amended
264 to read:

265 493.6105 Initial application for license.—

266 (1) Each individual, partner, or principal officer in a
267 corporation, shall file with the department a complete
268 application accompanied by an application fee not to exceed \$60,
269 except that the applicant for a Class "D" or Class "G" license
270 is shall not ~~be~~ required to submit an application fee. The
271 application fee is shall not ~~be~~ refundable.

272 (a) The application submitted by any individual, partner,
273 or corporate officer must shall be approved by the department
274 before the ~~prior to that~~ individual, partner, or corporate
275 officer assumes ~~assuming~~ his or her duties.

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

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

283 (3) The application must shall contain the following
284 information concerning the individual signing the application
285 ~~same~~:

286 (a) Name and any aliases.

287 (b) Age and date of birth.

288 (c) Place of birth.

289 (d) Social security number or alien registration number,
290 whichever is applicable.

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

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

296 (f) ~~(g)~~ A statement of all criminal convictions, findings of
297 guilt, and pleas of guilty or nolo contendere, regardless of
298 adjudication of guilt. An applicant for a Class "G" or Class "K"
299 license who is younger than 24 years of age shall also include a
300 statement regarding any finding of having committed a delinquent
301 act in any state, territory, or country which would be a felony
302 if committed by an adult and which is punishable by imprisonment
303 for a term exceeding 1 year.

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

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

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

310 (j) A full set of fingerprints on a card provided by the
311 department and a fingerprint fee to be established by rule of
312 the department based upon costs determined by state and federal
313 agency charges and department processing costs. An applicant who
314 has, within the immediately preceding 6 months, submitted a
315 fingerprint card and fee for licensing purposes under this
316 chapter ~~is shall~~ not be required to submit another fingerprint
317 card or fee.

318 (k) A personal inquiry waiver that ~~which~~ allows the
319 department to conduct necessary investigations to satisfy the

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320 requirements of this chapter.

321 (1) Such further facts as may be required by the department
322 to show that the individual signing the application is of good
323 moral character and qualified by experience and training to
324 satisfy the requirements of this chapter.

325 ~~(4) In addition to the application requirements outlined in~~
326 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
327 ~~"E," Class "EE," or Class "G" license shall submit two color~~
328 ~~photographs taken within the 6 months immediately preceding the~~
329 ~~submission of the application, which meet specifications~~
330 ~~prescribed by rule of the department. All other applicants shall~~
331 ~~submit one photograph taken within the 6 months immediately~~
332 ~~preceding the submission of the application.~~

333 (4)~~(5)~~ In addition to the application requirements outlined
334 under subsection (3), the applicant for a Class "C," Class "E,"
335 Class "M," Class "MA," Class "MB," or Class "MR" license must
336 ~~shall~~ include a statement on a form provided by the department
337 of the experience that ~~which~~ he or she believes will qualify him
338 or her for such license.

339 (5)~~(6)~~ In addition to the requirements outlined in
340 subsection (3), an applicant for a Class "G" license must ~~shall~~
341 satisfy minimum training criteria for firearms established by
342 rule of the department, which training criteria includes ~~shall~~
343 ~~include~~, but is not limited to, 28 hours of range and classroom
344 training taught and administered by a Class "K" licensee;
345 however, no more than 8 hours of such training shall consist of
346 range training. If the applicant submits ~~can show~~ proof that he
347 or she is an active law enforcement officer currently certified
348 under the Criminal Justice Standards and Training Commission or

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349 has completed the training required for that certification
350 within the last 12 months, or if the applicant submits one of
351 the certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
352 department may waive the foregoing firearms training
353 requirement.

354 ~~(6) (7)~~ In addition to the requirements under subsection
355 (3), an applicant for a Class "K" license must ~~shall~~:

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

357 1. The Florida Criminal Justice Standards and Training
358 Commission Instructor Firearms Instructor's Certificate and
359 written confirmation by the commission that the applicant
360 possesses an active firearms certification.

361 ~~2. The National Rifle Association Police Firearms~~
362 ~~Instructor's Certificate.~~

363 ~~2.3.~~ The National Rifle Association Private Security
364 Firearm Instructor Firearms Instructor's Certificate.

365 ~~3.4.~~ A firearms instructor instructor's certificate issued
366 by from a federal law enforcement agency, state, county, or
367 municipal police academy in this state recognized as such by the
368 Criminal Justice Standards and Training Commission or by the
369 Department of Education.

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

374 ~~(7) (8)~~ In addition to the application requirements for
375 individuals, partners, or officers outlined under subsection
376 (3), the application for an agency license must ~~shall~~ contain
377 the following information:

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378 (a) The proposed name under which the agency intends to
379 operate.

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

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

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

387 ~~(8)-(9)~~ Upon submission of a complete application, a Class
388 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
389 Class "MA," Class "MB," or Class "MR" applicant may commence
390 employment or appropriate duties for a licensed agency or branch
391 office. However, the Class "C" or Class "E" applicant must work
392 under the direction and control of a sponsoring licensee while
393 his or her application is being processed. If the department
394 denies application for licensure, the employment of the
395 applicant must be terminated immediately, unless he or she
396 performs only unregulated duties.

397 Section 8. Paragraph (f) of subsection (1) and paragraph
398 (a) of subsection (2) of section 493.6106, Florida Statutes, are
399 amended, and paragraph (g) is added to subsection (1) of that
400 section, to read:

401 493.6106 License requirements; posting.—

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

403 (f) Be a citizen or permanent legal resident alien of the
404 United States or have appropriate ~~been granted~~ authorization
405 issued to seek employment in this country by the United States
406 ~~Bureau of~~ Citizenship and Immigration Services of the United

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407 States Department of Homeland Security.

408 1. An applicant for a Class "C," Class "CC," Class "D,"
409 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
410 "MB," Class "MR," or Class "RI" license who is not a United
411 States citizen must submit proof of current employment
412 authorization issued by the United States Citizenship and
413 Immigration Services or proof that she or he is deemed a
414 permanent legal resident alien by the United States Citizenship
415 and Immigration Services.

416 2. An applicant for a Class "G" or Class "K" license who is
417 not a United States citizen must submit proof that she or he is
418 deemed a permanent legal resident alien by the United States
419 Citizenship and Immigration Services, together with additional
420 documentation establishing that she or he has resided in the
421 state of residence shown on the application for at least 90
422 consecutive days before the date that the application is
423 submitted.

424 3. An applicant for an agency or school license who is not
425 a United States citizen or permanent legal resident alien must
426 submit documentation issued by the United States Citizenship and
427 Immigration Services stating that she or he is lawfully in the
428 United States and is authorized to own and operate the type of
429 agency or school for which she or he is applying. An employment
430 authorization card issued by the United States Citizenship and
431 Immigration Services is not sufficient documentation.

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

435 (2) Each agency shall have a minimum of one physical

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436 location within this state from which the normal business of the
437 agency is conducted, and this location shall be considered the
438 primary office for that agency in this state.

439 (a) If an agency or branch office desires to change the
440 physical location of the business, as it appears on the ~~agency~~
441 license, the department must be notified within 10 days of the
442 change, and, except upon renewal, the fee prescribed in s.
443 493.6107 must be submitted for each license requiring revision.
444 Each license requiring revision must be returned with such
445 notification.

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

448 493.6107 Fees.—

449 (3) The fees set forth in this section must be paid by
450 ~~certified~~ check or money order or, at the discretion of the
451 department, by electronic funds transfer ~~agency check~~ at the
452 time the application is approved, except that the applicant for
453 a Class "G" or Class "M" license must pay the license fee at the
454 time the application is made. If a license is revoked or denied
455 or if the application is withdrawn, the license fee is
456 nonrefundable ~~shall not be refunded~~.

