2012

1	A bill to be entitled
2	An act relating to consumer protection; amending s.
3	20.14, F.S.; changing the name of the Division of
4	Consumer Services within the Department of Agriculture
5	and Consumer Services to the "Division of Consumer
6	Protection"; amending ss. 14.26, 213.053, 320.275, and
7	366.85, F.S.; conforming terminology; amending s.
8	472.005, F.S.; redefining the term "license" and
9	defining the terms "consumer member" and "licensee"
10	for purposes of provisions governing surveyors and
11	mappers; amending s. 472.006, F.S.; directing the
12	Department of Agriculture and Consumer Services to
13	work cooperatively with the Department of Revenue to
14	implement an automated method of disclosing
15	information related to licensees; authorizing the
16	Department of Agriculture and Consumer Services to
17	suspend or deny the license of any licensee found not
18	to be in compliance with a support order, subpoena,
19	order to show cause, or written agreement; providing
20	for reinstatement of a denied or suspended license;
21	relieving the department of certain liability
22	associated with the denial or suspension of a license;
23	amending s. 472.011, F.S.; authorizing the department
24	to waive license renewal fees for land surveyors and
25	mappers under certain circumstances; authorizing the
26	collection of an existing special assessment from
27	inactive and delinquent licensees; amending s.
28	472.0131, F.S., relating to examinations; making
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29 technical changes; amending s. 472.015, F.S.; 30 authorizing the department to require land surveyors 31 or mappers to submit their social security numbers 32 when applying for initial licensure or license renewal; providing conditions under which an 33 34 application is deemed received; providing conditions 35 under which the department may issue a license by 36 endorsement; requiring an applicant to provide his or her social security number as required pursuant to 37 38 federal law; specifying how a social security number 39 may be used; amending s. 472.018, F.S., relating to continuing education; making technical changes; 40 requiring that continuing education providers 41 42 electronically provide certain information to the 43 department; providing timeframes for reporting; 44 requiring that the department establish a system to 45 monitor licensee compliance with continuing education requirements; defining the term "monitor"; authorizing 46 47 the department to refuse to renew a license until the applicant satisfies continuing education requirements; 48 49 authorizing the department or board to impose 50 additional penalties against applicants who fail to 51 satisfy additional requirements; amending s. 472.0202, 52 F.S.; conforming a cross-reference; amending s. 53 472.0203, F.S.; providing for license renewal 54 notification by the department to be sent 55 electronically to the licensee's last known e-mail 56 address; amending s. 472.025, F.S.; providing that a Page 2 of 56

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57 professional surveyor or mapper whose license is 58 revoked or suspended must return his or her seal to 59 the executive director of the board, rather than to 60 the secretary; creating s. 472.0337, F.S.; authorizing the department to administer oaths, take depositions, 61 62 make inspections, issue and serve subpoenas and other 63 process, and compel the attendance of witnesses and 64 production of certain documents; providing for 65 challenges to and enforcement of subpoenas and orders; 66 amending s. 472.0351, F.S.; revising grounds for 67 discipline; eliminating certain actions by a licensee which are grounds for disciplinary action; specifying 68 69 what constitutes an action against a license in 70 another state, territory, or country; specifying that 71 the board may enter an order against a surveyor or mapper who committed certain violations before 72 73 obtaining a license; authorizing the board to require 74 corrective action; prohibiting the department from 75 issuing to or renewing the license of a person or 76 business entity that has been assessed a fine, 77 interest, costs, or attorney fees associated with an 78 investigation or prosecution until the person pays 79 them in full or complies with or satisfies all terms 80 and conditions of the final order; creating s. 81 472.0357, F.S.; providing penalties for knowingly 82 giving false information in the course of applying for 83 or obtaining a license; amending s. 493.6105, F.S.; 84 authorizing the Department of Agriculture and Consumer Page 3 of 56

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85 Services to waive firearms training requirements for 86 the initial licensure of private investigative, 87 private security, or repossession services under 88 certain circumstances; amending s. 493.6113, F.S.; 89 authorizing the department to waive firearms training 90 requirements for license renewal of private 91 investigative, private security, and repossession 92 services under certain circumstances; amending s. 93 493.6118, F.S.; providing for disciplinary action to 94 be taken against certain additional license classes 95 and schools or training facilities for private investigators and private security and repossession 96 97 services; amending s. 493.6120, F.S.; providing for 98 penalty provisions to apply to certain additional 99 license classes and schools or training facilities for 100 private investigators and private security and 101 repossession services; amending ss. 496.404, 496.411, 102 and 496.412, F.S.; conforming terminology; amending s. 103 501.015, F.S., relating to the regulation of health 104 studios; substituting the term "local business tax 105 receipt" for the term "local occupational license"; 106 amending s. 501.017, F.S.; making technical changes; 107 clarifying that certain notice be provided in a health 108 studio contract in at least 10-point boldface type; 109 amending s. 501.605, F.S.; providing that an applicant 110 for a commercial telephone seller license may provide 111 other valid forms of identification in lieu of a valid driver license number; removing the requirement that 112 Page 4 of 56

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113 the applicant provide his or her social security 114 number on the application; amending s. 501.607, F.S.; 115 providing that an applicant for a telemarketing 116 salesperson's license may provide other valid forms of 117 identification in lieu of a driver license number; amending s. 501.911, F.S.; conforming terminology; 118 119 amending s. 501.913, F.S.; requiring the registrant of 120 a brand of antifreeze to assume full responsibility 121 for the registration; requiring that a registrant of a brand of antifreeze not in production for distribution 122 in this state must submit a notarized affidavit 123 attesting to specified information; requiring that a 124 125 certain sample size of each brand of antifreeze 126 accompany the application for registration; amending 127 s. 507.04, F.S.; requiring that the Department of 128 Agriculture and Consumer Services be notified at least 129 10 days before any changes are made in the insurance 130 coverage of a household moving service; amending s. 131 525.07, F.S.; prohibiting a person from removing, using, selling, offering for sale, distributing, 132 133 offering for distribution, or disposing of petroleum 134 fuel that has been placed under a stop-sale order 135 without first receiving permission from the Department 136 of Agriculture and Consumer Services; amending s. 137 526.143, F.S.; authorizing the department to 138 temporarily waive certain requirements for generators 139 at retail motor fuel outlets which are used in 140 preparation or response to an emergency or major Page 5 of 56

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141 disaster in another state; amending s. 526.50, F.S., 142 relating to the sale of brake fluid; defining the 143 terms "brand" and "formula"; amending s. 526.51, F.S.; 144 conforming terminology; providing criteria for 145 reregistering a previously registered brand and 146 formula combination of brake fluid; providing for a 147 fine for late submission of the application for 148 reregistration and required materials; requiring a 149 registrant to submit a notarized affidavit attesting 150 that specified conditions have been satisfied if a 151 registered brand and formula combination is not in 152 production for distribution in this state; amending s. 153 526.52, F.S.; providing alternative criteria under 154 which a brand of brake fluid may satisfy branding 155 requirements; amending s. 526.53, F.S.; conforming 156 terminology; requiring that stop-sale orders be served 157 by the department on the owner of the brand name, the 158 distributor, or other entity responsible for selling 159 or distributing the product; providing that the 160 department's representative, with the consent of the 161 department, may dispose of certain unregistered brake 162 fluid; amending s. 526.55, F.S.; replacing criminal 163 sanctions with administrative and monetary sanctions 164 for violations of laws regulating the sale of brake fluid; amending s. 539.001, F.S.; eliminating the 165 166 requirement that a pawnshop provide the Department of 167 Agriculture and Consumer Services notice of a change in its location by certified or registered mail; 168 Page 6 of 56

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169 amending s. 559.805, F.S.; eliminating a requirement 170 that sellers of business opportunities provide the 171 department with the social security numbers of their 172 independent agents; amending s. 559.904, F.S., 173 relating to the regulation of motor vehicle repair 174 shops; substituting the term "business tax receipt" 175 for the term "occupational license"; amending s. 176 559.928, F.S., relating to the regulation of sellers 177 of travel; substituting the term "business tax 178 receipt" for the term "occupational license"; 179 eliminating a requirement that an independent travel 180 agent provide his or her social security number to the department; amending s. 559.9285, F.S.; conforming a 181 182 cross-reference; amending s. 559.935, F.S., relating 183 to an exemption from regulation provided for certain 184 sellers of travel; substituting the term "business tax 185 receipt" for the term "occupational license"; amending 186 s. 570.29, F.S.; conforming terminology; repealing s. 187 570.46, F.S., relating to the powers and duties of the Division of Standards; repealing s. 570.47, F.S., 188 189 relating to the gualifications and duties of the 190 director of the Division of Standards; amending s. 191 570.544, F.S.; conforming terminology; specifying the 192 powers and duties of the director of the Division of 193 Consumer Protection; amending s. 616.242, F.S.; 194 removing an obsolete reference to the Bureau of Fair Rides Inspection; amending s. 849.0915, F.S., relating 195

