

By the Committees on Budget Subcommittee on General Government Appropriations; 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; amending s.
84 493.6105, F.S.; authorizing the Department of
85 Agriculture and Consumer Services to waive firearms
86 training requirements for the initial licensure of
87 private investigative, private security, or

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88 repossession services under certain circumstances;
89 amending s. 493.6113, F.S.; authorizing the department
90 to waive firearms training requirements for license
91 renewal of private investigative, private security,
92 and repossession services under certain circumstances;
93 amending s. 493.6118, F.S.; providing for disciplinary
94 action to be taken against certain additional license
95 classes 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 s. 501.015, F.S.,
102 relating to the regulation of health studios;
103 substituting the term "local business tax receipt" for
104 the term "local occupational license"; amending s.
105 501.017, F.S.; making technical changes; clarifying
106 that certain notice be provided in a health studio
107 contract in at least 10-point boldface type; amending
108 s. 501.059, F.S.; deleting requirement that telephone
109 subscribers pay an initial listing charge for
110 including their telephone numbers on the state's no
111 sales solicitation calls listing; specifying the
112 period that a subscriber's listing remains active;
113 requiring the department to include certain listings
114 from a national database on the state's listing;
115 authorizing the department to impose administrative
116 fines for violations; specifying that administrative

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117 proceedings are subject to the Administrative
118 Procedure Act; requiring telecommunications companies
119 to inform their customers of certain telephone
120 solicitation requirements; deleting the requirement
121 that the Florida Public Service Commission adopt
122 certain rules; amending s. 501.605, F.S.; providing
123 that an applicant for a commercial telephone seller
124 license may provide other valid forms of
125 identification in lieu of a valid driver license
126 number; removing the requirement that the applicant
127 provide his or her social security number on the
128 application; amending s. 501.607, F.S.; providing that
129 an applicant for a telemarketing salesperson's license
130 may provide other valid forms of identification in
131 lieu of a driver license number; amending s. 501.911,
132 F.S.; revising provisions for administration of the
133 Antifreeze Act of 1978, to conform; amending s.
134 501.913, F.S.; requiring the registrant of a brand of
135 antifreeze to assume full responsibility for the
136 registration; requiring that a registrant of a brand
137 of antifreeze not in production for distribution in
138 this state must submit a notarized affidavit attesting
139 to specified information; requiring that a certain
140 sample size of each brand of antifreeze accompany the
141 application for registration; amending s. 507.04,
142 F.S.; requiring that the Department of Agriculture and
143 Consumer Services be notified at least 10 days before
144 any changes are made in the insurance coverage of a
145 household moving service; amending s. 525.07, F.S.;

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146 revising required contents of seal clasps applied by
147 meter mechanics after repair and adjustment of
148 petroleum fuel measuring devices; amending s. 526.143,
149 F.S.; authorizing the department to temporarily waive
150 certain requirements for generators at retail motor
151 fuel outlets which are used in preparation or response
152 to an emergency or major disaster in another state;
153 amending s. 526.50, F.S., relating to the sale of
154 brake fluid; defining the terms "brand" and "formula";
155 amending s. 526.51, F.S.; conforming terminology;
156 providing criteria for reregistering a previously
157 registered brand and formula combination of brake
158 fluid; providing for a fine for late submission of the
159 application for reregistration and required materials;
160 requiring a registrant to submit a notarized affidavit
161 attesting that specified conditions have been
162 satisfied if a registered brand and formula
163 combination is not in production for distribution in
164 this state; amending s. 526.52, F.S.; providing
165 alternative criteria under which a brand of brake
166 fluid may satisfy branding requirements; amending s.
167 526.53, F.S.; conforming terminology; requiring that
168 stop-sale orders be served by the department on the
169 owner of the brand name, the distributor, or other
170 entity responsible for selling or distributing the
171 product; providing that the department's
172 representative, with the consent of the department,
173 may dispose of certain unregistered brake fluid;
174 amending s. 526.55, F.S.; replacing criminal sanctions