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

459 493.6108 Investigation of applicants by Department of
460 Agriculture and Consumer Services.—

461 (1) Except as otherwise provided, ~~prior to the issuance of~~
462 ~~a license under this chapter,~~ the department must investigate an
463 ~~shall make an investigation of the applicant for a license under~~
464 this chapter before it may issue the license. The investigation

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465 must ~~shall~~ include:

466 (a)1. An examination of fingerprint records and police
467 records. ~~If~~ When a criminal history record check ~~analysis~~ of any
468 applicant under this chapter is performed by means of
469 fingerprint card identification, the time limitations prescribed
470 by s. 120.60(1) shall be tolled during the time the applicant's
471 fingerprint card is under review by the Department of Law
472 Enforcement or the United States Department of Justice, Federal
473 Bureau of Investigation.

474 2. If a legible set of fingerprints, as determined by the
475 Department of Law Enforcement or the Federal Bureau of
476 Investigation, cannot be obtained after two attempts, the
477 Department of Agriculture and Consumer Services may determine
478 the applicant's eligibility based upon a criminal history record
479 check under the applicant's name conducted by the Department of
480 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
481 ~~A set of fingerprints are taken by a law enforcement agency or~~
482 the department and the applicant submits a written statement
483 signed by the fingerprint technician or a licensed physician
484 stating that there is a physical condition that precludes
485 obtaining a legible set of fingerprints or that the fingerprints
486 taken are the best that can be obtained ~~is sufficient to meet~~
487 ~~this requirement.~~

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

491 (c) Such other investigation of the individual as the
492 department may deem necessary.

493 (3) The department must ~~shall~~ also investigate the mental

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494 history and current mental and emotional fitness of any Class
495 "G" or Class "K" applicant, and may deny a Class "G" or Class
496 "K" license to anyone who has a history of mental illness or
497 drug or alcohol abuse.

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

500 493.6111 License; contents; identification card.—

501 (2) Licenses shall be valid for a period of 2 years, except
502 for Class "K" firearms instructor licenses and Class "A," Class
503 "B," Class "AB," Class "R," and branch agency licenses, which
504 shall be valid for a period of 3 years.

505 (4) Notwithstanding the existence of a valid Florida
506 corporate registration, an ~~no~~ agency or school licensee may not
507 conduct activities regulated under this chapter under any
508 fictitious name without prior written authorization from the
509 department to use that name in the conduct of activities
510 regulated under this chapter. The department may not authorize
511 the use of a name that ~~which~~ is so similar to that of a public
512 officer or agency, or of that used by another licensee, that the
513 public may be confused or misled thereby. The authorization for
514 the use of a fictitious name must ~~shall~~ require, as a condition
515 precedent to the use of such name, the filing of a certificate
516 of engaging in business under a fictitious name under s. 865.09.
517 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
518 under more than one name except as separately licensed nor shall
519 the license be valid to protect any licensee who is engaged in
520 the business under any name other than that specified in the
521 license. An agency desiring to change its licensed name must
522 ~~shall~~ notify the department and, except upon renewal, pay a fee

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523 not to exceed \$30 for each license requiring revision including
524 those of all licensed employees except Class "D" or Class "G"
525 licensees. Upon the return of such licenses to the department,
526 revised licenses shall be provided.

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

529 493.6113 Renewal application for licensure.—

530 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
531 expiration date of the license, the department shall mail a
532 written notice to the last known mailing ~~residence~~ address of
533 the licensee ~~for individual licensees and to the last known~~
534 ~~agency address for agencies.~~

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

539 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~
540 licensee shall additionally submit on a form prescribed by the
541 department a certification of insurance that ~~which~~ evidences
542 that the licensee maintains coverage as required under s.
543 493.6110.

544 (b) Each Class "G" licensee shall additionally submit proof
545 that he or she has received during each year of the license
546 period a minimum of 4 hours of firearms recertification training
547 taught by a Class "K" licensee and has complied with such other
548 health and training requirements which the department may adopt
549 by rule. If proof of a minimum of 4 hours of annual firearms
550 recertification training cannot be provided, the renewal
551 applicant shall complete the minimum number of hours of range

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552 and classroom training required at the time of initial
553 licensure.

554 (c) Each Class "DS" or Class "RS" licensee shall
555 additionally submit the current curriculum, examination, and
556 list of instructors.

557 (d) Each Class "K" firearms instructor licensee shall
558 additionally submit one of the certificates specified under s.
559 493.6105(6) as proof that he or she remains certified to provide
560 firearms instruction.

561 Section 13. Subsection (8), paragraph (d) of subsection
562 (12), and subsection (16) of section 493.6115, Florida Statutes,
563 are amended to read:

564 493.6115 Weapons and firearms.—

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

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

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

573 (16) If the criminal history record check program
574 referenced in s. 493.6108(1) ~~493.6121(6)~~ is inoperable, the
575 department may issue a temporary "G" license on a case-by-case
576 basis, provided that the applicant has met all statutory
577 requirements for the issuance of a temporary "G" license as
578 specified in subsection (12), excepting the criminal history
579 record check stipulated there; provided, that the department
580 requires that the licensed employer of the applicant conduct a

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581 criminal history record check of the applicant pursuant to
582 standards set forth in rule by the department, and provide to
583 the department an affidavit containing such information and
584 statements as required by the department, including a statement
585 that the criminal history record check did not indicate the
586 existence of any criminal history that would prohibit licensure.
587 Failure to properly conduct such a check, or knowingly providing
588 incorrect or misleading information or statements in the
589 affidavit constitutes ~~shall constitute~~ grounds for disciplinary
590 action against the licensed agency, including revocation of
591 license.

592 Section 14. Present paragraph (u) of subsection (1) of
593 section 493.6118, Florida Statutes, is redesignated as paragraph
594 (v), and a new paragraph (u) is added to that subsection to
595 read:

596 493.6118 Grounds for disciplinary action.—

597 (1) The following constitute grounds for which disciplinary
598 action specified in subsection (2) may be taken by the
599 department against any licensee, agency, or applicant regulated
600 by this chapter, or any unlicensed person engaged in activities
601 regulated under this chapter.

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

605 Section 15. Present subsections (7) and (8) of section
606 493.6121, Florida Statutes, are renumbered as subsections (6)
607 and (7), respectively, and subsection (6) of that section is
608 amended, to read:

609 493.6121 Enforcement; investigation.—

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610 ~~(6) The department shall be provided access to the program~~
611 ~~that is operated by the Department of Law Enforcement, pursuant~~
612 ~~to s. 790.065, for providing criminal history record information~~
613 ~~to licensed gun dealers, manufacturers, and exporters. The~~
614 ~~department may make inquiries, and shall receive responses in~~
615 ~~the same fashion as provided under s. 790.065. The department~~
616 ~~shall be responsible for payment to the Department of Law~~
617 ~~Enforcement of the same fees as charged to others afforded~~
618 ~~access to the program.~~

619 Section 16. Subsection (3) of section 493.6202, Florida
620 Statutes, is amended to read:

621 493.6202 Fees.—

622 (3) The fees set forth in this section must be paid by
623 ~~certified~~ check or money order or, at the discretion of the
624 department, by electronic funds transfer ~~agency check~~ at the
625 time the application is approved, except that the applicant for
626 a Class "G," Class "C," Class "CC," Class "M," or Class "MA"
627 license must pay the license fee at the time the application is
628 made. If a license is revoked or denied or if the application is
629 withdrawn, the license fee is nonrefundable ~~shall not be~~
630 ~~refunded.~~

631 Section 17. Subsections (2), (4), and (6) of section
632 493.6203, Florida Statutes, are amended to read:

633 493.6203 License requirements.—In addition to the license
634 requirements set forth elsewhere in this chapter, each
635 individual or agency shall comply with the following additional
636 requirements:

637 (2) An applicant for a Class "MA" license must ~~shall~~ have 2
638 years of lawfully gained, verifiable, full-time experience, or

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639 training in:

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

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

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

644 (d) Experience described in paragraph (a) for 1 year and
645 experience described in paragraph (e) for 1 year;

646 (e) No more than 1 year using:

647 1. College coursework related to criminal justice,
648 criminology, or law enforcement administration; or

649 2. Successfully completed law enforcement-related training
650 received from any federal, state, county, or municipal agency;
651 or

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

654

655 However, experience in performing bodyguard services is not
656 creditable toward the requirements of this subsection.