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HB 749 2012 196 to the regulation of gambling; conforming terminology; 197 providing an effective date. 198 199 Be It Enacted by the Legislature of the State of Florida: 200 201 Subsection (4) of section 14.26, Florida Section 1. 202 Statutes, is amended to read: 203 14.26 Citizen's Assistance Office.-204 The Citizen's Assistance Office shall refer consumer-(4) 205 oriented complaints to the Division of Consumer Protection Services of the Department of Agriculture and Consumer Services. 206 207 Section 2. Paragraph (e) of subsection (2) of section 208 20.14, Florida Statutes, is amended to read: 209 20.14 Department of Agriculture and Consumer Services.-210 There is created a Department of Agriculture and Consumer 211 Services. 212 (2) The following divisions of the Department of 213 Agriculture and Consumer Services are established: 214 (e) Consumer Protection Services. 215 Section 3. Paragraph (q) of subsection (8) of section 213.053, Florida Statutes, is amended to read: 216 217 213.053 Confidentiality and information sharing.-218 Notwithstanding any other provision of this section, (8) the department may provide: 219 220 Names, addresses, and sales tax registration (q) 221 information to the Division of Consumer Protection Services of the Department of Agriculture and Consumer Services in the 222 223 conduct of its official duties. Page 8 of 56

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224	
225	Disclosure of information under this subsection shall be
226	pursuant to a written agreement between the executive director
227	and the agency. Such agencies, governmental or nongovernmental,
228	shall be bound by the same requirements of confidentiality as
229	the Department of Revenue. Breach of confidentiality is a
230	misdemeanor of the first degree, punishable as provided by s.
231	775.082 or s. 775.083.
232	Section 4. Paragraphs (a) and (b) of subsection (2) of
233	section 320.275, Florida Statutes, are amended to read:
234	320.275 Automobile Dealers Industry Advisory Board
235	(2) MEMBERSHIP, TERMS, MEETINGS
236	(a) The board shall be composed of 12 members. The
237	executive director of the Department of Highway Safety and Motor
238	Vehicles shall appoint the members from names submitted by the
239	entities for the designated categories the member will
240	represent. The executive director shall appoint one
241	representative of the Department of Highway Safety and Motor
242	Vehicles; two representatives of the independent motor vehicle
243	industry as recommended by the Florida Independent Automobile
244	Dealers Association; two representatives of the franchise motor
245	vehicle industry as recommended by the Florida Automobile
246	Dealers Association; one representative of the auction motor
247	vehicle industry who is from an auction chain and is recommended
248	by a group affiliated with the National Auto Auction
249	Association; one representative of the auction motor vehicle
250	industry who is from an independent auction and is recommended
251	by a group affiliated with the National Auto Auction
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252 Association; one representative from the Department of Revenue; 253 a Florida tax collector representative recommended by the 254 Florida Tax Collectors Association; one representative from the 255 Better Business Bureau; one representative from the Department 256 of Agriculture and Consumer Services, who must represent the 257 Division of Consumer Protection Services; and one representative 258 of the insurance industry who writes motor vehicle dealer surety 259 bonds.

260 (b)1. The executive director shall appoint the following 261 initial members to 1-year terms: one representative from the 262 motor vehicle auction industry who represents an auction chain, 263 one representative from the independent motor vehicle industry, 264 one representative from the franchise motor vehicle industry, 265 one representative from the Department of Revenue, one Florida 266 tax collector, and one representative from the Better Business 267 Bureau.

268 2. The executive director shall appoint the following 269 initial members to 2-year terms: one representative from the 270 motor vehicle auction industry who represents an independent 271 auction, one representative from the independent motor vehicle 272 industry, one representative from the franchise motor vehicle 273 industry, one representative from the Division of Consumer 274 Protection Services, one representative from the insurance 275 industry, and one representative from the department.

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

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4. The board shall appoint a chair and vice chair at itsinitial meeting and every 2 years thereafter.

282 Section 5. Section 366.85, Florida Statutes, is amended to 283 read:

284 366.85 Responsibilities of Division of Consumer Protection 285 Services.-The Division of Consumer Protection Services of the 286 Department of Agriculture and Consumer Services is shall be the 287 agency responsible for consumer conciliatory conferences, if 288 such conferences are required pursuant to federal law. The 289 division is shall also be the agency responsible for preparing 290 lists of sources for energy conservation products or services 291 and of financial institutions offering energy conservation 292 loans, if the such lists are required pursuant to federal law. 293 Notwithstanding any provision of federal law to the contrary, 294 the division may shall not require any manufacturer's warranty 295 exceeding 1 year in order for a source of conservation products 296 or services to be included on the appropriate list. The lists 297 shall be prepared for the service area of each utility and shall 298 be furnished to each utility for distribution to its customers. 299 The division shall update the lists on a systematic basis and 300 shall remove from any list any person who has been disciplined 301 by a any state agency or who has otherwise exhibited a pattern 302 of unsatisfactory work and any person who requests removal from such lists. The division may is authorized to adopt rules to 303 304 administer implement the provisions of this section.

305 Section 6. Subsection (7) of section 472.005, Florida 306 Statutes, is amended, and subsections (15) and (16) are added to 307 that section, to read:

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308	472.005 DefinitionsAs used in ss. 472.001-472.037:
309	(7) The term "license" means <u>a registration, certificate,</u>
310	or license issued by the department pursuant to this chapter the
311	registration of surveyors and mappers or the certification of
312	businesses to practice surveying and mapping in this state.
313	(15) "Consumer member" means a person appointed to serve
314	on the board who is not, and never has been, a professional
315	surveyor or mapper in any jurisdiction or a member of any
316	closely related profession regulated by the board.
317	(16) "Licensee" means any person or business entity that
318	has been issued, pursuant to this chapter, a registration,
319	certificate, or license by the department.
320	Section 7. Subsection (12) is added to section 472.006,
321	Florida Statutes, to read:
322	472.006 Department; powers and dutiesThe department
323	shall:
324	(12) Work cooperatively with the Department of Revenue to
325	implement an automated method for periodically disclosing
326	information relating to current licensees to the Department of
327	Revenue in order to further the public policy of reducing the
328	state's financial burden as a result of family desertion and
329	nonsupport of dependent children as provided in s. 409.2551. The
330	department shall, if directed by the court or the Department of
331	Revenue, pursuant to s. 409.2598, suspend or deny the license of
332	any licensee who is found to not be in compliance with a support
333	order, subpoena, order to show cause, or written agreement
334	entered into by the licensee with the Department of Revenue. The
335	department shall issue or reinstate the license without
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336 additional charge to the licensee if notified by the court or 337 the Department of Revenue that the licensee has complied with 338 the terms of the support order. The department is not liable for 339 any license denial or suspension resulting from the discharge of 340 its duties under this subsection. 341 Section 8. Subsections (1) and (12) of section 472.011, 342 Florida Statutes, are amended to read: 343 472.011 Fees.-The board, by rule, may establish fees to be paid for 344 (1)345 applications, examination, reexamination, licensing and renewal, 346 inactive status application and reactivation of inactive 347 licenses, recordmaking and recordkeeping, and applications for 348 providers of continuing education. The board may also establish 349 by rule a delinguency fee. The board shall establish fees that 350 are adequate to ensure the continued operation of the board. 351 Fees shall be based on department estimates of the revenue 352 required to implement ss. 472.001-472.037 and the provisions of 353 law with respect to the regulation of surveyors and mappers. If the department determines, based on estimates of available 354 355 revenue collected pursuant to this section, that the General 356 Inspection Trust Fund contains funds that exceed the amount 357 required to cover the necessary functions of the board, the 358 department shall, by rule, waive the license renewal fees for 359 licensees under this chapter for a period not to exceed 2 years. 360 The board may, by rule, assess and collect a special (12)361 assessment one-time fee from each active, inactive, and 362 delinquent each voluntary inactive licensee in an amount 363 necessary to eliminate a cash deficit or, if there is not a cash Page 13 of 56

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364 deficit, in an amount sufficient to maintain the financial 365 integrity of this profession as required in this subsection.

366 Section 9. Subsection (3) of section 472.0131, Florida 367 Statutes, is amended to read:

368

472.0131 Examinations; development; administration.-

369 Except for national examinations approved and (3) administered pursuant to paragraph (1)(d), the department shall 370 371 provide procedures for applicants who have taken and failed an 372 examination developed by the department or a contracted vendor 373 to review their examination questions, answers, papers, grades, 374 and grading key for the questions the candidate answered 375 incorrectly on his or her last examination or, if not feasible, 376 the parts of the examination failed. Applicants shall bear the 377 actual cost for the department to provide examination review pursuant to this subsection. An applicant may waive in writing 378 379 the confidentiality of his or her examination grades.

