

1 A bill to be entitled
2 An act relating to reducing and streamlining regulations;
3 amending s. 320.90, F.S.; transferring the responsibility
4 for distribution of a motor vehicle consumer's rights
5 pamphlet to a motor vehicle owner from the Department of
6 Agriculture and Consumer Services to the Department of
7 Legal Affairs; amending s. 322.142, F.S.; providing for
8 the release of certain driver license information by the
9 Department of Highway Safety and Motor Vehicles to the
10 Department of Business and Professional Regulation under
11 certain circumstances; amending s. 469.006, F.S.;
12 authorizing an asbestos consultant or contractor doing
13 business as a sole proprietorship to be licensed under his
14 or her fictitious name; amending ss. 475.42, 475.626, and
15 477.0265, F.S.; deleting criminal penalties for persons
16 who violate orders or rules of the Florida Real Estate
17 Commission, persons who violate orders or rules of the
18 Florida Real Estate Appraisal Board or related grounds for
19 disciplinary action, and persons who commit certain
20 violations of the Florida Cosmetology Act or rules of the
21 Board of Cosmetology; amending ss. 455.271, 477.0212,
22 481.217, 489.116, and 489.519, F.S.; revising the
23 continuing education requirements for reactivating a
24 license, certificate, or registration to practice certain
25 regulated professions and occupations; amending s.
26 473.308, F.S.; revising licensure requirements for
27 certified public accountants and firms; deleting obsolete
28 provisions; revising licensure requirements for certain

29 persons licensed to practice public accounting in another
30 state or territory; amending s. 475.17, F.S.; revising the
31 education requirements for licensed real estate brokers
32 and sales associates; amending s. 481.219, F.S.; providing
33 that a certificate of authorization is not required for an
34 architect doing business as a sole proprietorship under
35 his or her fictitious name; amending ss. 493.6107 and
36 493.6202, F.S.; revising requirements for the method of
37 payment of certain fees; amending s. 493.6401, F.S.;
38 revising terminology for reposessor schools and training
39 facilities; amending s. 493.6402, F.S.; conforming
40 terminology; revising requirements for the method of
41 payment of certain fees; amending s. 493.6406, F.S.;
42 conforming terminology; amending s. 500.03, F.S.;
43 providing and revising definitions for purposes of the
44 Florida Food Safety Act; amending s. 500.121, F.S.;
45 providing penalties for food safety violations committed
46 by cottage food operations; creating s. 500.80, F.S.;
47 exempting cottage food operations from food permitting
48 requirements; limiting the annual gross sales of cottage
49 food operations and the methods by which cottage food
50 products may be sold or offered for sale; requiring
51 certain packaging and labeling of cottage food products;
52 limiting the sale of cottage food products to certain
53 locations; providing for application; authorizing the
54 Department of Agriculture and Consumer Services to
55 investigate complaints and enter into the premises of a
56 cottage food operation; amending s. 501.160, F.S.;

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57 deleting authority for the department to enforce certain
58 prohibitions against unconscionable practices during a
59 declared state of emergency; amending s. 509.032, F.S.;
60 revising which matters relating to the regulation of
61 public lodging establishments and food service
62 establishments are preempted to the state; amending s.
63 509.261, F.S.; authorizing the Division of Hotels and
64 Restaurants of the Department of Business and Professional
65 Regulation to require certain public lodging
66 establishments and public food service establishments to
67 complete certain remedial educational programs; amending
68 s. 633.537, F.S.; revising the validity period for
69 inactive status certificates of fire protection system
70 contractors; amending ss. 681.102, 681.103, 681.108,
71 681.109, 681.1095, 681.1096, and 681.112, F.S.; deleting a
72 definition; transferring certain responsibilities of the
73 Division of Consumer Services for the Motor Vehicle
74 Warranty Enforcement Act to the Department of Legal
75 Affairs; conforming provisions; amending s. 681.117, F.S.;
76 deleting provisions providing for the transfer of certain
77 fees and interagency contracting between the Department of
78 Legal Affairs and the Division of Consumer Services, to
79 conform; amending s. 10, ch. 2010-84, Laws of Florida;
80 revising the effective date of provisions relating to the
81 regulation of real estate appraisers and appraisal
82 management companies; providing for retroactive operation
83 under certain circumstances; providing effective dates.

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

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87 Section 1. Section 320.90, Florida Statutes, is amended to
88 read:

89 320.90 Notification of consumer's rights.—The department
90 shall develop a motor vehicle consumer's rights pamphlet which
91 shall be distributed free of charge by the Department of Legal
92 Affairs ~~Agriculture and Consumer Services~~ to the motor vehicle
93 owner upon request. Such pamphlet must contain information
94 relating to odometer fraud and provide a summary of the rights
95 and remedies available to all purchasers of motor vehicles.