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175 with administrative and monetary sanctions for
176 violations of laws regulating the sale of brake fluid;
177 amending s. 539.001, F.S.; eliminating the requirement
178 that a pawnshop provide the Department of Agriculture
179 and Consumer Services notice of a change in its
180 location by certified or registered mail; amending s.
181 559.805, F.S.; eliminating a requirement that sellers
182 of business opportunities provide the department with
183 the social security numbers of their independent
184 agents; amending s. 559.904, F.S., relating to the
185 regulation of motor vehicle repair shops; substituting
186 the term "business tax receipt" for the term
187 "occupational license"; repealing s. 559.922, F.S.,
188 relating to the use of motor vehicle repair shop
189 registration fees to provide financial assistance to
190 motor vehicle repair shop employees who undertake
191 certain technical training or courses; amending s.
192 559.928, F.S., relating to the regulation of sellers
193 of travel; substituting the term "business tax
194 receipt" for the term "occupational license";
195 eliminating a requirement that an independent travel
196 agent provide his or her social security number to the
197 department; amending s. 559.9285, F.S.; conforming a
198 cross-reference; amending s. 559.935, F.S., relating
199 to an exemption from regulation provided for certain
200 sellers of travel; substituting the term "business tax
201 receipt" for the term "occupational license"; amending
202 s. 570.29, F.S., relating to departmental divisions;
203 conforming terminology; repealing ss. 570.46 and

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204 570.47, F.S., relating to the powers and duties of the
205 Division of Standards and the qualifications and
206 duties of the director of the division; amending s.
207 570.544, F.S.; revising the powers and duties of the
208 director of the Division of Consumer Services;
209 amending s. 616.242, F.S.; removing an obsolete
210 reference to the Bureau of Fair Rides Inspection;
211 providing an effective date.

212

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

214

215 Section 1. Paragraph (1) of subsection (2) of section
216 20.14, Florida Statutes, is amended to read:

217 20.14 Department of Agriculture and Consumer Services.—
218 There is created a Department of Agriculture and Consumer
219 Services.

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

222 ~~(1) Standards.~~

223 Section 2. Section 366.85, Florida Statutes, is repealed.

224 Section 3. Subsection (7) of section 472.005, Florida
225 Statutes, is amended, and subsections (15) and (16) are added to
226 that section, to read:

227 472.005 Definitions.—As used in ss. 472.001-472.037:

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

232 (15) "Consumer member" means a person appointed to serve on

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233 the board who is not, and never has been, a professional
234 surveyor or mapper in any jurisdiction or a member of any
235 closely related profession regulated by the board.

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

239 Section 4. Subsection (12) is added to section 472.006,
240 Florida Statutes, to read:

241 472.006 Department; powers and duties.—The department
242 shall:

243 (12) Work cooperatively with the Department of Revenue to
244 implement an automated method for periodically disclosing
245 information relating to current licensees to the Department of
246 Revenue in order to further the public policy of reducing the
247 state's financial burden as a result of family desertion and
248 nonsupport of dependent children as provided in s. 409.2551. The
249 department shall, if directed by the court or the Department of
250 Revenue, pursuant to s. 409.2598, suspend or deny the license of
251 any licensee who is found to not be in compliance with a support
252 order, subpoena, order to show cause, or written agreement
253 entered into by the licensee with the Department of Revenue. The
254 department shall issue or reinstate the license without
255 additional charge to the licensee if notified by the court or
256 the Department of Revenue that the licensee has complied with
257 the terms of the support order. The department is not liable for
258 any license denial or suspension resulting from the discharge of
259 its duties under this subsection.

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

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262 472.011 Fees.—

263 (1) The board, by rule, may establish fees to be paid for
264 applications, examination, reexamination, licensing and renewal,
265 inactive status application and reactivation of inactive
266 licenses, recordmaking and recordkeeping, and applications for
267 providers of continuing education. The board may also establish
268 by rule a delinquency fee. The board shall establish fees that
269 are adequate to ensure the continued operation of the board.
270 Fees shall be based on department estimates of the revenue
271 required to implement ss. 472.001-472.037 and the provisions of
272 law with respect to the regulation of surveyors and mappers. If
273 the department determines, based on estimates of available
274 revenue collected pursuant to this section, that the General
275 Inspection Trust Fund contains funds that exceed the amount
276 required to cover the necessary functions of the board, the
277 department shall, by rule, waive the license renewal fees for
278 licensees under this chapter for a period not to exceed 2 years.

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

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

287 472.0131 Examinations; development; administration.—

288 (3) Except for national examinations approved and
289 administered pursuant to paragraph (1)(d), the department shall
290 provide procedures for applicants who have taken and failed an

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291 examination developed by the department or a contracted vendor
292 to review their examination questions, answers, papers, grades,
293 and grading key for the questions the candidate answered
294 incorrectly on his or her last examination or, if not feasible,
295 the parts of the examination failed. Applicants shall bear the
296 actual cost for the department to provide examination review
297 pursuant to this subsection. An applicant may waive in writing
298 the confidentiality of his or her examination grades.

