

By the Committees on Budget Subcommittee on General Government Appropriations; and 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; authorizing regional
101 comparison with respect to market trends; amending s.
102 501.605, F.S.; deleting a requirement that a person
103 supply his or her social security number on an
104 application as a commercial telephone seller and
105 adding a requirement for another valid form of
106 identification; amending s. 501.607, F.S.; deleting a
107 requirement that a person supply his or her social
108 security number on an application as a salesperson;
109 amending s. 525.01, F.S.; revising requirements for
110 petroleum fuel affidavits; amending s. 526.06, F.S.;
111 revising prohibited acts related to certain mixing,
112 blending, compounding, or adulterating of liquid
113 fuels; deleting certain provisions authorizing the
114 sale of ethanol-blended fuels for use in motor
115 vehicles; amending s. 539.001, F.S.; correcting a
116 reference to a local business tax receipt; amending s.

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117 559.805, F.S.; deleting a requirement that a seller of
118 a business opportunity provide the social security
119 numbers of the seller's agents to the department;
120 amending s. 559.904, F.S.; correcting a reference to a
121 local business tax receipt; amending s. 559.928, F.S.;
122 correcting a reference to a local business tax
123 receipt; amending s. 559.935, F.S.; correcting a
124 reference to local business tax receipts; amending s.
125 570.29, F.S.; renaming the Division of Consumer
126 Services as the "Division of Consumer Protection";
127 amending s. 570.544, F.S.; renaming the Division of
128 Consumer Services as the "Division of Consumer
129 Protection"; amending s. 681.102, F.S.; deleting a
130 reference to the division in the Motor Vehicle
131 Warranty Enforcement Act; amending ss. 681.103,
132 681.108, and 681.109, F.S.; transferring certain
133 responsibilities under the Lemon Law to the department
134 from the Division of Consumer Services; amending s.
135 681.1095, F.S.; transferring certain responsibilities
136 relating to the New Motor Vehicle Arbitration Board to
137 the department from the Division of Consumer Services;
138 authorizing the board to send its decisions by any
139 method providing a delivery confirmation; authorizing
140 the department to adopt rules; amending s. 681.1096,
141 F.S.; conforming a cross-reference; amending s.
142 681.112, F.S.; transferring certain responsibilities
143 relating to the Lemon Law to the department from the
144 Division of Consumer Services; amending s. 681.117,
145 F.S.; deleting a provision requiring the Department of

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146 Legal Affairs to contract with the Division of
147 Consumer Services for services relating to dispute
148 settlement procedures and the New Motor Vehicle
149 Arbitration Board; amending s. 849.0915, F.S.;
150 renaming the Division of Consumer Services as the
151 "Division of Consumer Protection"; providing an
152 effective date.

153

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

155

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

158 14.26 Citizen's Assistance Office.—

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

162 Section 2. Paragraph (e) of subsection (2) of section
163 20.14, Florida Statutes, is amended to read:

164 20.14 Department of Agriculture and Consumer Services.—

165 There is created a Department of Agriculture and Consumer
166 Services.

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

169 (e) Consumer Protection Services.

170 Section 3. Paragraph (q) of subsection (8) of section
171 213.053, Florida Statutes, as amended by chapter 2010-280, Laws
172 of Florida, is amended to read:

173 213.053 Confidentiality and information sharing.—

174 (8) Notwithstanding any other provision of this section,

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175 the department may provide:

176 (q) Names, addresses, and sales tax registration
177 information to the Division of Consumer Protection Services of
178 the Department of Agriculture and Consumer Services in the
179 conduct of its official duties.

180

181 Disclosure of information under this subsection shall be
182 pursuant to a written agreement between the executive director
183 and the agency. Such agencies, governmental or nongovernmental,
184 shall be bound by the same requirements of confidentiality as
185 the Department of Revenue. Breach of confidentiality is a
186 misdemeanor of the first degree, punishable as provided by s.
187 775.082 or s. 775.083.

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

190 320.275 Automobile Dealers Industry Advisory Board.—

191 (2) MEMBERSHIP, TERMS, MEETINGS.—

192 (a) The board shall be composed of 12 members. The
193 executive director of the Department of Highway Safety and Motor
194 Vehicles shall appoint the members from names submitted by the
195 entities for the designated categories the member will
196 represent. The executive director shall appoint one
197 representative of the Department of Highway Safety and Motor
198 Vehicles, who must represent the Division of Motor Vehicles; two
199 representatives of the independent motor vehicle industry as
200 recommended by the Florida Independent Automobile Dealers
201 Association; two representatives of the franchise motor vehicle
202 industry as recommended by the Florida Automobile Dealers
203 Association; one representative of the auction motor vehicle

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204 industry who is from an auction chain and is recommended by a
205 group affiliated with the National Auto Auction Association; one
206 representative of the auction motor vehicle industry who is from
207 an independent auction and is recommended by a group affiliated
208 with the National Auto Auction Association; one representative
209 from the Department of Revenue; a Florida tax collector
210 representative recommended by the Florida Tax Collectors
211 Association; one representative from the Better Business Bureau;
212 one representative from the Department of Agriculture and
213 Consumer Services, who must represent the Division of Consumer
214 Protection Services; and one representative of the insurance
215 industry who writes motor vehicle dealer surety bonds.

216 (b)1. The executive director shall appoint the following
217 initial members to 1-year terms: one representative from the
218 motor vehicle auction industry who represents an auction chain,
219 one representative from the independent motor vehicle industry,
220 one representative from the franchise motor vehicle industry,
221 one representative from the Department of Revenue, one Florida
222 tax collector, and one representative from the Better Business
223 Bureau.

224 2. The executive director shall appoint the following
225 initial members to 2-year terms: one representative from the
226 motor vehicle auction industry who represents an independent
227 auction, one representative from the independent motor vehicle
228 industry, one representative from the franchise motor vehicle
229 industry, one representative from the Division of Consumer
230 Protection Services, one representative from the insurance
231 industry, and one representative from the Division of Motor
232 Vehicles.

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233 3. As the initial terms expire, the executive director
234 shall appoint successors from the same designated category for
235 terms of 2 years. If renominated, a member may succeed himself
236 or herself.

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

239 Section 5. Section 320.90, Florida Statutes, is amended to
240 read:

241 320.90 Notification of consumer's rights.—The department
242 shall develop a motor vehicle consumer's rights pamphlet which
243 shall be distributed free of charge ~~by the Department of~~
244 ~~Agriculture and Consumer Services~~ to the motor vehicle owner
245 upon request. Such pamphlet must contain information relating to
246 odometer fraud and provide a summary of the rights and remedies
247 available to all purchasers of motor vehicles.

248 Section 6. Section 366.85, Florida Statutes, is amended to
249 read:

250 366.85 Responsibilities of Division of Consumer Protection
251 Services.—The Division of Consumer Protection Services of the
252 Department of Agriculture and Consumer Services is ~~shall be~~ the
253 agency responsible for consumer conciliatory conferences, if
254 such conferences are required pursuant to federal law. The
255 division shall also be the agency responsible for preparing
256 lists of sources for energy conservation products or services
257 and of financial institutions offering energy conservation
258 loans, if such lists are required pursuant to federal law.
259 Notwithstanding any provision of federal law to the contrary,
260 the division shall not require any manufacturer's warranty
261 exceeding 1 year in order for a source of conservation products

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262 or services to be included on the appropriate list. The lists
263 shall be prepared for the service area of each utility and shall
264 be furnished to each utility for distribution to its customers.
265 The division shall update the lists on a systematic basis and
266 shall remove from any list any person who has been disciplined
267 by any state agency or who has otherwise exhibited a pattern of
268 unsatisfactory work and any person who requests removal from
269 such lists. The division may ~~is authorized to~~ adopt rules to
270 implement the provisions of this section.

271 Section 7. Section 493.6105, Florida Statutes, is amended
272 to read:

273 493.6105 Initial application for license.—

274 (1) Each individual, partner, or principal officer in a
275 corporation, shall file with the department a complete
276 application accompanied by an application fee not to exceed \$60,
277 except that the applicant for a Class "D" or Class "G" license
278 is shall not be required to submit an application fee. The
279 application fee is shall not be refundable.

280 (a) The application submitted by any individual, partner,
281 or corporate officer must shall be approved by the department
282 before the ~~prior to that~~ individual, partner, or corporate
283 officer assumes assuming his or her duties.

284 (b) Individuals who invest in the ownership of a licensed
285 agency, but do not participate in, direct, or control the
286 operations of the agency are shall not be required to file an
287 application.

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

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291 (3) The application must ~~shall~~ contain the following
292 information concerning the individual signing the application
293 ~~same~~:

294 (a) Name and any aliases.

295 (b) Age and date of birth.

296 (c) Place of birth.

297 (d) Social security number or alien registration number,
298 whichever is applicable.