96 Section 2. Subsection (4) of section 322.142, Florida
97 Statutes, is amended to read:

98 322.142 Color photographic or digital imaged licenses.—

99 (4) The department may maintain a film negative or print
100 file. The department shall maintain a record of the digital
101 image and signature of the licensees, together with other data
102 required by the department for identification and retrieval.
103 Reproductions from the file or digital record are exempt from
104 the provisions of s. 119.07(1) and shall be made and issued only
105 for departmental administrative purposes; for the issuance of
106 duplicate licenses; in response to law enforcement agency
107 requests; to the Department of Business and Professional
108 Regulation pursuant to an interagency agreement for the purpose
109 of accessing digital images for reproduction of licenses issued
110 by the Department of Business and Professional Regulation and
111 for the purpose of identifying subjects under criminal
112 investigation for unlicensed activity pursuant to s. 455.228; to

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113 the Department of State pursuant to an interagency agreement to
114 facilitate determinations of eligibility of voter registration
115 applicants and registered voters in accordance with ss. 98.045
116 and 98.075; to the Department of Revenue pursuant to an
117 interagency agreement for use in establishing paternity and
118 establishing, modifying, or enforcing support obligations in
119 Title IV-D cases; to the Department of Children and Family
120 Services pursuant to an interagency agreement to conduct
121 protective investigations under part III of chapter 39 and
122 chapter 415; to the Department of Children and Family Services
123 pursuant to an interagency agreement specifying the number of
124 employees in each of that department's regions to be granted
125 access to the records for use as verification of identity to
126 expedite the determination of eligibility for public assistance
127 and for use in public assistance fraud investigations; or to the
128 Department of Financial Services pursuant to an interagency
129 agreement to facilitate the location of owners of unclaimed
130 property, the validation of unclaimed property claims, and the
131 identification of fraudulent or false claims.

132 Section 3. Subsection (1) and paragraph (a) of subsection
133 (2) of section 469.006, Florida Statutes, are amended to read:

134 469.006 Licensure of business organizations; qualifying
135 agents.—

136 (1) If an individual proposes to engage in consulting or
137 contracting in that individual's own name, or a fictitious name
138 under which the individual is doing business as a sole
139 proprietorship, the license may be issued only to that
140 individual.

141 (2) (a) If the applicant proposes to engage in consulting
 142 or contracting as a partnership, corporation, business trust, or
 143 other legal entity, or in any name, or a fictitious name under
 144 which the individual is doing business as a sole proprietorship,
 145 other than the applicant's legal name, the legal entity must
 146 apply for licensure through a qualifying agent or the individual
 147 applicant must apply for licensure under the fictitious name.

148 Section 4. Paragraphs (f) through (o) of subsection (1) of
 149 section 475.42, Florida Statutes, are redesignated as paragraphs
 150 (e) through (n), respectively, and present paragraph (e) of that
 151 subsection is amended to read:

152 475.42 Violations and penalties.—

153 (1) VIOLATIONS.—

154 ~~(c) A person may not violate any lawful order or rule of~~
 155 ~~the commission which is binding upon her or him.~~

156 Section 5. Paragraphs (d) through (g) of subsection (1) of
 157 section 475.626, Florida Statutes, are redesignated as
 158 paragraphs (b) through (e), respectively, and present paragraphs
 159 (b) and (c) of that subsection are amended to read:

160 475.626 Violations and penalties.—

161 (1) VIOLATIONS.—

162 ~~(b) No person shall violate any lawful order or rule of~~
 163 ~~the board which is binding upon her or him.~~

164 ~~(c) No person shall commit any conduct or practice set~~
 165 ~~forth in s. 475.624.~~

166 Section 6. Effective July 1, 2014, paragraphs (d) through
 167 (h) of subsection (1) of section 475.626, Florida Statutes, as
 168 amended by chapter 2010-84, Laws of Florida, and this act, are

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169 redesignated as paragraphs (b) through (f), respectively, and
 170 paragraphs (b) and (c) of that subsection are amended to read:

171 475.626 Violations and penalties.—

172 (1) A person may not:

173 ~~(b) Violate any lawful order or rule of the board which~~
 174 ~~is binding upon her or him.~~

175 ~~(c) If a registered trainee appraiser or a licensed or~~
 176 ~~certified appraiser, commit any conduct or practice set forth in~~
 177 ~~s. 475.624.~~

178 Section 7. Paragraphs (d) through (h) of subsection (1) of
 179 section 477.0265, Florida Statutes, are redesignated as
 180 paragraphs (c) through (g), respectively, and present paragraph
 181 (c) of that subsection is amended to read:

182 477.0265 Prohibited acts.—

183 (1) It is unlawful for any person to:

184 ~~(c) Engage in willful or repeated violations of this~~
 185 ~~chapter or of any rule adopted by the board.~~

186 Section 8. Subsection (10) of section 455.271, Florida
 187 Statutes, is amended to read:

188 455.271 Inactive and delinquent status.—

189 (10) The board, or the department when there is no board,
 190 shall require ~~Before reactivation,~~ an inactive or delinquent
 191 licensee, except for a licensee under chapter 473 or chapter
 192 475, to complete one renewal cycle of ~~shall meet the same~~
 193 continuing education to reactivate a license requirements, ~~if~~
 194 ~~any, imposed on an active status licensee for all biennial~~
 195 ~~licensure periods in which the licensee was inactive or~~
 196 ~~delinquent. This subsection does not apply to persons regulated~~

197 ~~under chapter 473.~~

198 Section 9. Subsection (2) of section 477.0212, Florida
 199 Statutes, is amended to read:

200 477.0212 Inactive status.—

201 (2) The board shall adopt ~~promulgate~~ rules relating to
 202 licenses ~~that which have~~ become inactive and for the renewal of
 203 inactive licenses. The rules must require one renewal cycle of
 204 continuing education to reactivate a license. The board shall
 205 prescribe by rule a fee not to exceed \$50 for the reactivation
 206 of an inactive license and a fee not to exceed \$50 for the
 207 renewal of an inactive license.