380 Section 10. Subsection (1) and paragraph (b) of subsection 381 (6) of section 472.015, Florida Statutes, are amended, and 382 subsection (15) is added to that section, to read:

383

472.015 Licensure.-

384 Notwithstanding any other law, the department is the (1)385 sole authority for determining the contents of any documents to 386 be submitted for initial licensure and licensure renewal. The Such documents may contain information including, as 387 appropriate: demographics, social security number, education, 388 work history, personal background, criminal history, finances, 389 390 business information, complaints, inspections, investigations, 391 discipline, bonding, signature notarization, photographs,

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392 performance periods, reciprocity, local government approvals, 393 supporting documentation, periodic reporting requirements, 394 continuing education requirements, and ongoing education 395 monitoring. The applicant shall supplement his or her 396 application may be supplemented as needed to reflect any 397 material change in any circumstance or condition stated in the 398 application which takes place between the initial filing of the 399 application and the final grant or denial of the license and 400 which might affect the decision of the department. An application is received for the purposes of s. 120.60 upon 401 402 receipt by the department of the application, submitted in the 403 format prescribed by the department, the application fee set by 404 the board, and any other documentation or fee required by law or 405 rule to be submitted with the application in order for the 406 application to be complete. 407

(6)

408 The department may shall not issue a license by (b) 409 endorsement to any applicant who is under investigation in this state or any other state or any other jurisdiction another state 410 411 for any act that would constitute a violation of this ss. 412 472.001-472.037 or chapter 455 until such time as the 413 investigation is complete and disciplinary proceedings have been 414 terminated.

415 (15) Pursuant to the federal Personal Responsibility and 416 Work Opportunity Reconciliation Act of 1996, each person 417 applying for initial licensure or license renewal shall provide his or her social security number. Use of social security 418 419 numbers obtained through this requirement is limited to the

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420 <u>purpose of administering the Title IV-D program for child</u> 421 <u>support enforcement, use by the department, and use as otherwise</u> 422 <u>provided by law.</u>

Section 11. Subsection (1) of section 472.018, Florida Statutes, is amended, and subsections (13), (14), and (15) are added to that section, to read:

426 472.018 Continuing education.—The department may not renew 427 a license until the licensee submits proof satisfactory to the 428 board that during the 2 years prior to her or his application 429 for renewal the licensee has completed at least 24 hours of 430 continuing education.

431 The board shall adopt rules to establish the criteria (1)432 and course content for continuing education courses. The rules 433 may provide that up to a maximum of 25 percent of the required 434 continuing education hours may can be fulfilled by the 435 performance of pro bono services to the indigent or to 436 underserved populations or in areas of critical need within the 437 state where the licensee practices. The board must require that 438 any pro bono services be approved in advance in order to receive 439 credit for continuing education under this section. The board 440 shall use the standard for determining indigency shall be that 441 recognized by the Federal Poverty Income Guidelines produced by 442 the United States Department of Health and Human Services in 443 determining indigency. The board may adopt rules that may provide for approval by the board that a part of the continuing 444 445 education hours may can be fulfilled by performing research in critical need areas or for training leading to advanced 446 447 professional certification. The board, or the department when

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448 there is no board, may adopt make rules to define underserved 449 and critical need areas. The department shall adopt rules for 450 the administration of continuing education requirements adopted 451 by the board or the department when there is no board.

452 (13) Each continuing education provider shall provide to 453 the department, in an electronic format determined by the 454 department, information regarding the continuing education 455 status of licensees which the department determines is necessary 456 to carry out its duties under this chapter. After a licensee 457 completes a course, the information must be submitted 458 electronically by the continuing education provider to the 459 department within 30 calendar days after completion. However, 460 beginning on the 30th day before the renewal deadline or before 461 the renewal date, whichever occurs sooner, the continuing 462 education provider shall electronically report such information 463 to the department within 10 business days after completion. 464 The department shall establish a system to monitor (14)465 licensee compliance with continuing education requirements and 466 to determine the continuing education status of each licensee. 467 As used in this subsection, the term "monitor" means the act of 468 determining, for each licensee, whether the licensee is in full 469 compliance with applicable continuing education requirements as 470 of the date of the licensee's application for license renewal. 471 (15) The department may refuse to renew a license until 472 the licensee has satisfied all applicable continuing education 473 requirements. This subsection does not preclude the department 474 or board from imposing additional penalties pursuant to this

475 chapter or rules adopted pursuant this chapter.

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476 Section 12. Subsection (1) of section 472.0202, Florida 477 Statutes, is amended to read: 478 472.0202 Inactive and delinguent status.-479 A licensee may practice a profession only if the (1) 480 licensee has an active status license. A licensee who practices 481 a profession without an active status license is in violation of this section and s. 472.0351 472.033, and the board may impose 482 483 discipline on the licensee. 484 Section 13. Subsection (3) is added to section 472.0203, Florida Statutes, to read: 485 472.0203 Renewal and cancellation notices.-486 487 (3) Notwithstanding any other law, a licensure renewal 488 notification required to be sent to the last known address of 489 record may be sent by the department to the licensee by 490 electronic means if the licensee has provided an e-mail address 491 to the department. 492 Section 14. Subsection (2) of section 472.025, Florida 493 Statutes, is amended to read: 494 472.025 Seals.-495 (2) It is unlawful for a any person to stamp, seal, or 496 digitally sign a any document with a seal or digital signature after his or her certificate of registration has expired or been 497 498 revoked or suspended, unless such certificate of registration 499 has been reinstated or reissued. When a the certificate of registration of a registrant has been revoked or suspended by 500 the board, the registrant shall, within $\frac{1}{2} = \frac{1}{2} \frac{$ 501 502 after the revocation or suspension has become effective, 503 surrender his or her seal to the executive director secretary of Page 18 of 56

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the board and confirm to the <u>executive director</u> secretary the cancellation of the registrant's digital signature in accordance with ss. 668.001-668.006. <u>If</u> In the event the registrant's certificate has been suspended for a period of time, his or her seal shall be returned to him or her upon expiration of the suspension period.

510 Section 15. Section 472.0337, Florida Statutes, is created 511 to read:

512 472.0337 Power to administer oaths, take depositions, and 513 issue subpoenas.-For the purpose of an investigation or 514 proceeding conducted by the department, the department shall 515 administer oaths, take depositions, make inspections, issue 516 subpoenas which must be supported by affidavit, serve subpoenas 517 and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. 518 519 Challenges to, and enforcement of, the subpoenas and orders 520 shall be conducted as provided in s. 120.569.

521 Section 16. Section 472.0351, Florida Statutes, is amended 522 to read:

523

472.0351 Grounds for discipline; penalties; enforcement.-

(1) The following acts shall constitute grounds for which
the disciplinary actions specified in subsection (2) may be
taken:

527 (a) Violation of any provision of s. 472.031;

528 (b) Attempting to procure a license to practice surveying 529 and mapping by bribery or fraudulent misrepresentations;

(c) Having a license to practice surveying and mappingrevoked, suspended, or otherwise acted against, including the

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denial of licensure, by the licensing authority of another state, territory, or country, for a violation that constitutes a violation under the laws of this state. The acceptance of a relinquishment of licensure, stipulation, consent order, or other settlement offered in response to or in anticipation of the filing of charges against the license by a licensing authority is an action against the license;

(d) Being convicted or found guilty of, or entering a plea of <u>guilty, no contest, or</u> nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of surveying and mapping or the ability to practice surveying and mapping;

(e) Making or filing a report or record that the licensee knows to be false, willfully failing to file a report or record required by state or federal law, willfully impeding or obstructing such filing, or inducing another person to impede or obstruct such filing. Such reports or records shall include only those that are signed in the capacity of a registered surveyor and mapper;

(f) Advertising goods or services in a manner that is fraudulent, false, deceptive, or misleading in form or content;

(g) Upon proof that the licensee is guilty of fraud or deceit, or of negligence, incompetency, or misconduct, in the practice of surveying and mapping;

(h) Failing to perform <u>a</u> any statutory or legal obligation
placed upon a licensed surveyor and mapper; violating <u>a</u> any
provision of this chapter, a rule of the board or department, or
a lawful order of the board or department previously entered in

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560	a disciplinary hearing;	or	failing	to	comply	with	a	lawfully
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561 issued subpoena of the department;562 (i) Practicing on a revoked, suspended, inactive, or

563 delinquent license;

564 (j) Making misleading, deceptive, or fraudulent 565 representations in or related to the practice of the licensee's 566 profession;

567 (k) Intentionally violating any rule adopted by the board 568 or the department, as appropriate;

569 (1) Having a license or the authority to practice the 570 regulated profession revoked, suspended, or otherwise acted 571 against, including the denial of licensure, by the licensing 572 authority of any jurisdiction, including its agencies or 573 subdivisions, for a violation that would constitute a violation 574 under Florida law;

575 <u>(j)(m)</u> Having been found liable in a civil proceeding for 576 knowingly filing a false report or complaint with the department 577 against another licensee;