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

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

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

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

669

670 However, experience in performing bodyguard services is not
671 creditable toward the requirements of this subsection.

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

675 (b) Effective January 1, 2012 ~~September 1, 2008~~, before
676 submission of an application to the department, the an applicant
677 for a Class "CC" license must have completed a minimum of 40 at
678 least 24 hours of professional training a 40-hour course
679 pertaining to general investigative techniques and this chapter,
680 which course is offered by a state university or by a school,
681 community college, college, or university under the purview of
682 the Department of Education, and the applicant must pass an
683 examination. The training must be provided in two parts, one 24-
684 hour course and one 16-hour course. The certificate evidencing
685 satisfactory completion of the 40 at least 24 hours of
686 professional training a 40-hour course must be submitted with
687 the application for a Class "CC" license. ~~The remaining 16 hours~~
688 ~~must be completed and an examination passed within 180 days. If~~
689 ~~documentation of completion of the required training is not~~
690 ~~submitted within the specified timeframe, the individual's~~
691 ~~license is automatically suspended or his or her authority to~~
692 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
693 ~~until such time as proof of certificate of completion is~~
694 ~~provided to the department.~~ The training course specified in
695 this paragraph may be provided by face-to-face presentation,
696 online technology, or a home study course in accordance with

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697 rules and procedures of the Department of Education. The
698 administrator of the examination must verify the identity of
699 each applicant taking the examination.

700 1. Upon an applicant's successful completion of each part
701 of the approved training ~~course~~ and passage of any required
702 examination, the school, community college, college, or
703 university shall issue a certificate of completion to the
704 applicant. The certificates must be on a form established by
705 rule of the department.

706 2. The department shall establish by rule the general
707 content of the professional training ~~course~~ and the examination
708 criteria.

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

712 (c) An individual who submits an application for a Class
713 "CC" license on or after September 1, 2008, through December 31,
714 2011, who has not completed the 16-hour course must submit proof
715 of successful completion of the course within 180 days after the
716 date the application is submitted. If documentation of
717 completion of the required training is not submitted by that
718 date, the individual's license shall be automatically suspended
719 until proof of the required training is submitted to the
720 department. An individual licensed on or before August 31, 2008,
721 is not required to complete additional training hours in order
722 to renew an active license beyond the total required hours, and
723 the timeframe for completion in effect at the time he or she was
724 licensed applies.

725 Section 18. Subsection (3) of section 493.6302, Florida

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726 Statutes, is amended to read:

727 493.6302 Fees.—

728 (3) The fees set forth in this section must be paid by
729 ~~certified~~ check or money order or, at the discretion of the
730 department, by electronic funds transfer ~~agency check~~ at the
731 time the application is approved, except that the applicant for
732 a Class "D," Class "G," Class "M," or Class "MB" license must
733 pay the license fee at the time the application is made. If a
734 license is revoked or denied or if the application is withdrawn,
735 the license fee is nonrefundable ~~shall not be refunded~~.

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

738 493.6303 License requirements.—In addition to the license
739 requirements set forth elsewhere in this chapter, each
740 individual or agency must ~~shall~~ comply with the following
741 additional requirements:

742 (4) (a) Effective January 1, 2012, an applicant for a Class
743 "D" license must submit proof of successful completion of
744 ~~complete~~ a minimum of 40 hours of professional training at a
745 school or training facility licensed by the department. The
746 training must be provided in two parts, one 24-hour course and
747 one 16-hour course. The department shall by rule establish the
748 general content and number of hours of each subject area to be
749 taught.

750 (b) An individual who submits an application for a Class
751 "D" license on or after January 1, 2007, through December 31,
752 2011, who has not completed the 16-hour course must submit proof
753 of successful completion of the course within 180 days after the
754 date the application is submitted. If documentation of

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755 completion of the required training is not submitted by that
756 date, the individual's license shall be automatically suspended
757 until proof of the required training is submitted to the
758 department. A person licensed before January 1, 2007, is not
759 required to complete additional training hours in order to renew
760 an active license beyond the total required hours, and the
761 timeframe for completion in effect at the time he or she was
762 licensed applies. An applicant may fulfill the training
763 requirement prescribed in paragraph (a) by submitting proof of:

764 1. Successful completion of the total number of required
765 hours of training before initial application for a Class "D"
766 license; or

767 2. Successful completion of 24 hours of training before
768 initial application for a Class "D" license and successful
769 completion of the remaining 16 hours of training within 180 days
770 after the date that the application is submitted. If
771 documentation of completion of the required training is not
772 submitted within the specified timeframe, the individual's
773 license is automatically suspended until such time as proof of
774 the required training is provided to the department.

775 (c) An individual ~~However, any person~~ whose license is
776 suspended or has been revoked, suspended pursuant to paragraph
777 (b) subparagraph 2., or is expired for at least 1 year, or
778 ~~longer~~ is considered, upon reapplication for a license, an
779 initial applicant and must submit proof of successful completion
780 of 40 hours of professional training at a school or training
781 facility licensed by the department as provided prescribed in
782 paragraph (a) before a license is will be issued. Any person
783 whose license was issued before January 1, 2007, and whose

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784 ~~license has been expired for less than 1 year must, upon~~
785 ~~reapplication for a license, submit documentation of completion~~
786 ~~of the total number of hours of training prescribed by law at~~
787 ~~the time her or his initial license was issued before another~~
788 ~~license will be issued. This subsection does not require an~~
789 ~~individual licensed before January 1, 2007, to complete~~
790 ~~additional training hours in order to renew an active license,~~
791 ~~beyond the required total amount of training within the~~
792 ~~timeframe prescribed by law at the time she or he was licensed.~~

793 Section 20. Subsection (2) of section 493.6304, Florida
794 Statutes, is amended to read:

795 493.6304 Security officer school or training facility.—

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

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

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

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

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

808 493.6401 Classes of licenses.—

809 (7) Any person who operates a recovery agent ~~repossessor~~
810 school or training facility or who conducts an Internet-based
811 training course or a correspondence training course must have a
812 Class "RS" license.

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

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

818 493.6402 Fees.—

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

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

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

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

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

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

826 (f) Class "RS" license-recovery agent ~~license-repossessor~~
 827 school or training facility: \$60.

828 (g) Class "RI" license-recovery agent ~~license-repossessor~~
 829 school or training facility instructor: \$60.

830 (3) The fees set forth in this section must be paid by
 831 ~~certified~~ check or money order, or, at the discretion of the
 832 department, by or electronic funds transfer ~~agency check~~ at the
 833 time the application is approved, except that the applicant for
 834 a Class "E," Class "EE," or Class "MR" license must pay the
 835 license fee at the time the application is made. If a license is
 836 revoked or denied, or if an application is withdrawn, the
 837 license fee is nonrefundable ~~shall not be refunded~~.

838 Section 23. Section 493.6406, Florida Statutes, is amended
 839 to read:

840 493.6406 Recovery agent ~~Repossession services~~ school or
 841 training facility.—

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842 (1) Any school, training facility, or instructor who offers
843 the training outlined in s. 493.6403(2) for Class "E" or Class
844 "EE" applicants shall, before licensure of such school, training
845 facility, or instructor, file with the department an application
846 accompanied by an application fee in an amount to be determined
847 by rule, not to exceed \$60. The fee shall not be refundable.
848 This training may be offered as face-to-face training, Internet-
849 based training, or correspondence training.

