

1 A bill to be entitled
2 An act relating to consumer services; amending s.
3 20.14, F.S.; deleting provisions establishing the
4 Division of Standards within the Department of
5 Agriculture and Consumer Services; repealing s.
6 366.85, F.S., relating to responsibilities of the
7 department for compliance with certain federal
8 requirements related to consumer conciliatory
9 conferences and energy conservation products,
10 services, and loans; amending s. 472.005, F.S.;
11 redefining the term "license" and defining the terms
12 "consumer member" and "licensee" for purposes of
13 provisions governing surveyors and mappers; amending
14 s. 472.006, F.S.; directing the Department of
15 Agriculture and Consumer Services to work
16 cooperatively with the Department of Revenue to
17 implement an automated method of disclosing
18 information related to licensees; authorizing the
19 Department of Agriculture and Consumer Services to
20 suspend or deny the license of any licensee found not
21 to be in compliance with a support order, subpoena,
22 order to show cause, or written agreement; providing
23 for reinstatement of a denied or suspended license;
24 relieving the department of certain liability
25 associated with the denial or suspension of a license;
26 amending s. 472.011, F.S.; authorizing the department
27 to waive license renewal fees for land surveyors and
28 mappers under certain circumstances; authorizing the

29 collection of an existing special assessment from
30 inactive and delinquent licensees; amending s.
31 472.0131, F.S., relating to examinations; making
32 technical changes; amending s. 472.015, F.S.;

33 authorizing the department to require land surveyors
34 or mappers to submit their social security numbers
35 when applying for initial licensure or license
36 renewal; providing conditions under which an
37 application is deemed received; providing conditions
38 under which the department may issue a license by
39 endorsement; requiring an applicant to provide his or
40 her social security number as required pursuant to
41 federal law; specifying how a social security number
42 may be used; amending s. 472.018, F.S., relating to
43 continuing education; making technical changes;
44 requiring that continuing education providers
45 electronically provide certain information to the
46 department; providing timeframes for reporting;
47 requiring that the department establish a system to
48 monitor licensee compliance with continuing education
49 requirements; defining the term "monitor"; authorizing
50 the department to refuse to renew a license until the
51 applicant satisfies continuing education requirements;
52 authorizing the department or board to impose
53 additional penalties against applicants who fail to
54 satisfy additional requirements; amending s. 472.0202,
55 F.S.; conforming a cross-reference; amending s.
56 472.0203, F.S.; providing for license renewal

57 notification by the department to be sent
58 electronically to the licensee's last known e-mail
59 address; amending s. 472.025, F.S.; providing that a
60 professional surveyor or mapper whose license is
61 revoked or suspended must return his or her seal to
62 the executive director of the board, rather than to
63 the secretary; creating s. 472.0337, F.S.; authorizing
64 the department to administer oaths, take depositions,
65 make inspections, issue and serve subpoenas and other
66 process, and compel the attendance of witnesses and
67 production of certain documents; providing for
68 challenges to and enforcement of subpoenas and orders;
69 amending s. 472.0351, F.S.; revising grounds for
70 discipline; eliminating certain actions by a licensee
71 which are grounds for disciplinary action; specifying
72 what constitutes an action against a license in
73 another state, territory, or country; specifying that
74 the board may enter an order against a surveyor or
75 mapper who committed certain violations before
76 obtaining a license; authorizing the board to require
77 corrective action; prohibiting the department from
78 issuing to or renewing the license of a person or
79 business entity that has been assessed a fine,
80 interest, costs, or attorney fees associated with an
81 investigation or prosecution until the person pays
82 them in full or complies with or satisfies all terms
83 and conditions of the final order; creating s.
84 472.0357, F.S.; providing penalties for knowingly

85 giving false information in the course of applying for
86 or obtaining a license; amending s. 493.6105, F.S.;
87 authorizing the Department of Agriculture and Consumer
88 Services to waive firearms training requirements for
89 the initial licensure of private investigative,
90 private security, or repossession services under
91 certain circumstances; amending s. 493.6113, F.S.;
92 authorizing the department to waive firearms training
93 requirements for license renewal of private
94 investigative, private security, and repossession
95 services under certain circumstances; amending s.
96 493.6118, F.S.; providing for disciplinary action to
97 be taken against certain additional license classes
98 and schools or training facilities for private
99 investigators and private security and repossession
100 services; amending s. 493.6120, F.S.; providing for
101 penalty provisions to apply to certain additional
102 license classes and schools or training facilities for
103 private investigators and private security and
104 repossession services; amending s. 501.015, F.S.,
105 relating to the regulation of health studios;
106 substituting the term "local business tax receipt" for
107 the term "local occupational license"; amending s.
108 501.017, F.S.; making technical changes; clarifying
109 that certain notice be provided in a health studio
110 contract in at least 10-point boldface type; amending
111 s. 501.059, F.S.; deleting requirement that telephone
112 subscribers pay an initial listing charge for

113 including their telephone numbers on the state's no
114 sales solicitation calls listing; specifying the
115 period that a subscriber's listing remains active;
116 requiring the department to include certain listings
117 from a national database on the state's listing;
118 authorizing the department to impose administrative
119 fines for violations; specifying that administrative
120 proceedings are subject to the Administrative
121 Procedure Act; requiring telecommunications companies
122 to inform their customers of certain telephone
123 solicitation requirements; deleting requirement that
124 the Florida Public Service Commission adopt certain
125 rules; amending s. 501.605, F.S.; providing that an
126 applicant for a commercial telephone seller license
127 may provide other valid forms of identification in
128 lieu of a valid driver license number; removing the
129 requirement that the applicant provide his or her
130 social security number on the application; amending s.
131 501.607, F.S.; providing that an applicant for a
132 telemarketing salesperson's license may provide other
133 valid forms of identification in lieu of a driver
134 license number; amending s. 501.911, F.S.; revising
135 provisions for administration of the Antifreeze Act of
136 1978, to conform; amending s. 501.913, F.S.; requiring
137 the registrant of a brand of antifreeze to assume full
138 responsibility for the registration; requiring that a
139 registrant of a brand of antifreeze not in production
140 for distribution in this state must submit a notarized

141 affidavit attesting to specified information;
 142 requiring that a certain sample size of each brand of
 143 antifreeze accompany the application for registration;
 144 amending s. 507.04, F.S.; requiring that the
 145 Department of Agriculture and Consumer Services be
 146 notified at least 10 days before any changes are made
 147 in the insurance coverage of a household moving
 148 service; amending s. 525.07, F.S.; revising required
 149 contents of seal clasps applied by meter mechanics
 150 after repair and adjustment of petroleum fuel
 151 measuring devices; amending s. 526.143, F.S.;
 152 authorizing the department to temporarily waive
 153 certain requirements for generators at retail motor
 154 fuel outlets which are used in preparation or response
 155 to an emergency or major disaster in another state;
 156 amending s. 526.50, F.S., relating to the sale of
 157 brake fluid; defining the terms "brand" and "formula";
 158 amending s. 526.51, F.S.; conforming terminology;
 159 providing criteria for reregistering a previously
 160 registered brand and formula combination of brake
 161 fluid; providing for a fine for late submission of the
 162 application for reregistration and required materials;
 163 requiring a registrant to submit a notarized affidavit
 164 attesting that specified conditions have been
 165 satisfied if a registered brand and formula
 166 combination is not in production for distribution in
 167 this state; amending s. 526.52, F.S.; providing
 168 alternative criteria under which a brand of brake

169 fluid may satisfy branding requirements; amending s.
170 526.53, F.S.; conforming terminology; requiring that
171 stop-sale orders be served by the department on the
172 owner of the brand name, the distributor, or other
173 entity responsible for selling or distributing the
174 product; providing that the department's
175 representative, with the consent of the department,
176 may dispose of certain unregistered brake fluid;
177 amending s. 526.55, F.S.; replacing criminal sanctions
178 with administrative and monetary sanctions for
179 violations of laws regulating the sale of brake fluid;
180 amending s. 539.001, F.S.; eliminating the requirement
181 that a pawnshop provide the Department of Agriculture
182 and Consumer Services notice of a change in its
183 location by certified or registered mail; amending s.
184 559.805, F.S.; eliminating a requirement that sellers
185 of business opportunities provide the department with
186 the social security numbers of their independent
187 agents; amending s. 559.904, F.S., relating to the
188 regulation of motor vehicle repair shops; substituting
189 the term "business tax receipt" for the term
190 "occupational license"; repealing s. 559.922, F.S.,
191 relating to the use of motor vehicle repair shop
192 registration fees to provide financial assistance to
193 motor vehicle repair shop employees who undertake
194 certain technical training or courses; amending s.
195 559.928, F.S., relating to the regulation of sellers
196 of travel; substituting the term "business tax

197 receipt" for the term "occupational license";
 198 eliminating a requirement that an independent travel
 199 agent provide his or her social security number to the
 200 department; amending s. 559.9285, F.S.; conforming a
 201 cross-reference; amending s. 559.935, F.S., relating
 202 to an exemption from regulation provided for certain
 203 sellers of travel; substituting the term "business tax
 204 receipt" for the term "occupational license"; amending
 205 s. 570.29, F.S., relating to departmental divisions;
 206 conforming terminology; repealing ss. 570.46 and
 207 570.47, F.S., relating to the powers and duties of the
 208 Division of Standards and the qualifications and
 209 duties of the director of the division; amending s.
 210 570.544, F.S.; revising the powers and duties of the
 211 director of the Division of Consumer Services;
 212 amending s. 616.242, F.S.; removing an obsolete
 213 reference to the Bureau of Fair Rides Inspection;
 214 providing an effective date.