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

302 472.015 Licensure.—

303 (1) Notwithstanding any other law, the department is the
304 sole authority for determining the contents of any documents to
305 be submitted for initial licensure and licensure renewal. The
306 ~~Such~~ documents may contain information including, as
307 appropriate: demographics, social security number, education,
308 work history, personal background, criminal history, finances,
309 business information, complaints, inspections, investigations,
310 discipline, bonding, signature notarization, photographs,
311 performance periods, reciprocity, local government approvals,
312 supporting documentation, periodic reporting requirements,
313 continuing education requirements, and ongoing education
314 monitoring. The applicant shall supplement his or her
315 ~~application may be supplemented~~ as needed to reflect any
316 material change in any circumstance or condition stated in the
317 application which takes place between the initial filing of the
318 application and the final grant or denial of the license and
319 which might affect the decision of the department. An

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320 application is received for the purposes of s. 120.60 upon
321 receipt by the department of the application, submitted in the
322 format prescribed by the department, the application fee set by
323 the board, and any other documentation or fee required by law or
324 rule to be submitted with the application in order for the
325 application to be complete.

326 (6)

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

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

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

345 472.018 Continuing education.—The department may not renew
346 a license until the licensee submits proof satisfactory to the
347 board that during the 2 years before ~~prior to~~ her or his
348 application for renewal the licensee has completed at least 24

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349 hours of continuing education.

350 (1) The board shall adopt rules to establish the criteria
351 and course content for continuing education courses. The rules
352 may provide that up to a maximum of 25 percent of the required
353 continuing education hours may ~~can~~ be fulfilled by the
354 performance of pro bono services to the indigent or to
355 underserved populations or in areas of critical need within the
356 state where the licensee practices. The board must require that
357 any pro bono services be approved in advance in order to receive
358 credit for continuing education under this section. The board
359 shall use the standard ~~for determining indigency shall be that~~
360 recognized by the Federal Poverty Income Guidelines produced by
361 the United States Department of Health and Human Services in
362 determining indigency. The board may adopt rules that may
363 provide ~~for approval by the board~~ that a part of the continuing
364 education hours may ~~can~~ be fulfilled by performing research in
365 critical need areas or for training leading to advanced
366 professional certification. The board, ~~or the department when~~
367 ~~there is no board,~~ may adopt ~~make~~ rules to define underserved
368 and critical need areas. The department shall adopt rules for
369 the administration of continuing education requirements adopted
370 by the board ~~or the department when there is no board~~.

371 (13) Each continuing education provider shall provide to
372 the department, in an electronic format determined by the
373 department, information regarding the continuing education
374 status of licensees which the department determines is necessary
375 to carry out its duties under this chapter. After a licensee
376 completes a course, the information must be submitted
377 electronically by the continuing education provider to the

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378 department within 30 calendar days after completion. However,
379 beginning on the 30th day before the renewal deadline or before
380 the renewal date, whichever occurs sooner, the continuing
381 education provider shall electronically report such information
382 to the department within 10 business days after completion.

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

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

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

397 472.0202 Inactive and delinquent status.—

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

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

405 472.0203 Renewal and cancellation notices.—

406 (3) Notwithstanding any other law, a licensure renewal

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407 notification required to be sent to the last known address of
408 record may be sent by the department to the licensee by
409 electronic means if the licensee has provided an e-mail address
410 to the department.

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

413 472.025 Seals.—

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

429 Section 12. Section 472.0337, Florida Statutes, is created
430 to read:

431 472.0337 Power to administer oaths, take depositions, and
432 issue subpoenas.—For the purpose of an investigation or
433 proceeding conducted by the department, the department shall
434 administer oaths, take depositions, make inspections, issue
435 subpoenas which must be supported by affidavit, serve subpoenas

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436 and other process, and compel the attendance of witnesses and
437 the production of books, papers, documents, and other evidence.
438 Challenges to, and enforcement of, the subpoenas and orders
439 shall be conducted as provided in s. 120.569.

440 Section 13. Section 472.0351, Florida Statutes, is amended
441 to read:

442 472.0351 Grounds for discipline; penalties; enforcement.—

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

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

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

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

458 (d) Being convicted or found guilty of, or entering a plea
459 of guilty, no contest, or nolo contendere to, regardless of
460 adjudication, a crime in any jurisdiction which directly relates
461 to the practice of surveying and mapping or the ability to
462 practice surveying and mapping;

463 (e) Making or filing a report or record that the licensee
464 knows to be false, willfully failing to file a report or record

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465 required by state or federal law, willfully impeding or
466 obstructing such filing, or inducing another person to impede or
467 obstruct such filing. Such reports or records ~~shall~~ include only
468 those that are signed in the capacity of a registered surveyor
469 and mapper;

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

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

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

481 (i) Practicing on a revoked, suspended, inactive, or
482 delinquent license;

