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1 A bill to be entitled
2 An act relating to the regulation of business by the
3 Department of Business and Professional Regulation;
4 amending ss. 210.09 and 210.095, F.S.; requiring the
5 Division of Alcoholic Beverages and Tobacco within the
6 Department of Business and Professional Regulation to
7 offer electronic reporting of required information and
8 filing of tax returns; allowing the department to
9 waive the electronic filing of tax returns under
10 certain conditions; requiring the department to adopt
11 rules; providing criteria for the rules; amending s.
12 210.55, F.S.; requiring taxpayers outside the state to
13 file a report showing certain information for tobacco
14 products shipped or transported to, or sold by,
15 wholesalers; requiring the department to offer
16 electronic reporting of required information and
17 filing of tax returns; allowing the department to
18 waive the electronic filing of tax returns under
19 certain conditions; requiring the department to adopt
20 rules, providing criteria; amending s. 509.032, F.S.;;
21 revising the inspection requirements for certain
22 establishments by the Division of Hotels and
23 Restaurants of the department; requiring the division
24 to adopt rules; amending s. 551.107, F.S.; providing
25 for the denial, declaration of ineligibility,
26 revocation, or waiver of an occupational license by
27 the Division of Pari-mutuel Wagering of the department
28 if an applicant has been convicted of a felony or

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29 | misdemeanor; amending ss. 561.50, 561.55, 562.20,
30 | 562.25, and 565.02, F.S.; requiring the department to
31 | offer electronic reporting of required information and
32 | filing of tax returns under the Beverage Law; allowing
33 | the department to waive the electronic filing of tax
34 | returns under certain conditions; requiring the
35 | department to adopt rules, providing criteria for the
36 | rules; creating s. 817.1551, F.S.; prohibiting making,
37 | or offering to make, a false statement in writing and
38 | relating to certain credentials of an application for
39 | a license, certificate, or registration with the
40 | Department of Business and Professional Regulation;
41 | providing the levels of the offense of falsifying
42 | credentials for licensure; providing for fines and
43 | penalties; providing for aggregating the consideration
44 | paid to a person who commits the offense, for purposes
45 | of sentencing; authorizing the department to recover
46 | costs; providing for the forfeiture of certain moneys
47 | or objects of value to the department; specifying the
48 | use by the department of the forfeited moneys and
49 | objects of value; providing an effective date.

50 |
51 | Be It Enacted by the Legislature of the State of Florida:

52 |
53 | Section 1. Subsection (2) of section 210.09, Florida
54 | Statutes, is amended to read:

55 | 210.09 Records to be kept; reports to be made;
56 | examination.-

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57 (2) The division shall adopt ~~is authorized to prescribe~~
58 ~~and promulgate by rules~~ that prescribe the ~~and regulations,~~
59 ~~which shall have the force and effect of the law,~~ such records
60 to be kept and reports to be made to the division by any
61 manufacturer, importer, distributing agent, wholesale dealer,
62 retail dealer, common carrier, or any other person handling,
63 transporting, or possessing cigarettes for sale or distribution
64 within the state as may be necessary to collect and properly
65 distribute the taxes imposed by s. 210.02. Each report ~~All~~
66 ~~reports~~ shall be made on or before the 10th day of the month
67 following the month for which the report is made, unless the
68 division by rule requires ~~or regulation shall prescribe~~ that a
69 report ~~reports~~ be made more often. Effective July 31, 2013, the
70 reports required by this subsection shall be made through an
71 electronic format. The department shall offer electronic
72 reporting options that make reporting as simple as possible. The
73 department may waive the requirement for a taxpayer to file a
74 tax return by electronic means if the taxpayer is unable to file
75 electronically despite good faith efforts or due to
76 circumstances beyond the reasonable control of the taxpayer. The
77 department shall prescribe by rule the format and instructions
78 necessary for filing reports and tax returns to ensure that the
79 required information is collected, the conditions by which the
80 division may approve a waiver, and the means by which the tax
81 return filed by the taxpayer is acknowledged.

82 Section 2. Subsection (6) of section 210.095, Florida
83 Statutes, is amended to read:

84 210.095 Mail order, Internet, and remote sales of tobacco

85 products; age verification.—

86 (6) (a) Before making sales or shipping tobacco products in
 87 connection with sales, a person shall file with the division a
 88 statement providing the person's name, trade name, and the
 89 address of the person's principal place of business, as well as
 90 any other place of business.