208 Section 10. Subsection (1) of section 481.217, Florida
 209 Statutes, is amended to read:

210 481.217 Inactive status.—

211 (1) The board may prescribe by rule continuing education
 212 requirements as a condition of reactivating a license. The rules
 213 must require one renewal cycle of continuing education to
 214 reactivate ~~requirements for reactivating~~ a license for a
 215 registered architect ~~may not exceed 12 contact hours for each~~
 216 ~~year the license was inactive. The minimum continuing education~~
 217 ~~requirement for reactivating a license for a registered interior~~
 218 ~~designer shall be those of the most recent biennium plus one-~~
 219 ~~half of the requirements in s. 481.215 for each year or part~~
 220 ~~thereof during which the license was inactive.~~ The board shall
 221 only approve continuing education that builds upon the basic
 222 knowledge of interior design.

223 Section 11. Subsections (3) and (6) of section 489.116,
 224 Florida Statutes, are amended to read:

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225 489.116 Inactive and delinquent status; renewal and
 226 cancellation notices.-

227 (3) An inactive status certificateholder or registrant may
 228 change to active status at any time ~~if, provided~~ the
 229 certificateholder or registrant meets all requirements for
 230 active status, pays any additional licensure fees necessary to
 231 equal those imposed on an active status certificateholder or
 232 registrant, ~~and~~ pays any applicable late fees, and meets all
 233 continuing education requirements prescribed by the board.

234 (6) The board may not require an inactive
 235 certificateholder or registrant to complete more than one
 236 renewal cycle of ~~shall comply with the same~~ continuing education
 237 for reactivating a certificate or registration requirements, if
 238 ~~any, that are imposed on an active status certificateholder or~~
 239 ~~registrant.~~

240 Section 12. Subsection (1) of section 489.519, Florida
 241 Statutes, is amended to read:

242 489.519 Inactive status.-

243 (1) A certificate or registration that becomes ~~has become~~
 244 inactive may be reactivated under s. 489.517 upon application to
 245 the department. The licensee must complete one renewal cycle of
 246 ~~board may prescribe, by rule,~~ continuing education to reactivate
 247 ~~requirements as a condition of reactivating~~ a certificate or
 248 registration. ~~The continuing education requirements for~~
 249 ~~reactivating a certificate or registration may not exceed 12~~
 250 ~~classroom hours for each year the certificate or registration~~
 251 ~~was inactive.~~

252 Section 13. Subsections (3) and (4) and paragraph (b) of

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253 subsection (7) of section 473.308, Florida Statutes, are amended
 254 to read:

255 473.308 Licensure.—

256 (3) An applicant for licensure must:

257 (a) Complete ~~have~~ at least 150 semester hours of college
 258 education, including a baccalaureate or higher degree conferred
 259 by an accredited college or university, with a concentration in
 260 accounting and business in the total educational program to the
 261 extent specified by the board; or

262 (b) Graduate from an accredited university in the state
 263 with a master's degree in accounting.

264 (4) ~~(a)~~ An applicant for licensure ~~after December 31, 2008,~~
 265 must show that he or she has had 1 year of relevant work
 266 experience. This experience must ~~shall~~ include providing any
 267 type of service or advice involving the use of accounting,
 268 attest, compilation, management advisory, financial advisory,
 269 tax, or consulting skills, all of which must be verified by a
 270 certified public accountant who is licensed by a state or
 271 territory of the United States and who has supervised the
 272 applicant. This experience is acceptable if it was gained
 273 through employment in government, industry, academia, or public
 274 practice; constituted a substantial part of the applicant's
 275 duties; and was under the supervision of a certified public
 276 accountant licensed by a state or territory of the United
 277 States. The board shall adopt rules specifying standards and
 278 providing for the review and approval of the work experience
 279 required by this section.

280 ~~(b) However, an applicant who completed the requirements~~

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281 ~~of subsection (3) on or before December 31, 2008, and who passes~~
 282 ~~the licensure examination on or before June 30, 2010, is exempt~~
 283 ~~from the requirements of this subsection.~~

284 (7) The board shall certify as qualified for a license by
 285 endorsement an applicant who:

286 (b)1.a. Holds a valid license to practice public
 287 accounting issued by another state or territory of the United
 288 States, if the criteria for issuance of such license were
 289 substantially equivalent to the licensure criteria that existed
 290 in this state at the time the license was issued; or

291 b. Holds a valid license to practice public accounting
 292 issued by another state or territory of the United States but
 293 the criteria for issuance of such license did not meet the
 294 requirements of sub-subparagraph a.; has met the requirements of
 295 this section for ~~education, work experience, and good moral~~
 296 ~~character; has at least 5 years of work experience that meets~~
 297 ~~the requirements of subsection (4) or at least 5 years of~~
 298 ~~experience in the practice of public accountancy or its~~
 299 ~~equivalent that meets the requirements of subsection (8);~~ and
 300 has passed a national, regional, state, or territorial licensing
 301 examination that is substantially equivalent to the examination
 302 required by s. 473.306; and

303 2. Has completed continuing education courses that are
 304 equivalent to the continuing education requirements for a
 305 Florida certified public accountant licensed in this state
 306 during the 2 years immediately preceding her or his application
 307 for licensure by endorsement.

