

By Senator Flores

38-00545A-12

2012888

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
29 technical changes; amending s. 472.015, F.S.;

38-00545A-12

2012888

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
33 renewal; providing conditions under which an
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
37 her social security number as required pursuant to
38 federal law; specifying how a social security number
39 may be used; amending s. 472.018, F.S., relating to
40 continuing education; making technical changes;
41 requiring that continuing education providers
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
46 requirements; defining the term "monitor"; authorizing
47 the department to refuse to renew a license until the
48 applicant satisfies continuing education requirements;
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
57 professional surveyor or mapper whose license is
58 revoked or suspended must return his or her seal to

38-00545A-12

2012888

59 the executive director of the board, rather than to
60 the secretary; creating s. 472.0337, F.S.; authorizing
61 the department to administer oaths, take depositions,
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
68 which are grounds for disciplinary action; specifying
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
72 mapper who committed certain violations before
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
85 Services to waive firearms training requirements for
86 the initial licensure of private investigative,
87 private security, or repossession services under

38-00545A-12

2012888

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

96 investigators and private security and repossession

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

112 driver license number; removing the requirement that

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

38-00545A-12

2012888

117 identification in lieu of a driver license number;
118 amending s. 501.911, F.S.; conforming terminology;
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
122 brand of antifreeze not in production for distribution
123 in this state must submit a notarized affidavit
124 attesting to specified information; requiring that a
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,
132 using, selling, offering for sale, distributing,
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
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

38-00545A-12

2012888

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
165 fluid; amending s. 539.001, F.S.; eliminating the
166 requirement that a pawnshop provide the Department of
167 Agriculture and Consumer Services notice of a change
168 in its location by certified or registered mail;
169 amending s. 559.805, F.S.; eliminating a requirement
170 that a seller of business opportunities provide his or
171 her social security number to the department; amending
172 s. 559.904, F.S., relating to the regulation of motor
173 vehicle repair shops; substituting the term "business
174 tax receipt" for the term "occupational license";

38-00545A-12

2012888

175 amending s. 559.928, F.S., relating to the regulation
176 of sellers of travel; substituting the term "business
177 tax receipt" for the term "occupational license";
178 eliminating a requirement that an independent travel
179 agent provide his or her social security number to the
180 department; amending s. 559.9285, F.S.; conforming a
181 cross-reference; amending s. 559.935, F.S., relating
182 to an exemption from regulation provided for certain
183 sellers of travel; substituting the term "business tax
184 receipt" for the term "occupational license"; amending
185 s. 570.29, F.S.; conforming terminology; repealing s.
186 570.46, F.S., relating to the powers and duties of the
187 Division of Standards; repealing s. 570.47, F.S.,
188 relating to the qualifications and duties of the
189 director of the Division of Standards; amending s.
190 570.544, F.S.; conforming terminology; specifying the
191 powers and duties of the director of the Division of
192 Consumer Protection; amending s. 616.242, F.S.;
193 removing an obsolete reference to the Bureau of Fair
194 Rides Inspection; amending s. 849.0915, F.S., relating
195 to the regulation of gambling; conforming terminology;
196 providing an effective date.

197

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

199

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

202 14.26 Citizen's Assistance Office.—

203 (4) The Citizen's Assistance Office shall refer consumer-

38-00545A-12

2012888

204 oriented complaints to the Division of Consumer Protection
205 ~~Services~~ of the Department of Agriculture and Consumer Services.

206 Section 2. Paragraph (e) of subsection (2) of section
207 20.14, Florida Statutes, is amended to read:

208 20.14 Department of Agriculture and Consumer Services.—
209 There is created a Department of Agriculture and Consumer
210 Services.

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

213 (e) Consumer Protection Services.

214 Section 3. Paragraph (q) of subsection (8) of section
215 213.053, Florida Statutes, is amended to read:

216 213.053 Confidentiality and information sharing.—

217 (8) Notwithstanding any other provision of this section,
218 the department may provide:

219 (q) Names, addresses, and sales tax registration
220 information to the Division of Consumer Protection Services of
221 the Department of Agriculture and Consumer Services in the
222 conduct of its official duties.

223
224 Disclosure of information under this subsection shall be
225 pursuant to a written agreement between the executive director
226 and the agency. Such agencies, governmental or nongovernmental,
227 shall be bound by the same requirements of confidentiality as
228 the Department of Revenue. Breach of confidentiality is a
229 misdemeanor of the first degree, punishable as provided by s.
230 775.082 or s. 775.083.

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

38-00545A-12

2012888

233 320.275 Automobile Dealers Industry Advisory Board.—
234 (2) MEMBERSHIP, TERMS, MEETINGS.—
235 (a) The board shall be composed of 12 members. The
236 executive director of the Department of Highway Safety and Motor
237 Vehicles shall appoint the members from names submitted by the
238 entities for the designated categories the member will
239 represent. The executive director shall appoint one
240 representative of the Department of Highway Safety and Motor
241 Vehicles; two representatives of the independent motor vehicle
242 industry as recommended by the Florida Independent Automobile
243 Dealers Association; two representatives of the franchise motor
244 vehicle industry as recommended by the Florida Automobile
245 Dealers Association; one representative of the auction motor
246 vehicle industry who is from an auction chain and is recommended
247 by a group affiliated with the National Auto Auction
248 Association; one representative of the auction motor vehicle
249 industry who is from an independent auction and is recommended
250 by a group affiliated with the National Auto Auction
251 Association; one representative from the Department of Revenue;
252 a Florida tax collector representative recommended by the
253 Florida Tax Collectors Association; one representative from the
254 Better Business Bureau; one representative from the Department
255 of Agriculture and Consumer Services, who must represent the
256 Division of Consumer Protection Services; and one representative
257 of the insurance industry who writes motor vehicle dealer surety
258 bonds.

259 (b)1. The executive director shall appoint the following
260 initial members to 1-year terms: one representative from the
261 motor vehicle auction industry who represents an auction chain,

38-00545A-12

2012888

262 one representative from the independent motor vehicle industry,
263 one representative from the franchise motor vehicle industry,
264 one representative from the Department of Revenue, one Florida
265 tax collector, and one representative from the Better Business
266 Bureau.

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

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

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

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

283 366.85 Responsibilities of Division of Consumer Protection
284 ~~Services~~.—The Division of Consumer Protection Services of the
285 Department of Agriculture and Consumer Services is ~~shall be~~ the
286 agency responsible for consumer conciliatory conferences, if
287 such conferences are required pursuant to federal law. The
288 division is ~~shall also be~~ the agency responsible for preparing
289 lists of sources for energy conservation products or services
290 and of financial institutions offering energy conservation

38-00545A-12

2012888

291 loans, if the ~~such~~ lists are required pursuant to federal law.
292 Notwithstanding any provision of federal law to the contrary,
293 the division may ~~shall~~ not require any manufacturer's warranty
294 exceeding 1 year in order for a source of conservation products
295 or services to be included on the appropriate list. The lists
296 shall be prepared for the service area of each utility and shall
297 be furnished to each utility for distribution to its customers.
298 The division shall update the lists on a systematic basis and
299 shall remove from any list any person who has been disciplined
300 by a ~~any~~ state agency or who has otherwise exhibited a pattern
301 of unsatisfactory work and any person who requests removal from
302 such lists. The division may ~~is authorized to~~ adopt rules to
303 administer ~~implement the provisions of~~ this section.

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

307 472.005 Definitions.—As used in ss. 472.001-472.037:

308 (7) The term "license" means a registration, certificate,
309 or license issued by the department pursuant to this chapter ~~the~~
310 ~~registration of surveyors and mappers or the certification of~~
311 ~~businesses to practice surveying and mapping in this state.~~

312 (15) "Consumer member" means a person appointed to serve on
313 the board who is not, and never has been, a professional
314 surveyor or mapper in any jurisdiction or a member of any
315 closely related profession regulated by the board.