91 (b) On or before ~~No later than~~ the 10th day of each month,
 92 each person who has made a sale, or mailed, shipped, or
 93 otherwise delivered tobacco products in connection with any sale
 94 during the previous calendar month, shall file with the division
 95 a report, along with memorandum or a copy of the invoice, which
 96 provides the following information ~~providing~~ for each sale:

- 97 1. The name and address of the individual who submitted
 98 the order for the sale.
- 99 2. The name and address of the individual who accepted
 100 delivery of the tobacco products.
- 101 3. The name and address of the person who accepted the
 102 order for the sale of the tobacco products.
- 103 4. The name and address of the delivery service and the
 104 name of the individual making the delivery.
- 105 5. The brand or brands of the tobacco products sold in the
 106 sale.
- 107 6. The quantity of each brand of tobacco products sold in
 108 the sale.

109 (c) Effective July 31, 2013, the reports required by this
 110 subsection shall be made through an electronic format. The
 111 department shall offer electronic reporting options that make
 112 reporting as simple as possible. The department may waive the

113 requirement for a taxpayer to file a tax return by electronic
 114 means if the taxpayer is unable to file electronically despite
 115 good faith efforts or due to circumstances beyond the reasonable
 116 control of the taxpayer. The department shall prescribe by rule
 117 the format and instructions necessary for filing reports and tax
 118 returns to ensure that the required information is collected,
 119 the conditions by which the division may approve a waiver, and
 120 the means by which the tax return filed by the taxpayer is
 121 acknowledged.

122 (d)~~(e)~~ A person may comply with the requirements of this
 123 subsection by complying with the requirements of 15 U.S.C. s.
 124 376.

125 (e)~~(d)~~ This section does not apply to sales of tobacco
 126 products by a licensed distributor or to sales of tobacco
 127 products by a retailer purchased from a licensed distributor.

128 Section 3. Section 210.55, Florida Statutes, is amended to
 129 read:

130 210.55 Distributors; monthly reports ~~returns~~.—

131 (1) On or before the 10th day of each month, each ~~every~~
 132 taxpayer with a place of business in this state shall file a
 133 report ~~return~~ with the division showing the taxable price of
 134 each tobacco product brought or caused to be brought into this
 135 state for sale, or made, manufactured, or fabricated in this
 136 state for sale in this state, during the preceding month. Each
 137 ~~Every~~ taxpayer outside this state shall file a report ~~return~~
 138 showing the quantity and taxable price of each tobacco product
 139 shipped or transported to wholesalers and retailers in this
 140 state, to be sold by those wholesalers and retailers, during the

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141 preceding month. Returns shall be made upon forms furnished and
142 prescribed by the division and shall contain any other
143 information that the division requires. Each return shall be
144 accompanied by a remittance for the full tax liability shown.
145 Effective July 31, 2013, the reports required by this subsection
146 shall be made through an electronic format. The department shall
147 offer electronic reporting options that make reporting as simple
148 as possible. The department may waive the requirement for a
149 taxpayer to file a tax return by electronic means if the
150 taxpayer is unable to file electronically despite good faith
151 efforts or due to circumstances beyond the reasonable control of
152 the taxpayer. The department shall prescribe by rule the format
153 and instructions necessary for filing reports and tax returns to
154 ensure that the required information is collected, the
155 conditions by which the division may approve a waiver, and the
156 means by which the tax return filed by the taxpayer is
157 acknowledged.

158 (2) As soon as practicable after a ~~any~~ return is filed,
159 the division shall examine each return and correct it, if
160 necessary, according to its best judgment and information. If
161 the division finds that any amount of tax is due from the
162 taxpayer and unpaid, it shall notify the taxpayer of the
163 deficiency, stating that it proposes to assess the amount due
164 together with interest and penalties. If a deficiency disclosed
165 by the division's examination cannot be allocated to one or more
166 particular months, the division shall notify the taxpayer of the
167 deficiency, stating its intention to assess the amount due for a
168 given period without allocating it to any particular months.

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169 (3) If, within 60 days after the mailing of notice of the
170 proposed assessment, the taxpayer files a protest to the
171 proposed assessment and requests a hearing on it, the division
172 shall give notice to the taxpayer of the time and place fixed
173 for the hearing, shall hold a hearing on the protest, and shall
174 issue a final assessment to the taxpayer for the amount found to
175 be due as a result of the hearing. If a protest is not filed
176 within 60 days, the division shall issue a final assessment to
177 the taxpayer. In any action or proceeding in respect to the
178 proposed assessment, the taxpayer shall have the burden of
179 establishing the incorrectness or invalidity of any final
180 assessment made by the division.