215
 216 Be It Enacted by the Legislature of the State of Florida:

217
 218 Section 1. Paragraph (1) of subsection (2) of section
 219 20.14, Florida Statutes, is amended to read:

220 20.14 Department of Agriculture and Consumer Services.—
 221 There is created a Department of Agriculture and Consumer
 222 Services.

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

225 ~~(1) Standards.~~
 226 Section 2. Section 366.85, Florida Statutes, is repealed.
 227 Section 3. Subsection (7) of section 472.005, Florida
 228 Statutes, is amended, and subsections (15) and (16) are added to
 229 that section, to read:
 230 472.005 Definitions.—As used in ss. 472.001-472.037:
 231 (7) The term "license" means a registration, certificate,
 232 or license issued by the department pursuant to this chapter ~~the~~
 233 ~~registration of surveyors and mappers or the certification of~~
 234 ~~businesses to practice surveying and mapping in this state.~~
 235 (15) "Consumer member" means a person appointed to serve
 236 on the board who is not, and never has been, a professional
 237 surveyor or mapper in any jurisdiction or a member of any
 238 closely related profession regulated by the board.
 239 (16) "Licensee" means any person or business entity that
 240 has been issued, pursuant to this chapter, a registration,
 241 certificate, or license by the department.
 242 Section 4. Subsection (12) is added to section 472.006,
 243 Florida Statutes, to read:
 244 472.006 Department; powers and duties.—The department
 245 shall:
 246 (12) Work cooperatively with the Department of Revenue to
 247 implement an automated method for periodically disclosing
 248 information relating to current licensees to the Department of
 249 Revenue in order to further the public policy of reducing the
 250 state's financial burden as a result of family desertion and
 251 nonsupport of dependent children as provided in s. 409.2551. The
 252 department shall, if directed by the court or the Department of

253 Revenue, pursuant to s. 409.2598, suspend or deny the license of
 254 any licensee who is found to not be in compliance with a support
 255 order, subpoena, order to show cause, or written agreement
 256 entered into by the licensee with the Department of Revenue. The
 257 department shall issue or reinstate the license without
 258 additional charge to the licensee if notified by the court or
 259 the Department of Revenue that the licensee has complied with
 260 the terms of the support order. The department is not liable for
 261 any license denial or suspension resulting from the discharge of
 262 its duties under this subsection.

263 Section 5. Subsections (1) and (12) of section 472.011,
 264 Florida Statutes, are amended to read:

265 472.011 Fees.—

266 (1) The board, by rule, may establish fees to be paid for
 267 applications, examination, reexamination, licensing and renewal,
 268 inactive status application and reactivation of inactive
 269 licenses, recordmaking and recordkeeping, and applications for
 270 providers of continuing education. The board may also establish
 271 by rule a delinquency fee. The board shall establish fees that
 272 are adequate to ensure the continued operation of the board.
 273 Fees shall be based on department estimates of the revenue
 274 required to implement ss. 472.001-472.037 and the provisions of
 275 law with respect to the regulation of surveyors and mappers. If
 276 the department determines, based on estimates of available
 277 revenue collected pursuant to this section, that the General
 278 Inspection Trust Fund contains funds that exceed the amount
 279 required to cover the necessary functions of the board, the
 280 department shall, by rule, waive the license renewal fees for

281 licensees under this chapter for a period not to exceed 2 years.

282 (12) The board may, by rule, assess and collect a special
 283 assessment ~~one-time fee~~ from each active, inactive, and
 284 delinquent ~~each voluntary inactive~~ licensee in an amount
 285 necessary to eliminate a cash deficit or, if there is not a cash
 286 deficit, in an amount sufficient to maintain the financial
 287 integrity of this profession as required in this subsection.

288 Section 6. Subsection (3) of section 472.0131, Florida
 289 Statutes, is amended to read:

290 472.0131 Examinations; development; administration.—

291 (3) Except for national examinations approved and
 292 administered pursuant to paragraph (1)(d), the department shall
 293 provide procedures for applicants who have taken and failed an
 294 examination developed by the department or a contracted vendor
 295 to review their examination questions, answers, papers, grades,
 296 and grading key for the questions the candidate answered
 297 incorrectly on his or her last examination or, if not feasible,
 298 the parts of the examination failed. Applicants shall bear the
 299 actual cost for the department to provide examination review
 300 pursuant to this subsection. An applicant may waive in writing
 301 the confidentiality of his or her examination grades.

302 Section 7. Subsection (1) and paragraph (b) of subsection
 303 (6) of section 472.015, Florida Statutes, are amended, and
 304 subsection (15) is added to that section, to read:

305 472.015 Licensure.—

306 (1) Notwithstanding any other law, the department is the
 307 sole authority for determining the contents of any documents to
 308 be submitted for initial licensure and licensure renewal. The

309 ~~Such~~ documents may contain information including, as
 310 appropriate: demographics, social security number, education,
 311 work history, personal background, criminal history, finances,
 312 business information, complaints, inspections, investigations,
 313 discipline, bonding, signature notarization, photographs,
 314 performance periods, reciprocity, local government approvals,
 315 supporting documentation, periodic reporting requirements,
 316 continuing education requirements, and ongoing education
 317 monitoring. The applicant shall supplement his or her
 318 application ~~may be supplemented~~ as needed to reflect any
 319 material change in any circumstance or condition stated in the
 320 application which takes place between the initial filing of the
 321 application and the final grant or denial of the license and
 322 which might affect the decision of the department. An
 323 application is received for the purposes of s. 120.60 upon
 324 receipt by the department of the application, submitted in the
 325 format prescribed by the department, the application fee set by
 326 the board, and any other documentation or fee required by law or
 327 rule to be submitted with the application in order for the
 328 application to be complete.

329 (6)

330 (b) The department may ~~shall~~ not issue a license by
 331 endorsement to any applicant who is under investigation in this
 332 state or any other state or any other jurisdiction ~~another state~~
 333 for any act that would constitute a violation of this ss.
 334 ~~472.001-472.037~~ or chapter 455 until ~~such time as~~ the
 335 investigation is complete and disciplinary proceedings have been
 336 terminated.

337 (15) Pursuant to the federal Personal Responsibility and
338 Work Opportunity Reconciliation Act of 1996, each person
339 applying for initial licensure or license renewal shall provide
340 his or her social security number. Use of social security
341 numbers obtained through this requirement is limited to the
342 purpose of administering the Title IV-D program for child
343 support enforcement, use by the department, and use as otherwise
344 provided by law.

345 Section 8. Subsection (1) of section 472.018, Florida
346 Statutes, is amended, and subsections (13), (14), and (15) are
347 added to that section, to read:

348 472.018 Continuing education.—The department may not renew
349 a license until the licensee submits proof satisfactory to the
350 board that during the 2 years before ~~prior to~~ her or his
351 application for renewal the licensee has completed at least 24
352 hours of continuing education.

353 (1) The board shall adopt rules to establish the criteria
354 and course content for continuing education courses. The rules
355 may provide that up to a maximum of 25 percent of the required
356 continuing education hours may ~~can~~ be fulfilled by the
357 performance of pro bono services to the indigent or to
358 underserved populations or in areas of critical need within the
359 state where the licensee practices. The board must require that
360 any pro bono services be approved in advance in order to receive
361 credit for continuing education under this section. The board
362 shall use the standard for determining indigency shall be that
363 recognized by the Federal Poverty Income Guidelines produced by
364 the United States Department of Health and Human Services in

365 determining indigency. The board may adopt rules that may
 366 ~~provide for approval by the board~~ that a part of the continuing
 367 education hours may ~~can~~ be fulfilled by performing research in
 368 critical need areas or for training leading to advanced
 369 professional certification. The board, ~~or the department when~~
 370 ~~there is no board,~~ may adopt ~~make~~ rules to define underserved
 371 and critical need areas. The department shall adopt rules for
 372 the administration of continuing education requirements adopted
 373 by the board ~~or the department when there is no board.~~

374 (13) Each continuing education provider shall provide to
 375 the department, in an electronic format determined by the
 376 department, information regarding the continuing education
 377 status of licensees which the department determines is necessary
 378 to carry out its duties under this chapter. After a licensee
 379 completes a course, the information must be submitted
 380 electronically by the continuing education provider to the
 381 department within 30 calendar days after completion. However,
 382 beginning on the 30th day before the renewal deadline or before
 383 the renewal date, whichever occurs sooner, the continuing
 384 education provider shall electronically report such information
 385 to the department within 10 business days after completion.