578 <u>(k)(n)</u> Failing to report to the department any person who 579 the licensee knows is in violation of this chapter or the rules 580 of the department or the board;

581 <u>(1)(0)</u> Aiding, assisting, procuring, employing, or 582 advising any unlicensed person or entity to practice surveying 583 and mapping contrary to this chapter or the rules of the 584 department or the board;

585 <u>(m) (p)</u> Making deceptive, untrue, or fraudulent 586 representations in or related to the practice of <u>professional</u> 587 <u>surveying or mapping</u> a profession or employing a trick or scheme

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588 in or related to the practice of professional surveying or 589 mapping a profession;

590 <u>(n)(q)</u> Exercising influence on the client for the purpose 591 of financial gain of the licensee or a third party;

592 <u>(o) (r)</u> Practicing or offering to practice beyond the scope 593 permitted by law or accepting and performing professional 594 responsibilities the licensee knows, or has reason to know, the 595 licensee is not competent to perform;

596 <u>(p)(s)</u> Delegating or contracting for the performance of 597 professional responsibilities by a person when the licensee 598 delegating or contracting for performance of such 599 responsibilities knows, or has reason to know, such person is 600 not qualified by training, experience, and authorization when 601 required to perform them; or

602 (t) Violating this chapter, the applicable professional
603 practice act, a rule of the department or the board, or a lawful
604 order of the department or the board, or failing to comply with
605 a lawfully issued subpoena of the department; or

606 <u>(q)(u)</u> Improperly interfering with an investigation or 607 inspection authorized by statute, or with any disciplinary 608 proceeding.

(2) <u>If</u> When the board finds <u>a</u> any surveyor or mapper
guilty of any of the grounds set forth in subsection (1) <u>or a</u>
<u>violation of this chapter which occurred before obtaining a</u>
<u>license</u>, <u>the board</u> it may enter an order imposing one or more of
the following penalties:

614 (a) Denial of an application for licensure, or approval of
615 an application for licensure with restrictions.

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(b) Revocation or suspension of a license.

617 (c) Imposition of an administrative fine not to exceed618 \$1,000 for each count or separate offense.

619

(d) Issuance of a reprimand.

(e) Placement of the surveyor or mapper on probation for a period of time and subject to such conditions as the board may specify. Those conditions may include, but are not limited to, requiring the licensee to undergo treatment, attend continuing education courses, submit to be reexamined, work under the supervision of another licensee, or satisfy any terms which are reasonably tailored to the violations found.

627 (f) Restriction of the authorized scope of practice by the628 surveyor or mapper.

629

(g) Corrective action.

(3) The department shall reissue the license of a
disciplined surveyor or mapper upon certification by the board
that he or she has complied with all of the terms and conditions
set forth in the final order.

(4) (a) In addition to any other discipline imposed
pursuant to this section, the board may assess costs and
<u>attorney</u> attorneys fees related to the investigation and
prosecution of the case.

(b) In any case where the board or the department imposes a fine or assessment and the fine or assessment is not paid within a reasonable time, <u>which may</u> such reasonable time to be prescribed in the rules of the board or in the order assessing such fines or costs, the department or the Department of Legal Affairs may contract for the collection of, or bring a civil

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644 action to recover, the fine or assessment.

645 (c) The department may not issue to or renew the license 646 of any person or business entity against which the board has 647 assessed a fine, interest, costs, or attorney fees associated 648 with an investigation and prosecution until the person or 649 business entity has paid the full amount due or complies with or 650 satisfies all terms and conditions of the final order. 651 (5) In addition to, or in lieu of, any other remedy or 652 criminal prosecution, the department may file a proceeding in 653 the name of the state seeking issuance of an injunction or a 654 writ of mandamus against any person who violates any of the provisions of this chapter, or any provision of law with respect 655 656 to professions regulated by the department, or any board 657 therein, or the rules adopted pursuant thereto. 658 (5) (6) If the board determines that revocation of a 659 license is the appropriate penalty, the revocation shall be 660 permanent. However, the board may establish, by rule, 661 requirements for reapplication by applicants whose licenses have 662 been permanently revoked. Such requirements may include, but are 663 shall not be limited to, satisfying current requirements for an 664 initial license. 665 Section 17. Section 472.0357, Florida Statutes, is created 666 to read: 667 472.0357 Penalty for giving false information.-In addition 668 to, or in lieu of, any other disciplinary action imposed pursuant to s. 472.0351, a person who knowingly gives false 669 670 information in the course of applying for or obtaining a license from the department or the board, or who attempts to obtain or 671

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672	obtains a license from the department or the board by knowingly
673	providing misleading statements or misrepresentations commits a
674	felony of the third degree, punishable as provided in s.
675	775.082, s. 775.083, or s. 775.084.
676	Section 18. Subsection (5) of section 493.6105, Florida
677	Statutes, is amended to read:
678	493.6105 Initial application for license
679	(5) In addition to the requirements outlined in subsection
680	(3), an applicant for a Class "G" license must satisfy minimum
681	training criteria for firearms established by rule of the
682	department, which training criteria includes, but is not limited
683	to, 28 hours of range and classroom training taught and
684	administered by a Class "K" licensee; however, no more than 8
685	hours of such training shall consist of range training. <u>The</u>
686	department may waive the foregoing firearms training requirement
687	<u>if:</u>
688	(a) The applicant provides proof that he or she is
689	currently certified as a law enforcement officer or correctional
690	officer pursuant to the requirements of the Criminal Justice
691	Standards and Training Commission or has successfully completed
692	the training required for certification within the last 12
693	months.
694	(b) The applicant provides proof that he or she is
695	currently certified as a federal law enforcement officer and has
696	received law enforcement firearms training administered by a
697	federal law enforcement agency.
698	(c) The applicant submits a valid firearm certificate
699	among those specified in paragraph (6)(a). If the applicant
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700 submits proof that he or she is an active law enforcement 701 officer currently certified under the Criminal Justice Standards 702 and Training Commission or has completed the training required 703 for that certification within the last 12 months, or if the 704 applicant submits one of the certificates specified in paragraph 705 (6) (a), the department may waive the foregoing firearms training 706 requirement. 707 Section 19. Paragraph (b) of subsection (3) of section 708 493.6113, Florida Statutes, is amended to read: 709 493.6113 Renewal application for licensure.-710 Each licensee is responsible for renewing his or her (3) 711 license on or before its expiration by filing with the 712 department an application for renewal accompanied by payment of 713 the prescribed license fee. 714 Each Class "G" licensee shall additionally submit (b) 715 proof that he or she has received during each year of the 716 license period a minimum of 4 hours of firearms recertification 717 training taught by a Class "K" licensee and has complied with 718 such other health and training requirements which the department 719 may adopt by rule. If proof of a minimum of 4 hours of annual 720 firearms recertification training cannot be provided, the 721 renewal applicant shall complete the minimum number of hours of 722 range and classroom training required at the time of initial 723 licensure. The department may waive the foregoing firearms 724 training requirement if: 725 1. The applicant provides proof that he or she is 726 currently certified as a law enforcement officer or correctional 727 officer under the Criminal Justice Standards and Training Page 26 of 56

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728 Commission and has completed law enforcement firearms 729 requalification training annually during the preceding 2 years 730 of the licensure period. 731 2. The applicant provides proof that he or she is 732 currently certified as a federal law enforcement officer and has 733 received law enforcement firearms training administered by a 734 federal law enforcement agency annually during the preceding 2 735 years of the licensure period. 736 3. The applicant submits a valid firearm certificate among 737 those specified in s. 493.6105(6)(a) and provides proof of 738 having completed requalification training during the preceding 2 739 years of the licensure period. 740 Section 20. Subsection (6) of section 493.6118, Florida 741 Statutes, is amended to read: 742 493.6118 Grounds for disciplinary action.-The agency or Class "DS" or "RS" license and the 743 (6) 744 approval or license of each officer, partner, or owner of the 745 agency, school, or training facility are automatically suspended 746 upon entry of a final order imposing an administrative fine 747 against the agency, school, or training facility, until the fine 748 is paid, if 30 calendar days have elapsed since the entry of the 749 final order. All owners and corporate or agency officers or 750 partners are jointly and severally liable for agency fines 751 levied against the agency, school, or training facility. Neither 752 The agency or Class "DS" or "RS" license or the approval or license of any officer, partner, or owner of the agency, school, 753 754 or training facility may not be renewed, and nor may an 755 application may not be approved, if the owner, licensee, or

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756 applicant is liable for an outstanding administrative fine 757 imposed under this chapter. An individual's approval or license 758 becomes automatically suspended if a fine imposed against the 759 individual or his or her agency is not paid within 30 days after 760 the date of the final order, and remains suspended until the 761 fine is paid. Notwithstanding the provisions of this subsection, 762 an individual's approval or license may not be suspended and nor 763 may an application may not be denied if when the licensee or the 764 applicant has an appeal from a final order pending in any 765 appellate court.