316 (16) "Licensee" means any person or business entity that
317 has been issued, pursuant to this chapter, a registration,
318 certificate, or license by the department.

319 Section 7. Subsection (12) is added to section 472.006,

38-00545A-12

2012888

320 Florida Statutes, to read:

321 472.006 Department; powers and duties.—The department
322 shall:

323 (12) Work cooperatively with the Department of Revenue to
324 implement an automated method for periodically disclosing
325 information relating to current licensees to the Department of
326 Revenue in order to further the public policy of reducing the
327 state's financial burden as a result of family desertion and
328 nonsupport of dependent children as provided in s. 409.2551. The
329 department shall, if directed by the court or the Department of
330 Revenue, pursuant to s. 409.2598, suspend or deny the license of
331 any licensee who is found to not be in compliance with a support
332 order, subpoena, order to show cause, or written agreement
333 entered into by the licensee with the Department of Revenue. The
334 department shall issue or reinstate the license without
335 additional charge to the licensee if notified by the court or
336 the Department of Revenue that the licensee has complied with
337 the terms of the support order. The department is not liable for
338 any license denial or suspension resulting from the discharge of
339 its duties under this subsection.

340 Section 8. Subsections (1) and (12) of section 472.011,
341 Florida Statutes, are amended to read:

342 472.011 Fees.—

343 (1) The board, by rule, may establish fees to be paid for
344 applications, examination, reexamination, licensing and renewal,
345 inactive status application and reactivation of inactive
346 licenses, recordmaking and recordkeeping, and applications for
347 providers of continuing education. The board may also establish
348 by rule a delinquency fee. The board shall establish fees that

38-00545A-12

2012888

349 are adequate to ensure the continued operation of the board.
350 Fees shall be based on department estimates of the revenue
351 required to implement ss. 472.001-472.037 and the provisions of
352 law with respect to the regulation of surveyors and mappers. If
353 the department determines, based on estimates of available
354 revenue collected pursuant to this section, that the General
355 Inspection Trust Fund contains funds that exceed the amount
356 required to cover the necessary functions of the board, the
357 department shall, by rule, waive the license renewal fees for
358 licensees under this chapter for a period not to exceed 2 years.

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

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

367 472.0131 Examinations; development; administration.—

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

38-00545A-12

2012888

378 the confidentiality of his or her examination grades.

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

382 472.015 Licensure.—

383 (1) Notwithstanding any other law, the department is the
384 sole authority for determining the contents of any documents to
385 be submitted for initial licensure and licensure renewal. The
386 ~~Such~~ documents may contain information including, as
387 appropriate: demographics, social security number, education,
388 work history, personal background, criminal history, finances,
389 business information, complaints, inspections, investigations,
390 discipline, bonding, signature notarization, photographs,
391 performance periods, reciprocity, local government approvals,
392 supporting documentation, periodic reporting requirements,
393 continuing education requirements, and ongoing education
394 monitoring. The applicant shall supplement his or her
395 application may be supplemented as needed to reflect any
396 material change in any circumstance or condition stated in the
397 application which takes place between the initial filing of the
398 application and the final grant or denial of the license and
399 which might affect the decision of the department. An
400 application is received for the purposes of s. 120.60 upon
401 receipt by the department of the application, submitted in the
402 format prescribed by the department, the application fee set by
403 the board, and any other documentation or fee required by law or
404 rule to be submitted with the application in order for the
405 application to be complete.

406 (6)

38-00545A-12

2012888

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

414 (15) Pursuant to the federal Personal Responsibility and
415 Work Opportunity Reconciliation Act of 1996, each person
416 applying for initial licensure or license renewal shall provide
417 his or her social security number. Use of social security
418 numbers obtained through this requirement is limited to the
419 purpose of administering the Title IV-D program for child
420 support enforcement, use by the department, and use as otherwise
421 provided by law.

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

425 472.018 Continuing education.—The department may not renew
426 a license until the licensee submits proof satisfactory to the
427 board that during the 2 years prior to her or his application
428 for renewal the licensee has completed at least 24 hours of
429 continuing education.

430 (1) The board shall adopt rules to establish the criteria
431 and course content for continuing education courses. The rules
432 may provide that up to a maximum of 25 percent of the required
433 continuing education hours may ~~can~~ be fulfilled by the
434 performance of pro bono services to the indigent or to
435 underserved populations or in areas of critical need within the

38-00545A-12

2012888

436 state where the licensee practices. The board must require that
437 any pro bono services be approved in advance in order to receive
438 credit for continuing education under this section. The board
439 shall use the standard for determining indigency shall be that
440 recognized by the Federal Poverty Income Guidelines produced by
441 the United States Department of Health and Human Services in
442 determining indigency. The board may adopt rules that may
443 provide ~~for approval by the board~~ that a part of the continuing
444 education hours may ~~can~~ be fulfilled by performing research in
445 critical need areas or for training leading to advanced
446 professional certification. The board, ~~or the department when~~
447 ~~there is no board,~~ may adopt ~~make~~ rules to define underserved
448 and critical need areas. The department shall adopt rules for
449 the administration of continuing education requirements adopted
450 by the board ~~or the department when there is no board.~~

451 (13) Each continuing education provider shall provide to
452 the department, in an electronic format determined by the
453 department, information regarding the continuing education
454 status of licensees which the department determines is necessary
455 to carry out its duties under this chapter. After a licensee
456 completes a course, the information must be submitted
457 electronically by the continuing education provider to the
458 department within 30 calendar days after completion. However,
459 beginning on the 30th day before the renewal deadline or before
460 the renewal date, whichever occurs sooner, the continuing
461 education provider shall electronically report such information
462 to the department within 10 business days after completion.

463 (14) The department shall establish a system to monitor
464 licensee compliance with continuing education requirements and

38-00545A-12

2012888

465 to determine the continuing education status of each licensee.
466 As used in this subsection, the term "monitor" means the act of
467 determining, for each licensee, whether the licensee is in full
468 compliance with applicable continuing education requirements as
469 of the date of the licensee's application for license renewal.

470 (15) The department may refuse to renew a license until the
471 licensee has satisfied all applicable continuing education
472 requirements. This subsection does not preclude the department
473 or board from imposing additional penalties pursuant to this
474 chapter or rules adopted pursuant this chapter.

475 Section 12. Subsection (1) of section 472.0202, Florida
476 Statutes, is amended to read:

477 472.0202 Inactive and delinquent status.—

478 (1) A licensee may practice a profession only if the
479 licensee has an active status license. A licensee who practices
480 a profession without an active status license is in violation of
481 this section and s. 472.0351 ~~472.033~~, and the board may impose
482 discipline on the licensee.

483 Section 13. Subsection (3) is added to section 472.0203,
484 Florida Statutes, to read:

485 472.0203 Renewal and cancellation notices.—

486 (3) Notwithstanding any other law, a licensure renewal
487 notification required to be sent to the last known address of
488 record may be sent by the department to the licensee by
489 electronic means if the licensee has provided an e-mail address
490 to the department.