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

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

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

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

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

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

318 (j) A full set of fingerprints on a card provided by the
319 department and a fingerprint fee to be established by rule of

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320 the department based upon costs determined by state and federal
321 agency charges and department processing costs. An applicant who
322 has, within the immediately preceding 6 months, submitted a
323 fingerprint card and fee for licensing purposes under this
324 chapter is ~~shall~~ not be required to submit another fingerprint
325 card or fee.

326 (k) A personal inquiry waiver that ~~which~~ allows the
327 department to conduct necessary investigations to satisfy the
328 requirements of this chapter.

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

333 ~~(4) In addition to the application requirements outlined in~~
334 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
335 ~~"E," Class "EE," or Class "G" license shall submit two color~~
336 ~~photographs taken within the 6 months immediately preceding the~~
337 ~~submission of the application, which meet specifications~~
338 ~~prescribed by rule of the department. All other applicants shall~~
339 ~~submit one photograph taken within the 6 months immediately~~
340 ~~preceding the submission of the application.~~

341 (4) ~~(5)~~ In addition to the application requirements outlined
342 under subsection (3), the applicant for a Class "C," Class "E,"
343 Class "M," Class "MA," Class "MB," or Class "MR" license must
344 ~~shall~~ include a statement on a form provided by the department
345 of the experience that ~~which~~ he or she believes will qualify him
346 or her for such license.

347 (5) ~~(6)~~ In addition to the requirements outlined in
348 subsection (3), an applicant for a Class "G" license must ~~shall~~

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349 satisfy minimum training criteria for firearms established by
350 rule of the department, which training criteria includes ~~shall~~
351 ~~include~~, but is not limited to, 28 hours of range and classroom
352 training taught and administered by a Class "K" licensee;
353 however, no more than 8 hours of such training shall consist of
354 range training. If the applicant submits ~~can show~~ proof that he
355 or she is an active law enforcement officer currently certified
356 under the Criminal Justice Standards and Training Commission or
357 has completed the training required for that certification
358 within the last 12 months, or if the applicant submits one of
359 the certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
360 department may waive the foregoing firearms training
361 requirement.

362 (6) (7) In addition to the requirements under subsection
363 (3), an applicant for a Class "K" license must ~~shall~~:

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

365 1. The Florida Criminal Justice Standards and Training
366 Commission Instructor ~~Firearms Instructor's~~ Certificate and
367 written confirmation by the commission that the applicant
368 possesses an active firearms certification.

369 ~~2. The National Rifle Association Police Firearms~~
370 ~~Instructor's Certificate.~~

371 ~~2.3.~~ The National Rifle Association Private Security
372 Firearm Instructor ~~Firearms Instructor's~~ Certificate.

373 ~~3.4.~~ A firearms instructor ~~instructor's~~ certificate issued
374 by from a federal law enforcement agency, state, county, or
375 municipal police academy in this state recognized as such by the
376 Criminal Justice Standards and Training Commission or by the
377 Department of Education.

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

382 (7)~~(8)~~ In addition to the application requirements for
383 individuals, partners, or officers outlined under subsection
384 (3), the application for an agency license must ~~shall~~ contain
385 the following information:

386 (a) The proposed name under which the agency intends to
387 operate.

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

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

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

395 (8)~~(9)~~ Upon submission of a complete application, a Class
396 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
397 Class "MA," Class "MB," or Class "MR" applicant may commence
398 employment or appropriate duties for a licensed agency or branch
399 office. However, the Class "C" or Class "E" applicant must work
400 under the direction and control of a sponsoring licensee while
401 his or her application is being processed. If the department
402 denies application for licensure, the employment of the
403 applicant must be terminated immediately, unless he or she
404 performs only unregulated duties.

405 Section 8. Paragraph (f) of subsection (1) and paragraph
406 (a) of subsection (2) of section 493.6106, Florida Statutes, are

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407 amended, and paragraph (g) is added to subsection (1) of that
408 section, to read:

409 493.6106 License requirements; posting.—

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

411 (f) Be a citizen or permanent legal resident alien of the
412 United States or have appropriate ~~been granted~~ authorization
413 issued to seek employment in this country by the United States
414 ~~Bureau of~~ Citizenship and Immigration Services of the United
415 States Department of Homeland Security.

416 1. An applicant for a Class "C," Class "CC," Class "D,"
417 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
418 "MB," Class "MR," or Class "RI" license who is not a United
419 States citizen must submit proof of current employment
420 authorization issued by the United States Citizenship and
421 Immigration Services or proof that she or he is deemed a
422 permanent legal resident alien by the United States Citizenship
423 and Immigration Services.

424 2. An applicant for a Class "G" or Class "K" license who is
425 not a United States citizen must submit proof that she or he is
426 deemed a permanent legal resident alien by the United States
427 Citizenship and Immigration Services, together with additional
428 documentation establishing that she or he has resided in the
429 state of residence shown on the application for at least 90
430 consecutive days before the date that the application is
431 submitted.

432 3. An applicant for an agency or school license who is not
433 a United States citizen or permanent legal resident alien must
434 submit documentation issued by the United States Citizenship and
435 Immigration Services stating that she or he is lawfully in the

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436 United States and is authorized to own and operate the type of
437 agency or school for which she or he is applying. An employment
438 authorization card issued by the United States Citizenship and
439 Immigration Services is not sufficient documentation.

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

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

447 (a) If an agency or branch office desires to change the
448 physical location of the business, as it appears on the ~~agency~~
449 license, the department must be notified within 10 days of the
450 change, and, except upon renewal, the fee prescribed in s.
451 493.6107 must be submitted for each license requiring revision.
452 Each license requiring revision must be returned with such
453 notification.

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

456 493.6107 Fees.—

457 (3) The fees set forth in this section must be paid by
458 ~~certified~~ check or money order or, at the discretion of the
459 department, by electronic funds transfer ~~agency check~~ at the
460 time the application is approved, except that the applicant for
461 a Class "G" or Class "M" license must pay the license fee at the
462 time the application is made. If a license is revoked or denied
463 or if the application is withdrawn, the license fee is
464 nonrefundable ~~shall not be refunded.~~

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

467 493.6108 Investigation of applicants by Department of
468 Agriculture and Consumer Services.—

469 (1) Except as otherwise provided, ~~prior to the issuance of~~
470 ~~a license under this chapter,~~ the department must investigate an
471 ~~shall make an investigation of the~~ applicant for a license under
472 this chapter before it may issue the license. The investigation
473 must ~~shall~~ include:

474 (a)1. An examination of fingerprint records and police
475 records. ~~If~~ ~~When~~ a criminal history record check ~~analysis~~ of any
476 applicant under this chapter is performed by means of
477 fingerprint card identification, the time limitations prescribed
478 by s. 120.60(1) shall be tolled during the time the applicant's
479 fingerprint card is under review by the Department of Law
480 Enforcement or the United States Department of Justice, Federal
481 Bureau of Investigation.

482 2. If a legible set of fingerprints, as determined by the
483 Department of Law Enforcement or the Federal Bureau of
484 Investigation, cannot be obtained after two attempts, the
485 Department of Agriculture and Consumer Services may determine
486 the applicant's eligibility based upon a criminal history record
487 check under the applicant's name conducted by the Department of
488 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
489 ~~A set of fingerprints~~ are taken by a law enforcement agency or
490 the department and the applicant submits a written statement
491 signed by the fingerprint technician or a licensed physician
492 stating that there is a physical condition that precludes
493 obtaining a legible set of fingerprints or that the fingerprints

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494 taken are the best that can be obtained ~~is sufficient to meet~~
495 ~~this requirement.~~

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

499 (c) Such other investigation of the individual as the
500 department may deem necessary.

501 (3) The department must ~~shall~~ also investigate the mental
502 history and current mental and emotional fitness of any Class
503 "G" or Class "K" applicant, and may deny a Class "G" or Class
504 "K" license to anyone who has a history of mental illness or
505 drug or alcohol abuse.

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

508 493.6111 License; contents; identification card.—

509 (2) Licenses shall be valid for a period of 2 years, except
510 for Class "K" firearms instructor licenses and Class "A," Class
511 "B," Class "AB," Class "R," and branch agency licenses, which
512 shall be valid for a period of 3 years.

513 (4) Notwithstanding the existence of a valid Florida
514 corporate registration, an ~~no~~ agency or school licensee may not
515 conduct activities regulated under this chapter under any
516 fictitious name without prior written authorization from the
517 department to use that name in the conduct of activities
518 regulated under this chapter. The department may not authorize
519 the use of a name that ~~which~~ is so similar to that of a public
520 officer or agency, or of that used by another licensee, that the
521 public may be confused or misled thereby. The authorization for
522 the use of a fictitious name must ~~shall~~ require, as a condition

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523 precedent to the use of such name, the filing of a certificate
524 of engaging in business under a fictitious name under s. 865.09.
525 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
526 under more than one name except as separately licensed nor shall
527 the license be valid to protect any licensee who is engaged in
528 the business under any name other than that specified in the
529 license. An agency desiring to change its licensed name must
530 ~~shall~~ notify the department and, except upon renewal, pay a fee
531 not to exceed \$30 for each license requiring revision including
532 those of all licensed employees except Class "D" or Class "G"
533 licensees. Upon the return of such licenses to the department,
534 revised licenses shall be provided.