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

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

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

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

861 (3) The department shall adopt rules establishing the
862 criteria for approval of schools, training facilities, and
863 instructors.

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

866 496.404 Definitions.—As used in ss. 496.401-496.424:

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

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

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871 496.411 Disclosure requirements and duties of charitable
872 organizations and sponsors.—

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

878

879 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
880 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
881 CONSUMER PROTECTION SERVICES ~~SERVICES~~ BY CALLING TOLL-FREE
882 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
883 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
884 STATE."

885

886 The statement must include a toll-free number for the division
887 which ~~that~~ can be used to obtain the registration information.
888 When the solicitation consists of more than one piece, the
889 statement must be displayed prominently in the solicitation
890 materials.

891 Section 26. Paragraph (c) of subsection (1) of section
892 496.412, Florida Statutes, is amended to read:

893 496.412 Disclosure requirements and duties of professional
894 solicitors.—

895 (1) A professional solicitor must comply with and be
896 responsible for complying or causing compliance with the
897 following disclosures:

898 (c) In addition to the information required by paragraph
899 (a), any written confirmation, receipt, or reminder of

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900 contribution made pursuant to an oral solicitation and any
901 written solicitation shall conspicuously state in capital
902 letters:

903
904 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
905 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
906 CONSUMER PROTECTION SERVICES BY CALLING TOLL-FREE
907 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
908 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
909 STATE."

910
911 The statement must include a toll-free number for the division
912 which ~~that~~ can be used to obtain the registration information.
913 When the solicitation consists of more than one piece, the
914 statement must be displayed prominently in the solicitation
915 materials.

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

918 496.419 Powers of the department.—

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

922 (a) Issue ~~Issuing~~ a notice of noncompliance pursuant to s.
923 120.695;

924 (b) Issue ~~Issuing~~ a cease and desist order that directs
925 that the person cease and desist specified fundraising
926 activities;

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

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

932 (e) Revoke ~~Canceled~~ an exemption granted under s. 496.406;
933 or and

934 (f) Impose ~~Imposing~~ an administrative fine not to exceed
935 \$1,000 for each act or omission that ~~which~~ constitutes a
936 violation of ss. 496.401-496.424 or s. 496.426 or a rule or
937 order.

938

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

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

945 501.015 Health studios; registration requirements and
946 fees.—Each health studio shall:

947 (7) ~~Any person applying for or renewing a local~~
948 ~~occupational license to engage in business as a health studio~~
949 ~~must~~ Exhibit an active registration certificate from the
950 Department of Agriculture and Consumer Services before the local
951 business tax receipt ~~occupational license~~ may be issued or
952 reissued.

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

955 501.017 Health studios; contracts.—

956 (1) Every contract for the sale of future health studio
957 services which is paid for in advance or which the buyer agrees

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958 to pay for in future installment payments must ~~shall~~ be in
959 writing and must ~~shall~~ contain, contractual provisions to the
960 contrary notwithstanding, in immediate proximity to the space
961 reserved in the contract for the signature of the buyer, and in
962 at least 10-point boldfaced type, language substantially
963 equivalent to the following:

964 (a) A provision for the penalty-free cancellation of the
965 contract within 3 days, exclusive of holidays and weekends, of
966 its making, upon the mailing or delivery of written notice to
967 the health studio, and refund upon such notice of all moneys
968 paid under the contract, except that the health studio may
969 retain an amount computed by dividing the number of complete
970 days in the contract term or, if appropriate, the number of
971 occasions health studio services are to be rendered into the
972 total contract price and multiplying the result by the number of
973 complete days that have passed since the making of the contract
974 or, if appropriate, by the number of occasions that health
975 studio services have been rendered. A refund shall be issued
976 within 30 days after receipt of the notice of cancellation made
977 within the 3-day provision.

978 (b)1. A provision for the cancellation and refund of the
979 contract if the contracting business location of the health
980 studio goes out of business, or moves its facilities more than 5
981 driving miles from the business location designated in such
982 contract and fails to provide, within 30 days, a facility of
983 equal quality located within 5 driving miles of the business
984 location designated in such contract at no additional cost to
985 the buyer.

986 2. A provision that notice of intent to cancel by the buyer

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987 shall be given in writing to the health studio. Such a notice of
988 cancellation from the consumer shall also terminate
989 automatically the consumer's obligation to any entity to whom
990 the health studio has subrogated or assigned the consumer's
991 contract. If the health studio wishes to enforce such contract
992 after receipt of such showing, it may request the department to
993 determine the sufficiency of the showing.

994 3. A provision that if the department determines that a
995 refund is due the buyer, the refund shall be an amount computed
996 by dividing the contract price by the number of weeks in the
997 contract term and multiplying the result by the number of weeks
998 remaining in the contract term. The business location of a
999 health studio is ~~shall~~ not ~~be~~ deemed out of business when
1000 temporarily closed for repair and renovation of the premises:

- 1001 a. Upon sale, for not more than 14 consecutive days; or
1002 b. During ownership, for not more than 7 consecutive days
1003 and not more than two periods of 7 consecutive days in any
1004 calendar year.

1005
1006 A refund shall be issued within 30 days after receipt of the
1007 notice of cancellation made pursuant to this paragraph.

1008 (c) A provision in the disclosure statement advising the
1009 buyer to contact the department for information within 60 days
1010 should the health studio go out of business.

1011 (d) A provision for the cancellation of the contract if the
1012 buyer dies or becomes physically unable to avail himself or
1013 herself of a substantial portion of those services which he or
1014 she used from the commencement of the contract until the time of
1015 disability, with refund of funds paid or accepted in payment of

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1016 the contract in an amount computed by dividing the contract
1017 price by the number of weeks in the contract term and
1018 multiplying the result by the number of weeks remaining in the
1019 contract term. The contract may require a buyer or the buyer's
1020 estate seeking relief under this paragraph to provide proof of
1021 disability or death. A physical disability sufficient to warrant
1022 cancellation of the contract by the buyer shall be established
1023 if the buyer furnishes to the health studio a certification of
1024 such disability by a physician licensed under chapter 458,
1025 chapter 459, chapter 460, or chapter 461 to the extent the
1026 diagnosis or treatment of the disability is within the
1027 physician's scope of practice. A refund shall be issued within
1028 30 days after receipt of the notice of cancellation made
1029 pursuant to this paragraph.

1030 (e) A provision that the initial contract will not be for a
1031 period in excess of 36 months, and thereafter shall only be
1032 renewable annually. Such renewal contracts may not be executed
1033 and the fee therefor paid until 60 days or less before the
1034 preceding contract expires.

1035 (f) A provision that if the health studio requires a buyer
1036 to furnish identification upon entry to the facility and as a
1037 condition of using the services of the health studio, the health
1038 studio must ~~shall~~ provide the buyer with the means of such
1039 identification.

1040 Section 30. Subsection (2) of section 501.145, Florida
1041 Statutes, is amended to read:

1042 501.145 Bedding Label Act.—

1043 (2) DEFINITIONS.—For the purpose of this section, the term:

1044 (a) "Bedding" means any mattress, box spring, pillow, or

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1045 cushion made of leather or any other material which is or can be
1046 stuffed or filled in whole or in part with any substance or
1047 material, which can be used by any human being for sleeping or
1048 reclining purposes.

1049 ~~(b) "Department" means the Department of Agriculture and~~
1050 ~~Consumer Services.~~

1051 (b) ~~(e)~~ "Enforcing authority" means the Department of
1052 Agriculture and Consumer Services or the Department of Legal
1053 Affairs.