491 Section 14. Subsection (2) of section 472.025, Florida
492 Statutes, is amended to read:

493 472.025 Seals.—

38-00545A-12

2012888

494 (2) It is unlawful for a ~~any~~ person to stamp, seal, or
495 digitally sign a ~~any~~ document with a seal or digital signature
496 after his or her certificate of registration has expired or been
497 revoked or suspended, unless such certificate of registration
498 has been reinstated or reissued. When a ~~the~~ certificate of
499 registration ~~of a registrant~~ has been revoked or suspended by
500 the board, the registrant shall, within ~~a period of~~ 30 days
501 after the revocation or suspension has become effective,
502 surrender his or her seal to the executive director ~~secretary~~ of
503 the board and confirm to the executive director ~~secretary~~ the
504 cancellation of the registrant's digital signature in accordance
505 with ss. 668.001-668.006. If ~~In the event~~ the registrant's
506 certificate has been suspended for a period of time, his or her
507 seal shall be returned to him or her upon expiration of the
508 suspension period.

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

511 472.0337 Power to administer oaths, take depositions, and
512 issue subpoenas.—For the purpose of an investigation or
513 proceeding conducted by the department, the department shall
514 administer oaths, take depositions, make inspections, issue
515 subpoenas which must be supported by affidavit, serve subpoenas
516 and other process, and compel the attendance of witnesses and
517 the production of books, papers, documents, and other evidence.
518 Challenges to, and enforcement of, the subpoenas and orders
519 shall be conducted as provided in s. 120.569.

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

522 472.0351 Grounds for discipline; penalties; enforcement.—

38-00545A-12

2012888

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

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

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

529 (c) Having a license to practice surveying and mapping
530 revoked, suspended, or otherwise acted against, including the
531 denial of licensure, by the licensing authority of another
532 state, territory, or country, for a violation that constitutes a
533 violation under the laws of this state. The acceptance of a
534 relinquishment of licensure, stipulation, consent order, or
535 other settlement offered in response to or in anticipation of
536 the filing of charges against the license by a licensing
537 authority is an action against the license;

538 (d) Being convicted or found guilty of, or entering a plea
539 of guilty, no contest, or nolo contendere to, regardless of
540 adjudication, a crime in any jurisdiction which directly relates
541 to the practice of surveying and mapping or the ability to
542 practice surveying and mapping;

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

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

38-00545A-12

2012888

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

555 (h) Failing to perform a a ~~any~~ statutory or legal obligation
556 placed upon a licensed surveyor and mapper; violating a a ~~any~~
557 provision of this chapter, a rule of the board or department, or
558 a lawful order of the board or department ~~previously entered in~~
559 ~~a disciplinary hearing~~; or failing to comply with a lawfully
560 issued subpoena of the department;

561 (i) Practicing on a revoked, suspended, inactive, or
562 delinquent license;

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

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

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

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

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

580 (l) ~~(o)~~ Aiding, assisting, procuring, employing, or advising

38-00545A-12

2012888

581 any unlicensed person or entity to practice surveying and
582 mapping contrary to this chapter or the rules of the department
583 or the board;

584 (m)~~(p)~~ Making deceptive, untrue, or fraudulent
585 representations in or related to the practice of professional
586 surveying or mapping ~~a profession~~ or employing a trick or scheme
587 in or related to the practice of professional surveying or
588 mapping ~~a profession~~;

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

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

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

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

605 (q)~~(u)~~ Improperly interfering with an investigation or
606 inspection authorized by statute, or with any disciplinary
607 proceeding.

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

38-00545A-12

2012888

610 of this chapter which occurred before obtaining a license, the
611 board ~~it~~ may enter an order imposing one or more of the
612 following penalties:

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

615 (b) Revocation or suspension of a license.

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

618 (d) Issuance of a reprimand.

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

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

628 (g) Corrective action.

629 (4) (a) In addition to any other discipline imposed pursuant
630 to this section, the board may assess costs and attorney
631 ~~attorneys~~ fees related to the investigation and prosecution of
632 the case.

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

38-00545A-12

2012888

639 action to recover, the fine or assessment.

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

646 ~~(5) In addition to, or in lieu of, any other remedy or~~
647 ~~criminal prosecution, the department may file a proceeding in~~
648 ~~the name of the state seeking issuance of an injunction or a~~
649 ~~writ of mandamus against any person who violates any of the~~
650 ~~provisions of this chapter, or any provision of law with respect~~
651 ~~to professions regulated by the department, or any board~~
652 ~~therein, or the rules adopted pursuant thereto.~~

653 (5)(6) If the board determines that revocation of a license
654 is the appropriate penalty, the revocation shall be permanent.
655 However, the board may establish, by rule, requirements for
656 reapplication by applicants whose licenses have been permanently
657 revoked. Such requirements may include, but are ~~shall~~ not be
658 limited to, satisfying current requirements for an initial
659 license.

660 Section 17. Section 472.0357, Florida Statutes, is created
661 to read:

662 472.0357 Penalty for giving false information.-In addition
663 to, or in lieu of, any other disciplinary action imposed
664 pursuant to s. 472.0351, a person who knowingly gives false
665 information in the course of applying for or obtaining a license
666 from the department or the board, or who attempts to obtain or
667 obtains a license from the department or the board by knowingly

38-00545A-12

2012888

668 providing misleading statements or misrepresentations commits a
669 felony of the third degree, punishable as provided in s.
670 775.082, s. 775.083, or s. 775.084.

671 Section 18. Subsection (5) of section 493.6105, Florida
672 Statutes, is amended to read:

673 493.6105 Initial application for license.—

674 (5) In addition to the requirements outlined in subsection
675 (3), an applicant for a Class "G" license must satisfy minimum
676 training criteria for firearms established by rule of the
677 department, which training criteria includes, but is not limited
678 to, 28 hours of range and classroom training taught and
679 administered by a Class "K" licensee; however, no more than 8
680 hours of such training shall consist of range training. The
681 department may waive the foregoing firearms training requirement
682 if:

683 (a) The applicant provides proof that he or she is
684 currently certified as a law enforcement officer or correctional
685 officer pursuant to the requirements of the Criminal Justice
686 Standards and Training Commission or has successfully completed
687 the training required for certification within the last 12
688 months.

689 (b) The applicant provides proof that he or she is
690 currently certified as a federal law enforcement officer and has
691 received law enforcement firearms training administered by a
692 federal law enforcement agency.

693 (c) The applicant submits a valid firearm certificate among
694 those specified in paragraph (6) (a). ~~If the applicant submits~~
695 ~~proof that he or she is an active law enforcement officer~~
696 ~~currently certified under the Criminal Justice Standards and~~

38-00545A-12

2012888

697 ~~Training Commission or has completed the training required for~~
698 ~~that certification within the last 12 months, or if the~~
699 ~~applicant submits one of the certificates specified in paragraph~~
700 ~~(6) (a), the department may waive the foregoing firearms training~~
701 ~~requirement.~~

702 Section 19. Paragraph (b) of subsection (3) of section
703 493.6113, Florida Statutes, is amended to read:

704 493.6113 Renewal application for licensure.-

705 (3) Each licensee is responsible for renewing his or her
706 license on or before its expiration by filing with the
707 department an application for renewal accompanied by payment of
708 the prescribed license fee.

709 (b) Each Class "G" licensee shall additionally submit proof
710 that he or she has received during each year of the license
711 period a minimum of 4 hours of firearms recertification training
712 taught by a Class "K" licensee and has complied with such other
713 health and training requirements which the department may adopt
714 by rule. If proof of a minimum of 4 hours of annual firearms
715 recertification training cannot be provided, the renewal
716 applicant shall complete the minimum number of hours of range
717 and classroom training required at the time of initial
718 licensure. The department may waive the foregoing firearms
719 training requirement if:

720 1. The applicant provides proof that he or she is currently
721 certified as a law enforcement officer or correctional officer
722 under the Criminal Justice Standards and Training Commission and
723 has completed law enforcement firearms requalification training
724 annually during the preceding 2 years of the licensure period.