483 ~~(j) Making misleading, deceptive, or fraudulent~~
484 ~~representations in or related to the practice of the licensee's~~
485 ~~profession;~~

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

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

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

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

500 (l)~~(o)~~ Aiding, assisting, procuring, employing, or advising
501 any unlicensed person or entity to practice surveying and
502 mapping contrary to this chapter or the rules of the department
503 or the board;

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

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

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

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

521 ~~(t) Violating this chapter, the applicable professional~~
522 ~~practice act, a rule of the department or the board, or a lawful~~

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523 ~~order of the department or the board, or failing to comply with~~
524 ~~a lawfully issued subpoena of the department; or~~

525 (g) ~~(u)~~ Improperly interfering with an investigation or
526 inspection authorized by statute, or with any disciplinary
527 proceeding.

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

533 (a) Denial of an application for licensure, or approval of
534 an application for licensure with restrictions.

535 (b) Revocation or suspension of a license.

536 (c) Imposition of an administrative fine not to exceed
537 \$1,000 for each count or separate offense.

538 (d) Issuance of a reprimand.

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

546 (f) Restriction of the authorized scope of practice by the
547 surveyor or mapper.

548 (g) Corrective action.

549 (3) The department shall reissue the license of a
550 disciplined surveyor or mapper upon certification by the board
551 that he or she has complied with all of the terms and conditions

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552 set forth in the final order.

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

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

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

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

577 (5)~~(6)~~ If the board determines that revocation of a license
578 is the appropriate penalty, the revocation shall be permanent.
579 However, the board may establish, by rule, requirements for
580 reapplication by applicants whose licenses have been permanently

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581 revoked. Such requirements may include, but are ~~shall~~ not ~~be~~
582 limited to, satisfying current requirements for an initial
583 license.

584 Section 14. Subsection (5) of section 493.6105, Florida
585 Statutes, is amended to read:

586 493.6105 Initial application for license.—

587 (5) In addition to the requirements outlined in subsection
588 (3), an applicant for a Class "G" license must satisfy minimum
589 training criteria for firearms established by rule of the
590 department, which training criteria includes, but is not limited
591 to, 28 hours of range and classroom training taught and
592 administered by a Class "K" licensee; however, no more than 8
593 hours of such training shall consist of range training. The
594 department may waive the foregoing firearms training requirement
595 if:

596 (a) The applicant provides proof that he or she is
597 currently certified as a law enforcement officer or correctional
598 officer pursuant to the requirements of the Criminal Justice
599 Standards and Training Commission or has successfully completed
600 the training required for certification within the last 12
601 months.

602 (b) The applicant provides proof that he or she is
603 currently certified as a federal law enforcement officer and has
604 received law enforcement firearms training administered by a
605 federal law enforcement agency.

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

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610 ~~Training Commission or has completed the training required for~~
611 ~~that certification within the last 12 months, or if the~~
612 ~~applicant submits one of the certificates specified in paragraph~~
613 ~~(6) (a), the department may waive the foregoing firearms training~~
614 ~~requirement.~~

615 Section 15. Paragraph (b) of subsection (3) of section
616 493.6113, Florida Statutes, is amended to read:

617 493.6113 Renewal application for licensure.—

618 (3) Each licensee is responsible for renewing his or her
619 license on or before its expiration by filing with the
620 department an application for renewal accompanied by payment of
621 the prescribed license fee.

622 (b) Each Class "G" licensee shall additionally submit proof
623 that he or she has received during each year of the license
624 period a minimum of 4 hours of firearms recertification training
625 taught by a Class "K" licensee and has complied with such other
626 health and training requirements which the department may adopt
627 by rule. If proof of a minimum of 4 hours of annual firearms
628 recertification training cannot be provided, the renewal
629 applicant shall complete the minimum number of hours of range
630 and classroom training required at the time of initial
631 licensure. The department may waive the foregoing firearms
632 training requirement if:

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

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

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639 certified as a federal law enforcement officer and has received
640 law enforcement firearms training administered by a federal law
641 enforcement agency annually during the previous 2 years of the
642 licensure period.

