

By the Committees on Regulated Industries; and Commerce and Tourism; and Senator Flores

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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

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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

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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

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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

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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 the requirement
124 that the Florida Public Service Commission adopt
125 certain rules; amending s. 501.605, F.S.; providing
126 that an applicant for a commercial telephone seller
127 license may provide other valid forms of
128 identification in lieu of a valid driver license
129 number; removing the requirement that the applicant
130 provide his or her social security number on the
131 application; amending s. 501.607, F.S.; providing that
132 an applicant for a telemarketing salesperson's license
133 may provide other valid forms of identification in
134 lieu of a driver license number; amending s. 501.911,
135 F.S.; revising provisions for administration of the
136 Antifreeze Act of 1978, to conform; amending s.
137 501.913, F.S.; requiring the registrant of a brand of
138 antifreeze to assume full responsibility for the
139 registration; requiring that a registrant of a brand
140 of antifreeze not in production for distribution in
141 this state must submit a notarized affidavit attesting
142 to specified information; requiring that a certain
143 sample size of each brand of antifreeze accompany the
144 application for registration; amending s. 507.04,
145 F.S.; requiring that the Department of Agriculture and

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146 Consumer Services be notified at least 10 days before
147 any changes are made in the insurance coverage of a
148 household moving service; amending s. 525.07, F.S.;
149 revising required contents of seal clasps applied by
150 meter mechanics after repair and adjustment of
151 petroleum fuel measuring devices; amending s. 526.143,
152 F.S.; 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

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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

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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~~

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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 on
236 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

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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.—

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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

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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

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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

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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 the
394 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,

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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 and the licensee has elected to receive
414 notifications by e-mail.

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

417 472.025 Seals.—

418 (2) It is unlawful for a ~~any~~ person to stamp, seal, or
419 digitally sign a ~~any~~ document with a seal or digital signature
420 after his or her certificate of registration has expired or been
421 revoked or suspended, unless such certificate of registration
422 has been reinstated or reissued. When a ~~the~~ certificate of
423 registration ~~of a registrant~~ has been revoked or suspended by
424 the board, the registrant shall, within ~~a period of~~ 30 days
425 after the revocation or suspension has become effective,
426 surrender his or her seal to the executive director ~~secretary~~ of
427 the board and confirm to the executive director ~~secretary~~ the
428 cancellation of the registrant's digital signature in accordance
429 with ss. 668.001-668.006. If ~~In the event~~ the registrant's
430 certificate has been suspended for a period of time, his or her
431 seal shall be returned to him or her upon expiration of the
432 suspension period.

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

435 472.0337 Power to administer oaths, take depositions, and

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

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

446 472.0351 Grounds for discipline; penalties; enforcement.—

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

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

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

453 (c) Having a license to practice surveying and mapping
454 revoked, suspended, or otherwise acted against, including the
455 denial of licensure, by the licensing authority of another
456 state, territory, or country, for a violation that constitutes a
457 violation under the laws of this state. The acceptance of a
458 relinquishment of licensure, stipulation, consent order, or
459 other settlement offered in response to or in anticipation of
460 the filing of charges against the license by a licensing
461 authority is an action against the license;

462 (d) Being convicted or found guilty of, or entering a plea
463 of guilty, no contest, or nolo contendere to, regardless of
464 adjudication, a crime in any jurisdiction which directly relates

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465 to the practice of surveying and mapping or the ability to
466 practice surveying and mapping;

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

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

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

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

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

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

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

492 ~~(l) Having a license or the authority to practice the~~
493 ~~regulated profession revoked, suspended, or otherwise acted~~

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494 ~~against, including the denial of licensure, by the licensing~~
495 ~~authority of any jurisdiction, including its agencies or~~
496 ~~subdivisions, for a violation that would constitute a violation~~
497 ~~under Florida law;~~

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

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

504 (l)~~(o)~~ Aiding, assisting, procuring, employing, or advising
505 any unlicensed person or entity to practice surveying and
506 mapping contrary to this chapter or the rules of the department
507 or the board;

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

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

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

519 (p)~~(s)~~ Delegating or contracting for the performance of
520 professional responsibilities by a person when the licensee
521 delegating or contracting for performance of such
522 responsibilities knows, or has reason to know, such person is

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523 not qualified by training, experience, and authorization when
524 required to perform them; or

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

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

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

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

539 (b) Revocation or suspension of a license.