725 2. The applicant provides proof that he or she is currently

38-00545A-12

2012888

726 certified as a federal law enforcement officer and has received
727 law enforcement firearms training administered by a federal law
728 enforcement agency annually during the preceding 2 years of the
729 licensure period.

730 3. The applicant submits a valid firearm certificate among
731 those specified in s. 493.6105(6) (a) and provides proof of
732 having completed requalification training during the preceding 2
733 years of the licensure period.

734 Section 20. Subsection (6) of section 493.6118, Florida
735 Statutes, is amended to read:

736 493.6118 Grounds for disciplinary action.—

737 (6) The agency or Class "DS" or "RS" license and the
738 approval or license of each officer, partner, or owner of the
739 agency, school, or training facility are automatically suspended
740 upon entry of a final order imposing an administrative fine
741 against the agency, school, or training facility, until the fine
742 is paid, if 30 calendar days have elapsed since the entry of the
743 final order. All owners and corporate or agency officers or
744 partners are jointly and severally liable for ~~agency~~ fines
745 levied against the agency, school, or training facility. ~~Neither~~
746 ~~The agency or Class "DS" or "RS" license or the approval or~~
747 ~~license of any officer, partner, or owner of the agency, school,~~
748 ~~or training facility may not be renewed, and nor may an~~
749 ~~application may not be approved,~~ if the owner, licensee, or
750 applicant is liable for an outstanding administrative fine
751 imposed under this chapter. An individual's approval or license
752 becomes automatically suspended if a fine imposed against the
753 individual or his or her agency is not paid within 30 days after
754 the date of the final order, and remains suspended until the

38-00545A-12

2012888

755 fine is paid. Notwithstanding the provisions of this subsection,
756 an individual's approval or license may not be suspended and ~~nor~~
757 ~~may~~ an application may not be denied if ~~when~~ the licensee or the
758 applicant has an appeal from a final order pending in any
759 appellate court.

760 Section 21. Subsection (4) of section 493.6120, Florida
761 Statutes, is amended to read:

762 493.6120 Violations; penalty.—

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

773 Section 22. Subsection (7) of section 496.404, Florida
774 Statutes, is amended to read:

775 496.404 Definitions.—As used in ss. 496.401-496.424:

776 (7) "Division" means the Division of Consumer Protection
777 ~~Services~~ of the Department of Agriculture and Consumer Services.

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

780 496.411 Disclosure requirements and duties of charitable
781 organizations and sponsors.—

782 (3) Every charitable organization or sponsor that ~~which~~ is
783 required to register under s. 496.405 must conspicuously display

38-00545A-12

2012888

784 in capital letters the following statement on every printed
785 solicitation, written confirmation, receipt, or reminder of a
786 contribution:

787
788 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
789 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
790 CONSUMER PROTECTION ~~SERVICES~~ BY CALLING TOLL-FREE
791 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
792 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
793 STATE."

794
795 The statement must include a toll-free number for the division
796 which ~~that~~ can be used to obtain the registration information.
797 When the solicitation consists of more than one piece, the
798 statement must be displayed prominently in the solicitation
799 materials.

800 Section 24. Paragraph (c) of subsection (1) of section
801 496.412, Florida Statutes, is amended to read:

802 496.412 Disclosure requirements and duties of professional
803 solicitors.—

804 (1) A professional solicitor must comply with and be
805 responsible for complying or causing compliance with the
806 following disclosures:

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

812

38-00545A-12

2012888

813 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
 814 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
 815 CONSUMER PROTECTION SERVICES ~~SERVICES~~ BY CALLING TOLL-FREE
 816 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
 817 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
 818 STATE."

819
 820 The statement must include a toll-free number for the division
 821 which that can be used to obtain the registration information.
 822 When the solicitation consists of more than one piece, the
 823 statement must be displayed prominently in the solicitation
 824 materials.

825 Section 25. Subsection (7) of section 501.015, Florida
 826 Statutes, is amended to read:

827 501.015 Health studios; registration requirements and
 828 fees.—Each health studio shall:

829 (7) A Any person applying for or renewing a local business
 830 tax receipt ~~occupational license~~ to engage in business as a
 831 health studio must exhibit an active registration certificate
 832 from the Department of Agriculture and Consumer Services before
 833 the local business tax receipt ~~occupational license~~ may be
 834 issued or reissued.

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

837 501.017 Health studios; contracts.—

838 (1) Each Every contract for the sale of future health
 839 studio services which is paid for in advance or which the buyer
 840 agrees to pay for in future installment payments shall be in
 841 writing and shall contain, contractual provisions to the

38-00545A-12

2012888

842 contrary notwithstanding, in immediate proximity to the space
843 reserved in the contract for the signature of the buyer, and in
844 at least 10-point boldfaced type, language substantially
845 equivalent to the following:

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

860 (b)1. A provision for the cancellation and refund of the
861 contract if the contracting business location of the health
862 studio goes out of business, or moves its facilities more than 5
863 driving miles from the business location designated in the ~~such~~
864 contract and fails to provide, within 30 days, a facility of
865 equal quality located within 5 driving miles of the business
866 location designated in the ~~such~~ contract at no additional cost
867 to the buyer.

868 2. A provision that notice of intent to cancel by the buyer
869 shall be given in writing to the health studio. The ~~Such a~~
870 notice of cancellation from the consumer terminates ~~shall also~~

38-00545A-12

2012888

871 ~~terminate~~ automatically the consumer's obligation to any entity
872 to whom the health studio has subrogated or assigned the
873 consumer's contract. If the health studio wishes to enforce the
874 ~~such~~ contract after receipt of the notice ~~such showing~~, it may
875 request the department to determine the sufficiency of the
876 notice ~~showing~~.

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

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

888

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

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

894 (d) A provision for the cancellation of the contract if the
895 buyer dies or becomes physically unable to avail himself or
896 herself of a substantial portion of those services which he or
897 she used from the commencement of the contract until the time of
898 disability, with refund of funds paid or accepted in payment of
899 the contract in an amount computed by dividing the contract

38-00545A-12

2012888

900 price by the number of weeks in the contract term and
901 multiplying the result by the number of weeks remaining in the
902 contract term. The contract may require a buyer or the buyer's
903 estate seeking relief under this paragraph to provide proof of
904 disability or death. A physical disability sufficient to warrant
905 cancellation of the contract by the buyer is ~~shall be~~
906 established if the buyer furnishes to the health studio a
907 certification of such disability by a physician licensed under
908 chapter 458, chapter 459, chapter 460, or chapter 461 to the
909 extent the diagnosis or treatment of the disability is within
910 the physician's scope of practice. A refund shall be issued
911 within 30 days after receipt of the notice of cancellation made
912 pursuant to this paragraph.

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

918 (f) A provision that if the health studio requires a buyer
919 to furnish identification upon entry to the facility and as a
920 condition of using the services of the health studio, the health
921 studio shall provide the buyer with the means of such
922 identification.

923 Section 27. Paragraphs (a) and (1) of subsection (2) of
924 section 501.605, Florida Statutes, are amended to read:

925 501.605 Licensure of commercial telephone sellers.—

926 (2) An applicant for a license as a commercial telephone
927 seller must submit to the department, in such form as it
928 prescribes, a written application for the license. The

38-00545A-12

2012888

929 application must set forth the following information:

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

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

937 1. Principal officer, director, trustee, shareholder,
938 owner, or partner of the applicant, and of each other person
939 responsible for the management of the business of the applicant.

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

942 3. Salesperson or other person to be employed by the
943 applicant.

944

945 The application shall be accompanied by a copy of any: Script,
946 outline, or presentation the applicant will require or suggest a
947 salesperson to use when soliciting, or, if no such document is
948 used, a statement to that effect; sales information or
949 literature to be provided by the applicant to a salesperson; and
950 sales information or literature to be provided by the applicant
951 to a purchaser in connection with any solicitation.