308 Section 14. Subsection (6) of section 475.17, Florida

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309 Statutes, is amended to read:

310 475.17 Qualifications for practice.—

311 (6) The postlicensure education requirements of this
 312 section, and the education course requirements for one to become
 313 initially licensed, do not apply to any applicant or licensee
 314 who has received a bachelor's degree in real estate, a
 315 bachelor's degree in business with a concentration or emphasis
 316 in real estate, or a higher degree with a concentration or
 317 emphasis ~~4-year degree~~ in real estate from an accredited
 318 institution of higher education.

319 Section 15. Subsection (2) of section 481.219, Florida
 320 Statutes, is amended to read:

321 481.219 Certification of partnerships, limited liability
 322 companies, and corporations.—

323 (2) For the purposes of this section, a certificate of
 324 authorization ~~is shall be~~ required for a corporation, limited
 325 liability company, partnership, or person practicing under a
 326 fictitious name, offering architectural services to the public
 327 jointly or separately. However, when an individual is practicing
 328 architecture in her or his own name, or in a fictitious name
 329 under which the individual is doing business as a sole
 330 proprietorship, she or he ~~is shall~~ not ~~be~~ required to be
 331 certified under this section. Certification under this
 332 subsection to offer architectural services shall include all the
 333 rights and privileges of certification under subsection (3) to
 334 offer interior design services.

335 Section 16. Subsection (3) of section 493.6107, Florida
 336 Statutes, is amended to read:

337 493.6107 Fees.—

338 (3) The fees set forth in this section must be paid by
 339 ~~certified~~ check or money order or, at the discretion of the
 340 department, by electronic funds transfer ~~agency check~~ at the
 341 time the application is approved, except that the applicant for
 342 a Class "G" or Class "M" license must pay the license fee at the
 343 time the application is made. If a license is revoked or denied
 344 or if the application is withdrawn, the license fee shall not be
 345 refunded.

346 Section 17. Subsection (3) of section 493.6202, Florida
 347 Statutes, is amended to read:

348 493.6202 Fees.—

349 (3) The fees set forth in this section must be paid by
 350 ~~certified~~ check or money order or, at the discretion of the
 351 department, by electronic funds transfer ~~agency check~~ at the
 352 time the application is approved, except that the applicant for
 353 a Class "G," Class "C," Class "CC," Class "M," or Class "MA"
 354 license must pay the license fee at the time the application is
 355 made. If a license is revoked or denied or if the application is
 356 withdrawn, the license fee shall not be refunded.

357 Section 18. Subsections (7) and (8) of section 493.6401,
 358 Florida Statutes, are amended to read:

359 493.6401 Classes of licenses.—

360 (7) Any person who operates a recovery agent ~~repossessor~~
 361 school or training facility or who conducts an Internet-based
 362 training course or a correspondence training course must have a
 363 Class "RS" license.

364 (8) Any individual who teaches or instructs at a Class

365 "RS" recovery agent ~~repossessor~~ school or training facility
 366 shall have a Class "RI" license.

367 Section 19. Paragraphs (f) and (g) of subsection (1) and
 368 subsection (3) of section 493.6402, Florida Statutes, are
 369 amended to read:

370 493.6402 Fees.—

371 (1) The department shall establish by rule biennial
 372 license fees which shall not exceed the following:

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

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

377 (3) The fees set forth in this section must be paid by
 378 ~~certified~~ check or money order, or, at the discretion of the
 379 department, by electronic funds transfer ~~agency check~~ at the
 380 time the application is approved, except that the applicant for
 381 a Class "E," Class "EE," or Class "MR" license must pay the
 382 license fee at the time the application is made. If a license is
 383 revoked or denied, or if an application is withdrawn, the
 384 license fee shall not be refunded.

385 Section 20. Section 493.6406, Florida Statutes, is amended
 386 to read:

387 493.6406 Recovery agent ~~Repossession services~~ school or
 388 training facility.—

389 (1) Any school, training facility, or instructor who
 390 offers the training outlined in s. 493.6403(2) for Class "EE"
 391 applicants shall, before licensure of such school, training
 392 facility, or instructor, file with the department an application

393 accompanied by an application fee in an amount to be determined
 394 by rule, not to exceed \$60. The fee shall not be refundable.
 395 This training may be offered as face-to-face training, Internet-
 396 based training, or correspondence training.

397 (2) The application shall be signed and notarized and
 398 shall contain, at a minimum, the following information:

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

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

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

407 (3) The department shall adopt rules establishing the
 408 criteria for approval of schools, training facilities, and
 409 instructors.

410 Section 21. Paragraphs (j) through (z) of subsection (1)
 411 of section 500.03, Florida Statutes, are redesignated as
 412 paragraphs (l) through (bb), respectively, present paragraphs
 413 (n) and (p) are amended, and new paragraphs (j) and (k) are
 414 added to that subsection, to read:

415 500.03 Definitions; construction; applicability.—

416 (1) For the purpose of this chapter, the term:

417 (j) "Cottage food operation" means a natural person who
 418 produces or packages cottage food products at his or her
 419 residence and sells such products in accordance with s. 500.80.

420 (k) "Cottage food product" means food that is not a

421 potentially hazardous food as defined by department rule which
 422 is sold by a cottage food operation in accordance with s.
 423 500.80.