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

647 Section 16. Subsection (6) of section 493.6118, Florida
648 Statutes, is amended to read:

649 493.6118 Grounds for disciplinary action.—

650 (6) The agency or Class "DS" or "RS" license and the
651 approval or license of each officer, partner, or owner of the
652 agency, school, or training facility are automatically suspended
653 upon entry of a final order imposing an administrative fine
654 against the agency, school, or training facility, until the fine
655 is paid, if 30 calendar days have elapsed since the entry of the
656 final order. All owners and corporate or agency officers or
657 partners are jointly and severally liable for ~~agency~~ fines
658 levied against the agency, school, or training facility. ~~Neither~~
659 ~~The agency~~ or Class "DS" or "RS" license or the approval or
660 license of any officer, partner, or owner of the agency, school,
661 or training facility may not be renewed, and ~~nor may~~ an
662 application may not be approved, if the owner, licensee, or
663 applicant is liable for an outstanding administrative fine
664 imposed under this chapter. An individual's approval or license
665 becomes automatically suspended if a fine imposed against the
666 individual or his or her agency is not paid within 30 days after
667 the date of the final order, and remains suspended until the

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

673 Section 17. Subsection (4) of section 493.6120, Florida
674 Statutes, is amended to read:

675 493.6120 Violations; penalty.—

676 (4) A ~~Any~~ person who was an owner, officer, partner, or
677 manager of a licensed agency or a Class "DS" or "RS" school or
678 training facility at the time of any activity that is the basis
679 for revocation of the agency or branch office license or the
680 school or training facility license and who knew or should have
681 known of the activity, shall have his or her personal licenses
682 or approval suspended for 3 years and may not have any financial
683 interest in or be employed in any capacity by a licensed agency
684 or a school or training facility during the period of
685 suspension.

686 Section 18. Subsection (7) of section 501.015, Florida
687 Statutes, is amended to read:

688 501.015 Health studios; registration requirements and
689 fees.—Each health studio shall:

690 (7) A ~~Any~~ person applying for or renewing a local business
691 tax receipt ~~occupational license~~ to engage in business as a
692 health studio must exhibit an active registration certificate
693 from the Department of Agriculture and Consumer Services before
694 the local business tax receipt ~~occupational license~~ may be
695 issued or reissued.

696 Section 19. Subsection (1) of section 501.017, Florida

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697 Statutes, is amended to read:

698 501.017 Health studios; contracts.—

699 (1) Each ~~Every~~ contract for the sale of future health
700 studio services which is paid for in advance or which the buyer
701 agrees to pay for in future installment payments shall be in
702 writing and shall contain, contractual provisions to the
703 contrary notwithstanding, in immediate proximity to the space
704 reserved in the contract for the signature of the buyer, and in
705 at least 10-point boldfaced type, language substantially
706 equivalent to the following:

707 (a) A provision for the penalty-free cancellation of the
708 contract within 3 days, exclusive of holidays and weekends, of
709 its making, upon the mailing or delivery of written notice to
710 the health studio, and refund upon such notice of all moneys
711 paid under the contract, except that the health studio may
712 retain an amount computed by dividing the number of complete
713 days in the contract term or, if appropriate, the number of
714 occasions health studio services are to be rendered into the
715 total contract price and multiplying the result by the number of
716 complete days that have passed since the making of the contract
717 or, if appropriate, by the number of occasions that health
718 studio services have been rendered. A refund shall be issued
719 within 30 days after receipt of the notice of cancellation made
720 within the 3-day provision.

721 (b)1. A provision for the cancellation and refund of the
722 contract if the contracting business location of the health
723 studio goes out of business, or moves its facilities more than 5
724 driving miles from the business location designated in the ~~such~~
725 contract and fails to provide, within 30 days, a facility of

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726 equal quality located within 5 driving miles of the business
727 location designated in the ~~such~~ contract at no additional cost
728 to the buyer.

729 2. A provision that notice of intent to cancel by the buyer
730 shall be given in writing to the health studio. The ~~Such a~~
731 notice of cancellation from the consumer terminates ~~shall also~~
732 ~~terminate~~ automatically the consumer's obligation to any entity
733 to whom the health studio has subrogated or assigned the
734 consumer's contract. If the health studio wishes to enforce the
735 ~~such~~ contract after receipt of the notice ~~such showing~~, it may
736 request the department to determine the sufficiency of the
737 notice ~~showing~~.

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

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

749
750 A refund shall be issued within 30 days after receipt of the
751 notice of cancellation made pursuant to this paragraph.

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

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755 (d) A provision for the cancellation of the contract if the
756 buyer dies or becomes physically unable to avail himself or
757 herself of a substantial portion of those services which he or
758 she used from the commencement of the contract until the time of
759 disability, with refund of funds paid or accepted in payment of
760 the contract in an amount computed by dividing the contract
761 price by the number of weeks in the contract term and
762 multiplying the result by the number of weeks remaining in the
763 contract term. The contract may require a buyer or the buyer's
764 estate seeking relief under this paragraph to provide proof of
765 disability or death. A physical disability sufficient to warrant
766 cancellation of the contract by the buyer is ~~shall be~~
767 established if the buyer furnishes to the health studio a
768 certification of such disability by a physician licensed under
769 chapter 458, chapter 459, chapter 460, or chapter 461 to the
770 extent the diagnosis or treatment of the disability is within
771 the physician's scope of practice. A refund shall be issued
772 within 30 days after receipt of the notice of cancellation made
773 pursuant to this paragraph.