181 (4) If a ~~any~~ taxpayer that is required to file a ~~any~~
182 return fails to do so within the time prescribed, the taxpayer
183 shall, on the written demand of the division, file the return
184 within 20 days after mailing of the demand and at the same time
185 pay the tax due on its basis. If the taxpayer fails within that
186 time to file the return, the division shall prepare the return
187 from its own knowledge and from the information that it obtains
188 and on that basis shall assess a tax, which shall be paid within
189 10 days after the division has mailed to the taxpayer a written
190 notice of the amount and a demand for its payment. In any action
191 or proceeding in respect to the assessment, the taxpayer has
192 ~~shall have the~~ burden of establishing the incorrectness or
193 invalidity of any return or assessment made by the division
194 because of the failure of the taxpayer to make a return.

195 (5) All taxes are due not later than the 10th day of the
196 month following the calendar month in which they were incurred,

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197 and thereafter shall bear interest at the annual rate of 12
198 percent. If the amount of tax due for a given period is assessed
199 without allocating it to any particular month, the interest
200 shall begin with the date of the assessment.

201 (6) In issuing its final assessment, the division shall
202 add to the amount of tax found due and unpaid a penalty of 10
203 percent, but if it finds that the taxpayer has made a false
204 return with intent to evade the tax, the penalty shall be 50
205 percent of the entire tax as shown by the corrected return. In
206 assessing a tax on the basis of a return made under subsection
207 (4), the division shall add to the amount of tax found due and
208 unpaid a penalty of 25 percent.

209 (7) For the purpose of compensating the distributor for
210 the keeping of prescribed records and the proper accounting and
211 remitting of taxes imposed under this part, the distributor
212 shall be allowed 1 percent of the amount of the tax due and
213 accounted for and remitted to the division in the form of a
214 deduction in submitting his or her report and paying the amount
215 due; and the division shall allow a ~~such~~ deduction of 1 percent
216 of the amount of the tax to the person paying the same for
217 remitting the tax in the manner herein provided, for paying the
218 amount due to be paid by him or her, and as further compensation
219 to the distributor for the keeping of prescribed records and for
220 collection of taxes and remitting the same.

221 (a) The collection allowance may not be granted, and a ~~nor~~
222 ~~may any~~ deduction is not ~~be~~ permitted, if the tax is delinquent
223 at the time of payment.

224 (b) The division may reduce the collection allowance by 10

225 percent or \$50, whichever is less, if a taxpayer files an
 226 incomplete return.

227 1. An "incomplete return" is, for purposes of this part, a
 228 return which is lacking such uniformity, completeness, and
 229 arrangement that the physical handling, verification, or review
 230 of the return may not be readily accomplished.

231 2. The division shall adopt rules requiring such
 232 information as it may deem necessary to ensure that the tax
 233 levied pursuant to this section ~~hereunder~~ is properly collected,
 234 reviewed, compiled, and enforced, including, but not limited to:
 235 the amount of taxable sales; the amount of tax collected or due;
 236 the amount claimed as the collection allowance; the amount of
 237 penalty and interest; the amount due with the return; and such
 238 other information as the division may specify.

239 Section 4. Paragraph (a) of subsection (2) of section
 240 509.032, Florida Statutes, is amended to read:

241 509.032 Duties.—

242 (2) INSPECTION OF PREMISES.—

243 (a) The division has jurisdiction and is responsible ~~has~~
 244 ~~responsibility and jurisdiction~~ for all inspections required by
 245 this chapter. The division is responsible ~~has responsibility~~ for
 246 quality assurance. The division shall inspect each licensed
 247 public lodging establishment ~~shall be inspected~~ at least
 248 biannually, except for transient and nontransient apartments,
 249 which shall be inspected at least annually, and vacation
 250 rentals, which shall be made available to the division upon
 251 request ~~shall be inspected at such other times as the division~~
 252 ~~determines is necessary to ensure the public's health, safety,~~