540 (c) Imposition of an administrative fine not to exceed
541 \$1,000 for each count or separate offense.

542 (d) Issuance of a reprimand.

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

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

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552 (g) Corrective action.

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

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

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

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

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

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

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

590 472.0357 Penalty for giving false information.—In addition
591 to, or in lieu of, any other disciplinary action imposed
592 pursuant to s. 472.0351, a person who knowingly gives false
593 information in the course of applying for or obtaining a license
594 from the department or the board, or who attempts to obtain or
595 obtains a license from the department or the board by knowingly
596 providing misleading statements or misrepresentations commits a
597 felony of the third degree, punishable as provided in s.
598 775.082, s. 775.083, or s. 775.084.

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

601 493.6105 Initial application for license.—

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

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610 if:

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

617 (b) The applicant provides proof that he or she is
618 currently certified as a federal law enforcement officer and has
619 received law enforcement firearms training administered by a
620 federal law enforcement agency.

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

630 Section 16. Paragraph (b) of subsection (3) of section
631 493.6113, Florida Statutes, is amended to read:

632 493.6113 Renewal application for licensure.—

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

637 (b) Each Class "G" licensee shall additionally submit proof
638 that he or she has received during each year of the license

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639 period a minimum of 4 hours of firearms recertification training
640 taught by a Class "K" licensee and has complied with such other
641 health and training requirements which the department may adopt
642 by rule. If proof of a minimum of 4 hours of annual firearms
643 recertification training cannot be provided, the renewal
644 applicant shall complete the minimum number of hours of range
645 and classroom training required at the time of initial
646 licensure. The department may waive the foregoing firearms
647 training requirement if:

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

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

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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
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

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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

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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
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 buyer
745 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

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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
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 the
771 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

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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 a
790 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) of
800 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 ~~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,
841 or the Legal Affairs Revolving Trust Fund if the action or

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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:

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

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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 state;

927 and

928 (c) All existing product of the stated brand will be

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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 limitations;
944 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;

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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.

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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
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:

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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

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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

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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 in
1088 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
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~~7~~ refuse to issue ~~or refuse~~
1100 ~~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

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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.

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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 servicing 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
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 to

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1161 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 a
1168 product by the department, or any product upon which a stop-sale
1169 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. 120.695;1174 (b) Impose an administrative fine not to exceed \$5,000 for
1175 each violation;1176 (c) Direct that the person cease and desist specified
1177 activities;1178 (d) Revoke or suspend a registration, or refuse to register
1179 a product; or1180 (e) Place the registrant on probation for a period of time,
1181 subject to conditions as the department may specify.1182 (3) The administrative proceedings seeking entry of an
1183 order imposing any of the penalties specified in subsection (2)
1184 are governed by chapter 120.1185 (4) If a registrant is found to be in violation of ss.
1186 526.50-526.56 and fails to pay a fine within 30 days after
1187 imposition of the fine, the department may suspend all
1188 registrations issued to the registrant by the department until
1189 the fine is paid.

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1190 (5) All fines collected by the department under this
1191 section shall be deposited into the General Inspection Trust
1192 Fund.

1193 ~~(3) Any person who violates any of the provisions of this~~
1194 ~~part or any rule or regulation promulgated thereunder shall, for~~
1195 ~~the first offense, be guilty of a misdemeanor of the second~~
1196 ~~degree, punishable as provided in s. 775.082 or s. 775.083, and,~~
1197 ~~for a second or subsequent offense, shall be guilty of a~~
1198 ~~misdemeanor of the first degree, punishable as provided in s.~~
1199 ~~775.082 or s. 775.083.~~

1200 Section 34. Paragraph (b) of subsection (3) of section
1201 539.001, Florida Statutes, is amended to read:

1202 539.001 The Florida Pawnbroking Act.—

1203 (3) LICENSE REQUIRED.—

1204 (b) A licensee who seeks to move a pawnshop to another
1205 location must give written notice ~~30 days' prior written notice~~
1206 ~~to the agency at least 30 days before the move by certified or~~
1207 ~~registered mail, return receipt requested, and the agency must~~
1208 ~~then~~ amend the license to indicate the new location. The
1209 licensee must also give such written notice to the appropriate
1210 law enforcement official.