1054 Section 31. Subsection (8) of section 501.160, Florida
1055 Statutes, is amended to read:

1056 501.160 Rental or sale of essential commodities during a
1057 declared state of emergency; prohibition against unconscionable
1058 prices.—

1059 (8) Any violation of this section may be enforced by the
1060 ~~Department of Agriculture and Consumer Services,~~ the office of
1061 the state attorney, or the Department of Legal Affairs.

1062 Section 32. Paragraphs (a) and (1) of subsection (2) of
1063 section 501.605, Florida Statutes, are amended to read:

1064 501.605 Licensure of commercial telephone sellers.—

1065 (2) An applicant for a license as a commercial telephone
1066 seller must submit to the department, in such form as it
1067 prescribes, a written application for the license. The
1068 application must set forth the following information:

1069 (a) The true name, date of birth, driver's license number,
1070 or other valid form of identification ~~social security number,~~
1071 and home address of the applicant, including each name under
1072 which he or she intends to do business.

1073 (1) The true name, current home address, date of birth,

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1074 ~~social security number~~, and all other names by which known, or
1075 previously known, of each:

1076 1. Principal officer, director, trustee, shareholder,
1077 owner, or partner of the applicant, and of each other person
1078 responsible for the management of the business of the applicant.

1079 2. Office manager or other person principally responsible
1080 for a location from which the applicant will do business.

1081 3. Salesperson or other person to be employed by the
1082 applicant.

1083

1084 The application shall be accompanied by a copy of any: Script,
1085 outline, or presentation the applicant will require or suggest a
1086 salesperson to use when soliciting, or, if no such document is
1087 used, a statement to that effect; sales information or
1088 literature to be provided by the applicant to a salesperson; and
1089 sales information or literature to be provided by the applicant
1090 to a purchaser in connection with any solicitation.

1091 Section 33. Paragraph (a) of subsection (1) of section
1092 501.607, Florida Statutes, is amended to read:

1093 501.607 Licensure of salespersons.—

1094 (1) An applicant for a license as a salesperson must submit
1095 to the department, in such form as it prescribes, a written
1096 application for a license. The application must set forth the
1097 following information:

1098 (a) The true name, date of birth, driver's license number,
1099 or other valid form of identification ~~social security number~~,
1100 and home address of the applicant.

1101 Section 34. Paragraph (f) of subsection (3) of section
1102 539.001, Florida Statutes, is amended to read:

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1103 539.001 The Florida Pawnbroking Act.—

1104 (3) LICENSE REQUIRED.—

1105 (f) Any person applying for or renewing a local
1106 occupational license to engage in business as a pawnbroker must
1107 exhibit a current license from the agency before the local
1108 business tax receipt ~~occupational license~~ may be issued or
1109 reissued.

1110 Section 35. Subsection (1) of section 559.805, Florida
1111 Statutes, is amended to read:

1112 559.805 Filings with the department; disclosure of
1113 advertisement identification number.—

1114 (1) Every seller of a business opportunity shall annually
1115 file with the department a copy of the disclosure statement
1116 required by s. 559.803 before ~~prior to~~ placing an advertisement
1117 or making any other representation designed to offer to, sell
1118 to, or solicit an offer to buy a business opportunity from a
1119 prospective purchaser in this state and must ~~shall~~ update this
1120 filing by reporting any material change in the required
1121 information within 30 days after the material change occurs. An
1122 advertisement is not considered to be placed in the state merely
1123 because the advertisement is published in a ~~publisher~~
1124 ~~circulates, or there is circulated on his or her behalf in the~~
1125 ~~state, any bona fide newspaper or other publication~~ having a ~~of~~
1126 general, regular, and paid circulation in this state which has
1127 had more than two-thirds of its circulation during the past 12
1128 months outside the state or because the advertisement is
1129 received in this state from a radio or television program
1130 originating outside the state ~~is received in the state~~. If the
1131 seller is required by s. 559.807 to provide a bond or establish

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1132 a trust account or guaranteed letter of credit, the seller ~~he or~~
1133 ~~she~~ shall contemporaneously file with the department a copy of
1134 the bond, a copy of the formal notification by the depository
1135 that the trust account is established, or a copy of the
1136 guaranteed letter of credit. Every seller of a business
1137 opportunity must ~~shall~~ file with the department a list of
1138 independent agents who will engage in the offer or sale of
1139 business opportunities on behalf of the seller in this state.
1140 This list must be kept current and must ~~shall~~ include the
1141 following information: name, home and business address,
1142 telephone number, present employer, ~~social security number,~~ and
1143 birth date. A No person may not ~~shall be allowed to~~ offer or
1144 sell business opportunities unless the required information has
1145 been provided to the department.

1146 Section 36. Subsection (7) of section 559.904, Florida
1147 Statutes, is amended to read:

1148 559.904 Motor vehicle repair shop registration;
1149 application; exemption.-

1150 (7) Any person applying for or renewing a local business
1151 tax receipt ~~occupational license on or after October 1, 1993,~~ to
1152 engage in business as a motor vehicle repair shop must exhibit
1153 an active registration certificate from the department before
1154 the local business tax receipt ~~occupational license~~ may be
1155 issued or renewed.

1156 Section 37. Subsections (1), (3), and (4) of section
1157 559.928, Florida Statutes, are amended to read:

1158 559.928 Registration.-

1159 (1) Each seller of travel shall annually register with the
1160 department, providing: its legal business or trade name, mailing

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1161 address, and business locations; the full names, addresses, and
1162 telephone numbers of its owners or corporate officers and
1163 directors and the Florida agent of the corporation; a statement
1164 whether it is a domestic or foreign corporation, its state and
1165 date of incorporation, its charter number, and, if a foreign
1166 corporation, the date it registered with the State of Florida,
1167 and local business tax receipt ~~occupational license~~ where
1168 applicable; the date on which a seller of travel registered its
1169 fictitious name if the seller of travel is operating under a
1170 fictitious or trade name; the name of all other corporations,
1171 business entities, and trade names through which each owner of
1172 the seller of travel operated, was known, or did business as a
1173 seller of travel within the preceding 5 years; a list of all
1174 authorized independent agents, including the agent's trade name,
1175 full name, mailing address, business address, and telephone
1176 numbers; the business location and address of each branch office
1177 and full name and address of the manager or supervisor; the
1178 certification required under s. 559.9285; and proof of purchase
1179 of adequate bond as required in this part. A certificate
1180 evidencing proof of registration shall be issued by the
1181 department and must be prominently displayed in the seller of
1182 travel's primary place of business.

1183 (3) Each independent agent shall annually file an affidavit
1184 with the department prior to engaging in business in this state.
1185 This affidavit must include the independent agent's full name,
1186 legal business or trade name, mailing address, business address,
1187 telephone number, ~~social security number~~, and the name or names
1188 and addresses of each seller of travel represented by the
1189 independent agent. A letter evidencing proof of filing must be

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1190 issued by the department and must be prominently displayed in
1191 the independent agent's primary place of business. Each
1192 independent agent must also submit an annual registration fee of
1193 \$50. All moneys collected pursuant to the imposition of the fee
1194 shall be deposited by the Chief Financial Officer into the
1195 General Inspection Trust Fund of the Department of Agriculture
1196 and Consumer Services for the sole purpose of administrating
1197 this part. As used in this subsection, the term "independent
1198 agent" means a person who represents a seller of travel by
1199 soliciting persons on its behalf; who has a written contract
1200 with a seller of travel which is operating in compliance with
1201 this part and any rules adopted thereunder; who does not receive
1202 a fee, commission, or other valuable consideration directly from
1203 the purchaser for the seller of travel; who does not at any time
1204 have any unissued ticket stock or travel documents in his or her
1205 possession; and who does not have the ability to issue tickets,
1206 vacation certificates, or any other travel document. The term
1207 "independent agent" does not include an affiliate of the seller
1208 of travel, as that term is used in s. 559.935(3), or the
1209 employees of the seller of travel or of such affiliates.