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

537 493.6113 Renewal application for licensure.—

538 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
539 expiration date of the license, the department shall mail a
540 written notice to the last known mailing residence address of
541 the licensee ~~for individual licensees and to the last known~~
542 ~~agency address for agencies.~~

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

547 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~
548 licensee shall additionally submit on a form prescribed by the
549 department a certification of insurance that ~~which~~ evidences
550 that the licensee maintains coverage as required under s.
551 493.6110.

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552 (b) Each Class "G" licensee shall additionally submit proof
553 that he or she has received during each year of the license
554 period a minimum of 4 hours of firearms recertification training
555 taught by a Class "K" licensee and has complied with such other
556 health and training requirements which the department may adopt
557 by rule. If proof of a minimum of 4 hours of annual firearms
558 recertification training cannot be provided, the renewal
559 applicant shall complete the minimum number of hours of range
560 and classroom training required at the time of initial
561 licensure.

562 (c) Each Class "DS" or Class "RS" licensee shall
563 additionally submit the current curriculum, examination, and
564 list of instructors.

565 (d) Each Class "K" firearms instructor licensee shall
566 additionally submit one of the certificates specified under s.
567 493.6105(6) as proof that he or she remains certified to provide
568 firearms instruction.

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

572 493.6115 Weapons and firearms.—

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

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

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

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581 (16) If the criminal history record check program
582 referenced in s. 493.6108(1) ~~493.6121(6)~~ is inoperable, the
583 department may issue a temporary "G" license on a case-by-case
584 basis, provided that the applicant has met all statutory
585 requirements for the issuance of a temporary "G" license as
586 specified in subsection (12), excepting the criminal history
587 record check stipulated there; provided, that the department
588 requires that the licensed employer of the applicant conduct a
589 criminal history record check of the applicant pursuant to
590 standards set forth in rule by the department, and provide to
591 the department an affidavit containing such information and
592 statements as required by the department, including a statement
593 that the criminal history record check did not indicate the
594 existence of any criminal history that would prohibit licensure.
595 Failure to properly conduct such a check, or knowingly providing
596 incorrect or misleading information or statements in the
597 affidavit constitutes ~~shall constitute~~ grounds for disciplinary
598 action against the licensed agency, including revocation of
599 license.

600 Section 14. Present paragraph (u) of subsection (1) of
601 section 493.6118, Florida Statutes, is redesignated as paragraph
602 (v), and a new paragraph (u) is added to that subsection to
603 read:

604 493.6118 Grounds for disciplinary action.—

605 (1) The following constitute grounds for which disciplinary
606 action specified in subsection (2) may be taken by the
607 department against any licensee, agency, or applicant regulated
608 by this chapter, or any unlicensed person engaged in activities
609 regulated under this chapter.

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

613 Section 15. Present subsections (7) and (8) of section
614 493.6121, Florida Statutes, are renumbered as subsections (6)
615 and (7), respectively, and subsection (6) of that section is
616 amended, to read:

617 493.6121 Enforcement; investigation.—

618 ~~(6) The department shall be provided access to the program~~
619 ~~that is operated by the Department of Law Enforcement, pursuant~~
620 ~~to s. 790.065, for providing criminal history record information~~
621 ~~to licensed gun dealers, manufacturers, and exporters. The~~
622 ~~department may make inquiries, and shall receive responses in~~
623 ~~the same fashion as provided under s. 790.065. The department~~
624 ~~shall be responsible for payment to the Department of Law~~
625 ~~Enforcement of the same fees as charged to others afforded~~
626 ~~access to the program.~~

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

629 493.6202 Fees.—

630 (3) The fees set forth in this section must be paid by
631 ~~certified~~ check or money order or, at the discretion of the
632 department, by electronic funds transfer ~~agency check~~ at the
633 time the application is approved, except that the applicant for
634 a Class "G," Class "C," Class "CC," Class "M," or Class "MA"
635 license must pay the license fee at the time the application is
636 made. If a license is revoked or denied or if the application is
637 withdrawn, the license fee is nonrefundable ~~shall not be~~
638 ~~refunded.~~

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639 Section 17. Subsections (2), (4), and (6) of section
640 493.6203, Florida Statutes, are amended to read:

641 493.6203 License requirements.—In addition to the license
642 requirements set forth elsewhere in this chapter, each
643 individual or agency shall comply with the following additional
644 requirements:

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

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

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

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

652 (d) Experience described in paragraph (a) for 1 year and
653 experience described in paragraph (e) for 1 year;

654 (e) No more than 1 year using:

655 1. College coursework related to criminal justice,
656 criminology, or law enforcement administration; or

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

659 or

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

662
663 However, experience in performing bodyguard services is not
664 creditable toward the requirements of this subsection.

665 (4) An applicant for a Class "C" license shall have 2 years
666 of lawfully gained, verifiable, full-time experience, or
667 training in one, or a combination of more than one, of the

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668 following:

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

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

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

677

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

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

683 (b) Effective January 1, 2012 ~~September 1, 2008~~, before
684 submission of an application to the department, the an applicant
685 for a Class "CC" license must have completed a minimum of 40 at
686 least 24 hours of professional training a 40-hour course
687 pertaining to general investigative techniques and this chapter,
688 which course is offered by a state university or by a school,
689 community college, college, or university under the purview of
690 the Department of Education, and the applicant must pass an
691 examination. The training must be provided in two parts, one 24-
692 hour course and one 16-hour course. The certificate evidencing
693 satisfactory completion of the 40 at least 24 hours of
694 professional training a 40-hour course must be submitted with
695 the application for a Class "CC" license. The remaining 16 hours
696 must be completed and an examination passed within 180 days. If

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697 ~~documentation of completion of the required training is not~~
698 ~~submitted within the specified timeframe, the individual's~~
699 ~~license is automatically suspended or his or her authority to~~
700 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
701 ~~until such time as proof of certificate of completion is~~
702 ~~provided to the department.~~ The training course specified in
703 this paragraph may be provided by face-to-face presentation,
704 online technology, or a home study course in accordance with
705 rules and procedures of the Department of Education. The
706 administrator of the examination must verify the identity of
707 each applicant taking the examination.

708 1. Upon an applicant's successful completion of each part
709 of the approved training ~~course~~ and passage of any required
710 examination, the school, community college, college, or
711 university shall issue a certificate of completion to the
712 applicant. The certificates must be on a form established by
713 rule of the department.

714 2. The department shall establish by rule the general
715 content of the professional ~~training~~ ~~course~~ and the examination
716 criteria.

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

720 (c) An individual who submits an application for a Class
721 "CC" license on or after September 1, 2008, through December 31,
722 2011, who has not completed the 16-hour course must submit proof
723 of successful completion of the course within 180 days after the
724 date the application is submitted. If documentation of
725 completion of the required training is not submitted by that

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726 date, the individual's license shall be automatically suspended
727 until proof of the required training is submitted to the
728 department. An individual licensed on or before August 31, 2008,
729 is not required to complete additional training hours in order
730 to renew an active license beyond the total required hours, and
731 the timeframe for completion in effect at the time he or she was
732 licensed applies.

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

735 493.6302 Fees.—

736 (3) The fees set forth in this section must be paid by
737 ~~certified~~ check or money order or, at the discretion of the
738 department, by electronic funds transfer ~~agency check~~ at the
739 time the application is approved, except that the applicant for
740 a Class "D," Class "G," Class "M," or Class "MB" license must
741 pay the license fee at the time the application is made. If a
742 license is revoked or denied or if the application is withdrawn,
743 the license fee is nonrefundable ~~shall not be refunded~~.

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

746 493.6303 License requirements.—In addition to the license
747 requirements set forth elsewhere in this chapter, each
748 individual or agency must ~~shall~~ comply with the following
749 additional requirements:

750 (4) (a) Effective January 1, 2012, an applicant for a Class
751 "D" license must submit proof of successful completion of
752 ~~complete~~ a minimum of 40 hours of professional training at a
753 school or training facility licensed by the department. The
754 training must be provided in two parts, one 24-hour course and

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755 one 16-hour course. The department shall by rule establish the
756 general content and number of hours of each subject area to be
757 taught.