1211 Section 35. Subsection (1) of section 559.805, Florida
1212 Statutes, is amended to read:

1213 559.805 Filings with the department; disclosure of
1214 advertisement identification number.—

1215 (1) Every seller of a business opportunity shall annually
1216 file with the department a copy of the disclosure statement
1217 required by s. 559.803 before ~~prior to~~ placing an advertisement
1218 or making any other representation designed to offer to, sell

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1219 to, or solicit an offer to buy a business opportunity from a
1220 prospective purchaser in this state and shall update this filing
1221 by reporting any material change in the required information
1222 within 30 days after the material change occurs. An
1223 advertisement is not placed in the state merely because the
1224 publisher circulates, or there is circulated on his or her
1225 behalf in the state, any bona fide newspaper or other
1226 publication of general, regular, and paid circulation which has
1227 had more than two-thirds of its circulation during the past 12
1228 months outside the state or because a radio or television
1229 program originating outside the state is received in the state.
1230 If the seller is required by s. 559.807 to provide a bond or
1231 establish a trust account or guaranteed letter of credit, he or
1232 she shall contemporaneously file with the department a copy of
1233 the bond, a copy of the formal notification by the depository
1234 that the trust account is established, or a copy of the
1235 guaranteed letter of credit. Every seller of a business
1236 opportunity shall file with the department a list of independent
1237 agents who will engage in the offer or sale of business
1238 opportunities on behalf of the seller in this state. This list
1239 must be kept current and shall include the following
1240 information: name, home and business address, telephone number,
1241 present employer, ~~social security number~~, and birth date. A ~~No~~
1242 person may not ~~shall be allowed to~~ offer or sell business
1243 opportunities unless the required information has been provided
1244 to the department.

1245 Section 36. Subsection (7) of section 559.904, Florida
1246 Statutes, is amended to read:

1247 559.904 Motor vehicle repair shop registration;

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1248 application; exemption.-

1249 (7) Any person applying for or renewing a local business
1250 tax receipt ~~occupational license on or after October 1, 1993,~~ to
1251 engage in business as a motor vehicle repair shop must exhibit
1252 an active registration certificate from the department before
1253 the local business tax receipt ~~occupational license~~ may be
1254 issued or renewed.

1255 Section 37. Section 559.922, Florida Statutes, is repealed.

1256 Section 38. Subsections (1), (3), and (4) of section
1257 559.928, Florida Statutes, are amended to read:

1258 559.928 Registration.-

1259 (1) Each seller of travel shall annually register with the
1260 department, providing: its legal business or trade name, mailing
1261 address, and business locations; the full names, addresses, and
1262 telephone numbers of its owners or corporate officers and
1263 directors and the Florida agent of the corporation; a statement
1264 whether it is a domestic or foreign corporation, its state and
1265 date of incorporation, its charter number, and, if a foreign
1266 corporation, the date it registered with this state ~~the State of~~
1267 ~~Florida~~, and business tax receipt ~~occupational license~~ where
1268 applicable; the date on which a seller of travel registered its
1269 fictitious name if the seller of travel is operating under a
1270 fictitious or trade name; the name of all other corporations,
1271 business entities, and trade names through which each owner of
1272 the seller of travel operated, was known, or did business as a
1273 seller of travel within the preceding 5 years; a list of all
1274 authorized independent agents, including the agent's trade name,
1275 full name, mailing address, business address, and telephone
1276 numbers; the business location and address of each branch office

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1277 and full name and address of the manager or supervisor; the
1278 certification required under s. 559.9285; and proof of purchase
1279 of adequate bond as required in this part. A certificate
1280 evidencing proof of registration shall be issued by the
1281 department and must be prominently displayed in the seller of
1282 travel's primary place of business.