1210 (4) Any person applying for or renewing a local business
1211 tax receipt ~~occupational license~~ to engage in business as a
1212 seller of travel must exhibit a current registration certificate
1213 from the department before the local business tax receipt
1214 ~~occupational license~~ may be issued or reissued.

1215 Section 38. Subsection (6) of section 559.935, Florida
1216 Statutes, is amended to read:

1217 559.935 Exemptions.—

1218 (6) The department shall request from the Airlines

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1219 Reporting Corporation any information necessary to implement the
1220 provisions of subsection (2). Persons claiming an exemption
1221 under subsection (2) or subsection (3) must show a letter of
1222 exemption from the department before a local business tax
1223 receipt ~~occupational license~~ to engage in business as a seller
1224 of travel may be issued or reissued. If the department fails to
1225 issue a letter of exemption on a timely basis, the seller of
1226 travel shall submit to the department, through certified mail,
1227 an affidavit containing her or his name and address and an
1228 explanation of the exemption sought. Such affidavit may be used
1229 in lieu of a letter of exemption for the purpose of obtaining a
1230 business tax receipt ~~an occupational license~~. In any civil or
1231 criminal proceeding, the burden of proving an exemption under
1232 this section shall be on the person claiming such exemption. A
1233 letter of exemption issued by the department shall not be used
1234 in, and shall have no bearing on, such proceedings.

1235 Section 39. Subsection (5) of section 570.29, Florida
1236 Statutes, is amended to read:

1237 570.29 Departmental divisions.—The department shall include
1238 the following divisions:

1239 (5) Consumer Protection Services ~~Services~~.

1240 Section 40. Section 570.544, Florida Statutes, is amended
1241 to read:

1242 570.544 Division of Consumer Protection Services; director;
1243 powers; processing of complaints; records.—

1244 (1) The director of the Division of Consumer Protection
1245 ~~Services~~ shall be appointed by and serve at the pleasure of the
1246 commissioner.

1247 (2) The Division of Consumer Protection Services ~~Services~~ may:

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1248 (a) Conduct studies and make analyses of matters affecting
1249 the interests of consumers.

1250 (b) Study the operation of laws for consumer protection.

1251 (c) Advise and make recommendations to the various state
1252 agencies concerned with matters affecting consumers.

1253 (d) Assist, advise, and cooperate with local, state, or
1254 federal agencies and officials in order to promote the interests
1255 of consumers.

1256 (e) Make use of the testing and laboratory facilities of
1257 the department for the detection of consumer fraud.

1258 (f) Report to the appropriate law enforcement officers any
1259 information concerning violation of consumer protection laws.

1260 (g) Assist, develop, and conduct programs of consumer
1261 education and consumer information through publications and
1262 other informational and educational material prepared for
1263 dissemination to the public, in order to increase the competence
1264 of consumers.

1265 (h) Organize and hold conferences on problems affecting
1266 consumers.

1267 (i) Recommend programs to encourage business and industry
1268 to maintain high standards of honesty, fair business practices,
1269 and public responsibility in the production, promotion, and sale
1270 of consumer goods and services.

1271 (3) In addition to the powers, duties, and responsibilities
1272 authorized by this or any other chapter, the Division of
1273 Consumer Protection Services ~~Services~~ shall serve as a clearinghouse for
1274 matters relating to consumer protection, consumer information,
1275 and consumer services generally. It shall receive complaints and
1276 grievances from consumers and promptly transmit them to that

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1277 agency most directly concerned in order that the complaint or
1278 grievance may be expeditiously handled in the best interests of
1279 the complaining consumer. If no agency exists, the Division of
1280 Consumer Protection Services shall seek a settlement of the
1281 complaint using formal or informal methods of mediation and
1282 conciliation and may seek any other resolution of the matter in
1283 accordance with its jurisdiction.

1284 (4) If any complaint received by the Division of Consumer
1285 Protection Services concerns matters that ~~which~~ involve
1286 concurrent jurisdiction in more than one agency, duplicate
1287 copies of the complaint shall be referred to those offices
1288 deemed to have concurrent jurisdiction.

1289 (5) (a) Any agency, office, bureau, division, or board of
1290 state government receiving a complaint that ~~which~~ deals with
1291 consumer fraud or consumer protection and ~~which~~ is not within
1292 the jurisdiction of the receiving agency, office, bureau,
1293 division, or board originally receiving it, shall immediately
1294 refer the complaint to the Division of Consumer Protection
1295 Services.

1296 (b) Upon receipt of such a complaint, the Division of
1297 Consumer Protection Services shall make a determination of the
1298 proper jurisdiction to which the complaint relates and shall
1299 immediately refer the complaint to the agency, office, bureau,
1300 division, or board that has ~~which does have~~ the proper
1301 regulatory or enforcement authority to deal with it.

1302 (6) The office or agency to which a complaint has been
1303 referred shall within 30 days acknowledge receipt of the
1304 complaint. If an office or agency receiving a complaint
1305 determines that the matter presents a prima facie case for

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1306 criminal prosecution or if the complaint cannot be settled at
1307 the administrative level, the complaint together with all
1308 supporting evidence shall be transmitted to the Department of
1309 Legal Affairs or other appropriate enforcement agency with a
1310 recommendation for civil or criminal action warranted by the
1311 evidence.

1312 (7) The records of the Division of Consumer Protection
1313 ~~Services~~ are public records. However, customer lists, customer
1314 names, and trade secrets are confidential and exempt from the
1315 provisions of s. 119.07(1). Disclosure necessary to enforcement
1316 procedures does ~~shall~~ not violate ~~be construed as violative of~~
1317 this prohibition on the disclosure of confidential information.

1318 ~~(8) It shall be the duty of~~ The Division of Consumer
1319 Protection shall ~~Services to~~ maintain records and compile
1320 summaries and analyses of consumer complaints and their eventual
1321 disposition, which data may serve as a basis for recommendations
1322 to the Legislature and to state regulatory agencies.

1323 Section 41. Subsection (7) of section 681.102, Florida
1324 Statutes, is amended, and present subsections (8) through (23)
1325 of that subsection are renumbered as subsections (7) through
1326 (22), respectively, to read:

1327 681.102 Definitions.—As used in this chapter, the term:

1328 ~~(7) "Division" means the Division of Consumer Services of~~
1329 ~~the Department of Agriculture and Consumer Services.~~

1330 Section 42. Subsection (3) of section 681.103, Florida
1331 Statutes, is amended to read:

1332 681.103 Duty of manufacturer to conform a motor vehicle to
1333 the warranty.—

1334 (3) At the time of acquisition, the manufacturer shall

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1335 inform the consumer clearly and conspicuously in writing how and
1336 where to file a claim with a certified procedure if such
1337 procedure has been established by the manufacturer pursuant to
1338 s. 681.108. The nameplate manufacturer of a recreational vehicle
1339 shall, at the time of vehicle acquisition, inform the consumer
1340 clearly and conspicuously in writing how and where to file a
1341 claim with a program pursuant to s. 681.1096. The manufacturer
1342 shall provide to the dealer and, at the time of acquisition, the
1343 dealer shall provide to the consumer a written statement that
1344 explains the consumer's rights under this chapter. The written
1345 statement shall be prepared by the Department of Legal Affairs
1346 and shall contain a toll-free number for the department which
1347 ~~division that~~ the consumer can contact to obtain information
1348 regarding the consumer's rights and obligations under this
1349 chapter or to commence arbitration. If the manufacturer obtains
1350 a signed receipt for timely delivery of sufficient quantities of
1351 this written statement to meet the dealer's vehicle sales
1352 requirements, it shall constitute prima facie evidence of
1353 compliance with this subsection by the manufacturer. The
1354 consumer's signed acknowledgment of receipt of materials
1355 required under this subsection shall constitute prima facie
1356 evidence of compliance by the manufacturer and dealer. The form
1357 of the acknowledgments shall be approved by the Department of
1358 Legal Affairs, and the dealer shall maintain the consumer's
1359 signed acknowledgment for 3 years.