952 Section 28. Paragraph (a) of subsection (1) of section
953 501.607, Florida Statutes, is amended to read:

954 501.607 Licensure of salespersons.—

955 (1) An applicant for a license as a salesperson must submit
956 to the department, in such form as it prescribes, a written
957 application for a license. The application must set forth the

38-00545A-12

2012888

958 following information:

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

962 Section 29. Section 501.911, Florida Statutes, is amended
963 to read:

964 501.911 Administration of act.—Sections 501.91-501.923
965 shall be administered by the Division of Consumer Protection
966 ~~Standards~~ of the Department of Agriculture and Consumer
967 Services.

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

970 501.913 Registration.—

971 (1) Each brand of antifreeze to be distributed in this
972 state shall be registered with the department before ~~prior to~~
973 distribution. The person whose name appears on the label, the
974 manufacturer, or the packager shall make application to the
975 department on forms provided by the department no later than
976 July 1 of each year. The registrant assumes, by application to
977 register the brand, full responsibility for the registration,
978 quality, and quantity of the product sold, offered, or exposed
979 for sale in this state. If a registered brand is not in
980 production for distribution in this state and to ensure any
981 remaining product that is still available for sale in the state
982 is properly registered, the registrant must submit a notarized
983 affidavit on company letterhead to the department certifying
984 that:

985 (a) The stated brand is no longer in production;

986 (b) The stated brand will not be distributed in this state;

38-00545A-12

2012888

987 and

988 (c) All existing product of the stated brand will be
989 removed by the registrant from the state within 30 days after
990 expiration of the registration or the registrant will reregister
991 the brand for two subsequent registration periods.

992

993 If production resumes, the brand must be reregistered before it
994 is distributed in this state.

995 (2) The completed application shall be accompanied by:

996 (a) Specimens or facsimiles of the label for each brand of
997 antifreeze;

998 (b) An application fee of \$200 for each brand; and

999 (c) A properly labeled sample of between 1 and 2 gallons
1000 for each brand of antifreeze.

1001 Section 31. Subsection (3) of section 507.04, Florida
1002 Statutes, is amended to read:

1003 507.04 Required insurance coverages; liability limitations;
1004 valuation coverage.—

1005 (3) INSURANCE COVERAGES.—The insurance coverages required
1006 under paragraph (1) (a) and subsection (2) must be issued by an
1007 insurance company or carrier licensed to transact business in
1008 this state under the Florida Insurance Code as designated in s.
1009 624.01. The department shall require a mover to present a
1010 certificate of insurance of the required coverages before
1011 issuance or renewal of a registration certificate under s.
1012 507.03. The department shall be named as a certificateholder in
1013 the certificate and must be notified at least 10 ~~30~~ days before
1014 cancellation of ~~any changes in~~ insurance coverage.

1015 Section 32. Subsection (7) of section 525.07, Florida

38-00545A-12

2012888

1016 Statutes, is amended, and subsection (10) is added to that
1017 section, to read:

1018 525.07 Powers and duties of department; inspections;
1019 unlawful acts.—

1020 (7) It is unlawful for any person to break, cut, or remove
1021 any seal applied by the department to a petroleum fuel measuring
1022 device or container. If ~~When~~ it becomes necessary to repair and
1023 adjust a petroleum fuel measuring device during the absence of
1024 an inspector of the department, the seal on the meter adjustment
1025 may be broken by a person who is registered with the department
1026 as a meter mechanic. After repairs and adjustments have been
1027 made, the adjusting mechanism must immediately be resealed by
1028 the registered meter mechanic with a seal clasp bearing at least
1029 ~~the name of the company or~~ the name or initials of the
1030 registered mechanic. The registered mechanic shall immediately
1031 notify the department of this action.

1032 (10) It is unlawful for any person to remove, use, sell,
1033 offer for sale, distribute, offer for distribution, or dispose
1034 of in any way petroleum fuel that has been placed under a stop-
1035 sale order without first receiving permission in writing from
1036 the department.

1037 Section 33. Subsection (5) of section 526.143, Florida
1038 Statutes, is amended to read:

1039 526.143 Alternate generated power capacity for motor fuel
1040 dispensing facilities.—

1041 (5) (a) Each corporation or other entity that owns 10 or
1042 more motor fuel retail outlets located within a single county
1043 shall maintain at least one portable generator that is capable
1044 of providing an alternate generated power source as required

38-00545A-12

2012888

1045 under subsection (2) for every 10 outlets. If an entity owns
1046 more than 10 outlets or a multiple of 10 outlets plus an
1047 additional 6 outlets, the entity must provide one additional
1048 generator to accommodate such additional outlets. Each portable
1049 generator must be stored within this state, or may be stored in
1050 another state if located within 250 miles of this state, and
1051 must be available for use in an affected location within 24
1052 hours after a disaster.

1053 (b) Each corporation or other entity that owns 10 or more
1054 motor fuel retail outlets located within a single domestic
1055 security region, as determined pursuant to s. 943.0312(1), and
1056 that does not own additional outlets located outside the
1057 domestic security region shall maintain a written document of
1058 agreement with one or more similarly equipped entities for the
1059 use of portable generators that may be used to meet the
1060 requirements of paragraph (a) and that are located within this
1061 state but outside the affected domestic security region. The
1062 agreement may be reciprocal, may allow for payment for services
1063 rendered by the providing entity, and must guarantee the
1064 availability of the portable generators to an affected location
1065 within 24 hours after a disaster.

1066 (c) Upon written request, the department may temporarily
1067 waive the requirements in paragraphs (a) and (b) if the
1068 generators are used in preparation for or response to an
1069 emergency or major disaster in another state. The waiver shall
1070 be in writing and include a beginning and ending date. The
1071 waiver may provide additional conditions as deemed necessary by
1072 the department. The waiver may be modified or terminated by the
1073 department if the Governor of this state declares an emergency.

38-00545A-12

2012888

1074 (d)~~(e)~~ For purposes of this section, ownership of a motor
1075 fuel retail outlet is ~~shall be~~ the owner of record of the fuel
1076 storage systems operating at the location, as identified in the
1077 Department of Environmental Protection underground storage
1078 facilities registry pursuant to s. 376.303(1).

1079 Section 34. Subsections (8) and (9) are added to section
1080 526.50, Florida Statutes, to read:

1081 526.50 Definition of terms.—As used in this part:

1082 (8) "Brand" means the product name appearing on the label
1083 of a container of brake fluid.

1084 (9) "Formula" means the name of the chemical mixture or
1085 composition of the brake fluid product.

1086 Section 35. Subsections (1) and (3) of section 526.51,
1087 Florida Statutes, are amended to read:

1088 526.51 Registration; renewal and fees; departmental
1089 expenses; cancellation or refusal to issue or renew.—

1090 (1)(a) Application for registration of each brand of brake
1091 fluid shall be made on forms ~~to be~~ supplied by the department.
1092 The applicant shall give his or her name and address and the
1093 brand name of the brake fluid, state that he or she owns the
1094 brand name and has complete control over the product sold
1095 thereunder in this state Florida, and provide the name and
1096 address of the resident agent in this state Florida. If the
1097 applicant does not own the brand name but wishes to register the
1098 product with the department, a notarized affidavit that gives
1099 the applicant full authorization to register the brand name and
1100 that is signed by the owner of the brand name must accompany the
1101 application for registration. The affidavit must include all
1102 affected brand names, the owner's company or corporate name and

38-00545A-12

2012888

1103 address, the applicant's company or corporate name and address,
1104 and a statement from the owner authorizing the applicant to
1105 register the product with the department. The owner of the brand
1106 name shall maintain complete control over each product sold
1107 under that brand name in this state. All first-time ~~new product~~
1108 applications for a brand and formula combination must be
1109 accompanied by a certified report from an independent testing
1110 laboratory, setting forth the analysis of the brake fluid which
1111 shows ~~shall show~~ its quality to be not less than the
1112 specifications established by the department for brake fluids. A
1113 sample of not less than 24 fluid ounces of brake fluid shall be
1114 submitted, in a container or containers, with labels
1115 representing exactly how the containers of brake fluid will be
1116 labeled when sold, and the sample and container shall be
1117 analyzed and inspected by the Division of Consumer Protection
1118 ~~Standards~~ in order that compliance with the department's
1119 specifications and labeling requirements may be verified. Upon
1120 approval of the application, the department shall register the
1121 brand name of the brake fluid and issue to the applicant a
1122 permit authorizing the registrant to sell the brake fluid in
1123 this state during the permit year specified in the permit.