758 (b) An individual who submits an application for a Class
759 "D" license on or after January 1, 2007, through December 31,
760 2011, who has not completed the 16-hour course must submit proof
761 of successful completion of the course within 180 days after the
762 date the application is submitted. If documentation of
763 completion of the required training is not submitted by that
764 date, the individual's license shall be automatically suspended
765 until proof of the required training is submitted to the
766 department. A person licensed before January 1, 2007, is not
767 required to complete additional training hours in order to renew
768 an active license beyond the total required hours, and the
769 timeframe for completion in effect at the time he or she was
770 licensed applies. ~~An applicant may fulfill the training~~
771 ~~requirement prescribed in paragraph (a) by submitting proof of:~~

772 1. ~~Successful completion of the total number of required~~
773 ~~hours of training before initial application for a Class "D"~~
774 ~~license; or~~

775 2. ~~Successful completion of 24 hours of training before~~
776 ~~initial application for a Class "D" license and successful~~
777 ~~completion of the remaining 16 hours of training within 180 days~~
778 ~~after the date that the application is submitted. If~~
779 ~~documentation of completion of the required training is not~~
780 ~~submitted within the specified timeframe, the individual's~~
781 ~~license is automatically suspended until such time as proof of~~
782 ~~the required training is provided to the department.~~

783 (c) An individual ~~However, any person whose license is~~ is

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784 ~~suspended or has been~~ revoked, ~~suspended~~ pursuant to paragraph
785 ~~(b) subparagraph 2.~~, or is expired for at least 1 year, ~~or~~
786 ~~longer~~ is considered, upon reapplication for a license, an
787 initial applicant and must submit proof of successful completion
788 of 40 hours of professional training at a school or training
789 facility licensed by the department as provided ~~prescribed~~ in
790 paragraph (a) before a license is ~~will be~~ issued. Any person
791 ~~whose license was issued before January 1, 2007, and whose~~
792 ~~license has been expired for less than 1 year must, upon~~
793 ~~reapplication for a license, submit documentation of completion~~
794 ~~of the total number of hours of training prescribed by law at~~
795 ~~the time her or his initial license was issued before another~~
796 ~~license will be issued. This subsection does not require an~~
797 ~~individual licensed before January 1, 2007, to complete~~
798 ~~additional training hours in order to renew an active license,~~
799 ~~beyond the required total amount of training within the~~
800 ~~timeframe prescribed by law at the time she or he was licensed.~~

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

803 493.6304 Security officer school or training facility.—

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

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

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

812 (c) A copy of the training curriculum and final examination

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813 to be administered.

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

816 493.6401 Classes of licenses.—

817 (7) Any person who operates a recovery agent ~~repossessor~~
818 school or training facility or who conducts an Internet-based
819 training course or a correspondence training course must have a
820 Class "RS" license.

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

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

826 493.6402 Fees.—

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

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

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

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

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

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

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

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

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

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842 a Class "E," Class "EE," or Class "MR" license must pay the
843 license fee at the time the application is made. If a license is
844 revoked or denied, or if an application is withdrawn, the
845 license fee is nonrefundable ~~shall not be refunded~~.

846 Section 23. Section 493.6406, Florida Statutes, is amended
847 to read:

848 493.6406 Recovery agent ~~Repossession services~~ school or
849 training facility.-

850 (1) Any school, training facility, or instructor who offers
851 the training outlined in s. 493.6403(2) for Class "E" or Class
852 "EE" applicants shall, before licensure of such school, training
853 facility, or instructor, file with the department an application
854 accompanied by an application fee in an amount to be determined
855 by rule, not to exceed \$60. The fee shall not be refundable.
856 This training may be offered as face-to-face training, Internet-
857 based training, or correspondence training.

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

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

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

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

869 (3) The department shall adopt rules establishing the
870 criteria for approval of schools, training facilities, and

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871 instructors.

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

874 496.404 Definitions.—As used in ss. 496.401-496.424:

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

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

879 496.411 Disclosure requirements and duties of charitable
880 organizations and sponsors.—

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

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

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

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

899 Section 26. Paragraph (c) of subsection (1) of section

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900 496.412, Florida Statutes, is amended to read:

901 496.412 Disclosure requirements and duties of professional
902 solicitors.—

903 (1) A professional solicitor must comply with and be
904 responsible for complying or causing compliance with the
905 following disclosures:

906 (c) In addition to the information required by paragraph
907 (a), any written confirmation, receipt, or reminder of
908 contribution made pursuant to an oral solicitation and any
909 written solicitation shall conspicuously state in capital
910 letters:

911
912 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
913 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
914 CONSUMER PROTECTION SERVICES ~~SERVICES~~ BY CALLING TOLL-FREE
915 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
916 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
917 STATE."

918
919 The statement must include a toll-free number for the division
920 which that can be used to obtain the registration information.
921 When the solicitation consists of more than one piece, the
922 statement must be displayed prominently in the solicitation
923 materials.

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

926 496.419 Powers of the department.—

927 (5) Upon a finding as set forth in subsection (4), the
928 department may ~~enter an order doing one or more of the~~

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929 following:

930 (a) Issue ~~Issuing~~ a notice of noncompliance pursuant to s.
931 120.695;

932 (b) Issue ~~Issuing~~ a cease and desist order that directs
933 that the person cease and desist specified fundraising
934 activities;

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

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

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

942 (f) Impose ~~Imposing~~ an administrative fine not to exceed
943 \$1,000 for each act or omission that ~~which~~ constitutes a
944 violation of ss. 496.401-496.424 or s. 496.426 or a rule or
945 order.

946

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

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

953 501.015 Health studios; registration requirements and
954 fees.—Each health studio shall:

955 (7) ~~Any person applying for or renewing a local~~
956 ~~occupational license to engage in business as a health studio~~
957 ~~must~~ Exhibit an active registration certificate from the

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958 Department of Agriculture and Consumer Services before the local
959 business tax receipt ~~occupational license~~ may be issued or
960 reissued.

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

963 501.017 Health studios; contracts.—

964 (1) Every contract for the sale of future health studio
965 services which is paid for in advance or which the buyer agrees
966 to pay for in future installment payments must ~~shall~~ be in
967 writing and must ~~shall~~ contain, contractual provisions to the
968 contrary notwithstanding, in immediate proximity to the space
969 reserved in the contract for the signature of the buyer, and in
970 at least 10-point boldfaced type, language substantially
971 equivalent to the following:

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

986 (b)1. A provision for the cancellation and refund of the

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987 contract if the contracting business location of the health
988 studio goes out of business, or moves its facilities more than 5
989 driving miles from the business location designated in such
990 contract and fails to provide, within 30 days, a facility of
991 equal quality located within 5 driving miles of the business
992 location designated in such contract at no additional cost to
993 the buyer.

994 2. A provision that notice of intent to cancel by the buyer
995 shall be given in writing to the health studio. Such a notice of
996 cancellation from the consumer shall also terminate
997 automatically the consumer's obligation to any entity to whom
998 the health studio has subrogated or assigned the consumer's
999 contract. If the health studio wishes to enforce such contract
1000 after receipt of such showing, it may request the department to
1001 determine the sufficiency of the showing.

1002 3. A provision that if the department determines that a
1003 refund is due the buyer, the refund shall be an amount computed
1004 by dividing the contract price by the number of weeks in the
1005 contract term and multiplying the result by the number of weeks
1006 remaining in the contract term. The business location of a
1007 health studio is ~~shall~~ not be deemed out of business when
1008 temporarily closed for repair and renovation of the premises:

- 1009 a. Upon sale, for not more than 14 consecutive days; or
1010 b. During ownership, for not more than 7 consecutive days
1011 and not more than two periods of 7 consecutive days in any
1012 calendar year.

1013
1014 A refund shall be issued within 30 days after receipt of the
1015 notice of cancellation made pursuant to this paragraph.

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1016 (c) A provision in the disclosure statement advising the
1017 buyer to contact the department for information within 60 days
1018 should the health studio go out of business.

1019 (d) A provision for the cancellation of the contract if the
1020 buyer dies or becomes physically unable to avail himself or
1021 herself of a substantial portion of those services which he or
1022 she used from the commencement of the contract until the time of
1023 disability, with refund of funds paid or accepted in payment of
1024 the contract in an amount computed by dividing the contract
1025 price by the number of weeks in the contract term and
1026 multiplying the result by the number of weeks remaining in the
1027 contract term. The contract may require a buyer or the buyer's
1028 estate seeking relief under this paragraph to provide proof of
1029 disability or death. A physical disability sufficient to warrant
1030 cancellation of the contract by the buyer shall be established
1031 if the buyer furnishes to the health studio a certification of
1032 such disability by a physician licensed under chapter 458,
1033 chapter 459, chapter 460, or chapter 461 to the extent the
1034 diagnosis or treatment of the disability is within the
1035 physician's scope of practice. A refund shall be issued within
1036 30 days after receipt of the notice of cancellation made
1037 pursuant to this paragraph.

1038 (e) A provision that the initial contract will not be for a
1039 period in excess of 36 months, and thereafter shall only be
1040 renewable annually. Such renewal contracts may not be executed
1041 and the fee therefor paid until 60 days or less before the
1042 preceding contract expires.

1043 (f) A provision that if the health studio requires a buyer
1044 to furnish identification upon entry to the facility and as a

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1045 condition of using the services of the health studio, the health
1046 studio must ~~shall~~ provide the buyer with the means of such
1047 identification.