1360 Section 43. Section 681.108, Florida Statutes, is amended
1361 to read:

1362 681.108 Dispute-settlement procedures.—

1363 (1) If a manufacturer has established a procedure that,

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1364 ~~which~~ the department ~~division~~ has certified as substantially
1365 complying with the provisions of 16 C.F.R. part 703, in effect
1366 October 1, 1983, and with the provisions of this chapter and the
1367 rules adopted under this chapter, and has informed the consumer
1368 how and where to file a claim with such procedure pursuant to s.
1369 681.103(3), the provisions of s. 681.104(2) apply to the
1370 consumer only if the consumer has first resorted to such
1371 procedure. The decisionmakers for a certified procedure shall,
1372 in rendering decisions, take into account all legal and
1373 equitable factors germane to a fair and just decision,
1374 including, but not limited to, the warranty; the rights and
1375 remedies conferred under 16 C.F.R. part 703, in effect October
1376 1, 1983; the provisions of this chapter; and any other equitable
1377 considerations appropriate under the circumstances.
1378 Decisionmakers and staff of a procedure shall be trained in the
1379 provisions of this chapter and in 16 C.F.R. part 703, in effect
1380 October 1, 1983. In an action brought by a consumer concerning
1381 an alleged nonconformity, the decision that results from a
1382 certified procedure is admissible in evidence.

1383 (2) A manufacturer may apply to the department ~~division~~ for
1384 certification of its procedure. After receipt and evaluation of
1385 the application, the department ~~division~~ shall certify the
1386 procedure or notify the manufacturer of any deficiencies in the
1387 application or the procedure.

1388 (3) A certified procedure or a procedure of an applicant
1389 seeking certification shall submit to the department ~~division~~ a
1390 copy of each settlement approved by the procedure or decision
1391 made by a decisionmaker within 30 days after the settlement is
1392 reached or the decision is rendered. The decision or settlement

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1393 must contain at a minimum the:

1394 (a) Name and address of the consumer;

1395 (b) Name of the manufacturer and address of the dealership
1396 from which the motor vehicle was purchased;

1397 (c) Date the claim was received and the location of the
1398 procedure office that handled the claim;

1399 (d) Relief requested by the consumer;

1400 (e) Name of each decisionmaker rendering the decision or
1401 person approving the settlement;

1402 (f) Statement of the terms of the settlement or decision;

1403 (g) Date of the settlement or decision; and

1404 (h) Statement of whether the decision was accepted or
1405 rejected by the consumer.

1406 (4) Any manufacturer establishing or applying to establish
1407 a certified procedure must file with the department ~~division~~ a
1408 copy of the annual audit required under the provisions of 16
1409 C.F.R. part 703, in effect October 1, 1983, together with any
1410 additional information required for purposes of certification,
1411 including the number of refunds and replacements made in this
1412 state pursuant to the provisions of this chapter by the
1413 manufacturer during the period audited.

1414 (5) The department ~~division~~ shall review each certified
1415 procedure at least annually, prepare an annual report evaluating
1416 the operation of certified procedures established by motor
1417 vehicle manufacturers and procedures of applicants seeking
1418 certification, and, for a period not to exceed 1 year, shall
1419 grant certification to, or renew certification for, those
1420 manufacturers whose procedures substantially comply with the
1421 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and

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1422 with the provisions of this chapter and rules adopted under this
1423 chapter. If certification is revoked or denied, the department
1424 ~~division~~ shall state the reasons for such action. The reports
1425 and records of actions taken with respect to certification shall
1426 be public records.

1427 (6) A manufacturer whose certification is denied or revoked
1428 is entitled to a hearing pursuant to chapter 120.

1429 (7) If federal preemption of state authority to regulate
1430 procedures occurs, the provisions of subsection (1) concerning
1431 prior resort do not apply.

1432 (8) The department may ~~division shall~~ adopt rules to
1433 administer ~~implement~~ this section.

1434 Section 44. Section 681.109, Florida Statutes, is amended
1435 to read:

1436 681.109 Florida New Motor Vehicle Arbitration Board;
1437 dispute eligibility.—

1438 (1) If a manufacturer has a certified procedure, a consumer
1439 claim arising during the Lemon Law rights period must be filed
1440 with the certified procedure no later than 60 days after the
1441 expiration of the Lemon Law rights period. If a decision is not
1442 rendered by the certified procedure within 40 days of filing,
1443 the consumer may apply to the department ~~division~~ to have the
1444 dispute removed to the board for arbitration.

1445 (2) If a manufacturer has a certified procedure, a consumer
1446 claim arising during the Lemon Law rights period must be filed
1447 with the certified procedure no later than 60 days after the
1448 expiration of the Lemon Law rights period. If a consumer is not
1449 satisfied with the decision or the manufacturer's compliance
1450 therewith, the consumer may apply to the department ~~division~~ to

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1451 have the dispute submitted to the board for arbitration. A
1452 manufacturer may not seek review of a decision made under its
1453 procedure.

1454 (3) If a manufacturer does not have a ~~has no~~ certified
1455 procedure or if the ~~a~~ certified procedure does not have
1456 jurisdiction to resolve the dispute, a consumer may apply
1457 directly to the department ~~division~~ to have the dispute
1458 submitted to the board for arbitration.

1459 (4) A consumer must request arbitration before the board
1460 with respect to a claim arising during the Lemon Law rights
1461 period no later than 60 days after the expiration of the Lemon
1462 Law rights period, or within 30 days after the final action of a
1463 certified procedure, whichever date occurs later.

1464 (5) The department ~~division~~ shall screen all requests for
1465 arbitration before the board to determine eligibility. The
1466 consumer's request for arbitration before the board shall be
1467 made on a form prescribed by the department. The department
1468 ~~division~~ shall forward to the board all disputes that the
1469 department ~~division~~ determines are potentially entitled to
1470 relief under this chapter.

1471 (6) The department ~~division~~ may reject a dispute that it
1472 determines to be fraudulent or outside the scope of the board's
1473 authority. Any dispute deemed by the department ~~division~~ to be
1474 ineligible for arbitration by the board due to insufficient
1475 evidence may be reconsidered upon the submission of new
1476 information regarding the dispute. Following a second review,
1477 the department ~~division~~ may reject a dispute if the evidence is
1478 clearly insufficient to qualify for relief. If the department
1479 rejects a dispute, it must provide notice of the rejection and a

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1480 brief explanation of the reason for rejection ~~Any dispute~~
1481 ~~rejected by the division shall be forwarded to the department~~
1482 ~~and a copy shall be sent by registered mail to the consumer and~~
1483 ~~to the manufacturer, containing a brief explanation as to the~~
1484 ~~reason for rejection.~~

1485 (7) If the department ~~division~~ rejects a dispute, the
1486 consumer may file a lawsuit to enforce the remedies provided
1487 under this chapter. In any civil action arising under this
1488 chapter and relating to a matter considered by the department
1489 ~~division~~, any determination made to reject a dispute is
1490 admissible in evidence.

1491 (8) The department may ~~shall have the authority to~~ adopt
1492 reasonable rules to administer ~~carry out the provisions of this~~
1493 section.