1124 (b) Each applicant shall pay a fee of \$100 with each
1125 application. A permit may be renewed by application to the
1126 department, accompanied by a renewal fee of \$50 on or before the
1127 last day of the permit year immediately preceding the permit
1128 year for which application is made for renewal of registration.
1129 To reregister a previously registered brand and formula
1130 combination, an applicant must submit a completed application
1131 and all materials as required in this section to the department

38-00545A-12

2012888

1132 before the first day of the permit year. A brand and formula
1133 combination for which a completed application and all materials
1134 required in this section are not received before the first day
1135 of the permit year may not be registered with the department
1136 until a completed application and all materials required in this
1137 section have been received and approved. If the brand and
1138 formula combination was previously registered with the
1139 department and a fee, application, or materials required in this
1140 section are received after the first day of the permit year, ~~Fe~~
1141 any fee not paid when due, there shall accrue a penalty of \$25
1142 accrues, which shall be added to the ~~renewal~~ fee. Renewals shall
1143 will be accepted only on brake fluids that have no change in
1144 formula, composition, or brand name. Any change in formula,
1145 composition, or brand name of any brake fluid constitutes a new
1146 product that must be registered in accordance with this part.

1147 (c) In order to ensure that any remaining product still
1148 available for sale in this state is properly registered, if a
1149 registered brand and formula combination is no longer in
1150 production for distribution in this state, the registrant must
1151 submit a notarized affidavit on company letterhead to the
1152 department certifying that:

1153 1. The stated brand and formula combination is no longer in
1154 production;

1155 2. The stated brand and formula combination will not be
1156 distributed in this state; and

1157 3. All existing product of the stated brand and formula
1158 combination will be removed by the registrant from the state
1159 within 30 days after the expiration of the registration or that
1160 the registrant will reregister the brand and formula combination

38-00545A-12

2012888

1161 for two subsequent registration periods.

1162
1163 If production resumes, the brand and formula combination must be
1164 reregistered before it is again distributed in this state.

1165 (3) The department may cancel or, refuse to issue ~~or refuse~~
1166 ~~to renew~~ any registration and permit after due notice and
1167 opportunity to be heard if it finds that the brake fluid is
1168 adulterated or misbranded or that the registrant has failed to
1169 comply with the provisions of this part or the rules adopted
1170 pursuant to this section and regulations promulgated thereunder.

1171 Section 36. Paragraph (a) of subsection (3) of section
1172 526.52, Florida Statutes, is amended to read:

1173 526.52 Specifications; adulteration and misbranding.—

1174 (3) Brake fluid is deemed to be misbranded:

1175 (a) If its container does not bear on its side or top a
1176 label on which is printed the name and place of business of the
1177 registrant of the product, the words "brake fluid," and a
1178 statement that the product therein equals or exceeds the minimum
1179 specification of the Society of Automotive Engineers for brake
1180 fluid, heavy-duty-type, the United States Department of
1181 Transportation Motor Vehicle Safety Standard No.116, or other
1182 specified standard identified in department rule. By regulation
1183 The department may require by rule that the duty-type
1184 classification appear on the label.

1185 Section 37. Subsections (1) and (2) of section 526.53,
1186 Florida Statutes, are amended to read:

1187 526.53 Enforcement; inspection and analysis, stop-sale and
1188 disposition, regulations.—

1189 (1) The department shall enforce the provisions of this

38-00545A-12

2012888

1190 part through the Division of Consumer Protection Standards, and
1191 may sample, inspect, analyze, and test any brake fluid
1192 manufactured, packed, or sold within this state. The department
1193 shall have free access during business hours to all premises,
1194 buildings, vehicles, cars, or vessels used in the manufacture,
1195 packing, storage, sale, or transportation of brake fluid, and
1196 may open any box, carton, parcel, or container of brake fluid
1197 and take samples for inspection and analysis or for evidence.

1198 (2) (a) ~~If when~~ any brake fluid is sold in violation of any
1199 of the provisions of this part, all such brake fluid of the same
1200 brand name ~~on the same premises on which the violation occurred~~
1201 shall be placed under a stop-sale order by the department by
1202 serving the owner of the brand name, the distributor, or other
1203 entity responsible for selling or distributing the product in
1204 this state with the stop-sale order. The department shall
1205 withdraw its stop-sale order upon the removal of the violation
1206 or upon voluntary destruction of the product, or other disposal
1207 approved by the department, under the supervision of the
1208 department.

1209 (b) In addition to being subject to the stop-sale
1210 procedures ~~above~~, unregistered brake fluid shall be held by the
1211 department or its representative, at a place to be designated in
1212 the stop-sale order, until properly registered and released in
1213 writing by the department or its representative. If application
1214 has not been made for registration of such product within 30
1215 days after issue of the stop-sale order, the department or, with
1216 the consent of the department, the representative may give the
1217 product that meets legal specifications ~~such product shall be~~
1218 ~~disposed of by the department~~ to any tax-supported institution

38-00545A-12

2012888

1219 or agency of the state. If application has not been made for
1220 registration of the product within 30 days after issuance of the
1221 stop-order sale and the product fails to meet legal
1222 specifications, the product may be disposed of as ~~if the brake~~
1223 ~~fluid meets legal specifications or by other disposal~~ authorized
1224 by rule of the department ~~if it fails to meet legal~~
1225 specifications.

1226 Section 38. Section 526.55, Florida Statutes, is amended to
1227 read:

1228 526.55 Violation and penalties.—

1229 (1) It is unlawful:

1230 (a) ~~(1)~~ To sell any brake fluid that is adulterated or
1231 misbranded, not registered or on which a permit has not been
1232 issued.

1233 (b) ~~(2)~~ For anyone to remove any stop-sale order placed on a
1234 product by the department, or any product upon which a stop-sale
1235 order has been placed.

1236 (2) If the department finds that a person has violated or
1237 is operating in violation of ss. 526.50-526.56 or the rules or
1238 orders adopted thereunder, the department may, by order:

1239 (a) Issue a notice of noncompliance pursuant to s. 120.695;

1240 (b) Impose an administrative fine not to exceed \$5,000 for
1241 each violation;

1242 (c) Direct that the person cease and desist specified
1243 activities;

1244 (d) Revoke or suspend a registration, or refuse to register
1245 a product; or

1246 (e) Place the registrant on probation for a period of time,
1247 subject to conditions as the department may specify.

38-00545A-12

2012888

1248 (3) The administrative proceedings seeking entry of an
1249 order imposing any of the penalties specified in subsection (2)
1250 are governed by chapter 120.

1251 (4) If a registrant is found to be in violation of ss.
1252 526.50-526.56 and fails to pay a fine within 30 days after
1253 imposition of the fine, the department may suspend all
1254 registrations issued to the registrant by the department until
1255 the fine is paid.