766 Section 21. Subsection (4) of section 493.6120, Florida767 Statutes, is amended to read:

768

493.6120 Violations; penalty.-

769 A Any person who was an owner, officer, partner, or (4) 770 manager of a licensed agency or a Class "DS" or "RS" school or 771 training facility at the time of any activity that is the basis 772 for revocation of the agency or branch office license or the 773 school or training facility license and who knew or should have 774 known of the activity, shall have his or her personal licenses 775 or approval suspended for 3 years and may not have any financial 776 interest in or be employed in any capacity by a licensed agency 777 or a school or training facility during the period of 778 suspension.

Section 22. Subsection (7) of section 496.404, FloridaStatutes, is amended to read:

496.404 Definitions.—As used in ss. 496.401-496.424:
(7) "Division" means the Division of Consumer <u>Protection</u>
Services of the Department of Agriculture and Consumer Services.

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784 Section 23. Subsection (3) of section 496.411, Florida 785 Statutes, is amended to read:

496.411 Disclosure requirements and duties of charitableorganizations and sponsors.-

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

793

"A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
CONSUMER <u>PROTECTION</u> SERVICES BY CALLING TOLL-FREE
WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
STATE."

800

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

806 Section 24. Paragraph (c) of subsection (1) of section 807 496.412, Florida Statutes, is amended to read:

808 496.412 Disclosure requirements and duties of professional 809 solicitors.-

810 (1) A professional solicitor must comply with and be811 responsible for complying or causing compliance with the

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812 following disclosures:

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

819 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
820 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
821 CONSUMER <u>PROTECTION</u> SERVICES BY CALLING TOLL-FREE
822 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
823 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
824 STATE."

825

818

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

831 Section 25. Subsection (7) of section 501.015, Florida832 Statutes, is amended to read:

833 501.015 Health studios; registration requirements and 834 fees.—Each health studio shall:

(7) <u>A Any person applying for or renewing a local business</u>
<u>tax receipt</u> occupational license to engage in business as a
health studio must exhibit an active registration certificate
from the Department of Agriculture and Consumer Services before
the local <u>business tax receipt</u> occupational license may be

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840 issued or reissued.

841 Section 26. Subsection (1) of section 501.017, Florida 842 Statutes, is amended to read:

843

501.017 Health studios; contracts.-

844 Each Every contract for the sale of future health (1)845 studio services which is paid for in advance or which the buyer 846 agrees to pay for in future installment payments shall be in 847 writing and shall contain, contractual provisions to the 848 contrary notwithstanding, in immediate proximity to the space 849 reserved in the contract for the signature of the buyer, and in 850 at least 10-point boldfaced type, language substantially 851 equivalent to the following:

852 A provision for the penalty-free cancellation of the (a) 853 contract within 3 days, exclusive of holidays and weekends, of 854 its making, upon the mailing or delivery of written notice to 855 the health studio, and refund upon such notice of all moneys 856 paid under the contract, except that the health studio may 857 retain an amount computed by dividing the number of complete 858 days in the contract term or, if appropriate, the number of 859 occasions health studio services are to be rendered into the 860 total contract price and multiplying the result by the number of 861 complete days that have passed since the making of the contract 862 or, if appropriate, by the number of occasions that health 863 studio services have been rendered. A refund shall be issued within 30 days after receipt of the notice of cancellation made 864 within the 3-day provision. 865

(b)1. A provision for the cancellation and refund of thecontract if the contracting business location of the health

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868 studio goes out of business, or moves its facilities more than 5 869 driving miles from the business location designated in <u>the</u> such 870 contract and fails to provide, within 30 days, a facility of 871 equal quality located within 5 driving miles of the business 872 location designated in <u>the</u> such contract at no additional cost 873 to the buyer.

874 2. A provision that notice of intent to cancel by the 875 buyer shall be given in writing to the health studio. The Such a 876 notice of cancellation from the consumer terminates shall also 877 terminate automatically the consumer's obligation to any entity 878 to whom the health studio has subrogated or assigned the 879 consumer's contract. If the health studio wishes to enforce the 880 such contract after receipt of the notice such showing, it may 881 request the department to determine the sufficiency of the 882 notice showing.

3. A provision that if the department determines that a refund is due the buyer, the refund shall be an amount computed by dividing the contract price by the number of weeks in the contract term and multiplying the result by the number of weeks remaining in the contract term. The business location of a health studio <u>may shall</u> not be deemed out of business when temporarily closed for repair and renovation of the premises:

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

894

895 A refund shall be issued within 30 days after receipt of the Page 32 of 56

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896 notice of cancellation made pursuant to this paragraph.

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

900 A provision for the cancellation of the contract if (d) 901 the buyer dies or becomes physically unable to avail himself or 902 herself of a substantial portion of those services which he or 903 she used from the commencement of the contract until the time of 904 disability, with refund of funds paid or accepted in payment of 905 the contract in an amount computed by dividing the contract price by the number of weeks in the contract term and 906 907 multiplying the result by the number of weeks remaining in the 908 contract term. The contract may require a buyer or the buyer's 909 estate seeking relief under this paragraph to provide proof of 910 disability or death. A physical disability sufficient to warrant 911 cancellation of the contract by the buyer is shall be 912 established if the buyer furnishes to the health studio a 913 certification of such disability by a physician licensed under 914 chapter 458, chapter 459, chapter 460, or chapter 461 to the 915 extent the diagnosis or treatment of the disability is within 916 the physician's scope of practice. A refund shall be issued within 30 days after receipt of the notice of cancellation made 917 918 pursuant to this paragraph.

919 (e) A provision that the initial contract will not be for 920 a period in excess of 36 months, and thereafter shall only be 921 renewable annually. <u>A Such renewal contract contracts</u> may not be 922 executed and the fee therefor paid until 60 days or less before 923 the preceding contract expires.

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924 (f) A provision that if the health studio requires a buyer 925 to furnish identification upon entry to the facility and as a 926 condition of using the services of the health studio, the health 927 studio shall provide the buyer with the means of such 928 identification.

- 929 Section 27. Paragraphs (a) and (l) of subsection (2) of 930 section 501.605, Florida Statutes, are amended to read:
- 931

501.605 Licensure of commercial telephone sellers.-

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

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

940 (1) The true name, current home address, date of birth,
941 social security number, and all other names by which known, or
942 previously known, of each:

943 1. Principal officer, director, trustee, shareholder,
944 owner, or partner of the applicant, and of each other person
945 responsible for the management of the business of the applicant.

946 2. Office manager or other person principally responsible947 for a location from which the applicant will do business.

3. Salesperson or other person to be employed by theapplicant.

950

951 The application shall be accompanied by a copy of any: Script, Page 34 of 56

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952 outline, or presentation the applicant will require or suggest a 953 salesperson to use when soliciting, or, if no such document is 954 used, a statement to that effect; sales information or 955 literature to be provided by the applicant to a salesperson; and 956 sales information or literature to be provided by the applicant 957 to a purchaser in connection with any solicitation.

958 Section 28. Paragraph (a) of subsection (1) of section 959 501.607, Florida Statutes, is amended to read:

960

501.607 Licensure of salespersons.-

961 (1) An applicant for a license as a salesperson must 962 submit to the department, in such form as it prescribes, a 963 written application for a license. The application must set 964 forth the following information:

965 (a) The true name, date of birth, <u>driver driver's</u> license
 966 number <u>or other valid form of identification</u>, social security
 967 <u>number</u>, and home address of the applicant.

968 Section 29. Section 501.911, Florida Statutes, is amended 969 to read:

970 501.911 Administration of act.-Sections 501.91-501.923
971 shall be administered by the Division of <u>Consumer Protection</u>
972 Standards of the Department of Agriculture and Consumer
973 Services.

974 Section 30. Subsections (1) and (2) of section 501.913, 975 Florida Statutes, are amended to read:

976

501.913 Registration.-

977 (1) Each brand of antifreeze to be distributed in this
978 state shall be registered with the department <u>before</u> prior to
979 distribution. The person whose name appears on the label, the

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980 manufacturer, or the packager shall make application to the 981 department on forms provided by the department no later than 982 July 1 of each year. The registrant assumes, by application to 983 register the brand, full responsibility for the registration, 984 quality, and quantity of the product sold, offered, or exposed 985 for sale in this state. If a registered brand is not in 986 production for distribution in this state and to ensure any 987 remaining product that is still available for sale in the state 988 is properly registered, the registrant must submit a notarized 989 affidavit on company letterhead to the department certifying 990 that: 991 The stated brand is no longer in production; (a) 992 The stated brand will not be distributed in this (b) state; and 993 994 (c) All existing product of the stated brand will be 995 removed by the registrant from the state within 30 days after 996 expiration of the registration or the registrant will reregister 997 the brand for two subsequent registration periods. 998 999 If production resumes, the brand must be reregistered before it 1000 is distributed in this state. 1001 (2) The completed application shall be accompanied by: 1002 Specimens or facsimiles of the label for each brand of (a) 1003 antifreeze; 1004 (b) An application fee of \$200 for each brand; and 1005 (C) A properly labeled sample of between 1 and 2 gallons for each brand of antifreeze. 1006 1007 Section 31. Subsection (3) of section 507.04, Florida Page 36 of 56

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1008 Statutes, is amended to read:

1009 507.04 Required insurance coverages; liability 1010 limitations; valuation coverage.-

1011 INSURANCE COVERAGES. - The insurance coverages required (3)1012 under paragraph (1)(a) and subsection (2) must be issued by an 1013 insurance company or carrier licensed to transact business in 1014 this state under the Florida Insurance Code as designated in s. 1015 624.01. The department shall require a mover to present a 1016 certificate of insurance of the required coverages before 1017 issuance or renewal of a registration certificate under s. 1018 507.03. The department shall be named as a certificateholder in 1019 the certificate and must be notified at least 10 $\frac{30}{30}$ days before 1020 cancellation of any changes in insurance coverage.