386 (14) The department shall establish a system to monitor
 387 licensee compliance with continuing education requirements and
 388 to determine the continuing education status of each licensee.
 389 As used in this subsection, the term "monitor" means the act of
 390 determining, for each licensee, whether the licensee is in full
 391 compliance with applicable continuing education requirements as
 392 of the date of the licensee's application for license renewal.

393 (15) The department may refuse to renew a license until
 394 the licensee has satisfied all applicable continuing education
 395 requirements. This subsection does not preclude the department
 396 or board from imposing additional penalties pursuant to this
 397 chapter or rules adopted pursuant this chapter.

398 Section 9. Subsection (1) of section 472.0202, Florida
 399 Statutes, is amended to read:

400 472.0202 Inactive and delinquent status.—

401 (1) A licensee may practice a profession only if the
 402 licensee has an active status license. A licensee who practices
 403 a profession without an active status license is in violation of
 404 this section and s. 472.0351 ~~472.033~~, and the board may impose
 405 discipline on the licensee.

406 Section 10. Subsection (3) is added to section 472.0203,
 407 Florida Statutes, to read:

408 472.0203 Renewal and cancellation notices.—

409 (3) Notwithstanding any other law, a licensure renewal
 410 notification required to be sent to the last known address of
 411 record may be sent by the department to the licensee by
 412 electronic means if the licensee has provided an e-mail address
 413 to the department.

414 Section 11. Subsection (2) of section 472.025, Florida
 415 Statutes, is amended to read:

416 472.025 Seals.—

417 (2) It is unlawful for a ~~any~~ person to stamp, seal, or
 418 digitally sign a ~~any~~ document with a seal or digital signature
 419 after his or her certificate of registration has expired or been
 420 revoked or suspended, unless such certificate of registration

421 has been reinstated or reissued. When a ~~the~~ certificate of
 422 registration ~~of a registrant~~ has been revoked or suspended by
 423 the board, the registrant shall, within ~~a period of~~ 30 days
 424 after the revocation or suspension has become effective,
 425 surrender his or her seal to the executive director ~~secretary~~ of
 426 the board and confirm to the executive director ~~secretary~~ the
 427 cancellation of the registrant's digital signature in accordance
 428 with ss. 668.001-668.006. If ~~In the event~~ the registrant's
 429 certificate has been suspended for a period of time, his or her
 430 seal shall be returned to him or her upon expiration of the
 431 suspension period.

432 Section 12. Section 472.0337, Florida Statutes, is created
 433 to read:

434 472.0337 Power to administer oaths, take depositions, and
 435 issue subpoenas.—For the purpose of an investigation or
 436 proceeding conducted by the department, the department shall
 437 administer oaths, take depositions, make inspections, issue
 438 subpoenas which must be supported by affidavit, serve subpoenas
 439 and other process, and compel the attendance of witnesses and
 440 the production of books, papers, documents, and other evidence.
 441 Challenges to, and enforcement of, the subpoenas and orders
 442 shall be conducted as provided in s. 120.569.

443 Section 13. Section 472.0351, Florida Statutes, is amended
 444 to read:

445 472.0351 Grounds for discipline; penalties; enforcement.—

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

- 449 (a) Violation of any provision of s. 472.031;
- 450 (b) Attempting to procure a license to practice surveying
 451 and mapping by bribery or fraudulent misrepresentations;
- 452 (c) Having a license to practice surveying and mapping
 453 revoked, suspended, or otherwise acted against, including the
 454 denial of licensure, by the licensing authority of another
 455 state, territory, or country, for a violation that constitutes a
 456 violation under the laws of this state. The acceptance of a
 457 relinquishment of licensure, stipulation, consent order, or
 458 other settlement offered in response to or in anticipation of
 459 the filing of charges against the license by a licensing
 460 authority is an action against the license;
- 461 (d) Being convicted or found guilty of, or entering a plea
 462 of guilty, no contest, or nolo contendere to, regardless of
 463 adjudication, a crime in any jurisdiction which directly relates
 464 to the practice of surveying and mapping or the ability to
 465 practice surveying and mapping;
- 466 (e) Making or filing a report or record that the licensee
 467 knows to be false, willfully failing to file a report or record
 468 required by state or federal law, willfully impeding or
 469 obstructing such filing, or inducing another person to impede or
 470 obstruct such filing. Such reports or records ~~shall~~ include only
 471 those that are signed in the capacity of a registered surveyor
 472 and mapper;
- 473 (f) Advertising goods or services in a manner that is
 474 fraudulent, false, deceptive, or misleading in form or content;
- 475 (g) Upon proof that the licensee is guilty of fraud or
 476 deceit, or of negligence, incompetency, or misconduct, in the

477 practice of surveying and mapping;

478 (h) Failing to perform a ~~any~~ statutory or legal obligation
 479 placed upon a licensed surveyor and mapper; violating a ~~any~~
 480 provision of this chapter, a rule of the board or department, or
 481 a lawful order of the board or department ~~previously entered in~~
 482 ~~a disciplinary hearing~~; or failing to comply with a lawfully
 483 issued subpoena of the department;

484 (i) Practicing on a revoked, suspended, inactive, or
 485 delinquent license;

486 ~~(j) Making misleading, deceptive, or fraudulent~~
 487 ~~representations in or related to the practice of the licensee's~~
 488 ~~profession;~~

489 ~~(k) Intentionally violating any rule adopted by the board~~
 490 ~~or the department, as appropriate;~~

491 ~~(l) Having a license or the authority to practice the~~
 492 ~~regulated profession revoked, suspended, or otherwise acted~~
 493 ~~against, including the denial of licensure, by the licensing~~
 494 ~~authority of any jurisdiction, including its agencies or~~
 495 ~~subdivisions, for a violation that would constitute a violation~~
 496 ~~under Florida law;~~

497 (j) ~~(m)~~ Having been found liable in a civil proceeding for
 498 knowingly filing a false report or complaint with the department
 499 against another licensee;

500 (k) ~~(n)~~ Failing to report to the department any person who
 501 the licensee knows is in violation of this chapter or the rules
 502 of the department or the board;

503 (l) ~~(o)~~ Aiding, assisting, procuring, employing, or
 504 advising any unlicensed person or entity to practice surveying

505 and mapping contrary to this chapter or the rules of the
506 department or the board;

507 ~~(m)-(p)~~ Making deceptive, untrue, or fraudulent
508 representations in or related to the practice of professional
509 surveying or mapping ~~a profession~~ or employing a trick or scheme
510 in or related to the practice of professional surveying or
511 mapping ~~a profession~~;

512 ~~(n)-(q)~~ Exercising influence on the client for the purpose
513 of financial gain of the licensee or a third party;

514 ~~(o)-(r)~~ Practicing or offering to practice beyond the scope
515 permitted by law or accepting and performing professional
516 responsibilities the licensee knows, or has reason to know, the
517 licensee is not competent to perform;

518 ~~(p)-(s)~~ Delegating or contracting for the performance of
519 professional responsibilities by a person when the licensee
520 delegating or contracting for performance of such
521 responsibilities knows, or has reason to know, such person is
522 not qualified by training, experience, and authorization when
523 required to perform them; or

524 ~~(t)~~ ~~Violating this chapter, the applicable professional~~
525 ~~practice act, a rule of the department or the board, or a lawful~~
526 ~~order of the department or the board, or failing to comply with~~
527 ~~a lawfully issued subpoena of the department; or~~

528 ~~(q)-(u)~~ Improperly interfering with an investigation or
529 inspection authorized by statute, or with any disciplinary
530 proceeding.

531 (2) If ~~When~~ the board finds a ~~any~~ surveyor or mapper
532 guilty of any of the grounds set forth in subsection (1) or a

533 violation of this chapter which occurred before obtaining a
 534 license, the board ~~it~~ may enter an order imposing one or more of
 535 the following penalties:

536 (a) Denial of an application for licensure, or approval of
 537 an application for licensure with restrictions.

538 (b) Revocation or suspension of a license.

539 (c) Imposition of an administrative fine not to exceed
 540 \$1,000 for each count or separate offense.

541 (d) Issuance of a reprimand.

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

549 (f) Restriction of the authorized scope of practice by the
 550 surveyor or mapper.

551 (g) Corrective action.

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

556 (4) (a) In addition to any other discipline imposed
 557 pursuant to this section, the board may assess costs and
 558 attorney ~~attorneys~~ fees related to the investigation and
 559 prosecution of the case.

560 (b) In any case where the board or the department imposes

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561 a fine or assessment and the fine or assessment is not paid
562 within a reasonable time, which may ~~such reasonable time~~ to be
563 prescribed in the rules of the board or in the order assessing
564 such fines or costs, the department or the Department of Legal
565 Affairs may contract for the collection of, or bring a civil
566 action to recover, the fine or assessment.