1048 Section 30. Subsection (2) of section 501.145, Florida
1049 Statutes, is amended to read:

1050 501.145 Bedding Label Act.—

1051 (2) DEFINITIONS.—For the purpose of this section, the term:

1052 (a) "Bedding" means any mattress, box spring, pillow, or
1053 cushion made of leather or any other material which is or can be
1054 stuffed or filled in whole or in part with any substance or
1055 material, which can be used by any human being for sleeping or
1056 reclining purposes.

1057 ~~(b) "Department" means the Department of Agriculture and~~
1058 ~~Consumer Services.~~

1059 (b) ~~(e)~~ "Enforcing authority" means the Department of
1060 Agriculture and Consumer Services or the Department of Legal
1061 Affairs.

1062 Section 31. Paragraph (b) of subsection (1) and subsection
1063 (8) of section 501.160, Florida Statutes, are amended to read:

1064 501.160 Rental or sale of essential commodities during a
1065 declared state of emergency; prohibition against unconscionable
1066 prices.—

1067 (1) As used in this section:

1068 (b) It is prima facie evidence that a price is
1069 unconscionable if:

1070 1. The amount charged represents a gross disparity between
1071 the price of the commodity or rental or lease of any dwelling
1072 unit or self-storage facility that is the subject of the offer
1073 or transaction and the average price at which that commodity or

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1074 dwelling unit or self-storage facility was rented, leased, sold,
1075 or offered for rent or sale in the usual course of business
1076 during the 30 days immediately prior to a declaration of a state
1077 of emergency, unless ~~and~~ the increase in the amount charged is
1078 ~~not~~ attributable to additional costs incurred in connection with
1079 the rental or sale of the commodity or rental or lease of any
1080 dwelling unit or self-storage facility, or regional, national,
1081 or international market trends; or

1082 2. The amount charged grossly exceeds the average price at
1083 which the same or similar commodity was readily obtainable in
1084 the trade area during the 30 days immediately prior to a
1085 declaration of a state of emergency, unless ~~and~~ the increase in
1086 the amount charged is ~~not~~ attributable to additional costs
1087 incurred in connection with the rental or sale of the commodity
1088 or rental or lease of any dwelling unit or self-storage
1089 facility, or regional, national, or international market trends.

1090 (8) Any violation of this section may be enforced by ~~the~~
1091 ~~Department of Agriculture and Consumer Services~~, the office of
1092 the state attorney~~7~~, or the Department of Legal Affairs.

1093 Section 32. Paragraphs (a) and (1) of subsection (2) of
1094 section 501.605, Florida Statutes, are amended to read:

1095 501.605 Licensure of commercial telephone sellers.—

1096 (2) An applicant for a license as a commercial telephone
1097 seller must submit to the department, in such form as it
1098 prescribes, a written application for the license. The
1099 application must set forth the following information:

1100 (a) The true name, date of birth, driver's license number,
1101 or other valid form of identification ~~social security number~~,
1102 and home address of the applicant, including each name under

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1103 which he or she intends to do business.

1104 (1) The true name, current home address, date of birth,
1105 ~~social security number~~, and all other names by which known, or
1106 previously known, of each:

1107 1. Principal officer, director, trustee, shareholder,
1108 owner, or partner of the applicant, and of each other person
1109 responsible for the management of the business of the applicant.

1110 2. Office manager or other person principally responsible
1111 for a location from which the applicant will do business.

1112 3. Salesperson or other person to be employed by the
1113 applicant.

1114
1115 The application shall be accompanied by a copy of any: Script,
1116 outline, or presentation the applicant will require or suggest a
1117 salesperson to use when soliciting, or, if no such document is
1118 used, a statement to that effect; sales information or
1119 literature to be provided by the applicant to a salesperson; and
1120 sales information or literature to be provided by the applicant
1121 to a purchaser in connection with any solicitation.

1122 Section 33. Paragraph (a) of subsection (1) of section
1123 501.607, Florida Statutes, is amended to read:

1124 501.607 Licensure of salespersons.—

1125 (1) An applicant for a license as a salesperson must submit
1126 to the department, in such form as it prescribes, a written
1127 application for a license. The application must set forth the
1128 following information:

1129 (a) The true name, date of birth, driver's license number,
1130 or other valid form of identification ~~social security number~~,
1131 and home address of the applicant.

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1132 Section 34. Subsection (2) of section 525.01, Florida
1133 Statutes, is amended to read:

1134 525.01 Gasoline and oil to be inspected.—

1135 (2) All petroleum fuels are ~~shall be~~ subject to inspection
1136 and analysis by the department. Before selling or offering for
1137 sale in this state any petroleum fuel, all manufacturers,
1138 terminal suppliers, wholesalers, and importers as defined in s.
1139 206.01 ~~jobbers~~ shall file with the department:

1140 (a) An affidavit stating that they desire to do business in
1141 this state, and the name and address of the manufacturer of the
1142 petroleum fuel.

1143 (b) An affidavit stating that the petroleum fuel is in
1144 conformity with the standards prescribed by department rule.

1145 Section 35. Section 526.06, Florida Statutes, is amended to
1146 read

1147 526.06 Mixing, blending, compounding, or adulteration of
1148 liquid fuels of same manufacturer prohibited; ~~sale of gasoline~~
1149 ~~blended with ethanol.~~ A ~~It is unlawful for any person may not~~ to
1150 mix, blend, compound, or adulterate the liquid fuel, lubricating
1151 oil, grease, or similar product of a manufacturer or distributor
1152 with a liquid fuel, lubricating oil, grease, or similar product
1153 of the same manufacturer or distributor of a character or nature
1154 different from the character or nature of the liquid fuel,
1155 lubricating oil, grease, or similar product so mixed, blended,
1156 compounded, or adulterated, and expose for sale, offer for sale,
1157 or sell the same as the unadulterated product of such
1158 manufacturer or distributor or as the unadulterated product of
1159 any other manufacturer or distributor. However, ~~nothing in this~~
1160 chapter does not ~~shall be construed to~~ prevent the lawful owner

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1161 of such products from applying his, her, or its own trademark,
1162 trade name, or symbol to any product or material. ~~Ethanol-~~
1163 ~~blended fuels which contain unleaded gasoline and up to 10~~
1164 ~~percent denatured ethanol by volume may be sold at retail~~
1165 ~~service stations for use in motor vehicles. To provide retail~~
1166 ~~service stations flexibility during the transition period to~~
1167 ~~ethanol-blended fuels, the T50 and TV/L specifications for~~
1168 ~~gasoline containing between 9 and 10 percent ethanol shall be~~
1169 ~~applied to all gasoline containing between 1 and 10 percent~~
1170 ~~ethanol by volume provided the last three or fewer deliveries~~
1171 ~~contained between 9 and 10 percent ethanol by volume. If there~~
1172 ~~is no reasonable availability of ethanol or the price of ethanol~~
1173 ~~exceeds the price of gasoline, the T50 and TV/L specifications~~
1174 ~~for gasoline containing between 9 and 10 percent ethanol shall~~
1175 ~~be applicable for gasoline containing between 1 and 10 percent~~
1176 ~~ethanol for up to three deliveries of fuel.~~

1177 Section 36. Paragraph (f) of subsection (3) of section
1178 539.001, Florida Statutes, is amended to read:

1179 539.001 The Florida Pawnbroking Act.—

1180 (3) LICENSE REQUIRED.—

1181 (f) Any person applying for or renewing a local
1182 occupational license to engage in business as a pawnbroker must
1183 exhibit a current license from the agency before the local
1184 business tax receipt ~~occupational license~~ may be issued or
1185 reissued.

1186 Section 37. Subsection (1) of section 559.805, Florida
1187 Statutes, is amended to read:

1188 559.805 Filings with the department; disclosure of
1189 advertisement identification number.—

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1190 (1) Every seller of a business opportunity shall annually
1191 file with the department a copy of the disclosure statement
1192 required by s. 559.803 before ~~prior to~~ placing an advertisement
1193 or making any other representation designed to offer to, sell
1194 to, or solicit an offer to buy a business opportunity from a
1195 prospective purchaser in this state and must ~~shall~~ update this
1196 filing by reporting any material change in the required
1197 information within 30 days after the material change occurs. An
1198 advertisement is not considered to be placed in the state merely
1199 because the advertisement is published in a ~~publisher~~
1200 ~~circulates, or there is circulated on his or her behalf in the~~
1201 ~~state, any bona fide newspaper or other publication~~ having a ~~of~~
1202 general, regular, and paid circulation in this state which has
1203 had more than two-thirds of its circulation during the past 12
1204 months outside the state or because the advertisement is
1205 received in this state from a radio or television program
1206 originating outside the state ~~is received in the state~~. If the
1207 seller is required by s. 559.807 to provide a bond or establish
1208 a trust account or guaranteed letter of credit, the seller ~~he or~~
1209 ~~she~~ shall contemporaneously file with the department a copy of
1210 the bond, a copy of the formal notification by the depository
1211 that the trust account is established, or a copy of the
1212 guaranteed letter of credit. Every seller of a business
1213 opportunity must ~~shall~~ file with the department a list of
1214 independent agents who will engage in the offer or sale of
1215 business opportunities on behalf of the seller in this state.
1216 This list must be kept current and must ~~shall~~ include the
1217 following information: name, home and business address,
1218 telephone number, present employer, ~~social security number,~~ and

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1219 birth date. A ~~No~~ person may not ~~shall be allowed to~~ offer or
1220 sell business opportunities unless the required information has
1221 been provided to the department.