1256 (5) All fines collected by the department under this
1257 section shall be deposited into the General Inspection Trust
1258 Fund.

1259 ~~(3) Any person who violates any of the provisions of this~~
1260 ~~part or any rule or regulation promulgated thereunder shall, for~~
1261 ~~the first offense, be guilty of a misdemeanor of the second~~
1262 ~~degree, punishable as provided in s. 775.082 or s. 775.083, and,~~
1263 ~~for a second or subsequent offense, shall be guilty of a~~
1264 ~~misdemeanor of the first degree, punishable as provided in s.~~
1265 ~~775.082 or s. 775.083.~~

1266 Section 39. Paragraph (b) of subsection (3) of section
1267 539.001, Florida Statutes, is amended to read:

1268 539.001 The Florida Pawnbroking Act.—

1269 (3) LICENSE REQUIRED.—

1270 (b) A licensee who seeks to move a pawnshop to another
1271 location must give written notice 30 days' ~~prior written notice~~
1272 ~~to the agency at least 30 days before the move by certified or~~
1273 ~~registered mail, return receipt requested,~~ and the agency must
1274 ~~then~~ amend the license to indicate the new location. The
1275 licensee must also give such written notice to the appropriate
1276 law enforcement official.

38-00545A-12

2012888

1277 Section 40. Subsection (1) of section 559.805, Florida
1278 Statutes, is amended to read:

1279 559.805 Filings with the department; disclosure of
1280 advertisement identification number.—

1281 (1) Every seller of a business opportunity shall annually
1282 file with the department a copy of the disclosure statement
1283 required by s. 559.803 before ~~prior to~~ placing an advertisement
1284 or making any other representation designed to offer to, sell
1285 to, or solicit an offer to buy a business opportunity from a
1286 prospective purchaser in this state and shall update this filing
1287 by reporting any material change in the required information
1288 within 30 days after the material change occurs. An
1289 advertisement is not placed in the state merely because the
1290 publisher circulates, or there is circulated on his or her
1291 behalf in the state, any bona fide newspaper or other
1292 publication of general, regular, and paid circulation which has
1293 had more than two-thirds of its circulation during the past 12
1294 months outside the state or because a radio or television
1295 program originating outside the state is received in the state.
1296 If the seller is required by s. 559.807 to provide a bond or
1297 establish a trust account or guaranteed letter of credit, he or
1298 she shall contemporaneously file with the department a copy of
1299 the bond, a copy of the formal notification by the depository
1300 that the trust account is established, or a copy of the
1301 guaranteed letter of credit. Every seller of a business
1302 opportunity shall file with the department a list of independent
1303 agents who will engage in the offer or sale of business
1304 opportunities on behalf of the seller in this state. This list
1305 must be kept current and shall include the following

38-00545A-12

2012888

1306 information: name, home and business address, telephone number,
1307 present employer, ~~social security number~~, and birth date. A ~~No~~
1308 person may not ~~shall be allowed to~~ offer or sell business
1309 opportunities unless the required information has been provided
1310 to the department.

1311 Section 41. Subsection (7) of section 559.904, Florida
1312 Statutes, is amended to read:

1313 559.904 Motor vehicle repair shop registration;
1314 application; exemption.—

1315 (7) Any person applying for or renewing a local business
1316 tax receipt ~~occupational license on or after October 1, 1993~~, to
1317 engage in business as a motor vehicle repair shop must exhibit
1318 an active registration certificate from the department before
1319 the local business tax receipt ~~occupational license~~ may be
1320 issued or renewed.

1321 Section 42. Subsections (1), (3), and (4) of section
1322 559.928, Florida Statutes, are amended to read:

1323 559.928 Registration.—

1324 (1) Each seller of travel shall annually register with the
1325 department, providing: its legal business or trade name, mailing
1326 address, and business locations; the full names, addresses, and
1327 telephone numbers of its owners or corporate officers and
1328 directors and the Florida agent of the corporation; a statement
1329 whether it is a domestic or foreign corporation, its state and
1330 date of incorporation, its charter number, and, if a foreign
1331 corporation, the date it registered with this state ~~the State of~~
1332 ~~Florida~~, and business tax receipt ~~occupational license~~ where
1333 applicable; the date on which a seller of travel registered its
1334 fictitious name if the seller of travel is operating under a

38-00545A-12

2012888

1335 fictitious or trade name; the name of all other corporations,
1336 business entities, and trade names through which each owner of
1337 the seller of travel operated, was known, or did business as a
1338 seller of travel within the preceding 5 years; a list of all
1339 authorized independent agents, including the agent's trade name,
1340 full name, mailing address, business address, and telephone
1341 numbers; the business location and address of each branch office
1342 and full name and address of the manager or supervisor; the
1343 certification required under s. 559.9285; and proof of purchase
1344 of adequate bond as required in this part. A certificate
1345 evidencing proof of registration shall be issued by the
1346 department and must be prominently displayed in the seller of
1347 travel's primary place of business.

1348 (3) Each independent agent shall annually file an affidavit
1349 with the department prior to engaging in business in this state.
1350 This affidavit must include the independent agent's full name,
1351 legal business or trade name, mailing address, business address,
1352 telephone number, ~~social security number~~, and the name ~~or names~~
1353 and address ~~addresses~~ of each seller of travel represented by
1354 the independent agent. A letter evidencing proof of filing must
1355 be issued by the department and must be prominently displayed in
1356 the independent agent's primary place of business. Each
1357 independent agent must also submit an annual registration fee of
1358 \$50. All moneys collected pursuant to the imposition of the fee
1359 shall be deposited by the Chief Financial Officer into the
1360 General Inspection Trust Fund of the Department of Agriculture
1361 and Consumer Services for the sole purpose of administrating
1362 this part. As used in this subsection, the term "independent
1363 agent" means a person who represents a seller of travel by

38-00545A-12

2012888

1364 soliciting persons on its behalf; who has a written contract
1365 with a seller of travel which is operating in compliance with
1366 this part and any rules adopted thereunder; who does not receive
1367 a fee, commission, or other valuable consideration directly from
1368 the purchaser for the seller of travel; who does not at any time
1369 have any unissued ticket stock or travel documents in his or her
1370 possession; and who does not have the ability to issue tickets,
1371 vacation certificates, or any other travel document. The term
1372 "independent agent" does not include an affiliate of the seller
1373 of travel, as that term is used in s. 559.935(3), or the
1374 employees of the seller of travel or of such affiliates.

1375 (4) Any person applying for or renewing a local business
1376 tax receipt ~~occupational license~~ to engage in business as a
1377 seller of travel must exhibit a current registration certificate
1378 from the department before the local business tax receipt
1379 ~~occupational license~~ may be issued or reissued.

1380 Section 43. Paragraph (c) of subsection (3) of section
1381 559.9285, Florida Statutes, is amended to read:

1382 559.9285 Certification of business activities.—

1383 (3) The department shall specify by rule the form of each
1384 certification under this section which shall include the
1385 following information:

1386 (c) The legal name, any trade names or fictitious names,
1387 mailing address, physical address, telephone number or numbers,
1388 facsimile number or numbers, and all Internet and electronic
1389 contact information of every other commercial entity with which
1390 the certifying party engages in business or commerce that is
1391 related in any way to the certifying party's business or
1392 commerce with any terrorist state. The information disclosed

38-00545A-12

2012888

1393 pursuant to this paragraph does not constitute customer lists,
 1394 customer names, or trade secrets protected under s. 570.544(8)
 1395 ~~570.544(7)~~.