567 (c) The department may not issue to or renew the license
568 of any person or business entity against which the board has
569 assessed a fine, interest, costs, or attorney fees associated
570 with an investigation and prosecution until the person or
571 business entity has paid the full amount due or complies with or
572 satisfies all terms and conditions of the final order.

573 ~~(5) In addition to, or in lieu of, any other remedy or~~
574 ~~criminal prosecution, the department may file a proceeding in~~
575 ~~the name of the state seeking issuance of an injunction or a~~
576 ~~writ of mandamus against any person who violates any of the~~
577 ~~provisions of this chapter, or any provision of law with respect~~
578 ~~to professions regulated by the department, or any board~~
579 ~~therein, or the rules adopted pursuant thereto.~~

580 (5)(6) If the board determines that revocation of a
581 license is the appropriate penalty, the revocation shall be
582 permanent. However, the board may establish, by rule,
583 requirements for reapplication by applicants whose licenses have
584 been permanently revoked. Such requirements may include, but are
585 ~~shall not be~~ limited to, satisfying current requirements for an
586 initial license.

587 Section 14. Section 472.0357, Florida Statutes, is created
588 to read:

589 472.0357 Penalty for giving false information.—In addition
 590 to, or in lieu of, any other disciplinary action imposed
 591 pursuant to s. 472.0351, a person who knowingly gives false
 592 information in the course of applying for or obtaining a license
 593 from the department or the board, or who attempts to obtain or
 594 obtains a license from the department or the board by knowingly
 595 providing misleading statements or misrepresentations commits a
 596 felony of the third degree, punishable as provided in s.
 597 775.082, s. 775.083, or s. 775.084.

598 Section 15. Subsection (5) of section 493.6105, Florida
 599 Statutes, is amended to read:

600 493.6105 Initial application for license.—

601 (5) In addition to the requirements outlined in subsection
 602 (3), an applicant for a Class "G" license must satisfy minimum
 603 training criteria for firearms established by rule of the
 604 department, which training criteria includes, but is not limited
 605 to, 28 hours of range and classroom training taught and
 606 administered by a Class "K" licensee; however, no more than 8
 607 hours of such training shall consist of range training. The
 608 department may waive the foregoing firearms training requirement
 609 if:

610 (a) The applicant provides proof that he or she is
 611 currently certified as a law enforcement officer or correctional
 612 officer pursuant to the requirements of the Criminal Justice
 613 Standards and Training Commission or has successfully completed
 614 the training required for certification within the last 12
 615 months.

616 (b) The applicant provides proof that he or she is

617 currently certified as a federal law enforcement officer and has
618 received law enforcement firearms training administered by a
619 federal law enforcement agency.

620 (c) The applicant submits a valid firearm certificate
621 among those specified in paragraph (6) (a). ~~If the applicant~~
622 ~~submits proof that he or she is an active law enforcement~~
623 ~~officer currently certified under the Criminal Justice Standards~~
624 ~~and Training Commission or has completed the training required~~
625 ~~for that certification within the last 12 months, or if the~~
626 ~~applicant submits one of the certificates specified in paragraph~~
627 ~~(6) (a), the department may waive the foregoing firearms training~~
628 ~~requirement.~~

629 Section 16. Paragraph (b) of subsection (3) of section
630 493.6113, Florida Statutes, is amended to read:

631 493.6113 Renewal application for licensure.—

632 (3) Each licensee is responsible for renewing his or her
633 license on or before its expiration by filing with the
634 department an application for renewal accompanied by payment of
635 the prescribed license fee.

636 (b) Each Class "G" licensee shall additionally submit
637 proof that he or she has received during each year of the
638 license period a minimum of 4 hours of firearms recertification
639 training taught by a Class "K" licensee and has complied with
640 such other health and training requirements which the department
641 may adopt by rule. If proof of a minimum of 4 hours of annual
642 firearms recertification training cannot be provided, the
643 renewal applicant shall complete the minimum number of hours of
644 range and classroom training required at the time of initial

645 licensure. The department may waive the foregoing firearms
646 training requirement if:

647 1. The applicant provides proof that he or she is
648 currently certified as a law enforcement officer or correctional
649 officer under the Criminal Justice Standards and Training
650 Commission and has completed law enforcement firearms
651 requalification training annually during the previous 2 years of
652 the licensure period.

653 2. The applicant provides proof that he or she is
654 currently certified as a federal law enforcement officer and has
655 received law enforcement firearms training administered by a
656 federal law enforcement agency annually during the previous 2
657 years of the licensure period.

658 3. The applicant submits a valid firearm certificate among
659 those specified in s. 493.6105(6) (a) and provides proof of
660 having completed requalification training during the previous 2
661 years of the licensure period.

662 Section 17. Subsection (6) of section 493.6118, Florida
663 Statutes, is amended to read:

664 493.6118 Grounds for disciplinary action.—

665 (6) The agency or Class "DS" or "RS" license and the
666 approval or license of each officer, partner, or owner of the
667 agency, school, or training facility are automatically suspended
668 upon entry of a final order imposing an administrative fine
669 against the agency, school, or training facility, until the fine
670 is paid, if 30 calendar days have elapsed since the entry of the
671 final order. All owners and corporate or agency officers or
672 partners are jointly and severally liable for ~~agency~~ fines

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673 levied against the agency, school, or training facility. ~~Neither~~
 674 The agency or Class "DS" or "RS" license or the approval or
 675 license of any officer, partner, or owner of the agency, school,
 676 or training facility may not be renewed, and ~~nor may~~ an
 677 application may not be approved, if the owner, licensee, or
 678 applicant is liable for an outstanding administrative fine
 679 imposed under this chapter. An individual's approval or license
 680 becomes automatically suspended if a fine imposed against the
 681 individual or his or her agency is not paid within 30 days after
 682 the date of the final order, and remains suspended until the
 683 fine is paid. Notwithstanding the provisions of this subsection,
 684 an individual's approval or license may not be suspended and ~~nor~~
 685 ~~may~~ an application may not be denied if ~~when~~ the licensee or the
 686 applicant has an appeal from a final order pending in any
 687 appellate court.

688 Section 18. Subsection (4) of section 493.6120, Florida
 689 Statutes, is amended to read:

690 493.6120 Violations; penalty.—

691 (4) A ~~Any~~ person who was an owner, officer, partner, or
 692 manager of a licensed agency or a Class "DS" or "RS" school or
 693 training facility at the time of any activity that is the basis
 694 for revocation of the agency or branch office license or the
 695 school or training facility license and who knew or should have
 696 known of the activity, shall have his or her personal licenses
 697 or approval suspended for 3 years and may not have any financial
 698 interest in or be employed in any capacity by a licensed agency
 699 or a school or training facility during the period of
 700 suspension.

701 Section 19. Subsection (7) of section 501.015, Florida
 702 Statutes, is amended to read:

703 501.015 Health studios; registration requirements and
 704 fees.—Each health studio shall:

705 (7) A ~~Any~~ person applying for or renewing a local business
 706 tax receipt ~~occupational license~~ to engage in business as a
 707 health studio must exhibit an active registration certificate
 708 from the Department of Agriculture and Consumer Services before
 709 the local business tax receipt ~~occupational license~~ may be
 710 issued or reissued.

711 Section 20. Subsection (1) of section 501.017, Florida
 712 Statutes, is amended to read:

713 501.017 Health studios; contracts.—

714 (1) Each ~~Every~~ contract for the sale of future health
 715 studio services which is paid for in advance or which the buyer
 716 agrees to pay for in future installment payments shall be in
 717 writing and shall contain, contractual provisions to the
 718 contrary notwithstanding, in immediate proximity to the space
 719 reserved in the contract for the signature of the buyer, and in
 720 at least 10-point boldfaced type, language substantially
 721 equivalent to the following:

722 (a) A provision for the penalty-free cancellation of the
 723 contract within 3 days, exclusive of holidays and weekends, of
 724 its making, upon the mailing or delivery of written notice to
 725 the health studio, and refund upon such notice of all moneys
 726 paid under the contract, except that the health studio may
 727 retain an amount computed by dividing the number of complete
 728 days in the contract term or, if appropriate, the number of

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729 occasions health studio services are to be rendered into the
730 total contract price and multiplying the result by the number of
731 complete days that have passed since the making of the contract
732 or, if appropriate, by the number of occasions that health
733 studio services have been rendered. A refund shall be issued
734 within 30 days after receipt of the notice of cancellation made
735 within the 3-day provision.

736 (b)1. A provision for the cancellation and refund of the
737 contract if the contracting business location of the health
738 studio goes out of business, or moves its facilities more than 5
739 driving miles from the business location designated in the ~~such~~
740 contract and fails to provide, within 30 days, a facility of
741 equal quality located within 5 driving miles of the business
742 location designated in the ~~such~~ contract at no additional cost
743 to the buyer.

744 2. A provision that notice of intent to cancel by the
745 buyer shall be given in writing to the health studio. The ~~Such a~~
746 notice of cancellation from the consumer terminates ~~shall also~~
747 ~~terminate~~ automatically the consumer's obligation to any entity
748 to whom the health studio has subrogated or assigned the
749 consumer's contract. If the health studio wishes to enforce the
750 ~~such~~ contract after receipt of the notice ~~such showing~~, it may
751 request the department to determine the sufficiency of the
752 notice ~~showing~~.