1222 Section 38. Subsection (7) of section 559.904, Florida
1223 Statutes, is amended to read:

1224 559.904 Motor vehicle repair shop registration;
1225 application; exemption.—

1226 (7) Any person applying for or renewing a local business
1227 tax receipt ~~occupational license on or after October 1, 1993,~~ to
1228 engage in business as a motor vehicle repair shop must exhibit
1229 an active registration certificate from the department before
1230 the local business tax receipt ~~occupational license~~ may be
1231 issued or renewed.

1232 Section 39. Subsections (1), (3), and (4) of section
1233 559.928, Florida Statutes, are amended to read:

1234 559.928 Registration.—

1235 (1) Each seller of travel shall annually register with the
1236 department, providing: its legal business or trade name, mailing
1237 address, and business locations; the full names, addresses, and
1238 telephone numbers of its owners or corporate officers and
1239 directors and the Florida agent of the corporation; a statement
1240 whether it is a domestic or foreign corporation, its state and
1241 date of incorporation, its charter number, and, if a foreign
1242 corporation, the date it registered with the State of Florida,
1243 and local business tax receipt ~~occupational license~~ where
1244 applicable; the date on which a seller of travel registered its
1245 fictitious name if the seller of travel is operating under a
1246 fictitious or trade name; the name of all other corporations,
1247 business entities, and trade names through which each owner of

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1248 the seller of travel operated, was known, or did business as a
1249 seller of travel within the preceding 5 years; a list of all
1250 authorized independent agents, including the agent's trade name,
1251 full name, mailing address, business address, and telephone
1252 numbers; the business location and address of each branch office
1253 and full name and address of the manager or supervisor; the
1254 certification required under s. 559.9285; and proof of purchase
1255 of adequate bond as required in this part. A certificate
1256 evidencing proof of registration shall be issued by the
1257 department and must be prominently displayed in the seller of
1258 travel's primary place of business.

1259 (3) Each independent agent shall annually file an affidavit
1260 with the department prior to engaging in business in this state.
1261 This affidavit must include the independent agent's full name,
1262 legal business or trade name, mailing address, business address,
1263 telephone number, ~~social security number~~, and the name or names
1264 and addresses of each seller of travel represented by the
1265 independent agent. A letter evidencing proof of filing must be
1266 issued by the department and must be prominently displayed in
1267 the independent agent's primary place of business. Each
1268 independent agent must also submit an annual registration fee of
1269 \$50. All moneys collected pursuant to the imposition of the fee
1270 shall be deposited by the Chief Financial Officer into the
1271 General Inspection Trust Fund of the Department of Agriculture
1272 and Consumer Services for the sole purpose of administrating
1273 this part. As used in this subsection, the term "independent
1274 agent" means a person who represents a seller of travel by
1275 soliciting persons on its behalf; who has a written contract
1276 with a seller of travel which is operating in compliance with

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1277 this part and any rules adopted thereunder; who does not receive
1278 a fee, commission, or other valuable consideration directly from
1279 the purchaser for the seller of travel; who does not at any time
1280 have any unissued ticket stock or travel documents in his or her
1281 possession; and who does not have the ability to issue tickets,
1282 vacation certificates, or any other travel document. The term
1283 "independent agent" does not include an affiliate of the seller
1284 of travel, as that term is used in s. 559.935(3), or the
1285 employees of the seller of travel or of such affiliates.

1286 (4) Any person applying for or renewing a local business
1287 tax receipt ~~occupational license~~ to engage in business as a
1288 seller of travel must exhibit a current registration certificate
1289 from the department before the local business tax receipt
1290 ~~occupational license~~ may be issued or reissued.

1291 Section 40. Subsection (6) of section 559.935, Florida
1292 Statutes, is amended to read:

1293 559.935 Exemptions.—

1294 (6) The department shall request from the Airlines
1295 Reporting Corporation any information necessary to implement the
1296 provisions of subsection (2). Persons claiming an exemption
1297 under subsection (2) or subsection (3) must show a letter of
1298 exemption from the department before a local business tax
1299 receipt ~~occupational license~~ to engage in business as a seller
1300 of travel may be issued or reissued. If the department fails to
1301 issue a letter of exemption on a timely basis, the seller of
1302 travel shall submit to the department, through certified mail,
1303 an affidavit containing her or his name and address and an
1304 explanation of the exemption sought. Such affidavit may be used
1305 in lieu of a letter of exemption for the purpose of obtaining a

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1306 business tax receipt ~~an occupational license~~. In any civil or
1307 criminal proceeding, the burden of proving an exemption under
1308 this section shall be on the person claiming such exemption. A
1309 letter of exemption issued by the department shall not be used
1310 in, and shall have no bearing on, such proceedings.

1311 Section 41. Subsection (5) of section 570.29, Florida
1312 Statutes, is amended to read:

1313 570.29 Departmental divisions.—The department shall include
1314 the following divisions:

1315 (5) Consumer Protection Services.

1316 Section 42. Section 570.544, Florida Statutes, is amended
1317 to read:

1318 570.544 Division of Consumer Protection Services; director;
1319 powers; processing of complaints; records.—

1320 (1) The director of the Division of Consumer Protection
1321 ~~Services~~ shall be appointed by and serve at the pleasure of the
1322 commissioner.

1323 (2) The Division of Consumer Protection Services may:

1324 (a) Conduct studies and make analyses of matters affecting
1325 the interests of consumers.

1326 (b) Study the operation of laws for consumer protection.

1327 (c) Advise and make recommendations to the various state
1328 agencies concerned with matters affecting consumers.

1329 (d) Assist, advise, and cooperate with local, state, or
1330 federal agencies and officials in order to promote the interests
1331 of consumers.

1332 (e) Make use of the testing and laboratory facilities of
1333 the department for the detection of consumer fraud.

1334 (f) Report to the appropriate law enforcement officers any

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1335 information concerning violation of consumer protection laws.

1336 (g) Assist, develop, and conduct programs of consumer
1337 education and consumer information through publications and
1338 other informational and educational material prepared for
1339 dissemination to the public, in order to increase the competence
1340 of consumers.

1341 (h) Organize and hold conferences on problems affecting
1342 consumers.

1343 (i) Recommend programs to encourage business and industry
1344 to maintain high standards of honesty, fair business practices,
1345 and public responsibility in the production, promotion, and sale
1346 of consumer goods and services.

1347 (3) In addition to the powers, duties, and responsibilities
1348 authorized by this or any other chapter, the Division of
1349 Consumer Protection Services ~~Services~~ shall serve as a clearinghouse for
1350 matters relating to consumer protection, consumer information,
1351 and consumer services generally. It shall receive complaints and
1352 grievances from consumers and promptly transmit them to that
1353 agency most directly concerned in order that the complaint or
1354 grievance may be expeditiously handled in the best interests of
1355 the complaining consumer. If no agency exists, the Division of
1356 Consumer Protection Services ~~Services~~ shall seek a settlement of the
1357 complaint using formal or informal methods of mediation and
1358 conciliation and may seek any other resolution of the matter in
1359 accordance with its jurisdiction.

1360 (4) If any complaint received by the Division of Consumer
1361 Protection Services ~~Services~~ concerns matters that ~~which~~ involve
1362 concurrent jurisdiction in more than one agency, duplicate
1363 copies of the complaint shall be referred to those offices

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1364 deemed to have concurrent jurisdiction.

1365 (5) (a) Any agency, office, bureau, division, or board of
1366 state government receiving a complaint that ~~which~~ deals with
1367 consumer fraud or consumer protection and ~~which~~ is not within
1368 the jurisdiction of the receiving agency, office, bureau,
1369 division, or board originally receiving it, shall immediately
1370 refer the complaint to the Division of Consumer Protection
1371 Services.

1372 (b) Upon receipt of such a complaint, the Division of
1373 Consumer Protection Services shall make a determination of the
1374 proper jurisdiction to which the complaint relates and shall
1375 immediately refer the complaint to the agency, office, bureau,
1376 division, or board that has ~~which does have~~ the proper
1377 regulatory or enforcement authority to deal with it.

1378 (6) The office or agency to which a complaint has been
1379 referred shall within 30 days acknowledge receipt of the
1380 complaint. If an office or agency receiving a complaint
1381 determines that the matter presents a prima facie case for
1382 criminal prosecution or if the complaint cannot be settled at
1383 the administrative level, the complaint together with all
1384 supporting evidence shall be transmitted to the Department of
1385 Legal Affairs or other appropriate enforcement agency with a
1386 recommendation for civil or criminal action warranted by the
1387 evidence.