1396 Section 44. Subsection (6) of section 559.935, Florida
 1397 Statutes, is amended to read:

1398 559.935 Exemptions.—

1399 (6) The department shall request from the Airlines
 1400 Reporting Corporation any information necessary to implement the
 1401 provisions of subsection (2). Persons claiming an exemption
 1402 under subsection (2) or subsection (3) must show a letter of
 1403 exemption from the department before a local business tax
 1404 receipt ~~occupational license~~ to engage in business as a seller
 1405 of travel may be issued or reissued. If the department fails to
 1406 issue a letter of exemption on a timely basis, the seller of
 1407 travel shall submit to the department, through certified mail,
 1408 an affidavit containing her or his name and address and an
 1409 explanation of the exemption sought. Such affidavit may be used
 1410 in lieu of a letter of exemption for the purpose of obtaining an
 1411 business tax receipt ~~occupational license~~. In any civil or
 1412 criminal proceeding, the burden of proving an exemption under
 1413 this section is ~~shall be~~ on the person claiming such exemption.
 1414 A letter of exemption issued by the department may ~~shall~~ not be
 1415 used in, and has ~~shall have~~ no bearing on, such proceedings.

1416 Section 45. Subsection (5) of section 570.29, Florida
 1417 Statutes, is amended to read:

1418 570.29 Departmental divisions.—The department shall include
 1419 the following divisions:

1420 (5) Consumer Protection Services.

1421 Section 46. Section 570.46, Florida Statutes, is repealed.

38-00545A-12

2012888

1422 Section 47. Section 570.47, Florida Statutes, is repealed.

1423 Section 48. Section 570.544, Florida Statutes, is amended
1424 to read:

1425 570.544 Division of Consumer Protection Services; director;
1426 powers; processing of complaints; records.-

1427 (1) The director of the Division of Consumer Protection
1428 ~~Services~~ shall be appointed by and serve at the pleasure of the
1429 commissioner.

1430 (2) The director shall supervise, direct, and coordinate
1431 the activities of the division and shall, under the direction of
1432 the department, enforce the provisions of chapters 472, 496,
1433 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849.

1434 (3)~~(2)~~ The Division of Consumer Protection Services may:

1435 (a) Conduct studies and make analyses of matters affecting
1436 the interests of consumers.

1437 (b) Study the operation of laws for consumer protection.

1438 (c) Advise and make recommendations to the various state
1439 agencies concerned with matters affecting consumers.

1440 (d) Assist, advise, and cooperate with local, state, or
1441 federal agencies and officials in order to promote the interests
1442 of consumers.

1443 (e) Make use of the testing and laboratory facilities of
1444 the department for the detection of consumer fraud.

1445 (f) Report to the appropriate law enforcement officers any
1446 information concerning violation of consumer protection laws.

1447 (g) Assist, develop, and conduct programs of consumer
1448 education and consumer information through publications and
1449 other informational and educational material prepared for
1450 dissemination to the public, in order to increase the competence

38-00545A-12

2012888

1451 of consumers.

1452 (h) Organize and hold conferences on problems affecting
1453 consumers.

1454 (i) Recommend programs to encourage business and industry
1455 to maintain high standards of honesty, fair business practices,
1456 and public responsibility in the production, promotion, and sale
1457 of consumer goods and services.

1458 (4)~~(3)~~ In addition to the powers, duties, and
1459 responsibilities authorized by this or any other chapter, the
1460 Division of Consumer Protection Services shall serve as a
1461 clearinghouse for matters relating to consumer protection,
1462 consumer information, and consumer services generally. It shall
1463 receive complaints and grievances from consumers and promptly
1464 transmit them to the ~~that~~ agency most directly concerned in
1465 order that the complaint or grievance may be expeditiously
1466 handled in the best interests of the complaining consumer. If no
1467 agency exists, the Division of Consumer Protection Services
1468 shall seek a settlement of the complaint using formal or
1469 informal methods of mediation and conciliation and may seek any
1470 other resolution of the matter in accordance with its
1471 jurisdiction.

1472 (5)~~(4)~~ If any complaint received by the Division of
1473 Consumer Protection Services concerns matters that ~~which~~ involve
1474 concurrent jurisdiction in more than one agency, duplicate
1475 copies of the complaint shall be referred to those offices
1476 deemed to have concurrent jurisdiction.

1477 (6)~~(5)~~ (a) Any agency, office, bureau, division, or board of
1478 state government receiving a complaint that ~~which~~ deals with
1479 consumer fraud or consumer protection and that ~~which~~ is not

38-00545A-12

2012888

1480 within the jurisdiction of the receiving agency, office, bureau,
1481 division, or board originally receiving it, shall immediately
1482 refer the complaint to the Division of Consumer Protection
1483 Services.

1484 (b) Upon receipt of such a complaint, the Division of
1485 Consumer Protection ~~Services~~ shall make a determination of the
1486 proper jurisdiction to which the complaint relates and shall
1487 immediately refer the complaint to the agency, office, bureau,
1488 division, or board that ~~which~~ does have the proper regulatory or
1489 enforcement authority to deal with it.

1490 (7) ~~(6)~~ The office or agency to which a complaint has been
1491 referred shall within 30 days acknowledge receipt of the
1492 complaint. If an office or agency receiving a complaint
1493 determines that the matter presents a prima facie case for
1494 criminal prosecution or if the complaint cannot be settled at
1495 the administrative level, the complaint together with all
1496 supporting evidence shall be transmitted to the Department of
1497 Legal Affairs or other appropriate enforcement agency with a
1498 recommendation for civil or criminal action warranted by the
1499 evidence.

1500 (8) ~~(7)~~ The records of the Division of Consumer Protection
1501 ~~Services~~ are public records. However, customer lists, customer
1502 names, and trade secrets are confidential and exempt from the
1503 provisions of s. 119.07(1). Disclosure necessary to enforcement
1504 procedures does ~~shall~~ not violate ~~be construed as violative of~~
1505 this prohibition.

1506 (9) ~~(8)~~ ~~It shall be the duty of~~ The Division of Consumer
1507 Protection ~~shall~~ ~~Services~~ to maintain records and compile
1508 summaries and analyses of consumer complaints and their eventual

38-00545A-12

2012888

1509 disposition, which data may serve as a basis for recommendations
1510 to the Legislature and to state regulatory agencies.

1511 Section 49. Paragraph (a) of subsection (8) of section
1512 616.242, Florida Statutes, is amended to read:

1513 616.242 Safety standards for amusement rides.—

1514 (8) FEES.—

1515 (a) The department shall by rule establish fees to cover
1516 the costs and expenditures associated with the fair rides
1517 inspection program ~~Bureau of Fair Rides Inspection~~, including
1518 all direct and indirect costs. If there is not sufficient
1519 general revenue appropriated by the Legislature, the industry
1520 shall pay for the remaining cost of the program. The fees must
1521 be deposited in the General Inspection Trust Fund.

1522 Section 50. Subsection (3) of section 849.0915, Florida
1523 Statutes, is amended to read:

1524 849.0915 Referral selling.—

1525 (3) In addition to the penalty provided in this section
1526 ~~herein~~, the Attorney General and her or his assistants, the
1527 state attorneys and their assistants, and the Division of
1528 Consumer Protection Services ~~Services~~ of the Department of Agriculture
1529 and Consumer Services may ~~are authorized to~~ apply to the circuit
1530 court within their respective jurisdictions, and the ~~such~~ court
1531 has ~~shall have~~ jurisdiction, upon hearing and for cause shown,
1532 to grant a temporary or permanent injunction restraining any
1533 person from violating the provisions of this section, whether or
1534 not there exists an adequate remedy at law, and such injunction
1535 shall issue without bond.

1536 Section 51. This act shall take effect July 1, 2012.