753 3. A provision that if the department determines that a
754 refund is due the buyer, the refund shall be an amount computed
755 by dividing the contract price by the number of weeks in the
756 contract term and multiplying the result by the number of weeks

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757 remaining in the contract term. The business location of a
758 health studio may ~~shall~~ not be deemed out of business when
759 temporarily closed for repair and renovation of the premises:

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

764

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

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

770 (d) A provision for the cancellation of the contract if
771 the buyer dies or becomes physically unable to avail himself or
772 herself of a substantial portion of those services which he or
773 she used from the commencement of the contract until the time of
774 disability, with refund of funds paid or accepted in payment of
775 the contract in an amount computed by dividing the contract
776 price by the number of weeks in the contract term and
777 multiplying the result by the number of weeks remaining in the
778 contract term. The contract may require a buyer or the buyer's
779 estate seeking relief under this paragraph to provide proof of
780 disability or death. A physical disability sufficient to warrant
781 cancellation of the contract by the buyer is ~~shall be~~
782 established if the buyer furnishes to the health studio a
783 certification of such disability by a physician licensed under
784 chapter 458, chapter 459, chapter 460, or chapter 461 to the

785 extent the diagnosis or treatment of the disability is within
 786 the physician's scope of practice. A refund shall be issued
 787 within 30 days after receipt of the notice of cancellation made
 788 pursuant to this paragraph.

789 (e) A provision that the initial contract will not be for
 790 a period in excess of 36 months, and thereafter shall only be
 791 renewable annually. A Such renewal contract ~~contracts~~ may not be
 792 executed and the fee therefor paid until 60 days or less before
 793 the previous ~~preceding~~ contract expires.

794 (f) A provision that if the health studio requires a buyer
 795 to furnish identification upon entry to the facility and as a
 796 condition of using the services of the health studio, the health
 797 studio shall provide the buyer with the means of such
 798 identification.

799 Section 21. Paragraphs (e) through (i) of subsection (1)
 800 of section 501.059, Florida Statutes, are redesignated as
 801 paragraphs (d) through (h), respectively, and present paragraph
 802 (d) of subsection (1) and subsections (3), (8), and (10) of that
 803 section are amended to read:

804 501.059 Telephone solicitation.—

805 (1) As used in this section:

806 ~~(d) "Commission" means the Florida Public Service~~
 807 ~~Commission.~~

808 (3) (a) If any residential, mobile, or telephonic paging
 809 device telephone subscriber notifies the department of his or
 810 her desire ~~desiring~~ to be placed on a "no sales solicitation
 811 calls" listing indicating that the subscriber does not wish to
 812 receive unsolicited telephonic sales calls, may ~~may not~~ notify the

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813 department shall place the subscriber ~~and be placed~~ on that
814 listing for 5 years ~~upon receipt by the department of a \$10~~
815 ~~initial listing charge. This listing shall be renewed by the~~
816 ~~department annually for each consumer upon receipt of a renewal~~
817 ~~notice and a \$5 assessment.~~

818 (b) The department shall update its "no sales solicitation
819 calls" listing upon receipt of initial consumer subscriptions or
820 renewals and provide this listing for a fee to telephone
821 solicitors upon request.

822 (c) All fees imposed pursuant to this section shall be
823 deposited in the General Inspection Trust Fund for the
824 administration of this section.

825 (d) If the Federal Trade Commission, pursuant to 15 U.S.C.
826 s. 6102(a), establishes a national database that lists the
827 telephone numbers of subscribers who object to receiving
828 telephone solicitations, the department shall include those
829 listings from the national database which relate to Florida in
830 the listing established under this section.

831 (8)(a) The department shall investigate any complaints
832 received concerning violations of this section. If, after
833 investigating any complaint, the department finds that there has
834 been a violation of this section, the department or the
835 Department of Legal Affairs may bring an action to impose a
836 civil penalty and to seek other relief, including injunctive
837 relief, as the court deems appropriate against the telephone
838 solicitor. The civil penalty may ~~shall~~ not exceed \$10,000 per
839 violation and shall be deposited in the General Inspection Trust
840 Fund if the action or proceeding was brought by the department,

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841 or the Legal Affairs Revolving Trust Fund if the action or
842 proceeding was brought by the Department of Legal Affairs. This
843 civil penalty may be recovered in any action brought under this
844 part by the department, or the department may terminate any
845 investigation or action upon agreement by the person to pay a
846 stipulated civil penalty. The department or the court may waive
847 any civil penalty if the person has previously made full
848 restitution or reimbursement or has paid actual damages to the
849 consumers who have been injured by the violation.

850 (b) The department may, as an alternative to the civil
851 penalties provided in paragraph (a), impose an administrative
852 fine not to exceed \$1,000 for each act or omission that
853 constitutes a violation of this section. An administrative
854 proceeding that could result in the entry of an order imposing
855 an administrative penalty must be conducted in accordance with
856 chapter 120.

857 ~~(10) The commission shall by rule ensure that~~
858 Telecommunications companies shall inform their customers of the
859 provisions of this section. The notification may be made by:

860 (a) Annual inserts in the billing statements mailed to
861 customers; and

862 (b) Conspicuous publication of the notice in the consumer
863 information pages of the local telephone directories.

864 Section 22. Paragraphs (a) and (1) of subsection (2) of
865 section 501.605, Florida Statutes, are amended to read:

866 501.605 Licensure of commercial telephone sellers.-

867 (2) An applicant for a license as a commercial telephone
868 seller must submit to the department, in such form as it

869 prescribes, a written application for the license. The
 870 application must set forth the following information:

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

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

878 1. Principal officer, director, trustee, shareholder,
 879 owner, or partner of the applicant, and of each other person
 880 responsible for the management of the business of the applicant.

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

883 3. Salesperson or other person to be employed by the
 884 applicant.

885
 886 The application shall be accompanied by a copy of any: Script,
 887 outline, or presentation the applicant will require or suggest a
 888 salesperson to use when soliciting, or, if no such document is
 889 used, a statement to that effect; sales information or
 890 literature to be provided by the applicant to a salesperson; and
 891 sales information or literature to be provided by the applicant
 892 to a purchaser in connection with any solicitation.

893 Section 23. Paragraph (a) of subsection (1) of section
 894 501.607, Florida Statutes, is amended to read:

895 501.607 Licensure of salespersons.—

896 (1) An applicant for a license as a salesperson must

897 submit to the department, in such form as it prescribes, a
 898 written application for a license. The application must set
 899 forth the following information:

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

903 Section 24. Section 501.911, Florida Statutes, is amended
 904 to read:

905 501.911 Administration of act.—Sections 501.91-501.923
 906 shall be administered by ~~the Division of Standards of the~~
 907 Department of Agriculture and Consumer Services.

908 Section 25. Subsections (1) and (2) of section 501.913,
 909 Florida Statutes, are amended to read:

910 501.913 Registration.—

911 (1) Each brand of antifreeze to be distributed in this
 912 state shall be registered with the department before ~~prior to~~
 913 distribution. The person whose name appears on the label, the
 914 manufacturer, or the packager shall make application to the
 915 department on forms provided by the department no later than
 916 July 1 of each year. The registrant assumes, by application to
 917 register the brand, full responsibility for the registration,
 918 quality, and quantity of the product sold, offered, or exposed
 919 for sale in this state. If a registered brand is not in
 920 production for distribution in this state and to ensure any
 921 remaining product that is still available for sale in the state
 922 is properly registered, the registrant must submit a notarized
 923 affidavit on company letterhead to the department certifying
 924 that:

- 925 (a) The stated brand is no longer in production;
 926 (b) The stated brand will not be distributed in this
 927 state; and
 928 (c) All existing product of the stated brand will be
 929 removed by the registrant from the state within 30 days after
 930 expiration of the registration or the registrant will reregister
 931 the brand for two subsequent registration periods.

932
 933 If production resumes, the brand must be reregistered before it
 934 is distributed in this state.

- 935 (2) The completed application shall be accompanied by:
 936 (a) Specimens or facsimiles of the label for each brand of
 937 antifreeze;
 938 (b) An application fee of \$200 for each brand; and
 939 (c) A properly labeled sample of between 1 and 2 gallons
 940 for each brand of antifreeze.

941 Section 26. Subsection (3) of section 507.04, Florida
 942 Statutes, is amended to read:

943 507.04 Required insurance coverages; liability
 944 limitations; valuation coverage.—

945 (3) INSURANCE COVERAGES.—The insurance coverages required
 946 under paragraph (1)(a) and subsection (2) must be issued by an
 947 insurance company or carrier licensed to transact business in
 948 this state under the Florida Insurance Code as designated in s.
 949 624.01. The department shall require a mover to present a
 950 certificate of insurance of the required coverages before
 951 issuance or renewal of a registration certificate under s.
 952 507.03. The department shall be named as a certificateholder in

953 the certificate and must be notified at least 10 ~~30~~ days before
 954 cancellation of any changes in insurance coverage.