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253 ~~and welfare.~~ The division shall adopt by rule a risk-based
254 ~~establish a system to determine inspection frequency for~~
255 licensed public food service establishments. The division shall
256 inspect all establishments licensed by the division at such
257 times as the division determines is necessary to ensure the
258 public's health, safety, and welfare. ~~Public lodging units~~
259 ~~classified as vacation rentals are not subject to this~~
260 ~~requirement but shall be made available to the division upon~~
261 ~~request.~~ If, during the inspection of a public lodging
262 establishment classified for renting to transient or
263 nontransient tenants, an inspector identifies vulnerable adults
264 who appear to be victims of neglect, as defined in s. 415.102,
265 or, in the case of a building that is not equipped with
266 automatic sprinkler systems, tenants or clients who may be
267 unable to self-preserve in an emergency, the division shall
268 convene meetings with the following agencies as appropriate to
269 the individual situation: the Department of Health, the
270 Department of Elderly Affairs, the area agency on aging, the
271 local fire marshal, the landlord and affected tenants and
272 clients, and other relevant organizations, to develop a plan
273 which improves the prospects for safety of affected residents
274 and, if necessary, identifies alternative living arrangements
275 such as facilities licensed under part II of chapter 400 or
276 under chapter 429.

277 Section 5. Present paragraph (c) of subsection (6) of
278 section 551.107, Florida Statutes, is redesignated as paragraph
279 (d), and a new paragraph (c) is added to that subsection to
280 read:

281 551.107 Slot machine occupational license; findings;
 282 application; fee.—

283 (6)

284 (c) The division may deny, declare ineligible, or revoke
 285 an occupational license if the applicant for such license has
 286 been convicted of a felony or misdemeanor in this state, in any
 287 other state, or under the laws of the United States, if the
 288 felony or misdemeanor is related to gambling or bookmaking, as
 289 contemplated in s. 849.25. If the applicant establishes that she
 290 or he is of good moral character, that she or he has been
 291 rehabilitated, and that the crime she or he was convicted of was
 292 not in any way related to gaming and was not a capital offense,
 293 the restrictions excluding offenders may be waived by the
 294 director of the division if the crime occurred more than 10
 295 years ago.

296 Section 6. Subsection (1) of section 561.50, Florida
 297 Statutes, is amended to read:

298 561.50 One state tax payment; reports.—

299 (1) There shall be only one state tax paid as to each
 300 gallon or fraction thereof of beverage sold under the Beverage
 301 Law, and ~~no other excise taxes may not tax shall~~ be levied
 302 directly or indirectly. Such tax shall be computed from the
 303 reports, books, and records of manufacturers and distributors;
 304 and the amount so computed shall be remitted with the report
 305 required by s. 561.55 to the division at intervals of 1 month,
 306 on or before the 10th of each month, for all beverages sold
 307 during the previous calendar month, and the ~~such~~ payment of tax
 308 shall accompany the report required by s. 561.55. Effective July

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309 31, 2013, the reports required by this subsection shall be made
310 through an electronic format. The department shall offer
311 electronic reporting options that make reporting as simple as
312 possible. The department may waive the requirement for a
313 taxpayer to file a tax return by electronic means if the
314 taxpayer is unable to file electronically despite good faith
315 efforts or due to circumstances beyond the reasonable control of
316 the taxpayer. The department shall prescribe by rule the format
317 and instructions necessary for filing reports and tax returns to
318 ensure that the required information is collected, the
319 conditions by which the division may approve a waiver, and the
320 means by which the tax return filed by the taxpayer is
321 acknowledged. If the monthly tax liability of a manufacturer or
322 distributor exceeds the amount of the bond furnished for payment
323 of taxes, the division, upon a finding based upon substantial
324 and competent evidence that the security of the tax revenue
325 involved is in jeopardy, may require a bond equal to the
326 anticipated tax liability of the manufacturer or distributor.
327 Additionally, the division may increase the frequency of the
328 remittance of the tax if ~~when~~ the security of the tax involved
329 is in immediate jeopardy or the financial condition of the
330 manufacturer or distributor is unstable and the potential tax
331 liability exceeds the bond furnished under the Beverage Law. In
332 finding ~~arriving at a conclusion~~ that the security of the tax
333 revenue involved is in jeopardy, the division shall consider and
334 be guided by the prior history, if any, of the compliance or
335 noncompliance by the manufacturer or distributor with beverage
336 tax obligations; the transient or nontransient nature of the

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337 manufacturer or distributorship; the type of inventory, the
338 equity ~~of~~ the manufacturer or distributor has in the business
339 ~~therein~~, and the mobility of such inventory; the financial
340 status of the manufacturer or distributor; and the anticipated
341 tax obligation of the manufacturer or distributor.