1021 Section 32. Subsection (7) of section 525.07, Florida 1022 Statutes, is amended, and subsection (10) is added to that 1023 section, to read:

1024 525.07 Powers and duties of department; inspections; 1025 unlawful acts.-

1026 (7)It is unlawful for any person to break, cut, or remove any seal applied by the department to a petroleum fuel measuring 1027 1028 device or container. If When it becomes necessary to repair and 1029 adjust a petroleum fuel measuring device during the absence of 1030 an inspector of the department, the seal on the meter adjustment 1031 may be broken by a person who is registered with the department 1032 as a meter mechanic. After repairs and adjustments have been 1033 made, the adjusting mechanism must immediately be resealed by 1034 the registered meter mechanic with a seal clasp bearing at least 1035 the name of the company or the name or initials of the

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1036 registered mechanic. The registered mechanic shall immediately
1037 notify the department of this action.

1038 (10) It is unlawful for any person to remove, use, sell, 1039 offer for sale, distribute, offer for distribution, or dispose 1040 of in any way petroleum fuel that has been placed under a stop-1041 sale order without first receiving permission in writing from 1042 the department.

1043 Section 33. Subsection (5) of section 526.143, Florida 1044 Statutes, is amended to read:

1045 526.143 Alternate generated power capacity for motor fuel 1046 dispensing facilities.-

1047 (5) (a) Each corporation or other entity that owns 10 or 1048 more motor fuel retail outlets located within a single county 1049 shall maintain at least one portable generator that is capable 1050 of providing an alternate generated power source as required 1051 under subsection (2) for every 10 outlets. If an entity owns 1052 more than 10 outlets or a multiple of 10 outlets plus an 1053 additional 6 outlets, the entity must provide one additional 1054 generator to accommodate such additional outlets. Each portable 1055 generator must be stored within this state, or may be stored in 1056 another state if located within 250 miles of this state, and 1057 must be available for use in an affected location within 24 1058 hours after a disaster.

(b) Each corporation or other entity that owns 10 or more motor fuel retail outlets located within a single domestic security region, as determined pursuant to s. 943.0312(1), and that does not own additional outlets located outside the domestic security region shall maintain a written document of

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1064 agreement with one or more similarly equipped entities for the 1065 use of portable generators that may be used to meet the 1066 requirements of paragraph (a) and that are located within this 1067 state but outside the affected domestic security region. The 1068 agreement may be reciprocal, may allow for payment for services 1069 rendered by the providing entity, and must guarantee the 1070 availability of the portable generators to an affected location 1071 within 24 hours after a disaster.

1072 (c) Upon written request, the department may temporarily 1073 waive the requirements in paragraphs (a) and (b) if the 1074 generators are used in preparation for or response to an 1075 emergency or major disaster in another state. The waiver shall 1076 be in writing and include a beginning and ending date. The 1077 waiver may provide additional conditions as deemed necessary by 1078 the department. The waiver may be modified or terminated by the 1079 department if the Governor of this state declares an emergency.

1080 <u>(d) (c)</u> For purposes of this section, ownership of a motor 1081 fuel retail outlet <u>is shall be</u> the owner of record of the fuel 1082 storage systems operating at the location, as identified in the 1083 Department of Environmental Protection underground storage 1084 facilities registry pursuant to s. 376.303(1).

1085Section 34.Subsections (8) and (9) are added to section1086526.50, Florida Statutes, to read:

1087 526.50 Definition of terms.—As used in this part: 1088 (8) "Brand" means the product name appearing on the label 1089 of a container of brake fluid. 1090 (9) "Formula" means the name of the chemical mixture or 1091 composition of the brake fluid product.

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1092 Section 35. Subsections (1) and (3) of section 526.51, 1093 Florida Statutes, are amended to read:

1094 526.51 Registration; renewal and fees; departmental 1095 expenses; cancellation or refusal to issue or renew.-

1096 Application for registration of each brand of brake (1) (a) 1097 fluid shall be made on forms to be supplied by the department. 1098 The applicant shall give his or her name and address and the 1099 brand name of the brake fluid, state that he or she owns the 1100 brand name and has complete control over the product sold 1101 thereunder in this state Florida, and provide the name and 1102 address of the resident agent in this state Florida. If the 1103 applicant does not own the brand name but wishes to register the 1104 product with the department, a notarized affidavit that gives 1105 the applicant full authorization to register the brand name and 1106 that is signed by the owner of the brand name must accompany the 1107 application for registration. The affidavit must include all 1108 affected brand names, the owner's company or corporate name and 1109 address, the applicant's company or corporate name and address, 1110 and a statement from the owner authorizing the applicant to 1111 register the product with the department. The owner of the brand 1112 name shall maintain complete control over each product sold 1113 under that brand name in this state. All first-time new product 1114 applications for a brand and formula combination must be 1115 accompanied by a certified report from an independent testing laboratory, setting forth the analysis of the brake fluid which 1116 shows shall show its quality to be not less than the 1117 1118 specifications established by the department for brake fluids. A sample of not less than 24 fluid ounces of brake fluid shall be 1119

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1120 submitted, in a container or containers, with labels representing exactly how the containers of brake fluid will be 1121 1122 labeled when sold, and the sample and container shall be 1123 analyzed and inspected by the Division of Consumer Protection 1124 Standards in order that compliance with the department's specifications and labeling requirements may be verified. Upon 1125 1126 approval of the application, the department shall register the 1127 brand name of the brake fluid and issue to the applicant a 1128 permit authorizing the registrant to sell the brake fluid in 1129 this state during the permit year specified in the permit. 1130 Each applicant shall pay a fee of \$100 with each (b) 1131 application. A permit may be renewed by application to the department, accompanied by a renewal fee of \$50 on or before the 1132 1133 last day of the permit year immediately preceding the permit 1134 year for which application is made for renewal of registration. 1135 To reregister a previously registered brand and formula 1136 combination, an applicant must submit a completed application 1137 and all materials as required in this section to the department 1138 before the first day of the permit year. A brand and formula 1139 combination for which a completed application and all materials 1140 required in this section are not received before the first day 1141 of the permit year may not be registered with the department 1142 until a completed application and all materials required in this 1143 section have been received and approved. If the brand and 1144 formula combination was previously registered with the department and a fee, application, or materials required in this 1145 1146 section are received after the first day of the permit year, To fee not paid when due, there shall accrue a penalty of \$25 1147 anv Page 41 of 56

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1148	accrues, which shall be added to the renewal fee. Renewals <u>shall</u>
1149	will be accepted only on brake fluids that have no change in
1150	formula, composition, or brand name. Any change in formula,
1151	composition, or brand name of any brake fluid constitutes a new
1152	product that must be registered in accordance with this part.
1153	(c) In order to ensure that any remaining product still
1154	available for sale in this state is properly registered, if a
1155	registered brand and formula combination is no longer in
1156	production for distribution in this state, the registrant must
1157	submit a notarized affidavit on company letterhead to the
1158	department certifying that:
1159	1. The stated brand and formula combination is no longer
1160	in production;
1161	2. The stated brand and formula combination will not be
1162	distributed in this state; and
1163	3. All existing product of the stated brand and formula
1164	combination will be removed by the registrant from the state
1165	within 30 days after the expiration of the registration or that
1166	the registrant will reregister the brand and formula combination
1167	for two subsequent registration periods.
1168	
1169	If production resumes, the brand and formula combination must be
1170	reregistered before it is again distributed in this state.
1171	(3) The department may cancel $\underline{\mathrm{or}}_{ au}$ refuse to issue $\overline{\mathrm{or}}$
1172	refuse to renew any registration and permit after due notice and
1173	opportunity to be heard if it finds that the brake fluid is
1174	adulterated or misbranded or that the registrant has failed to
1175	comply with the provisions of this part or the rules <u>adopted</u>
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1176 pursuant to this section and regulations promulgated thereunder. 1177 Section 36. Paragraph (a) of subsection (3) of section 1178 526.52, Florida Statutes, is amended to read: 1179 526.52 Specifications; adulteration and misbranding.-1180 Brake fluid is deemed to be misbranded: (3) If its container does not bear on its side or top a 1181 (a) 1182 label on which is printed the name and place of business of the registrant of the product, the words "brake fluid," and a 1183 1184 statement that the product therein equals or exceeds the minimum 1185 specification of the Society of Automotive Engineers for brake 1186 fluid, heavy-duty-type, the United States Department of 1187 Transportation Motor Vehicle Safety Standard No. 116, or other 1188 specified standard identified in department rule. By regulation 1189 The department may require by rule that the duty-type 1190 classification appear on the label. 1191 Section 37. Subsections (1) and (2) of section 526.53, Florida Statutes, are amended to read: 1192 1193 526.53 Enforcement; inspection and analysis, stop-sale and 1194 disposition, regulations.-1195 The department shall enforce the provisions of this (1)1196 part through the Division of Consumer Protection Standards, and 1197 may sample, inspect, analyze, and test any brake fluid 1198 manufactured, packed, or sold within this state. The department 1199 shall have free access during business hours to all premises, 1200 buildings, vehicles, cars, or vessels used in the manufacture, 1201 packing, storage, sale, or transportation of brake fluid, and may open any box, carton, parcel, or container of brake fluid 1202 1203 and take samples for inspection and analysis or for evidence.