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

779 (f) A provision that if the health studio requires a buyer
780 to furnish identification upon entry to the facility and as a
781 condition of using the services of the health studio, the health
782 studio shall provide the buyer with the means of such
783 identification.

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784 Section 20. Paragraphs (e) through (i) of subsection (1) of
785 section 501.059, Florida Statutes, are redesignated as
786 paragraphs (d) through (h), respectively, and present paragraph
787 (d) of subsection (1) and subsections (3), (8), and (10) of that
788 section are amended to read:

789 501.059 Telephone solicitation.—

790 (1) As used in this section:

791 ~~(d) "Commission" means the Florida Public Service~~
792 ~~Commission.~~

793 (3) (a) If any residential, mobile, or telephonic paging
794 device telephone subscriber notifies the department of his or
795 her desire ~~desiring~~ to be placed on a "no sales solicitation
796 calls" listing indicating that the subscriber does not wish to
797 receive unsolicited telephonic sales calls, ~~may notify~~ the
798 department shall place the subscriber and be placed on that
799 listing for 5 years ~~upon receipt by the department of a \$10~~
800 ~~initial listing charge. This listing shall be renewed by the~~
801 ~~department annually for each consumer upon receipt of a renewal~~
802 ~~notice and a \$5 assessment.~~

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

807 (c) All fees imposed pursuant to this section shall be
808 deposited in the General Inspection Trust Fund for the
809 administration of this section.

810 (d) If the Federal Trade Commission, pursuant to 15 U.S.C.
811 s. 6102(a), establishes a national database that lists the
812 telephone numbers of subscribers who object to receiving

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813 telephone solicitations, the department shall include those
814 listings from the national database which relate to Florida in
815 the listing established under this section.

816 (8) (a) The department shall investigate any complaints
817 received concerning violations of this section. If, after
818 investigating any complaint, the department finds that there has
819 been a violation of this section, the department or the
820 Department of Legal Affairs may bring an action to impose a
821 civil penalty and to seek other relief, including injunctive
822 relief, as the court deems appropriate against the telephone
823 solicitor. The civil penalty may ~~shall~~ not exceed \$10,000 per
824 violation and shall be deposited in the General Inspection Trust
825 Fund if the action or proceeding was brought by the department,
826 or the Legal Affairs Revolving Trust Fund if the action or
827 proceeding was brought by the Department of Legal Affairs. This
828 civil penalty may be recovered in any action brought under this
829 part by the department, or the department may terminate any
830 investigation or action upon agreement by the person to pay a
831 stipulated civil penalty. The department or the court may waive
832 any civil penalty if the person has previously made full
833 restitution or reimbursement or has paid actual damages to the
834 consumers who have been injured by the violation.

835 (b) The department may, as an alternative to the civil
836 penalties provided in paragraph (a), impose an administrative
837 fine not to exceed \$1,000 for each act or omission that
838 constitutes a violation of this section. An administrative
839 proceeding that could result in the entry of an order imposing
840 an administrative penalty must be conducted in accordance with
841 chapter 120.

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

845 (a) Annual inserts in the billing statements mailed to
846 customers; and

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

849 Section 21. Paragraphs (a) and (1) of subsection (2) of
850 section 501.605, Florida Statutes, are amended to read:

851 501.605 Licensure of commercial telephone sellers.—

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

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

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

863 1. Principal officer, director, trustee, shareholder,
864 owner, or partner of the applicant, and of each other person
865 responsible for the management of the business of the applicant.

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

868 3. Salesperson or other person to be employed by the
869 applicant.

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871 The application shall be accompanied by a copy of any: Script,
872 outline, or presentation the applicant will require or suggest a
873 salesperson to use when soliciting, or, if no such document is
874 used, a statement to that effect; sales information or
875 literature to be provided by the applicant to a salesperson; and
876 sales information or literature to be provided by the applicant
877 to a purchaser in connection with any solicitation.

878 Section 22. Paragraph (a) of subsection (1) of section
879 501.607, Florida Statutes, is amended to read:

880 501.607 Licensure of salespersons.—

881 (1) An applicant for a license as a salesperson must submit
882 to the department, in such form as it prescribes, a written
883 application for a license. The application must set forth the
884 following information:

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

888 Section 23. Section 501.911, Florida Statutes, is amended
889 to read:

890 501.911 Administration of act.—Sections 501.91-501.923
891 shall be administered by ~~the Division of Standards of the~~
892 Department of Agriculture and Consumer Services.