955 Section 27. Subsection (7) of section 525.07, Florida
 956 Statutes, is amended to read:

957 525.07 Powers and duties of department; inspections;
 958 unlawful acts.—

959 (7) It is unlawful for any person to break, cut, or remove
 960 any seal applied by the department to a petroleum fuel measuring
 961 device or container. If ~~When~~ it becomes necessary to repair and
 962 adjust a petroleum fuel measuring device during the absence of
 963 an inspector of the department, the seal on the meter adjustment
 964 may be broken by a person who is registered with the department
 965 as a meter mechanic. After repairs and adjustments have been
 966 made, the adjusting mechanism must immediately be resealed by
 967 the registered meter mechanic with a seal clasp bearing at least
 968 ~~the name of the company or~~ the name or initials of the
 969 registered mechanic. The registered mechanic shall immediately
 970 notify the department of this action.

971 Section 28. Subsection (5) of section 526.143, Florida
 972 Statutes, is amended to read:

973 526.143 Alternate generated power capacity for motor fuel
 974 dispensing facilities.—

975 (5) (a) Each corporation or other entity that owns 10 or
 976 more motor fuel retail outlets located within a single county
 977 shall maintain at least one portable generator that is capable
 978 of providing an alternate generated power source as required
 979 under subsection (2) for every 10 outlets. If an entity owns
 980 more than 10 outlets or a multiple of 10 outlets plus an

981 additional 6 outlets, the entity must provide one additional
 982 generator to accommodate such additional outlets. Each portable
 983 generator must be stored within this state, or may be stored in
 984 another state if located within 250 miles of this state, and
 985 must be available for use in an affected location within 24
 986 hours after a disaster.

987 (b) Each corporation or other entity that owns 10 or more
 988 motor fuel retail outlets located within a single domestic
 989 security region, as determined pursuant to s. 943.0312(1), and
 990 that does not own additional outlets located outside the
 991 domestic security region shall maintain a written document of
 992 agreement with one or more similarly equipped entities for the
 993 use of portable generators that may be used to meet the
 994 requirements of paragraph (a) and that are located within this
 995 state but outside the affected domestic security region. The
 996 agreement may be reciprocal, may allow for payment for services
 997 rendered by the providing entity, and must guarantee the
 998 availability of the portable generators to an affected location
 999 within 24 hours after a disaster.

1000 (c) Upon written request, the department may temporarily
 1001 waive the requirements in paragraphs (a) and (b) if the
 1002 generators are used in preparation for or response to an
 1003 emergency or major disaster in another state. The waiver shall
 1004 be in writing and include a beginning and ending date. The
 1005 waiver may provide additional conditions as deemed necessary by
 1006 the department. The waiver may be modified or terminated by the
 1007 department if the Governor declares an emergency.

1008 (d)-(e) For purposes of this section, ownership of a motor

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1009 fuel retail outlet is ~~shall be~~ the owner of record of the fuel
 1010 storage systems operating at the location, as identified in the
 1011 Department of Environmental Protection underground storage
 1012 facilities registry pursuant to s. 376.303(1).

1013 Section 29. Subsections (8) and (9) are added to section
 1014 526.50, Florida Statutes, to read:

1015 526.50 Definition of terms.—As used in this part:

1016 (8) "Brand" means the product name appearing on the label
 1017 of a container of brake fluid.

1018 (9) "Formula" means the name of the chemical mixture or
 1019 composition of the brake fluid product.

1020 Section 30. Subsections (1) and (3) of section 526.51,
 1021 Florida Statutes, are amended to read:

1022 526.51 Registration; renewal and fees; departmental
 1023 expenses; cancellation or refusal to issue or renew.—

1024 (1) (a) Application for registration of each brand of brake
 1025 fluid shall be made on forms ~~to be~~ supplied by the department.
 1026 The applicant shall give his or her name and address and the
 1027 brand name of the brake fluid, state that he or she owns the
 1028 brand name and has complete control over the product sold
 1029 thereunder in this state ~~Florida~~, and provide the name and
 1030 address of the resident agent in this state ~~Florida~~. If the
 1031 applicant does not own the brand name but wishes to register the
 1032 product with the department, a notarized affidavit that gives
 1033 the applicant full authorization to register the brand name and
 1034 that is signed by the owner of the brand name must accompany the
 1035 application for registration. The affidavit must include all
 1036 affected brand names, the owner's company or corporate name and

1037 address, the applicant's company or corporate name and address,
 1038 and a statement from the owner authorizing the applicant to
 1039 register the product with the department. The owner of the brand
 1040 name shall maintain complete control over each product sold
 1041 under that brand name in this state. All first-time ~~new product~~
 1042 applications for a brand and formula combination must be
 1043 accompanied by a certified report from an independent testing
 1044 laboratory, setting forth the analysis of the brake fluid which
 1045 shows ~~shall show~~ its quality to be not less than the
 1046 specifications established by the department for brake fluids. A
 1047 sample of not less than 24 fluid ounces of brake fluid shall be
 1048 submitted, in a container or containers, with labels
 1049 representing exactly how the containers of brake fluid will be
 1050 labeled when sold, and the sample and container shall be
 1051 analyzed and inspected by the department ~~Division of Standards~~
 1052 in order that compliance with the department's specifications
 1053 and labeling requirements may be verified. Upon approval of the
 1054 application, the department shall register the brand name of the
 1055 brake fluid and issue to the applicant a permit authorizing the
 1056 registrant to sell the brake fluid in this state during the
 1057 permit year specified in the permit.

1058 (b) Each applicant shall pay a fee of \$100 with each
 1059 application. A permit may be renewed by application to the
 1060 department, accompanied by a renewal fee of \$50 on or before the
 1061 last day of the permit year immediately preceding the permit
 1062 year for which application is made for renewal of registration.
 1063 To reregister a previously registered brand and formula
 1064 combination, an applicant must submit a completed application

1065 and all materials as required in this section to the department
 1066 before the first day of the permit year. A brand and formula
 1067 combination for which a completed application and all materials
 1068 required in this section are not received before the first day
 1069 of the permit year may not be registered with the department
 1070 until a completed application and all materials required in this
 1071 section have been received and approved. If the brand and
 1072 formula combination was previously registered with the
 1073 department and a fee, application, or materials required in this
 1074 section are received after the first day of the permit year, ~~to~~
 1075 any fee not paid when due, there shall accrue a penalty of \$25
 1076 accrues, which shall be added to the ~~renewal~~ fee. Renewals shall
 1077 will be accepted only on brake fluids that have no change in
 1078 formula, composition, or brand name. Any change in formula,
 1079 composition, or brand name of any brake fluid constitutes a new
 1080 product that must be registered in accordance with this part.

1081 (c) In order to ensure that any remaining product still
 1082 available for sale in this state is properly registered, if a
 1083 registered brand and formula combination is no longer in
 1084 production for distribution in this state, the registrant must
 1085 submit a notarized affidavit on company letterhead to the
 1086 department certifying that:

1087 1. The stated brand and formula combination is no longer
 1088 in production;

1089 2. The stated brand and formula combination will not be
 1090 distributed in this state; and

1091 3. All existing product of the stated brand and formula
 1092 combination will be removed by the registrant from the state

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1093 within 30 days after the expiration of the registration or that
 1094 the registrant will reregister the brand and formula combination
 1095 for two subsequent registration periods.

1096
 1097 If production resumes, the brand and formula combination must be
 1098 reregistered before it is again distributed in this state.

1099 (3) The department may cancel or refuse to issue ~~or~~
 1100 ~~refuse to renew~~ any registration and permit after due notice and
 1101 opportunity to be heard if it finds that the brake fluid is
 1102 adulterated or misbranded or that the registrant has failed to
 1103 comply with the provisions of this part or the rules adopted
 1104 pursuant to this section and ~~regulations promulgated thereunder.~~

1105 Section 31. Paragraph (a) of subsection (3) of section
 1106 526.52, Florida Statutes, is amended to read:

1107 526.52 Specifications; adulteration and misbranding.—

1108 (3) Brake fluid is deemed to be misbranded:

1109 (a) If its container does not bear on its side or top a
 1110 label on which is printed the name and place of business of the
 1111 registrant of the product, the words "brake fluid," and a
 1112 statement that the product therein equals or exceeds the minimum
 1113 specification of the Society of Automotive Engineers for brake
 1114 fluid, heavy-duty-type, the United States Department of
 1115 Transportation Motor Vehicle Safety Standard No. 116, or other
 1116 specified standard identified in department rule. ~~By regulation~~
 1117 The department may require by rule that the duty-type
 1118 classification appear on the label.