424 (p)~~(n)~~ "Food establishment" means any factory, food
 425 outlet, or any other facility manufacturing, processing,
 426 packing, holding, or preparing food or selling food at wholesale
 427 or retail. The term does not include any business or activity
 428 that is regulated under s. 500.80, chapter 509, or chapter 601.
 429 The term includes tomato packinghouses and repackers but does
 430 not include any other establishments that pack fruits and
 431 vegetables in their raw or natural states, including those
 432 fruits or vegetables that are washed, colored, or otherwise
 433 treated in their unpeeled, natural form before they are
 434 marketed.

435 (r)~~(p)~~ "Food service establishment" means any place where
 436 food is prepared and intended for individual portion service,
 437 and includes the site at which individual portions are provided.
 438 The term includes any such place regardless of whether
 439 consumption is on or off the premises and regardless of whether
 440 there is a charge for the food. The term includes delicatessens
 441 that offer prepared food in individual service portions. The
 442 term does not include schools, institutions, fraternal
 443 organizations, private homes where food is prepared or served
 444 for individual family consumption, retail food stores, the
 445 location of food vending machines, cottage food operations, and
 446 supply vehicles, nor does the term include a research and
 447 development test kitchen limited to the use of employees and
 448 which is not open to the general public.

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449 Section 22. Subsection (1) of section 500.121, Florida
 450 Statutes, is amended to read:

451 500.121 Disciplinary procedures.-

452 (1) In addition to the suspension procedures provided in
 453 s. 500.12, if applicable, the department may impose a fine not
 454 to exceed ~~exceeding~~ \$5,000 against any retail food store, ~~or~~
 455 food establishment, or cottage food operation that violates ~~has~~
 456 ~~violated~~ this chapter, which fine, when imposed and paid, shall
 457 be deposited by the department into the General Inspection Trust
 458 Fund. The department may revoke or suspend the permit of any
 459 such retail food store or food establishment if it is satisfied
 460 that the retail food store or food establishment has:

461 (a) Violated any of the provisions of this chapter.

462 (b) Violated or aided or abetted in the violation of any
 463 law of this state governing or applicable to retail food stores
 464 or food establishments or any lawful rules of the department.

465 (c) Knowingly committed, or been a party to, any material
 466 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
 467 or device whereby any other person, lawfully relying upon the
 468 word, representation, or conduct of a retail food store or food
 469 establishment, acts to her or his injury or damage.

470 (d) Committed any act or conduct of the same or different
 471 character than that enumerated which constitutes fraudulent or
 472 dishonest dealing.

473 Section 23. Section 500.80, Florida Statutes, is created
 474 to read:

475 500.80 Cottage food operations.-

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476 (1) (a) A cottage food operation must comply with the
477 applicable requirements of this chapter but is exempt from the
478 permitting requirements of s. 500.12 if the cottage food
479 operation complies with this section and has annual gross sales
480 of cottage food products that do not exceed \$15,000.

481 (b) For purposes of this subsection, a cottage food
482 operation's annual gross sales include all sales of cottage food
483 products at any location, regardless of the types of products
484 sold or the number of persons involved in the operation. A
485 cottage food operation must provide the department, upon
486 request, with written documentation to verify the operation's
487 annual gross sales.

488 (2) A cottage food operation may not sell or offer for
489 sale cottage food products over the Internet, by mail order, or
490 at wholesale.

491 (3) A cottage food operation may only sell cottage food
492 products which are prepackaged with a label affixed that
493 contains the following information:

494 (a) The name and address of the cottage food operation.

495 (b) The name of the cottage food product.

496 (c) The ingredients of the cottage food product, in
497 descending order of predominance by weight.

498 (d) The net weight or net volume of the cottage food
499 product.

500 (e) Allergen information as specified by federal labeling
501 requirements.

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502 (f) If any nutritional claim is made, appropriate
503 nutritional information as specified by federal labeling
504 requirements.

505 (g) The following statement printed in at least 10-point
506 type in a color that provides a clear contrast to the background
507 of the label: "Made in a cottage food operation that is not
508 subject to Florida's food safety regulations."

509 (4) A cottage food operation may only sell cottage food
510 products that it stores on the premises of the cottage food
511 operation.

512 (5) This section does not exempt a cottage food operation
513 from any state or federal tax law, rule, regulation, or
514 certificate that applies to all cottage food operations.

515 (6) A cottage food operation must comply with all
516 applicable county and municipal laws and ordinances regulating
517 the preparation, processing, storage, and sale of cottage food
518 products by a cottage food operation or from a person's
519 residence.

520 (7) (a) The department may investigate any complaint which
521 alleges that a cottage food operation has violated an applicable
522 provision of this chapter or rule adopted under this chapter.

523 (b) Only upon receipt of a complaint, the department's
524 authorized officer or employee may enter and inspect the
525 premises of a cottage food operation to determine compliance
526 with this chapter and department rules, as applicable. A cottage
527 food operation's refusal to permit the department's authorized
528 officer or employee entry to the premises or to conduct the
529 inspection is grounds for disciplinary action pursuant to s.

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530 500.121.

531 (8) This section does not apply to a person operating
 532 under a food permit issued pursuant to s. 500.12.