893 Section 24. Subsections (1) and (2) of section 501.913,
894 Florida Statutes, are amended to read:

895 501.913 Registration.—

896 (1) Each brand of antifreeze to be distributed in this
897 state shall be registered with the department before ~~prior to~~
898 distribution. The person whose name appears on the label, the
899 manufacturer, or the packager shall make application to the

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900 department on forms provided by the department no later than
901 July 1 of each year. The registrant assumes, by application to
902 register the brand, full responsibility for the registration,
903 quality, and quantity of the product sold, offered, or exposed
904 for sale in this state. If a registered brand is not in
905 production for distribution in this state and to ensure any
906 remaining product that is still available for sale in the state
907 is properly registered, the registrant must submit a notarized
908 affidavit on company letterhead to the department certifying
909 that:

- 910 (a) The stated brand is no longer in production;
911 (b) The stated brand will not be distributed in this state;
912 and
913 (c) All existing product of the stated brand will be
914 removed by the registrant from the state within 30 days after
915 expiration of the registration or the registrant will reregister
916 the brand for two subsequent registration periods.

917
918 If production resumes, the brand must be reregistered before it
919 is distributed in this state.

- 920 (2) The completed application shall be accompanied by:
921 (a) Specimens or facsimiles of the label for each brand of
922 antifreeze;
923 (b) An application fee of \$200 for each brand; and
924 (c) A properly labeled sample of between 1 and 2 gallons
925 for each brand of antifreeze.

926 Section 25. Subsection (3) of section 507.04, Florida
927 Statutes, is amended to read:

928 507.04 Required insurance coverages; liability limitations;

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929 valuation coverage.—

930 (3) INSURANCE COVERAGES.—The insurance coverages required
931 under paragraph (1)(a) and subsection (2) must be issued by an
932 insurance company or carrier licensed to transact business in
933 this state under the Florida Insurance Code as designated in s.
934 624.01. The department shall require a mover to present a
935 certificate of insurance of the required coverages before
936 issuance or renewal of a registration certificate under s.
937 507.03. The department shall be named as a certificateholder in
938 the certificate and must be notified at least 10 ~~30~~ days before
939 cancellation of ~~any changes in~~ insurance coverage.

940 Section 26. Subsection (7) of section 525.07, Florida
941 Statutes, is amended to read:

942 525.07 Powers and duties of department; inspections;
943 unlawful acts.—

944 (7) It is unlawful for any person to break, cut, or remove
945 any seal applied by the department to a petroleum fuel measuring
946 device or container. If ~~When~~ it becomes necessary to repair and
947 adjust a petroleum fuel measuring device during the absence of
948 an inspector of the department, the seal on the meter adjustment
949 may be broken by a person who is registered with the department
950 as a meter mechanic. After repairs and adjustments have been
951 made, the adjusting mechanism must immediately be resealed by
952 the registered meter mechanic with a seal clasp bearing at least
953 ~~the name of the company or~~ the name or initials of the
954 registered mechanic. The registered mechanic shall immediately
955 notify the department of this action.

956 Section 27. Subsection (5) of section 526.143, Florida
957 Statutes, is amended to read:

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958 526.143 Alternate generated power capacity for motor fuel
959 dispensing facilities.-

960 (5) (a) Each corporation or other entity that owns 10 or
961 more motor fuel retail outlets located within a single county
962 shall maintain at least one portable generator that is capable
963 of providing an alternate generated power source as required
964 under subsection (2) for every 10 outlets. If an entity owns
965 more than 10 outlets or a multiple of 10 outlets plus an
966 additional 6 outlets, the entity must provide one additional
967 generator to accommodate such additional outlets. Each portable
968 generator must be stored within this state, or may be stored in
969 another state if located within 250 miles of this state, and
970 must be available for use in an affected location within 24
971 hours after a disaster.

972 (b) Each corporation or other entity that owns 10 or more
973 motor fuel retail outlets located within a single domestic
974 security region, as determined pursuant to s. 943.0312(1), and
975 that does not own additional outlets located outside the
976 domestic security region shall maintain a written document of
977 agreement with one or more similarly equipped entities for the
978 use of portable generators that may be used to meet the
979 requirements of paragraph (a) and that are located within this
980 state but outside the affected domestic security region. The
981 agreement may be reciprocal, may allow for payment for services
982 rendered by the providing entity, and must guarantee the
983 availability of the portable generators to an affected location
984 within 24 hours after a disaster.