1388 (7) The records of the Division of Consumer Protection
1389 ~~Services~~ are public records. However, customer lists, customer
1390 names, and trade secrets are confidential and exempt from the
1391 provisions of s. 119.07(1). Disclosure necessary to enforcement
1392 procedures does ~~shall~~ not violate ~~be construed as violative of~~

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1393 this prohibition on the disclosure of confidential information.

1394 (8) ~~It shall be the duty of~~ The Division of Consumer
1395 Protection shall Services ~~to~~ maintain records and compile
1396 summaries and analyses of consumer complaints and their eventual
1397 disposition, which data may serve as a basis for recommendations
1398 to the Legislature and to state regulatory agencies.

1399 Section 43. Subsection (7) of section 681.102, Florida
1400 Statutes, is amended, and present subsections (8) through (23)
1401 of that subsection are renumbered as subsections (7) through
1402 (22), respectively, to read:

1403 681.102 Definitions.—As used in this chapter, the term:

1404 ~~(7) "Division" means the Division of Consumer Services of~~
1405 ~~the Department of Agriculture and Consumer Services.~~

1406 Section 44. Subsection (3) of section 681.103, Florida
1407 Statutes, is amended to read:

1408 681.103 Duty of manufacturer to conform a motor vehicle to
1409 the warranty.—

1410 (3) At the time of acquisition, the manufacturer shall
1411 inform the consumer clearly and conspicuously in writing how and
1412 where to file a claim with a certified procedure if such
1413 procedure has been established by the manufacturer pursuant to
1414 s. 681.108. The nameplate manufacturer of a recreational vehicle
1415 shall, at the time of vehicle acquisition, inform the consumer
1416 clearly and conspicuously in writing how and where to file a
1417 claim with a program pursuant to s. 681.1096. The manufacturer
1418 shall provide to the dealer and, at the time of acquisition, the
1419 dealer shall provide to the consumer a written statement that
1420 explains the consumer's rights under this chapter. The written
1421 statement shall be prepared by the Department of Legal Affairs

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1422 and shall contain a toll-free number for the department which
1423 ~~division that~~ the consumer can contact to obtain information
1424 regarding the consumer's rights and obligations under this
1425 chapter or to commence arbitration. If the manufacturer obtains
1426 a signed receipt for timely delivery of sufficient quantities of
1427 this written statement to meet the dealer's vehicle sales
1428 requirements, it shall constitute prima facie evidence of
1429 compliance with this subsection by the manufacturer. The
1430 consumer's signed acknowledgment of receipt of materials
1431 required under this subsection shall constitute prima facie
1432 evidence of compliance by the manufacturer and dealer. The form
1433 of the acknowledgments shall be approved by the Department of
1434 Legal Affairs, and the dealer shall maintain the consumer's
1435 signed acknowledgment for 3 years.

1436 Section 45. Section 681.108, Florida Statutes, is amended
1437 to read:

1438 681.108 Dispute-settlement procedures.—

1439 (1) If a manufacturer has established a procedure that,
1440 ~~which~~ the department ~~division~~ has certified as substantially
1441 complying with the provisions of 16 C.F.R. part 703, in effect
1442 October 1, 1983, and with the provisions of this chapter and the
1443 rules adopted under this chapter, and has informed the consumer
1444 how and where to file a claim with such procedure pursuant to s.
1445 681.103(3), the provisions of s. 681.104(2) apply to the
1446 consumer only if the consumer has first resorted to such
1447 procedure. The decisionmakers for a certified procedure shall,
1448 in rendering decisions, take into account all legal and
1449 equitable factors germane to a fair and just decision,
1450 including, but not limited to, the warranty; the rights and

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1451 remedies conferred under 16 C.F.R. part 703, in effect October
1452 1, 1983; the provisions of this chapter; and any other equitable
1453 considerations appropriate under the circumstances.

1454 Decisionmakers and staff of a procedure shall be trained in the
1455 provisions of this chapter and in 16 C.F.R. part 703, in effect
1456 October 1, 1983. In an action brought by a consumer concerning
1457 an alleged nonconformity, the decision that results from a
1458 certified procedure is admissible in evidence.

1459 (2) A manufacturer may apply to the department ~~division~~ for
1460 certification of its procedure. After receipt and evaluation of
1461 the application, the department ~~division~~ shall certify the
1462 procedure or notify the manufacturer of any deficiencies in the
1463 application or the procedure.

1464 (3) A certified procedure or a procedure of an applicant
1465 seeking certification shall submit to the department ~~division~~ a
1466 copy of each settlement approved by the procedure or decision
1467 made by a decisionmaker within 30 days after the settlement is
1468 reached or the decision is rendered. The decision or settlement
1469 must contain at a minimum the:

1470 (a) Name and address of the consumer;

1471 (b) Name of the manufacturer and address of the dealership
1472 from which the motor vehicle was purchased;

1473 (c) Date the claim was received and the location of the
1474 procedure office that handled the claim;

1475 (d) Relief requested by the consumer;

1476 (e) Name of each decisionmaker rendering the decision or
1477 person approving the settlement;

1478 (f) Statement of the terms of the settlement or decision;

1479 (g) Date of the settlement or decision; and

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1480 (h) Statement of whether the decision was accepted or
1481 rejected by the consumer.

1482 (4) Any manufacturer establishing or applying to establish
1483 a certified procedure must file with the department ~~division~~ a
1484 copy of the annual audit required under the provisions of 16
1485 C.F.R. part 703, in effect October 1, 1983, together with any
1486 additional information required for purposes of certification,
1487 including the number of refunds and replacements made in this
1488 state pursuant to the provisions of this chapter by the
1489 manufacturer during the period audited.

1490 (5) The department ~~division~~ shall review each certified
1491 procedure at least annually, prepare an annual report evaluating
1492 the operation of certified procedures established by motor
1493 vehicle manufacturers and procedures of applicants seeking
1494 certification, and, for a period not to exceed 1 year, shall
1495 grant certification to, or renew certification for, those
1496 manufacturers whose procedures substantially comply with the
1497 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
1498 with the provisions of this chapter and rules adopted under this
1499 chapter. If certification is revoked or denied, the department
1500 ~~division~~ shall state the reasons for such action. The reports
1501 and records of actions taken with respect to certification shall
1502 be public records.

1503 (6) A manufacturer whose certification is denied or revoked
1504 is entitled to a hearing pursuant to chapter 120.

1505 (7) If federal preemption of state authority to regulate
1506 procedures occurs, the provisions of subsection (1) concerning
1507 prior resort do not apply.

1508 (8) The department may ~~division shall~~ adopt rules to

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1509 administer ~~implement~~ this section.

1510 Section 46. Section 681.109, Florida Statutes, is amended
1511 to read:

1512 681.109 Florida New Motor Vehicle Arbitration Board;
1513 dispute eligibility.—

1514 (1) If a manufacturer has a certified procedure, a consumer
1515 claim arising during the Lemon Law rights period must be filed
1516 with the certified procedure no later than 60 days after the
1517 expiration of the Lemon Law rights period. If a decision is not
1518 rendered by the certified procedure within 40 days of filing,
1519 the consumer may apply to the department ~~division~~ to have the
1520 dispute removed to the board for arbitration.

1521 (2) If a manufacturer has a certified procedure, a consumer
1522 claim arising during the Lemon Law rights period must be filed
1523 with the certified procedure no later than 60 days after the
1524 expiration of the Lemon Law rights period. If a consumer is not
1525 satisfied with the decision or the manufacturer's compliance
1526 therewith, the consumer may apply to the department ~~division~~ to
1527 have the dispute submitted to the board for arbitration. A
1528 manufacturer may not seek review of a decision made under its
1529 procedure.

1530 (3) If a manufacturer does not have a ~~has no~~ certified
1531 procedure or if the ~~a~~ certified procedure does not have
1532 jurisdiction to resolve the dispute, a consumer may apply
1533 directly to the department ~~division~~ to have the dispute
1534 submitted to the board for arbitration.

1535 (4) A consumer must request arbitration before the board
1536 with respect to a claim arising during the Lemon Law rights
1537 period no later than 60 days after the expiration of the Lemon

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1538 Law rights period, or within 30 days after the final action of a
1539 certified procedure, whichever date occurs later.

1540 (5) The department ~~division~~ shall screen all requests for
1541 arbitration before the board to determine eligibility. The
1542 consumer's request for arbitration before the board shall be
1543 made on a form prescribed by the department. The department
1544 ~~division~~ shall forward to the board all disputes that the
1545 department ~~division~~ determines are potentially entitled to
1546 relief under this chapter.