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1204	(2)(a) <u>If</u> When any brake fluid is sold in violation of any
1205	of the provisions of this part, all such brake fluid of the same
1206	brand name on the same premises on which the violation occurred
1207	shall be placed under a stop-sale order by the department \underline{by}
1208	serving the owner of the brand name, the distributor, or other
1209	entity responsible for selling or distributing the product in
1210	this state with the stop-sale order. The department shall
1211	withdraw its stop-sale order upon the removal of the violation
1212	or upon voluntary destruction of the product, or other disposal
1213	approved by the department, under the supervision of the
1214	department.
1215	(b) In addition to being subject to the stop-sale
1216	procedures above, unregistered brake fluid shall be held by the
1217	department or its representative, at a place to be designated in
1218	the stop-sale order, until properly registered and released in
1219	writing by the department or its representative. If application
1220	has not been made for registration of such product within 30
1221	days after issue of the stop-sale order, the department or, with
1222	the consent of the department, the representative may give the
1223	product that meets legal specifications such product shall be
1224	disposed of by the department to any tax-supported institution
1225	or agency of the state. If application has not been made for
1226	registration of the product within 30 days after issuance of the
1227	stop-order sale and the product fails to meet legal
1228	specifications, the product may be disposed of as if the brake
1229	fluid meets legal specifications or by other disposal authorized
1230	by rule of the department if it fails to meet legal
1231	specifications.
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(1)

1232 Section 38. Section 526.55, Florida Statutes, is amended 1233 to read:

1234 526.55 Violation and penalties.-It is unlawful:

1235

1236 (a) (1) To sell any brake fluid that is adulterated or 1237 misbranded, not registered or on which a permit has not been 1238 issued.

1239 (b) (2) For anyone to remove any stop-sale order placed on 1240 a product by the department, or any product upon which a stop-1241 sale order has been placed.

1242 (2) If the department finds that a person has violated or 1243 is operating in violation of ss. 526.50-526.56 or the rules or 1244 orders adopted thereunder, the department may, by order:

Issue a notice of noncompliance pursuant to s. (a)

1246 120.695;

1245

1247 (b) Impose an administrative fine not to exceed \$5,000 for 1248 each violation; 1249 Direct that the person cease and desist specified (C)

1250 activities;

1251 Revoke or suspend a registration, or refuse to (d) 1252 register a product; or

1253 (e) Place the registrant on probation for a period of 1254 time, subject to conditions as the department may specify.

1255 (3) The administrative proceedings seeking entry of an

1256 order imposing any of the penalties specified in subsection (2)

1257 are governed by chapter 120.

1258 (4) If a registrant is found to be in violation of ss. 1259 526.50-526.56 and fails to pay a fine within 30 days after

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1260	imposition of the fine, the department may suspend all
1261	registrations issued to the registrant by the department until
1262	the fine is paid.
1263	(5) All fines collected by the department under this
1264	section shall be deposited into the General Inspection Trust
1265	Fund.
1266	(3) Any person who violates any of the provisions of this
1267	part or any rule or regulation promulgated thereunder shall, for
1268	the first offense, be guilty of a misdemeanor of the second
1269	degree, punishable as provided in s. 775.082 or s. 775.083, and,
1270	for a second or subsequent offense, shall be guilty of a
1271	misdemeanor of the first degree, punishable as provided in s.
1272	775.082 or s. 775.083.
1273	Section 39. Paragraph (b) of subsection (3) of section
1274	539.001, Florida Statutes, is amended to read:
1275	539.001 The Florida Pawnbroking Act
1276	(3) LICENSE REQUIRED
1277	(b) A licensee who seeks to move a pawnshop to another
1278	location must give <u>written notice</u> 30 days' prior written notice
1279	to the agency <u>at least 30 days before the move</u> by certified or
1280	registered mail, return receipt requested, and the agency must
1281	then amend the license to indicate the new location. The
1282	licensee must also give such written notice to the appropriate
1283	law enforcement official.
1284	Section 40. Subsection (1) of section 559.805, Florida
1285	Statutes, is amended to read:
1286	559.805 Filings with the department; disclosure of
1287	advertisement identification number
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1288 Every seller of a business opportunity shall annually (1)1289 file with the department a copy of the disclosure statement required by s. 559.803 before prior to placing an advertisement 1290 1291 or making any other representation designed to offer to, sell 1292 to, or solicit an offer to buy a business opportunity from a prospective purchaser in this state and shall update this filing 1293 by reporting any material change in the required information 1294 1295 within 30 days after the material change occurs. An 1296 advertisement is not placed in the state merely because the 1297 publisher circulates, or there is circulated on his or her 1298 behalf in the state, any bona fide newspaper or other 1299 publication of general, regular, and paid circulation which has 1300 had more than two-thirds of its circulation during the past 12 1301 months outside the state or because a radio or television 1302 program originating outside the state is received in the state. 1303 If the seller is required by s. 559.807 to provide a bond or 1304 establish a trust account or guaranteed letter of credit, he or 1305 she shall contemporaneously file with the department a copy of 1306 the bond, a copy of the formal notification by the depository 1307 that the trust account is established, or a copy of the 1308 guaranteed letter of credit. Every seller of a business 1309 opportunity shall file with the department a list of independent 1310 agents who will engage in the offer or sale of business 1311 opportunities on behalf of the seller in this state. This list 1312 must be kept current and shall include the following 1313 information: name, home and business address, telephone number, 1314 present employer, social security number, and birth date. A No person may not shall be allowed to offer or sell business 1315 Page 47 of 56

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1316 opportunities unless the required information has been provided 1317 to the department.

Section 41. Subsection (7) of section 559.904, Florida Statutes, is amended to read:

1320 559.904 Motor vehicle repair shop registration; 1321 application; exemption.-

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

1328Section 42.Subsections (1), (3), and (4) of section1329559.928, Florida Statutes, are amended to read:

559.928 Registration.-

1331 (1)Each seller of travel shall annually register with the department, providing: its legal business or trade name, mailing 1332 1333 address, and business locations; the full names, addresses, and 1334 telephone numbers of its owners or corporate officers and 1335 directors and the Florida agent of the corporation; a statement 1336 whether it is a domestic or foreign corporation, its state and 1337 date of incorporation, its charter number, and, if a foreign 1338 corporation, the date it registered with this state the State of 1339 Florida, and business tax receipt occupational license where applicable; the date on which a seller of travel registered its 1340 1341 fictitious name if the seller of travel is operating under a 1342 fictitious or trade name; the name of all other corporations, 1343 business entities, and trade names through which each owner of

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the seller of travel operated, was known, or did business as a 1344 1345 seller of travel within the preceding 5 years; a list of all 1346 authorized independent agents, including the agent's trade name, 1347 full name, mailing address, business address, and telephone 1348 numbers; the business location and address of each branch office and full name and address of the manager or supervisor; the 1349 1350 certification required under s. 559.9285; and proof of purchase 1351 of adequate bond as required in this part. A certificate 1352 evidencing proof of registration shall be issued by the 1353 department and must be prominently displayed in the seller of travel's primary place of business. 1354

1355 Each independent agent shall annually file an (3)affidavit with the department prior to engaging in business in 1356 1357 this state. This affidavit must include the independent agent's 1358 full name, legal business or trade name, mailing address, 1359 business address, telephone number, social security number, and the name or names and address addresses of each seller of travel 1360 1361 represented by the independent agent. A letter evidencing proof 1362 of filing must be issued by the department and must be prominently displayed in the independent agent's primary place 1363 1364 of business. Each independent agent must also submit an annual 1365 registration fee of \$50. All moneys collected pursuant to the 1366 imposition of the fee shall be deposited by the Chief Financial 1367 Officer into the General Inspection Trust Fund of the Department 1368 of Agriculture and Consumer Services for the sole purpose of 1369 administrating this part. As used in this subsection, the term 1370 "independent agent" means a person who represents a seller of 1371 travel by soliciting persons on its behalf; who has a written

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1372 contract with a seller of travel which is operating in 1373 compliance with this part and any rules adopted thereunder; who 1374 does not receive a fee, commission, or other valuable 1375 consideration directly from the purchaser for the seller of 1376 travel; who does not at any time have any unissued ticket stock 1377 or travel documents in his or her possession; and who does not 1378 have the ability to issue tickets, vacation certificates, or any 1379 other travel document. The term "independent agent" does not 1380 include an affiliate of the seller of travel, as that term is 1381 used in s. 559.935(3), or the employees of the seller of travel or of such affiliates. 1382

(4) Any person applying for or renewing a local <u>business</u>
<u>tax receipt</u> occupational license to engage in business as a
seller of travel must exhibit a current registration certificate
from the department before the local <u>business tax receipt</u>
occupational license may be issued or reissued.