533 Section 24. Subsection (8) of section 501.160, Florida
 534 Statutes, is amended to read:

535 501.160 Rental or sale of essential commodities during a
 536 declared state of emergency; prohibition against unconscionable
 537 prices.—

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

541 Section 25. Subsection (7) of section 509.032, Florida
 542 Statutes, is amended to read:

543 509.032 Duties.—

544 (7) PREEMPTION AUTHORITY.—The regulation of public lodging
 545 establishments and public food service establishments,
 546 including, but not limited to, ~~the inspection of public lodging~~
 547 ~~establishments and public food service establishments for~~
 548 ~~compliance with the sanitation standards, inspections adopted~~
 549 ~~under this section, and the regulation of food safety protection~~
 550 ~~standards for required training and testing of food service~~
 551 ~~establishment personnel, and matters related to the nutritional~~
 552 content and marketing of foods offered in such establishments,
 553 are preempted to the state. This subsection does not preempt the
 554 authority of a local government or local enforcement district to
 555 conduct inspections of public lodging and public food service
 556 establishments for compliance with the Florida Building Code and
 557 the Florida Fire Prevention Code, pursuant to ss. 553.80 and

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558 633.022.

559 Section 26. Subsection (1) of section 509.261, Florida
560 Statutes, is amended to read:

561 509.261 Revocation or suspension of licenses; fines;
562 procedure.—

563 (1) Any public lodging establishment or public food
564 service establishment that has operated or is operating in
565 violation of this chapter or the rules of the division,
566 operating without a license, or operating with a suspended or
567 revoked license may be subject by the division to:

568 (a) Fines not to exceed \$1,000 per offense;

569 (b) Mandatory completion attendance, at personal expense,
570 of a remedial at-an educational program administered sponsored
571 by a food safety training program provider whose program is
572 approved by the division as provided in s. 509.049 the
573 Hospitality Education Program; and

574 (c) The suspension, revocation, or refusal of a license
575 issued pursuant to this chapter.

576 Section 27. Subsection (2) of section 633.537, Florida
577 Statutes, is amended to read:

578 633.537 Certificate; expiration; renewal; inactive
579 certificate; continuing education.—

580 (2) A person who holds a valid certificate may maintain
581 such certificate in an inactive status during which time she or
582 he may not engage in contracting. An inactive status certificate
583 shall be void after four ~~a 2-year periods period~~. The biennial
584 renewal fee for an inactive status certificate shall be \$75. An
585 inactive status certificate may be reactivated upon application

586 to the State Fire Marshal and payment of the initial application
587 fee.

588 Section 28. Subsections (8) through (23) of section
589 681.102, Florida Statutes, are renumbered as subsections (7)
590 through (22), respectively, and present subsection (7) of that
591 section is amended to read:

592 681.102 Definitions.—As used in this chapter, the term:
593 ~~(7) "Division" means the Division of Consumer Services of~~
594 ~~the Department of Agriculture and Consumer Services.~~

595 Section 29. Subsection (3) of section 681.103, Florida
596 Statutes, is amended to read:

597 681.103 Duty of manufacturer to conform a motor vehicle to
598 the warranty.—

599 (3) At the time of acquisition, the manufacturer shall
600 inform the consumer clearly and conspicuously in writing how and
601 where to file a claim with a certified procedure if such
602 procedure has been established by the manufacturer pursuant to
603 s. 681.108. The nameplate manufacturer of a recreational vehicle
604 shall, at the time of vehicle acquisition, inform the consumer
605 clearly and conspicuously in writing how and where to file a
606 claim with a program pursuant to s. 681.1096. The manufacturer
607 shall provide to the dealer and, at the time of acquisition, the
608 dealer shall provide to the consumer a written statement that
609 explains the consumer's rights under this chapter. The written
610 statement shall be prepared by the Department of Legal Affairs
611 and shall contain a toll-free number for the department ~~division~~
612 that the consumer can contact to obtain information regarding
613 the consumer's rights and obligations under this chapter or to

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614 commence arbitration. If the manufacturer obtains a signed
 615 receipt for timely delivery of sufficient quantities of this
 616 written statement to meet the dealer's vehicle sales
 617 requirements, it shall constitute prima facie evidence of
 618 compliance with this subsection by the manufacturer. The
 619 consumer's signed acknowledgment of receipt of materials
 620 required under this subsection shall constitute prima facie
 621 evidence of compliance by the manufacturer and dealer. The form
 622 of the acknowledgments shall be approved by the Department of
 623 Legal Affairs, and the dealer shall maintain the consumer's
 624 signed acknowledgment for 3 years.

625 Section 30. Section 681.108, Florida Statutes, is amended
 626 to read:

627 681.108 Dispute-settlement procedures.—

628 (1) If a manufacturer has established a procedure, which
 629 the department ~~division~~ has certified as substantially complying
 630 with the provisions of 16 C.F.R. part 703, in effect October 1,
 631 1983, and with the provisions of this chapter and the rules
 632 adopted under this chapter, and has informed the consumer how
 633 and where to file a claim with such procedure pursuant to s.
 634 681.103(3), the provisions of s. 681.104(2) apply to the
 635 consumer only if the consumer has first resorted to such
 636 procedure. The decisionmakers for a certified procedure shall,
 637 in rendering decisions, take into account all legal and
 638 equitable factors germane to a fair and just decision,
 639 including, but not limited to, the warranty; the rights and
 640 remedies conferred under 16 C.F.R. part 703, in effect October
 641 1, 1983; the provisions of this chapter; and any other equitable

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642 considerations appropriate under the circumstances.