342 Section 7. Subsection (2) of section 561.55, Florida
343 Statutes, is amended to read:

344 561.55 Manufacturers', distributors', brokers', sales
345 agents', importers', vendors', and exporters' records and
346 reports.—

347 (2) Each manufacturer, distributor, broker, sales agent,
348 and importer shall make a full and complete report on or before
349 ~~by~~ the 10th day of each month for the previous calendar month.
350 The report shall be ~~made out in triplicate; two copies shall be~~
351 sent to the division, and a ~~the third~~ copy shall be retained for
352 the manufacturer's, distributor's, broker's, sales agent's, or
353 importer's record. Effective July 31, 2013, the reports required
354 by this subsection shall be made through an electronic format.
355 The department shall offer electronic reporting options that
356 make reporting as simple as possible. The department may waive
357 the requirement for a taxpayer to file a tax return by
358 electronic means if the taxpayer is unable to file
359 electronically despite good faith efforts or due to
360 circumstances beyond the reasonable control of the taxpayer. The
361 department shall prescribe by rule the format and instructions
362 necessary for filing reports and tax returns to ensure that the
363 required information is collected, the conditions by which the
364 division may approve a waiver, and the means by which the tax

365 return filed by the taxpayer is acknowledged. Reports shall be
 366 made on forms prepared and furnished by the division.

367 Section 8. Subsections (1) and (2) of section 562.20,
 368 Florida Statutes, are amended to read:

369 562.20 Monthly reports by common and other carriers of
 370 beverages required.—

371 (1) A ~~All~~ common carrier ~~carriers~~ of freight operating in
 372 the state shall file monthly reports with the division on forms
 373 to be prepared by the division which shall show in detail all
 374 shipments of alcoholic beverages transported by the carrier ~~them~~
 375 to or from any point within the state. Effective July 31, 2013,
 376 the reports required by this subsection shall be made through an
 377 electronic format. The department shall offer electronic
 378 reporting options that make reporting as simple as possible. The
 379 department may waive the requirement for a taxpayer to file a
 380 tax return by electronic means if the taxpayer is unable to file
 381 electronically despite good faith efforts or due to
 382 circumstances beyond the reasonable control of the taxpayer. The
 383 department shall prescribe by rule the format and instructions
 384 necessary for filing reports and tax returns to ensure that the
 385 required information is collected, the conditions by which the
 386 division may approve a waiver, and the means by which the tax
 387 return filed by the taxpayer is acknowledged.

388 (2) Each ~~Every other~~ person, except manufacturers and
 389 distributors licensed in this state who are required to make
 390 reports under s. 561.55, who brings into the state from any
 391 point without the state any alcoholic beverages, in amounts
 392 exceeding 1 gallon in the aggregate, shall likewise file monthly

393 reports with the division on the forms to be prepared by the
 394 division, which shall show in detail the ~~all such~~ amounts of
 395 alcoholic beverages transported by them to each ~~any~~ point within
 396 the state from each ~~any~~ point without the state. Each ~~Every~~
 397 licensee under this law who ships any alcoholic beverage to
 398 points beyond the state shall file monthly reports with the
 399 division on forms to be prepared by the division, which shall
 400 show in detail each shipment ~~all shipments~~ of alcoholic
 401 beverages transported by them from each ~~any~~ point within the
 402 state to each ~~any~~ point without the state. Effective July 31,
 403 2013, the reports required by this subsection shall be made
 404 through an electronic format. The department shall offer
 405 electronic reporting options that make reporting as simple as
 406 possible. The department may waive the requirement for a
 407 taxpayer to file a tax return by electronic means if the
 408 taxpayer is unable to file electronically despite good faith
 409 efforts or due to circumstances beyond the reasonable control of
 410 the taxpayer. The department shall prescribe by rule the format
 411 and instructions necessary for filing reports and tax returns to
 412 ensure that the required information is collected, the
 413 conditions by which the division may approve a waiver, and the
 414 means by which the tax return filed by the taxpayer is
 415 acknowledged.