1283 (3) Each independent agent shall annually file an affidavit
1284 with the department prior to engaging in business in this state.
1285 This affidavit must include the independent agent's full name,
1286 legal business or trade name, mailing address, business address,
1287 telephone number, ~~social security number~~, and the name ~~or names~~
1288 and address ~~addresses~~ of each seller of travel represented by
1289 the independent agent. A letter evidencing proof of filing must
1290 be issued by the department and must be prominently displayed in
1291 the independent agent's primary place of business. Each
1292 independent agent must also submit an annual registration fee of
1293 \$50. All moneys collected pursuant to the imposition of the fee
1294 shall be deposited by the Chief Financial Officer into the
1295 General Inspection Trust Fund of the Department of Agriculture
1296 and Consumer Services for the sole purpose of administrating
1297 this part. As used in this subsection, the term "independent
1298 agent" means a person who represents a seller of travel by
1299 soliciting persons on its behalf; who has a written contract
1300 with a seller of travel which is operating in compliance with
1301 this part and any rules adopted thereunder; who does not receive
1302 a fee, commission, or other valuable consideration directly from
1303 the purchaser for the seller of travel; who does not at any time
1304 have any unissued ticket stock or travel documents in his or her
1305 possession; and who does not have the ability to issue tickets,

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1306 vacation certificates, or any other travel document. The term
1307 "independent agent" does not include an affiliate of the seller
1308 of travel, as that term is used in s. 559.935(3), or the
1309 employees of the seller of travel or of such affiliates.

1310 (4) Any person applying for or renewing a local business
1311 tax receipt ~~occupational license~~ to engage in business as a
1312 seller of travel must exhibit a current registration certificate
1313 from the department before the local business tax receipt
1314 ~~occupational license~~ may be issued or reissued.

1315 Section 39. Paragraph (c) of subsection (3) of section
1316 559.9285, Florida Statutes, is amended to read:

1317 559.9285 Certification of business activities.—

1318 (3) The department shall specify by rule the form of each
1319 certification under this section which shall include the
1320 following information:

1321 (c) The legal name, any trade names or fictitious names,
1322 mailing address, physical address, telephone number or numbers,
1323 facsimile number or numbers, and all Internet and electronic
1324 contact information of every other commercial entity with which
1325 the certifying party engages in business or commerce that is
1326 related in any way to the certifying party's business or
1327 commerce with any terrorist state. The information disclosed
1328 pursuant to this paragraph does not constitute customer lists,
1329 customer names, or trade secrets protected under s. 570.544(8)
1330 ~~570.544(7)~~.

1331 Section 40. Subsection (6) of section 559.935, Florida
1332 Statutes, is amended to read:

1333 559.935 Exemptions.—

1334 (6) The department shall request from the Airlines

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1335 Reporting Corporation any information necessary to implement the
1336 provisions of subsection (2). Persons claiming an exemption
1337 under subsection (2) or subsection (3) must show a letter of
1338 exemption from the department before a local business tax
1339 receipt ~~occupational license~~ to engage in business as a seller
1340 of travel may be issued or reissued. If the department fails to
1341 issue a letter of exemption on a timely basis, the seller of
1342 travel shall submit to the department, through certified mail,
1343 an affidavit containing her or his name and address and an
1344 explanation of the exemption sought. Such affidavit may be used
1345 in lieu of a letter of exemption for the purpose of obtaining a
1346 business tax receipt ~~an occupational license~~. In any civil or
1347 criminal proceeding, the burden of proving an exemption under
1348 this section is ~~shall be~~ on the person claiming such exemption.
1349 A letter of exemption issued by the department may ~~shall~~ not be
1350 used in, and has ~~shall have~~ no bearing on, such proceedings.

1351 Section 41. Subsection (12) of section 570.29, Florida
1352 Statutes, is amended to read:

1353 570.29 Departmental divisions.—The department shall include
1354 the following divisions:

1355 ~~(12) Standards.~~

1356 Section 42. Sections 570.46 and 570.47, Florida Statutes,
1357 are repealed.

1358 Section 43. Section 570.544, Florida Statutes, is amended
1359 to read:

1360 570.544 Division of Consumer Services; director; powers;
1361 processing of complaints; records.—

1362 (1) The director of the Division of Consumer Services shall
1363 be appointed by and serve at the pleasure of the commissioner.

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1364 (2) The director shall supervise, direct, and coordinate
1365 the activities of the division and shall, under the direction of
1366 the department, enforce the provisions of chapters 472, 496,
1367 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849.

1368 ~~(3)~~ (2) The Division of Consumer Services may:

1369 (a) Conduct studies and make analyses of matters affecting
1370 the interests of consumers.

1371 (b) Study the operation of laws for consumer protection.

1372 (c) Advise and make recommendations to the various state
1373 agencies concerned with matters affecting consumers.

1374 (d) Assist, advise, and cooperate with local, state, or
1375 federal agencies and officials in order to promote the interests
1376 of consumers.