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

648 (2) A manufacturer may apply to the department ~~division~~
649 for certification of its procedure. After receipt and evaluation
650 of the application, the department ~~division~~ shall certify the
651 procedure or notify the manufacturer of any deficiencies in the
652 application or the procedure.

653 (3) A certified procedure or a procedure of an applicant
654 seeking certification shall submit to the department ~~division~~ a
655 copy of each settlement approved by the procedure or decision
656 made by a decisionmaker within 30 days after the settlement is
657 reached or the decision is rendered. The decision or settlement
658 must contain at a minimum the:

659 (a) Name and address of the consumer;

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

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

664 (d) Relief requested by the consumer;

665 (e) Name of each decisionmaker rendering the decision or
666 person approving the settlement;

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

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

669 (h) Statement of whether the decision was accepted or

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670 rejected by the consumer.

671 (4) Any manufacturer establishing or applying to establish
672 a certified procedure must file with the department ~~division~~ a
673 copy of the annual audit required under the provisions of 16
674 C.F.R. part 703, in effect October 1, 1983, together with any
675 additional information required for purposes of certification,
676 including the number of refunds and replacements made in this
677 state pursuant to the provisions of this chapter by the
678 manufacturer during the period audited.

679 (5) The department ~~division~~ shall review each certified
680 procedure at least annually, prepare an annual report evaluating
681 the operation of certified procedures established by motor
682 vehicle manufacturers and procedures of applicants seeking
683 certification, and, for a period not to exceed 1 year, shall
684 grant certification to, or renew certification for, those
685 manufacturers whose procedures substantially comply with the
686 provisions of 16 C.F.R. part 703, in effect October 1, 1983, and
687 with the provisions of this chapter and rules adopted under this
688 chapter. If certification is revoked or denied, the department
689 ~~division~~ shall state the reasons for such action. The reports
690 and records of actions taken with respect to certification shall
691 be public records.

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

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

697 (8) The department ~~division~~ shall adopt rules to

698 administer ~~implement~~ this section.

699 Section 31. Section 681.109, Florida Statutes, is amended
700 to read:

701 681.109 Florida New Motor Vehicle Arbitration Board;
702 dispute eligibility.—

703 (1) If a manufacturer has a certified procedure, a
704 consumer claim arising during the Lemon Law rights period must
705 be filed with the certified procedure no later than 60 days
706 after the expiration of the Lemon Law rights period. If a
707 decision is not rendered by the certified procedure within 40
708 days of filing, the consumer may apply to the department
709 ~~division~~ to have the dispute removed to the board for
710 arbitration.

711 (2) If a manufacturer has a certified procedure, a
712 consumer claim arising during the Lemon Law rights period must
713 be filed with the certified procedure no later than 60 days
714 after the expiration of the Lemon Law rights period. If a
715 consumer is not satisfied with the decision or the
716 manufacturer's compliance therewith, the consumer may apply to
717 the department ~~division~~ to have the dispute submitted to the
718 board for arbitration. A manufacturer may not seek review of a
719 decision made under its procedure.

720 (3) If a manufacturer has no certified procedure or if a
721 certified procedure does not have jurisdiction to resolve the
722 dispute, a consumer may apply directly to the department
723 ~~division~~ to have the dispute submitted to the board for
724 arbitration.

725 (4) A consumer must request arbitration before the board

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726 with respect to a claim arising during the Lemon Law rights
727 period no later than 60 days after the expiration of the Lemon
728 Law rights period, or within 30 days after the final action of a
729 certified procedure, whichever date occurs later.

730 (5) The department ~~division~~ shall screen all requests for
731 arbitration before the board to determine eligibility. The
732 consumer's request for arbitration before the board shall be
733 made on a form prescribed by the department. The department
734 ~~division~~ shall assign forward to the board all disputes that the
735 department ~~division~~ determines are potentially entitled to
736 relief under this chapter.

737 (6) The department ~~division~~ may reject a dispute that it
738 determines to be fraudulent or outside the scope of the board's
739 authority. Any dispute deemed by the department ~~division~~ to be
740 ineligible for arbitration by the board due to insufficient
741 evidence may be reconsidered upon the submission of new
742 information regarding the dispute. Following a second review,
743 the department ~~division~~ may reject a dispute if the evidence is
744 clearly insufficient to qualify for relief. If the department
745 rejects a dispute, notice of such rejection ~~Any dispute rejected~~
746 ~~by the division shall be forwarded to the department and a copy~~
747 shall be sent by registered mail to the consumer and the
748 manufacturer, containing a brief explanation as to the reason
749 for rejection.

750 (7) If the department ~~division~~ rejects a dispute, the
751 consumer may file a lawsuit to enforce the remedies provided
752 under this chapter. In any civil action arising under this
753 chapter and relating to a matter considered by the department

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754 ~~division~~, any determination made to reject a dispute is
755 admissible in evidence.

756 (8) The department may ~~shall have the authority to~~ adopt
757 ~~reasonable~~ rules to administer ~~carry out the provisions of~~ this
758 section.

759 Section 32. Subsections (2), (4), (5), (11), and (12) of
760 section 681.1095, Florida Statutes, are amended to read:

761 681.1095 Florida New Motor Vehicle Arbitration Board;
762 creation and function.—

763 (2) The boards shall hear cases in various locations
764 throughout the state so any consumer whose dispute is approved
765 for arbitration by the department ~~division~~ may attend an
766 arbitration hearing at a reasonably convenient location and
767 present a dispute orally. Hearings shall be conducted by panels
768 of three board members assigned by the department. A majority
769 vote of the three-member board panel shall be required to render
770 a decision. Arbitration proceedings under this section shall be
771 open to the public on reasonable and nondiscriminatory terms.