416 Section 9. Subsection (2) of section 562.25, Florida
 417 Statutes, is amended to read:

418 562.25 State bonded warehouses.—

419 (2) On or before the 10th day of each month the operator
 420 of a ~~any~~ state bonded warehouse shall report, on forms furnished

421 by the division, the amount of alcoholic ~~such~~ beverages on
 422 deposit in the ~~such~~ warehouse on the last day of the previous
 423 calendar month and the amount of the ~~such~~ beverages deposited in
 424 and withdrawn from the ~~such~~ warehouse during the previous
 425 calendar month, except that a ~~no~~ report is not ~~shall be~~ required
 426 as to the ~~such~~ beverages on which all taxes have been paid which
 427 have been deposited in storage by a vendor licensed under the
 428 Beverage Law. Effective July 31, 2013, the reports required by
 429 this subsection shall be made through an electronic format. The
 430 department shall offer electronic reporting options that make
 431 reporting as simple as possible. The department may waive the
 432 requirement for a taxpayer to file a tax return by electronic
 433 means if the taxpayer is unable to file electronically despite
 434 good faith efforts or due to circumstances beyond the reasonable
 435 control of the taxpayer. The department shall prescribe by rule
 436 the format and instructions necessary for filing reports and tax
 437 returns to ensure that the required information is collected,
 438 the conditions by which the division may approve a waiver, and
 439 the means by which the tax return filed by the taxpayer is
 440 acknowledged.

441 Section 10. Subsection (13) is added to section 565.02,
 442 Florida Statutes, to read:

443 565.02 License fees; vendors; clubs; caterers; and
 444 others.—

445 (13) Effective July 31, 2013, the reports required by this
 446 section shall be made through an electronic format. The
 447 department shall offer electronic reporting options that make
 448 reporting as simple as possible. The department may waive the

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449 requirement for a taxpayer to file a tax return by electronic
450 means if the taxpayer is unable to file electronically despite
451 good faith efforts or due to circumstances beyond the reasonable
452 control of the taxpayer. The department shall prescribe by rule
453 the format and instructions necessary for filing reports and tax
454 returns to ensure that the required information is collected,
455 the conditions by which the division may approve a waiver, and
456 the means by which the tax return filed by the taxpayer is
457 acknowledged.

458 Section 11. Section 817.1551, Florida Statutes, is created
459 to read:

460 817.1551 Matters within jurisdiction of Department of
461 Business and Professional Regulation; false, fictitious, or
462 fraudulent acts, statements, and representations prohibited;
463 penalties; forfeiture.-

464 (1) A person who makes or causes to be made, or who offers
465 to make, a false statement in writing and relating to the
466 education, training, or other credentials of an applicant for
467 licensure, certification, or registration with the Department of
468 Business and Professional Regulation, with the intent of
469 obtaining licensure, certification, or registration with that
470 agency, commits the offense of falsifying credentials for
471 licensure.

472 (2) A person who falsifies his or her credentials with the
473 intent of obtaining a license, certificate, or registration with
474 the department commits a misdemeanor of the first degree,
475 punishable as provided in s. 775.082 or s. 775.083.

476 (3) A person who falsifies the credentials of another

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477 person in exchange for \$300 or less, with the intent of
478 obtaining a license, certificate, or registration with the
479 agency, commits a misdemeanor of the first degree, punishable as
480 provided in s. 775.082 or s. 775.083.

481 (4) A person who falsifies the credentials of one or more
482 other persons in exchange for more than \$300, but less than
483 \$20,000, with the intent of obtaining a license, certificate, or
484 registration with the agency commits of a felony of the third
485 degree, punishable as provided in s. 775.082, s. 775.083, or s.
486 775.084.

487 (5) A person who falsifies the credentials of one or more
488 other persons in exchange for \$20,000 or more, but less than
489 \$50,000, with the intent of obtaining a license, certificate, or
490 registration with the agency commits a felony of the second
491 degree, punishable as provided in s. 775.082, s. 775.083, or s.
492 775.084.

493 (6) A person who falsifies the credentials of one or more
494 persons in exchange for \$50,000 or more, with the intent of
495 obtaining a license, certificate, or registration with the
496 agency commits a felony of the first degree, punishable as
497 provided in s. 775.082, s. 775.083, or s. 775.084.

498 (7) The consideration paid to a person who commits
499 multiple offenses of falsifying credentials for the licensure of
500 other persons shall be aggregated for purposes of sentencing and
501 restitution. The department may recover the costs it incurs to
502 remedy the issuance of such falsely obtained license,
503 certificate, or registration.

504 (8) If convicted, the moneys or objects of value which the

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505 person obtained as compensation for the commission of any
506 offense listed in subsection (3), subsection (4), or subsection
507 (5) shall be forfeited to the Department of Business and
508 Professional Regulation for its use to investigate and prosecute
509 offenders and to regulate the affected professions or
510 businesses.

511 Section 12. This act shall take effect July 1, 2012.