1494 Section 45. Subsections (2), (3), (4), (5), (9), (11), and
1495 (12) of section 681.1095, Florida Statutes, are amended, and
1496 subsection (17) is added to that section, to read:

1497 681.1095 Florida New Motor Vehicle Arbitration Board;
1498 creation and function.-

1499 (2) The board ~~boards~~ shall hear cases in various locations
1500 throughout the state so that any consumer whose dispute is
1501 approved for arbitration by the department ~~division~~ may attend
1502 an arbitration hearing at a reasonably convenient location and
1503 present a dispute orally. Hearings shall be conducted by panels
1504 of three board members assigned by the department. A majority
1505 vote of the three-member board panel shall be required to render
1506 a decision. Arbitration proceedings under this section shall be
1507 open to the public on reasonable and nondiscriminatory terms.

1508 (3) Each region of the board shall consist of up to eight

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1509 members. The members of the board shall construe and apply the
1510 provisions of this chapter, and rules adopted thereunder, in
1511 making their decisions. An administrator and a secretary shall
1512 be assigned to each region of the board by the Department of
1513 Legal Affairs. At least one member of the each board in each
1514 region must have ~~be a person with~~ expertise in motor vehicle
1515 mechanics. A member may ~~must~~ not be employed by a manufacturer
1516 or a franchised motor vehicle dealer or be a staff member, a
1517 decisionmaker, or a consultant for a procedure. Board members
1518 shall be trained in the application of this chapter and any
1519 rules adopted under this chapter. Members of the board, shall be
1520 ~~reimbursed for travel expenses pursuant to s. 112.061, and shall~~
1521 ~~be~~ compensated at a rate ~~or wage~~ prescribed by the Attorney
1522 General and are entitled to reimbursement for per diem and
1523 travel expenses pursuant to s. 112.061.

1524 (4) Before filing a civil action on a matter subject to s.
1525 681.104, the consumer must first submit the dispute to the
1526 department ~~division~~, and to the board if such dispute is deemed
1527 eligible for arbitration.

1528 (5) Manufacturers shall submit to arbitration conducted by
1529 the board if such arbitration is requested by a consumer and the
1530 dispute is deemed eligible for arbitration by the department
1531 ~~division~~ pursuant to s. 681.109.

1532 (9) The decision of the board shall be sent by any method
1533 providing a delivery confirmation ~~registered mail~~ to the
1534 consumer and the manufacturer, and shall contain written
1535 findings of fact and rationale for the decision. If the decision
1536 is in favor of the consumer, the manufacturer must, within 40
1537 days after receipt of the decision, comply with the terms of the

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1538 decision. Compliance occurs on the date the consumer receives
1539 delivery of an acceptable replacement motor vehicle or the
1540 refund specified in the arbitration award. In any civil action
1541 arising under this chapter and relating to a dispute arbitrated
1542 before the board, any decision by the board is admissible in
1543 evidence.

1544 (11) ~~All provisions in~~ This section and s. 681.109
1545 pertaining to compulsory arbitration before the board, the
1546 dispute eligibility screening by the department ~~division~~, the
1547 proceedings and decisions of the board, and any appeals thereof,
1548 are exempt from ~~the provisions of~~ chapter 120.

1549 (12) An appeal of a decision by the board to the circuit
1550 court by a consumer or a manufacturer shall be by trial de novo.
1551 In a written petition to appeal a decision by the board, the
1552 appealing party must state the action requested and the grounds
1553 relied upon for appeal. Within 15 ~~30~~ days after ~~of~~ final
1554 disposition of the appeal, the appealing party shall furnish the
1555 department with ~~notice of such disposition and, upon request,~~
1556 ~~shall furnish the department with~~ a copy of the settlement or
1557 the order or judgment of the court.

1558 (17) The department may adopt rules to administer this
1559 section.

1560 Section 46. Subsections (2) and (4) of section 681.1096,
1561 Florida Statutes, are amended to read:

1562 681.1096 RV Mediation and Arbitration Program; creation and
1563 qualifications.—

1564 (2) Each manufacturer of a recreational vehicle involved in
1565 a dispute that is determined eligible under this chapter,
1566 including chassis and component manufacturers that ~~which~~

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1567 separately warrant the chassis and components and that ~~which~~
1568 otherwise meet the definition of manufacturer set forth in s.
1569 681.102(13) ~~681.102(14)~~, shall participate in a mediation and
1570 arbitration program that is deemed qualified by the department.

1571 (4) The department shall monitor the program for compliance
1572 with this chapter. If the program is determined not qualified or
1573 if qualification is revoked, then disputes shall be subject to
1574 the provisions of ss. 681.109 and 681.1095. If the program is
1575 determined not qualified or if qualification is revoked as to a
1576 manufacturer, all those manufacturers potentially involved in
1577 the eligible consumer dispute shall be required to submit to
1578 arbitration conducted by the board if such arbitration is
1579 requested by a consumer and the dispute is deemed eligible for
1580 arbitration by the department ~~division~~ pursuant to s. 681.109. A
1581 consumer having a dispute involving one or more manufacturers
1582 for which the program has been determined not qualified, or for
1583 which qualification has been revoked, is not required to submit
1584 the dispute to the program irrespective of whether the program
1585 may be qualified as to some of the manufacturers potentially
1586 involved in the dispute.

1587 Section 47. Subsection (2) of section 681.112, Florida
1588 Statutes, is amended to read:

1589 681.112 Consumer remedies.—

1590 (2) An action brought under this chapter must be commenced
1591 within 1 year after the expiration of the Lemon Law rights
1592 period, or, if a consumer resorts to an informal dispute-
1593 settlement procedure or submits a dispute to the department
1594 ~~division~~ or board, within 1 year after the final action of the
1595 procedure, department ~~division~~, or board.

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1596 Section 48. Subsection (1) of section 681.117, Florida
1597 Statutes, is amended to read:

1598 681.117 Fee.—

1599 (1) A \$2 fee shall be collected by a motor vehicle dealer,
1600 or by a person engaged in the business of leasing motor
1601 vehicles, from the consumer at the consummation of the sale of a
1602 motor vehicle or at the time of entry into a lease agreement for
1603 a motor vehicle. Such fees shall be remitted to the county tax
1604 collector or private tag agency acting as agent for the
1605 Department of Revenue. If the purchaser or lessee removes the
1606 motor vehicle from the state for titling and registration
1607 outside this state, the fee shall be remitted to the Department
1608 of Revenue. All fees, less the cost of administration, shall be
1609 transferred monthly to the Department of Legal Affairs for
1610 deposit into the Motor Vehicle Warranty Trust Fund. ~~The~~
1611 ~~Department of Legal Affairs shall distribute monthly an amount~~
1612 ~~not exceeding one-fourth of the fees received to the Division of~~
1613 ~~Consumer Services of the Department of Agriculture and Consumer~~
1614 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~
1615 ~~The Department of Legal Affairs shall contract with the Division~~
1616 ~~of Consumer Services for payment of services performed by the~~
1617 ~~division pursuant to ss. 681.108 and 681.109.~~

1618 Section 49. Subsection (3) of section 849.0915, Florida
1619 Statutes, is amended to read:

1620 849.0915 Referral selling.—

1621 (3) In addition to the penalty provided herein, the
1622 Attorney General and her or his assistants, the state attorneys
1623 and their assistants, and the Division of Consumer Protection
1624 ~~Services~~ of the Department of Agriculture and Consumer Services

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1625 are authorized to apply to the circuit court within their
1626 respective jurisdictions, and the ~~such~~ court has ~~shall have~~
1627 jurisdiction, upon hearing and for cause shown, to grant a
1628 temporary or permanent injunction restraining any person from
1629 violating the provisions of this section, whether or not there
1630 exists an adequate remedy at law, and such injunction shall
1631 issue without bond.

1632 Section 50. This act shall take effect July 1, 2011.