772 (4) Before filing a civil action on a matter subject to s.
773 681.104, the consumer must first submit the dispute to the
774 department ~~division~~, and to the board if such dispute is deemed
775 eligible for arbitration.

776 (5) Manufacturers shall submit to arbitration conducted by
777 the board if such arbitration is requested by a consumer and the
778 dispute is deemed eligible for arbitration by the department
779 ~~division~~ pursuant to s. 681.109.

780 (11) All provisions in this section and s. 681.109
781 pertaining to compulsory arbitration before the board, the

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782 | dispute eligibility screening by the department ~~division~~, the
 783 | proceedings and decisions of the board, and any appeals thereof,
 784 | are exempt from the provisions of chapter 120.

785 | (12) An appeal of a decision by the board to the circuit
 786 | court by a consumer or a manufacturer shall be by trial de novo.
 787 | In a written petition to appeal a decision by the board, the
 788 | appealing party must state the action requested and the grounds
 789 | relied upon for appeal. Within 30 days after ~~of~~ final
 790 | disposition of the appeal, the appealing party shall furnish the
 791 | department with notice of such disposition and, upon request,
 792 | shall furnish the department with a copy of the order or
 793 | judgment of the court.

794 | Section 33. Subsections (2) and (4) of section 681.1096,
 795 | Florida Statutes, are amended to read:

796 | 681.1096 RV Mediation and Arbitration Program; creation
 797 | and qualifications.—

798 | (2) Each manufacturer of a recreational vehicle involved
 799 | in a dispute that is determined eligible under this chapter,
 800 | including chassis and component manufacturers which separately
 801 | warrant the chassis and components and which otherwise meet the
 802 | definition of manufacturer set forth in s. 681.102 (13) ~~(14)~~,
 803 | shall participate in a mediation and arbitration program that is
 804 | deemed qualified by the department.

805 | (4) The department shall monitor the program for
 806 | compliance with this chapter. If the program is determined not
 807 | qualified or if qualification is revoked, then disputes shall be
 808 | subject to the provisions of ss. 681.109 and 681.1095. If the
 809 | program is determined not qualified or if qualification is

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810 | revoked as to a manufacturer, all those manufacturers
 811 | potentially involved in the eligible consumer dispute shall be
 812 | required to submit to arbitration conducted by the board if such
 813 | arbitration is requested by a consumer and the dispute is deemed
 814 | eligible for arbitration by the department ~~division~~ pursuant to
 815 | s. 681.109. A consumer having a dispute involving one or more
 816 | manufacturers for which the program has been determined not
 817 | qualified, or for which qualification has been revoked, is not
 818 | required to submit the dispute to the program irrespective of
 819 | whether the program may be qualified as to some of the
 820 | manufacturers potentially involved in the dispute.

821 | Section 34. Subsection (2) of section 681.112, Florida
 822 | Statutes, is amended to read:

823 | 681.112 Consumer remedies.—

824 | (2) An action brought under this chapter must be commenced
 825 | within 1 year after the expiration of the Lemon Law rights
 826 | period, or, if a consumer resorts to an informal dispute-
 827 | settlement procedure or submits a dispute to the department
 828 | ~~division~~ or board, within 1 year after the final action of the
 829 | procedure, department ~~division~~, or board.

830 | Section 35. Subsection (1) of section 681.117, Florida
 831 | Statutes, is amended to read:

832 | 681.117 Fee.—

833 | (1) A \$2 fee shall be collected by a motor vehicle dealer,
 834 | or by a person engaged in the business of leasing motor
 835 | vehicles, from the consumer at the consummation of the sale of a
 836 | motor vehicle or at the time of entry into a lease agreement for
 837 | a motor vehicle. Such fees shall be remitted to the county tax

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838 collector or private tag agency acting as agent for the
 839 Department of Revenue. If the purchaser or lessee removes the
 840 motor vehicle from the state for titling and registration
 841 outside this state, the fee shall be remitted to the Department
 842 of Revenue. All fees, less the cost of administration, shall be
 843 transferred monthly to the Department of Legal Affairs for
 844 deposit into the Motor Vehicle Warranty Trust Fund. ~~The~~
 845 ~~Department of Legal Affairs shall distribute monthly an amount~~
 846 ~~not exceeding one-fourth of the fees received to the Division of~~
 847 ~~Consumer Services of the Department of Agriculture and Consumer~~
 848 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~
 849 ~~The Department of Legal Affairs shall contract with the Division~~
 850 ~~of Consumer Services for payment of services performed by the~~
 851 ~~division pursuant to ss. 681.108 and 681.109.~~

852 Section 36. (1) Effective upon this act becoming a law,
 853 section 10 of chapter 2010-84, Laws of Florida, is amended to
 854 read:

855 Section 10. This act shall take effect July 1, 2014 ~~2011~~.

856 (2) If this act becomes a law after June 30, 2011, this
 857 section shall operate retroactively to June 30, 2011.

858 Section 37. Except as otherwise expressly provided in this
 859 act and except for this section, which shall take effect upon
 860 this act becoming a law, this act shall take effect July 1,
 861 2011.