1547 (6) The department ~~division~~ may reject a dispute that it
1548 determines to be fraudulent or outside the scope of the board's
1549 authority. Any dispute deemed by the department ~~division~~ to be
1550 ineligible for arbitration by the board due to insufficient
1551 evidence may be reconsidered upon the submission of new
1552 information regarding the dispute. Following a second review,
1553 the department ~~division~~ may reject a dispute if the evidence is
1554 clearly insufficient to qualify for relief. If the department
1555 rejects a dispute, it must provide notice of the rejection and a
1556 brief explanation of the reason for rejection ~~Any dispute~~
1557 ~~rejected by the division shall be forwarded to the department~~
1558 ~~and a copy shall be sent by registered mail to the consumer and~~
1559 ~~to the manufacturer, containing a brief explanation as to the~~
1560 ~~reason for rejection.~~

1561 (7) If the department ~~division~~ rejects a dispute, the
1562 consumer may file a lawsuit to enforce the remedies provided
1563 under this chapter. In any civil action arising under this
1564 chapter and relating to a matter considered by the department
1565 ~~division~~, any determination made to reject a dispute is
1566 admissible in evidence.

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1567 (8) The department may ~~shall have the authority to~~ adopt
1568 ~~reasonable~~ rules to administer ~~carry out the provisions of~~ this
1569 section.

1570 Section 47. Subsections (2), (3), (4), (5), (9), (11), and
1571 (12) of section 681.1095, Florida Statutes, are amended, and
1572 subsection (17) is added to that section, to read:

1573 681.1095 Florida New Motor Vehicle Arbitration Board;
1574 creation and function.-

1575 (2) The board ~~boards~~ shall hear cases in various locations
1576 throughout the state so that any consumer whose dispute is
1577 approved for arbitration by the department ~~division~~ may attend
1578 an arbitration hearing at a reasonably convenient location and
1579 present a dispute orally. Hearings shall be conducted by panels
1580 of three board members assigned by the department. A majority
1581 vote of the three-member board panel shall be required to render
1582 a decision. Arbitration proceedings under this section shall be
1583 open to the public on reasonable and nondiscriminatory terms.

1584 (3) Each region of the board shall consist of up to eight
1585 members. The members of the board shall construe and apply the
1586 provisions of this chapter, and rules adopted thereunder, in
1587 making their decisions. An administrator and a secretary shall
1588 be assigned to each region of the board by the Department of
1589 Legal Affairs. At least one member of the ~~each~~ board in each
1590 region must have ~~be a person with~~ expertise in motor vehicle
1591 mechanics. A member may ~~must~~ not be employed by a manufacturer
1592 or a franchised motor vehicle dealer or be a staff member, a
1593 decisionmaker, or a consultant for a procedure. Board members
1594 shall be trained in the application of this chapter and any
1595 rules adopted under this chapter. Members of the board, shall be

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1596 ~~reimbursed for travel expenses pursuant to s. 112.061, and shall~~
1597 ~~be~~ compensated at a rate ~~or wage~~ prescribed by the Attorney
1598 General and are entitled to reimbursement for per diem and
1599 travel expenses pursuant to s. 112.061.

1600 (4) Before filing a civil action on a matter subject to s.
1601 681.104, the consumer must first submit the dispute to the
1602 department ~~division~~, and to the board if such dispute is deemed
1603 eligible for arbitration.

1604 (5) Manufacturers shall submit to arbitration conducted by
1605 the board if such arbitration is requested by a consumer and the
1606 dispute is deemed eligible for arbitration by the department
1607 ~~division~~ pursuant to s. 681.109.

1608 (9) The decision of the board shall be sent by any method
1609 providing a delivery confirmation ~~registered mail~~ to the
1610 consumer and the manufacturer, and shall contain written
1611 findings of fact and rationale for the decision. If the decision
1612 is in favor of the consumer, the manufacturer must, within 40
1613 days after receipt of the decision, comply with the terms of the
1614 decision. Compliance occurs on the date the consumer receives
1615 delivery of an acceptable replacement motor vehicle or the
1616 refund specified in the arbitration award. In any civil action
1617 arising under this chapter and relating to a dispute arbitrated
1618 before the board, any decision by the board is admissible in
1619 evidence.

1620 (11) ~~All provisions in~~ This section and s. 681.109
1621 pertaining to compulsory arbitration before the board, the
1622 dispute eligibility screening by the department ~~division~~, the
1623 proceedings and decisions of the board, and any appeals thereof,
1624 are exempt from ~~the provisions of~~ chapter 120.

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1625 (12) An appeal of a decision by the board to the circuit
1626 court by a consumer or a manufacturer shall be by trial de novo.
1627 In a written petition to appeal a decision by the board, the
1628 appealing party must state the action requested and the grounds
1629 relied upon for appeal. Within 15 ~~30~~ days after ~~of~~ final
1630 disposition of the appeal, the appealing party shall furnish the
1631 department with ~~notice of such disposition and, upon request,~~
1632 ~~shall furnish the department with~~ a copy of the settlement or
1633 the order or judgment of the court.

1634 (17) The department may adopt rules to administer this
1635 section.

1636 Section 48. Subsections (2) and (4) of section 681.1096,
1637 Florida Statutes, are amended to read:

1638 681.1096 RV Mediation and Arbitration Program; creation and
1639 qualifications.-

1640 (2) Each manufacturer of a recreational vehicle involved in
1641 a dispute that is determined eligible under this chapter,
1642 including chassis and component manufacturers that ~~which~~
1643 separately warrant the chassis and components and that ~~which~~
1644 otherwise meet the definition of manufacturer set forth in s.
1645 681.102(13) ~~681.102(14)~~, shall participate in a mediation and
1646 arbitration program that is deemed qualified by the department.

1647 (4) The department shall monitor the program for compliance
1648 with this chapter. If the program is determined not qualified or
1649 if qualification is revoked, then disputes shall be subject to
1650 the provisions of ss. 681.109 and 681.1095. If the program is
1651 determined not qualified or if qualification is revoked as to a
1652 manufacturer, all those manufacturers potentially involved in
1653 the eligible consumer dispute shall be required to submit to

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1654 arbitration conducted by the board if such arbitration is
1655 requested by a consumer and the dispute is deemed eligible for
1656 arbitration by the department ~~division~~ pursuant to s. 681.109. A
1657 consumer having a dispute involving one or more manufacturers
1658 for which the program has been determined not qualified, or for
1659 which qualification has been revoked, is not required to submit
1660 the dispute to the program irrespective of whether the program
1661 may be qualified as to some of the manufacturers potentially
1662 involved in the dispute.

1663 Section 49. Subsection (2) of section 681.112, Florida
1664 Statutes, is amended to read:

1665 681.112 Consumer remedies.—

1666 (2) An action brought under this chapter must be commenced
1667 within 1 year after the expiration of the Lemon Law rights
1668 period, or, if a consumer resorts to an informal dispute-
1669 settlement procedure or submits a dispute to the department
1670 ~~division~~ or board, within 1 year after the final action of the
1671 procedure, department ~~division~~, or board.

1672 Section 50. Subsection (1) of section 681.117, Florida
1673 Statutes, is amended to read:

1674 681.117 Fee.—

1675 (1) A \$2 fee shall be collected by a motor vehicle dealer,
1676 or by a person engaged in the business of leasing motor
1677 vehicles, from the consumer at the consummation of the sale of a
1678 motor vehicle or at the time of entry into a lease agreement for
1679 a motor vehicle. Such fees shall be remitted to the county tax
1680 collector or private tag agency acting as agent for the
1681 Department of Revenue. If the purchaser or lessee removes the
1682 motor vehicle from the state for titling and registration

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1683 outside this state, the fee shall be remitted to the Department
1684 of Revenue. All fees, less the cost of administration, shall be
1685 transferred monthly to the Department of Legal Affairs for
1686 deposit into the Motor Vehicle Warranty Trust Fund. ~~The~~
1687 ~~Department of Legal Affairs shall distribute monthly an amount~~
1688 ~~not exceeding one-fourth of the fees received to the Division of~~
1689 ~~Consumer Services of the Department of Agriculture and Consumer~~
1690 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~
1691 ~~The Department of Legal Affairs shall contract with the Division~~
1692 ~~of Consumer Services for payment of services performed by the~~
1693 ~~division pursuant to ss. 681.108 and 681.109.~~

1694 Section 51. Subsection (3) of section 849.0915, Florida
1695 Statutes, is amended to read:

1696 849.0915 Referral selling.-

1697 (3) In addition to the penalty provided herein, the
1698 Attorney General and her or his assistants, the state attorneys
1699 and their assistants, and the Division of Consumer Protection
1700 ~~Services~~ of the Department of Agriculture and Consumer Services
1701 are authorized to apply to the circuit court within their
1702 respective jurisdictions, and the ~~such~~ court has ~~shall have~~
1703 jurisdiction, upon hearing and for cause shown, to grant a
1704 temporary or permanent injunction restraining any person from
1705 violating the provisions of this section, whether or not there
1706 exists an adequate remedy at law, and such injunction shall
1707 issue without bond.

1708 Section 52. This act shall take effect July 1, 2011.