1377 (e) Make use of the testing and laboratory facilities of
1378 the department for the detection of consumer fraud.

1379 (f) Report to the appropriate law enforcement officers any
1380 information concerning violation of consumer protection laws.

1381 (g) Assist, develop, and conduct programs of consumer
1382 education and consumer information through publications and
1383 other informational and educational material prepared for
1384 dissemination to the public, in order to increase the competence
1385 of consumers.

1386 (h) Organize and hold conferences on problems affecting
1387 consumers.

1388 (i) Recommend programs to encourage business and industry
1389 to maintain high standards of honesty, fair business practices,
1390 and public responsibility in the production, promotion, and sale
1391 of consumer goods and services.

1392 ~~(4)~~ (3) In addition to the powers, duties, and

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1393 responsibilities authorized by this or any other chapter, the
1394 Division of Consumer Services shall serve as a clearinghouse for
1395 matters relating to consumer protection, consumer information,
1396 and consumer services generally. It shall receive complaints and
1397 grievances from consumers and promptly transmit them to the ~~that~~
1398 agency most directly concerned in order that the complaint or
1399 grievance may be expeditiously handled in the best interests of
1400 the complaining consumer. If no agency exists, the Division of
1401 Consumer Services shall seek a settlement of the complaint using
1402 formal or informal methods of mediation and conciliation and may
1403 seek any other resolution of the matter in accordance with its
1404 jurisdiction.

1405 (5)~~(4)~~ If any complaint received by the Division of
1406 Consumer Services concerns matters that ~~which~~ involve concurrent
1407 jurisdiction in more than one agency, duplicate copies of the
1408 complaint shall be referred to those offices deemed to have
1409 concurrent jurisdiction.

1410 (6)~~(5)~~(a) Any agency, office, bureau, division, or board of
1411 state government receiving a complaint that ~~which~~ deals with
1412 consumer fraud or consumer protection and that ~~which~~ is not
1413 within the jurisdiction of the receiving agency, office, bureau,
1414 division, or board originally receiving it, shall immediately
1415 refer the complaint to the Division of Consumer Services.

1416 (b) Upon receipt of such a complaint, the Division of
1417 Consumer Services shall make a determination of the proper
1418 jurisdiction to which the complaint relates and shall
1419 immediately refer the complaint to the agency, office, bureau,
1420 division, or board that ~~which~~ does have the proper regulatory or
1421 enforcement authority to deal with it.

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1422 (7)~~(6)~~ The office or agency to which a complaint has been
1423 referred shall within 30 days acknowledge receipt of the
1424 complaint. If an office or agency receiving a complaint
1425 determines that the matter presents a prima facie case for
1426 criminal prosecution or if the complaint cannot be settled at
1427 the administrative level, the complaint together with all
1428 supporting evidence shall be transmitted to the Department of
1429 Legal Affairs or other appropriate enforcement agency with a
1430 recommendation for civil or criminal action warranted by the
1431 evidence.

1432 (8)~~(7)~~ The records of the Division of Consumer Services are
1433 public records. However, customer lists, customer names, and
1434 trade secrets are confidential and exempt from the provisions of
1435 s. 119.07(1). Disclosure necessary to enforcement procedures
1436 does shall not violate ~~be construed as violative of~~ this
1437 prohibition.

1438 (9)~~(8)~~ ~~It shall be the duty of~~ The Division of Consumer
1439 Services shall ~~to~~ maintain records and compile summaries and
1440 analyses of consumer complaints and their eventual disposition,
1441 which data may serve as a basis for recommendations to the
1442 Legislature and to state regulatory agencies.

1443 Section 44. Paragraph (a) of subsection (8) of section
1444 616.242, Florida Statutes, is amended to read:

1445 616.242 Safety standards for amusement rides.—

1446 (8) FEES.—

1447 (a) The department shall by rule establish fees to cover
1448 the costs and expenditures associated with the fair rides
1449 inspection program ~~Bureau of Fair Rides Inspection~~, including
1450 all direct and indirect costs. If there is not sufficient

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1451 general revenue appropriated by the Legislature, the industry
1452 shall pay for the remaining cost of the program. The fees must
1453 be deposited in the General Inspection Trust Fund.

1454 Section 45. This act shall take effect July 1, 2012.