1119 Section 32. Subsections (1) and (2) of section 526.53,
 1120 Florida Statutes, are amended to read:

1121 526.53 Enforcement; inspection and analysis, stop-sale and
1122 disposition, regulations.—

1123 (1) The department shall enforce the provisions of this
1124 part through the department ~~Division of Standards~~, and may
1125 sample, inspect, analyze, and test any brake fluid manufactured,
1126 packed, or sold within this state. The department shall have
1127 free access during business hours to all premises, buildings,
1128 vehicles, cars, or vessels used in the manufacture, packing,
1129 storage, sale, or transportation of brake fluid, and may open
1130 any box, carton, parcel, or container of brake fluid and take
1131 samples for inspection and analysis or for evidence.

1132 (2) (a) If ~~When~~ any brake fluid is sold in violation of any
1133 of the provisions of this part, all such brake fluid of the same
1134 brand name ~~on the same premises on which the violation occurred~~
1135 shall be placed under a stop-sale order by the department by
1136 serving the owner of the brand name, the distributor, or other
1137 entity responsible for selling or distributing the product in
1138 this state with the stop-sale order. The department shall
1139 withdraw its stop-sale order upon the removal of the violation
1140 or upon voluntary destruction of the product, or other disposal
1141 approved by the department, under the supervision of the
1142 department.

1143 (b) In addition to being subject to the stop-sale
1144 procedures ~~above~~, unregistered brake fluid shall be held by the
1145 department or its representative, at a place to be designated in
1146 the stop-sale order, until properly registered and released in
1147 writing by the department or its representative. If application
1148 has not been made for registration of such product within 30

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1149 | days after issue of the stop-sale order, the department or, with
 1150 | the consent of the department, the representative may give the
 1151 | product that meets legal specifications ~~such product shall be~~
 1152 | ~~disposed of by the department~~ to any tax-supported institution
 1153 | or agency of the state. If application has not been made for
 1154 | registration of the product within 30 days after issuance of the
 1155 | stop-order sale and the product fails to meet legal
 1156 | specifications, the product may be disposed of as ~~if the brake~~
 1157 | ~~fluid meets legal specifications or by other disposal~~ authorized
 1158 | by rule of the department ~~if it fails to meet legal~~
 1159 | ~~specifications.~~

1160 | Section 33. Section 526.55, Florida Statutes, is amended
 1161 | to read:

1162 | 526.55 Violation and penalties.—

1163 | (1) It is unlawful:

1164 | (a) ~~(1)~~ To sell any brake fluid that is adulterated or
 1165 | misbranded, not registered or on which a permit has not been
 1166 | issued.

1167 | (b) ~~(2)~~ For anyone to remove any stop-sale order placed on
 1168 | a product by the department, or any product upon which a stop-
 1169 | sale order has been placed.

1170 | (2) If the department finds that a person has violated or
 1171 | is operating in violation of ss. 526.50-526.56 or the rules or
 1172 | orders adopted thereunder, the department may, by order:

1173 | (a) Issue a notice of noncompliance pursuant to s.
 1174 | 120.695;

1175 | (b) Impose an administrative fine not to exceed \$5,000 for
 1176 | each violation;

1177 (c) Direct that the person cease and desist specified
 1178 activities;

1179 (d) Revoke or suspend a registration, or refuse to
 1180 register a product; or

1181 (e) Place the registrant on probation for a period of
 1182 time, subject to conditions as the department may specify.

1183 (3) The administrative proceedings seeking entry of an
 1184 order imposing any of the penalties specified in subsection (2)
 1185 are governed by chapter 120.

1186 (4) If a registrant is found to be in violation of ss.
 1187 526.50-526.56 and fails to pay a fine within 30 days after
 1188 imposition of the fine, the department may suspend all
 1189 registrations issued to the registrant by the department until
 1190 the fine is paid.

1191 (5) All fines collected by the department under this
 1192 section shall be deposited into the General Inspection Trust
 1193 Fund.

1194 ~~(3) Any person who violates any of the provisions of this~~
 1195 ~~part or any rule or regulation promulgated thereunder shall, for~~
 1196 ~~the first offense, be guilty of a misdemeanor of the second~~
 1197 ~~degree, punishable as provided in s. 775.082 or s. 775.083, and,~~
 1198 ~~for a second or subsequent offense, shall be guilty of a~~
 1199 ~~misdemeanor of the first degree, punishable as provided in s.~~
 1200 ~~775.082 or s. 775.083.~~

1201 Section 34. Paragraph (b) of subsection (3) of section
 1202 539.001, Florida Statutes, is amended to read:

1203 539.001 The Florida Pawnbroking Act.—

1204 (3) LICENSE REQUIRED.—

1205 (b) A licensee who seeks to move a pawnshop to another
 1206 location must give written notice ~~30 days' prior written notice~~
 1207 to the agency at least 30 days before the move ~~by certified or~~
 1208 ~~registered mail, return receipt requested,~~ and the agency must
 1209 ~~then~~ amend the license to indicate the new location. The
 1210 licensee must also give such written notice to the appropriate
 1211 law enforcement official.

1212 Section 35. Subsection (1) of section 559.805, Florida
 1213 Statutes, is amended to read:

1214 559.805 Filings with the department; disclosure of
 1215 advertisement identification number.—

1216 (1) Every seller of a business opportunity shall annually
 1217 file with the department a copy of the disclosure statement
 1218 required by s. 559.803 before ~~prior to~~ placing an advertisement
 1219 or making any other representation designed to offer to, sell
 1220 to, or solicit an offer to buy a business opportunity from a
 1221 prospective purchaser in this state and shall update this filing
 1222 by reporting any material change in the required information
 1223 within 30 days after the material change occurs. An
 1224 advertisement is not placed in the state merely because the
 1225 publisher circulates, or there is circulated on his or her
 1226 behalf in the state, any bona fide newspaper or other
 1227 publication of general, regular, and paid circulation which has
 1228 had more than two-thirds of its circulation during the past 12
 1229 months outside the state or because a radio or television
 1230 program originating outside the state is received in the state.
 1231 If the seller is required by s. 559.807 to provide a bond or
 1232 establish a trust account or guaranteed letter of credit, he or

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1233 she shall contemporaneously file with the department a copy of
 1234 the bond, a copy of the formal notification by the depository
 1235 that the trust account is established, or a copy of the
 1236 guaranteed letter of credit. Every seller of a business
 1237 opportunity shall file with the department a list of independent
 1238 agents who will engage in the offer or sale of business
 1239 opportunities on behalf of the seller in this state. This list
 1240 must be kept current and shall include the following
 1241 information: name, home and business address, telephone number,
 1242 present employer, ~~social security number,~~ and birth date. A ~~No~~
 1243 person may not ~~shall be allowed to~~ offer or sell business
 1244 opportunities unless the required information has been provided
 1245 to the department.

1246 Section 36. Subsection (7) of section 559.904, Florida
 1247 Statutes, is amended to read:

1248 559.904 Motor vehicle repair shop registration;
 1249 application; exemption.—

1250 (7) Any person applying for or renewing a local business
 1251 tax receipt ~~occupational license on or after October 1, 1993,~~ to
 1252 engage in business as a motor vehicle repair shop must exhibit
 1253 an active registration certificate from the department before
 1254 the local business tax receipt ~~occupational license~~ may be
 1255 issued or renewed.

1256 Section 37. Section 559.922, Florida Statutes, is
 1257 repealed.

1258 Section 38. Subsections (1), (3), and (4) of section
 1259 559.928, Florida Statutes, are amended to read:

1260 559.928 Registration.—

1261 (1) Each seller of travel shall annually register with the
 1262 department, providing: its legal business or trade name, mailing
 1263 address, and business locations; the full names, addresses, and
 1264 telephone numbers of its owners or corporate officers and
 1265 directors and the Florida agent of the corporation; a statement
 1266 whether it is a domestic or foreign corporation, its state and
 1267 date of incorporation, its charter number, and, if a foreign
 1268 corporation, the date it registered with this state ~~the State of~~
 1269 ~~Florida~~, and business tax receipt ~~occupational license~~ where
 1270 applicable; the date on which a seller of travel registered its
 1271 fictitious name if the seller of travel is operating under a
 1272 fictitious or trade name; the name of all other corporations,
 1273 business entities, and trade names through which each owner of
 1274 the seller of travel operated, was known, or did business as a
 1275 seller of travel within the preceding 5 years; a list of all
 1276 authorized independent agents, including the agent's trade name,
 1277 full name, mailing address, business address, and telephone
 1278 numbers; the business location and address of each branch office
 1279 and full name and address of the manager or supervisor; the
 1280 certification required under s. 559.9285; and proof of purchase
 1281 of adequate bond as required in this part. A certificate
 1282 evidencing proof of registration shall be issued by the
 1283 department and must be prominently displayed in the seller of
 1284 travel's primary place of business.