1388Section 43. Paragraph (c) of subsection (3) of section1389559.9285, Florida Statutes, is amended to read:

559.9285 Certification of business activities.-

(3) The department shall specify by rule the form of each certification under this section which shall include the following information:

(c) The legal name, any trade names or fictitious names, mailing address, physical address, telephone number or numbers, facsimile number or numbers, and all Internet and electronic contact information of every other commercial entity with which the certifying party engages in business or commerce that is related in any way to the certifying party's business or

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1400 commerce with any terrorist state. The information disclosed 1401 pursuant to this paragraph does not constitute customer lists, 1402 customer names, or trade secrets protected under s. 570.544(8) 1403 570.544(7).

1404 Section 44. Subsection (6) of section 559.935, Florida 1405 Statutes, is amended to read:

1406

559.935 Exemptions.-

1407 The department shall request from the Airlines (6) 1408 Reporting Corporation any information necessary to implement the 1409 provisions of subsection (2). Persons claiming an exemption 1410 under subsection (2) or subsection (3) must show a letter of 1411 exemption from the department before a local business tax 1412 receipt occupational license to engage in business as a seller 1413 of travel may be issued or reissued. If the department fails to 1414 issue a letter of exemption on a timely basis, the seller of 1415 travel shall submit to the department, through certified mail, an affidavit containing her or his name and address and an 1416 1417 explanation of the exemption sought. Such affidavit may be used 1418 in lieu of a letter of exemption for the purpose of obtaining an 1419 business tax receipt occupational license. In any civil or 1420 criminal proceeding, the burden of proving an exemption under 1421 this section is shall be on the person claiming such exemption. 1422 A letter of exemption issued by the department may shall not be 1423 used in, and has shall have no bearing on, such proceedings. Subsection (5) of section 570.29, Florida 1424 Section 45. 1425 Statutes, is amended to read:

1426 570.29 Departmental divisions.—The department shall 1427 include the following divisions:

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1428 (5) Consumer Protection Services. 1429 Section 46. Section 570.46, Florida Statutes, is repealed. Section 570.47, Florida Statutes, is repealed. 1430 Section 47. 1431 Section 48. Section 570.544, Florida Statutes, is amended 1432 to read: 1433 570.544 Division of Consumer Protection Services; 1434 director; powers; processing of complaints; records.-1435 (1)The director of the Division of Consumer Protection 1436 Services shall be appointed by and serve at the pleasure of the commissioner. 1437 1438 (2) The director shall supervise, direct, and coordinate 1439 the activities of the division and shall, under the direction of 1440 the department, enforce the provisions of chapters 472, 496, 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849. 1441 1442 (3) (2) The Division of Consumer Protection Services may: 1443 (a) Conduct studies and make analyses of matters affecting 1444 the interests of consumers. 1445 (b) Study the operation of laws for consumer protection. 1446 (C) Advise and make recommendations to the various state 1447 agencies concerned with matters affecting consumers. 1448 Assist, advise, and cooperate with local, state, or (d) 1449 federal agencies and officials in order to promote the interests 1450 of consumers. 1451 Make use of the testing and laboratory facilities of (e) the department for the detection of consumer fraud. 1452 1453 (f) Report to the appropriate law enforcement officers any 1454 information concerning violation of consumer protection laws. 1455 (q) Assist, develop, and conduct programs of consumer Page 52 of 56

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education and consumer information through publications and other informational and educational material prepared for dissemination to the public, in order to increase the competence of consumers.

1460 (h) Organize and hold conferences on problems affecting 1461 consumers.

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

1466 (4) (3) In addition to the powers, duties, and responsibilities authorized by this or any other chapter, the 1467 Division of Consumer Protection Services shall serve as a 1468 1469 clearinghouse for matters relating to consumer protection, 1470 consumer information, and consumer services generally. It shall 1471 receive complaints and grievances from consumers and promptly transmit them to the that agency most directly concerned in 1472 1473 order that the complaint or grievance may be expeditiously 1474 handled in the best interests of the complaining consumer. If no agency exists, the Division of Consumer Protection Services 1475 1476 shall seek a settlement of the complaint using formal or 1477 informal methods of mediation and conciliation and may seek any other resolution of the matter in accordance with its 1478 1479 jurisdiction.

1480 (5) (4) If any complaint received by the Division of
1481 Consumer Protection Services concerns matters that which involve
1482 concurrent jurisdiction in more than one agency, duplicate
1483 copies of the complaint shall be referred to those offices

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1484 deemed to have concurrent jurisdiction.

1485 <u>(6) (5) (a)</u> Any agency, office, bureau, division, or board 1486 of state government receiving a complaint <u>that</u> which deals with 1487 consumer fraud or consumer protection and <u>that</u> which is not 1488 within the jurisdiction of the receiving agency, office, bureau, 1489 division, or board originally receiving it, shall immediately 1490 refer the complaint to the Division of Consumer <u>Protection</u> 1491 <u>Services</u>.

(b) Upon receipt of such a complaint, the Division of Consumer <u>Protection</u> Services shall make a determination of the proper jurisdiction to which the complaint relates and shall immediately refer the complaint to the agency, office, bureau, division, or board <u>that</u> which does have the proper regulatory or enforcement authority to deal with it.

1498 (7) (6) The office or agency to which a complaint has been 1499 referred shall within 30 days acknowledge receipt of the 1500 complaint. If an office or agency receiving a complaint 1501 determines that the matter presents a prima facie case for 1502 criminal prosecution or if the complaint cannot be settled at 1503 the administrative level, the complaint together with all 1504 supporting evidence shall be transmitted to the Department of 1505 Legal Affairs or other appropriate enforcement agency with a 1506 recommendation for civil or criminal action warranted by the evidence. 1507

1508 <u>(8)</u> (7) The records of the Division of Consumer Protection 1509 Services are public records. However, customer lists, customer 1510 names, and trade secrets are confidential and exempt from the 1511 provisions of s. 119.07(1). Disclosure necessary to enforcement

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1512 procedures <u>does</u> shall not <u>violate</u> be construed as violative of 1513 this prohibition.

1514 (9)(8) It shall be the duty of The Division of Consumer 1515 Protection shall Services to maintain records and compile 1516 summaries and analyses of consumer complaints and their eventual 1517 disposition, which data may serve as a basis for recommendations 1518 to the Legislature and to state regulatory agencies.

1519 Section 49. Paragraph (a) of subsection (8) of section 1520 616.242, Florida Statutes, is amended to read:

616.242 Safety standards for amusement rides.-

(8) FEES.-

(a) The department shall by rule establish fees to cover
the costs and expenditures associated with the <u>fair rides</u>
<u>inspection program</u> Bureau of Fair Rides Inspection, including
all direct and indirect costs. If there is not sufficient
general revenue appropriated by the Legislature, the industry
shall pay for the remaining cost of the program. The fees must
be deposited in the General Inspection Trust Fund.

Section 50. Subsection (3) of section 849.0915, Florida Statutes, is amended to read:

1532

1521

1522

849.0915 Referral selling.-

(3) In addition to the penalty provided <u>in this section</u>
herein, the Attorney General and her or his assistants, the
state attorneys and their assistants, and the Division of
Consumer <u>Protection</u> Services of the Department of Agriculture
and Consumer Services <u>may</u> are authorized to apply to the circuit
court within their respective jurisdictions, and <u>the</u> such court
<u>has</u> shall have jurisdiction, upon hearing and for cause shown,

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1540 to grant a temporary or permanent injunction restraining any 1541 person from violating the provisions of this section, whether or 1542 not there exists an adequate remedy at law, and such injunction 1543 shall issue without bond.

1544

Section 51. This act shall take effect July 1, 2012.

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