1285 (3) Each independent agent shall annually file an
 1286 affidavit with the department prior to engaging in business in
 1287 this state. This affidavit must include the independent agent's
 1288 full name, legal business or trade name, mailing address,

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1289 business address, telephone number, ~~social security number,~~ and
 1290 the name ~~or names~~ and address ~~addresses~~ of each seller of travel
 1291 represented by the independent agent. A letter evidencing proof
 1292 of filing must be issued by the department and must be
 1293 prominently displayed in the independent agent's primary place
 1294 of business. Each independent agent must also submit an annual
 1295 registration fee of \$50. All moneys collected pursuant to the
 1296 imposition of the fee shall be deposited by the Chief Financial
 1297 Officer into the General Inspection Trust Fund of the Department
 1298 of Agriculture and Consumer Services for the sole purpose of
 1299 administrating this part. As used in this subsection, the term
 1300 "independent agent" means a person who represents a seller of
 1301 travel by soliciting persons on its behalf; who has a written
 1302 contract with a seller of travel which is operating in
 1303 compliance with this part and any rules adopted thereunder; who
 1304 does not receive a fee, commission, or other valuable
 1305 consideration directly from the purchaser for the seller of
 1306 travel; who does not at any time have any unissued ticket stock
 1307 or travel documents in his or her possession; and who does not
 1308 have the ability to issue tickets, vacation certificates, or any
 1309 other travel document. The term "independent agent" does not
 1310 include an affiliate of the seller of travel, as that term is
 1311 used in s. 559.935(3), or the employees of the seller of travel
 1312 or of such affiliates.

1313 (4) Any person applying for or renewing a local business
 1314 tax receipt ~~occupational license~~ to engage in business as a
 1315 seller of travel must exhibit a current registration certificate
 1316 from the department before the local business tax receipt

1317 ~~occupational license~~ may be issued or reissued.

1318 Section 39. Paragraph (c) of subsection (3) of section
1319 559.9285, Florida Statutes, is amended to read:

1320 559.9285 Certification of business activities.—

1321 (3) The department shall specify by rule the form of each
1322 certification under this section which shall include the
1323 following information:

1324 (c) The legal name, any trade names or fictitious names,
1325 mailing address, physical address, telephone number or numbers,
1326 facsimile number or numbers, and all Internet and electronic
1327 contact information of every other commercial entity with which
1328 the certifying party engages in business or commerce that is
1329 related in any way to the certifying party's business or
1330 commerce with any terrorist state. The information disclosed
1331 pursuant to this paragraph does not constitute customer lists,
1332 customer names, or trade secrets protected under s. 570.544(8)
1333 ~~570.544(7)~~.

1334 Section 40. Subsection (6) of section 559.935, Florida
1335 Statutes, is amended to read:

1336 559.935 Exemptions.—

1337 (6) The department shall request from the Airlines
1338 Reporting Corporation any information necessary to implement the
1339 provisions of subsection (2). Persons claiming an exemption
1340 under subsection (2) or subsection (3) must show a letter of
1341 exemption from the department before a local business tax
1342 receipt ~~occupational license~~ to engage in business as a seller
1343 of travel may be issued or reissued. If the department fails to
1344 issue a letter of exemption on a timely basis, the seller of

1345 travel shall submit to the department, through certified mail,
 1346 an affidavit containing her or his name and address and an
 1347 explanation of the exemption sought. Such affidavit may be used
 1348 in lieu of a letter of exemption for the purpose of obtaining a
 1349 business tax receipt ~~an occupational license~~. In any civil or
 1350 criminal proceeding, the burden of proving an exemption under
 1351 this section is ~~shall be~~ on the person claiming such exemption.
 1352 A letter of exemption issued by the department may ~~shall~~ not be
 1353 used in, and has ~~shall have~~ no bearing on, such proceedings.

1354 Section 41. Subsection (12) of section 570.29, Florida
 1355 Statutes, is amended to read:

1356 570.29 Departmental divisions.—The department shall
 1357 include the following divisions:

1358 ~~(12) Standards.~~

1359 Section 42. Sections 570.46 and 570.47, Florida Statutes,
 1360 are repealed.

1361 Section 43. Section 570.544, Florida Statutes, is amended
 1362 to read:

1363 570.544 Division of Consumer Services; director; powers;
 1364 processing of complaints; records.—

1365 (1) The director of the Division of Consumer Services
 1366 shall be appointed by and serve at the pleasure of the
 1367 commissioner.

1368 (2) The director shall supervise, direct, and coordinate
 1369 the activities of the division and shall, under the direction of
 1370 the department, enforce the provisions of chapters 472, 496,
 1371 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849.

1372 (3)~~(2)~~ The Division of Consumer Services may:

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1373 (a) Conduct studies and make analyses of matters affecting
 1374 the interests of consumers.

1375 (b) Study the operation of laws for consumer protection.

1376 (c) Advise and make recommendations to the various state
 1377 agencies concerned with matters affecting consumers.

1378 (d) Assist, advise, and cooperate with local, state, or
 1379 federal agencies and officials in order to promote the interests
 1380 of consumers.

1381 (e) Make use of the testing and laboratory facilities of
 1382 the department for the detection of consumer fraud.

1383 (f) Report to the appropriate law enforcement officers any
 1384 information concerning violation of consumer protection laws.

1385 (g) Assist, develop, and conduct programs of consumer
 1386 education and consumer information through publications and
 1387 other informational and educational material prepared for
 1388 dissemination to the public, in order to increase the competence
 1389 of consumers.

1390 (h) Organize and hold conferences on problems affecting
 1391 consumers.

1392 (i) Recommend programs to encourage business and industry
 1393 to maintain high standards of honesty, fair business practices,
 1394 and public responsibility in the production, promotion, and sale
 1395 of consumer goods and services.

1396 (4)~~(3)~~ In addition to the powers, duties, and
 1397 responsibilities authorized by this or any other chapter, the
 1398 Division of Consumer Services shall serve as a clearinghouse for
 1399 matters relating to consumer protection, consumer information,
 1400 and consumer services generally. It shall receive complaints and

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1401 | grievances from consumers and promptly transmit them to the ~~that~~
 1402 | agency most directly concerned in order that the complaint or
 1403 | grievance may be expeditiously handled in the best interests of
 1404 | the complaining consumer. If no agency exists, the Division of
 1405 | Consumer Services shall seek a settlement of the complaint using
 1406 | formal or informal methods of mediation and conciliation and may
 1407 | seek any other resolution of the matter in accordance with its
 1408 | jurisdiction.

1409 | (5)~~(4)~~ If any complaint received by the Division of
 1410 | Consumer Services concerns matters that ~~which~~ involve concurrent
 1411 | jurisdiction in more than one agency, duplicate copies of the
 1412 | complaint shall be referred to those offices deemed to have
 1413 | concurrent jurisdiction.

1414 | (6)~~(5)~~(a) Any agency, office, bureau, division, or board
 1415 | of state government receiving a complaint that ~~which~~ deals with
 1416 | consumer fraud or consumer protection and that ~~which~~ is not
 1417 | within the jurisdiction of the receiving agency, office, bureau,
 1418 | division, or board originally receiving it, shall immediately
 1419 | refer the complaint to the Division of Consumer Services.

1420 | (b) Upon receipt of such a complaint, the Division of
 1421 | Consumer Services shall make a determination of the proper
 1422 | jurisdiction to which the complaint relates and shall
 1423 | immediately refer the complaint to the agency, office, bureau,
 1424 | division, or board that ~~which~~ does have the proper regulatory or
 1425 | enforcement authority to deal with it.

1426 | (7)~~(6)~~ The office or agency to which a complaint has been
 1427 | referred shall within 30 days acknowledge receipt of the
 1428 | complaint. If an office or agency receiving a complaint

1429 determines that the matter presents a prima facie case for
 1430 criminal prosecution or if the complaint cannot be settled at
 1431 the administrative level, the complaint together with all
 1432 supporting evidence shall be transmitted to the Department of
 1433 Legal Affairs or other appropriate enforcement agency with a
 1434 recommendation for civil or criminal action warranted by the
 1435 evidence.

1436 (8)~~(7)~~ The records of the Division of Consumer Services
 1437 are public records. However, customer lists, customer names, and
 1438 trade secrets are confidential and exempt from the provisions of
 1439 s. 119.07(1). Disclosure necessary to enforcement procedures
 1440 does shall not violate ~~be construed as violative of this~~
 1441 prohibition.

1442 (9)~~(8)~~ ~~It shall be the duty of~~ The Division of Consumer
 1443 Services shall ~~to~~ maintain records and compile summaries and
 1444 analyses of consumer complaints and their eventual disposition,
 1445 which data may serve as a basis for recommendations to the
 1446 Legislature and to state regulatory agencies.

1447 Section 44. Paragraph (a) of subsection (8) of section
 1448 616.242, Florida Statutes, is amended to read:

1449 616.242 Safety standards for amusement rides.—

1450 (8) FEES.—

1451 (a) The department shall by rule establish fees to cover
 1452 the costs and expenditures associated with the fair rides
 1453 inspection program ~~Bureau of Fair Rides Inspection~~, including
 1454 all direct and indirect costs. If there is not sufficient
 1455 general revenue appropriated by the Legislature, the industry
 1456 shall pay for the remaining cost of the program. The fees must

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1457 | be deposited in the General Inspection Trust Fund.

1458 | Section 45. This act shall take effect July 1, 2012.