985 (c) Upon written request, the department may temporarily
986 waive the requirements in paragraphs (a) and (b) if the

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987 generators are used in preparation for or response to an
988 emergency or major disaster in another state. The waiver shall
989 be in writing and include a beginning and ending date. The
990 waiver may provide additional conditions as deemed necessary by
991 the department. The waiver may be modified or terminated by the
992 department if the Governor declares an emergency.

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

998 Section 28. Subsections (8) and (9) are added to section
999 526.50, Florida Statutes, to read:

1000 526.50 Definition of terms.—As used in this part:

1001 (8) "Brand" means the product name appearing on the label
1002 of a container of brake fluid.

1003 (9) "Formula" means the name of the chemical mixture or
1004 composition of the brake fluid product.

1005 Section 29. Subsections (1) and (3) of section 526.51,
1006 Florida Statutes, are amended to read:

1007 526.51 Registration; renewal and fees; departmental
1008 expenses; cancellation or refusal to issue or renew.—

1009 (1) (a) Application for registration of each brand of brake
1010 fluid shall be made on forms ~~to be~~ supplied by the department.
1011 The applicant shall give his or her name and address and the
1012 brand name of the brake fluid, state that he or she owns the
1013 brand name and has complete control over the product sold
1014 thereunder in this state ~~Florida~~, and provide the name and
1015 address of the resident agent in this state ~~Florida~~. If the

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1016 applicant does not own the brand name but wishes to register the
1017 product with the department, a notarized affidavit that gives
1018 the applicant full authorization to register the brand name and
1019 that is signed by the owner of the brand name must accompany the
1020 application for registration. The affidavit must include all
1021 affected brand names, the owner's company or corporate name and
1022 address, the applicant's company or corporate name and address,
1023 and a statement from the owner authorizing the applicant to
1024 register the product with the department. The owner of the brand
1025 name shall maintain complete control over each product sold
1026 under that brand name in this state. All first-time ~~new product~~
1027 applications for a brand and formula combination must be
1028 accompanied by a certified report from an independent testing
1029 laboratory, setting forth the analysis of the brake fluid which
1030 shows ~~shall show~~ its quality to be not less than the
1031 specifications established by the department for brake fluids. A
1032 sample of not less than 24 fluid ounces of brake fluid shall be
1033 submitted, in a container or containers, with labels
1034 representing exactly how the containers of brake fluid will be
1035 labeled when sold, and the sample and container shall be
1036 analyzed and inspected by the department ~~Division of Standards~~
1037 in order that compliance with the department's specifications
1038 and labeling requirements may be verified. Upon approval of the
1039 application, the department shall register the brand name of the
1040 brake fluid and issue to the applicant a permit authorizing the
1041 registrant to sell the brake fluid in this state during the
1042 permit year specified in the permit.

1043 (b) Each applicant shall pay a fee of \$100 with each
1044 application. A permit may be renewed by application to the

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1045 department, accompanied by a renewal fee of \$50 on or before the
1046 last day of the permit year immediately preceding the permit
1047 year for which application is made for renewal of registration.
1048 To reregister a previously registered brand and formula
1049 combination, an applicant must submit a completed application
1050 and all materials as required in this section to the department
1051 before the first day of the permit year. A brand and formula
1052 combination for which a completed application and all materials
1053 required in this section are not received before the first day
1054 of the permit year may not be registered with the department
1055 until a completed application and all materials required in this
1056 section have been received and approved. If the brand and
1057 formula combination was previously registered with the
1058 department and a fee, application, or materials required in this
1059 section are received after the first day of the permit year, ~~Fe~~
1060 any fee not paid when due, there shall accrue a penalty of \$25
1061 accrues, which shall be added to the ~~renewal~~ fee. Renewals shall
1062 will be accepted only on brake fluids that have no change in
1063 formula, composition, or brand name. Any change in formula,
1064 composition, or brand name of any brake fluid constitutes a new
1065 product that must be registered in accordance with this part.

1066 (c) In order to ensure that any remaining product still
1067 available for sale in this state is properly registered, if a
1068 registered brand and formula combination is no longer in
1069 production for distribution in this state, the registrant must
1070 submit a notarized affidavit on company letterhead to the
1071 department certifying that:

1072 1. The stated brand and formula combination is no longer in
1073 production;

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1074 2. The stated brand and formula combination will not be
1075 distributed in this state; and

1076 3. All existing product of the stated brand and formula
1077 combination will be removed by the registrant from the state
1078 within 30 days after the expiration of the registration or that
1079 the registrant will reregister the brand and formula combination
1080 for two subsequent registration periods.

1081
1082 If production resumes, the brand and formula combination must be
1083 reregistered before it is again distributed in this state.

1084 (3) The department may cancel or~~refuse to issue or refuse~~
1085 ~~to renew~~ any registration and permit after due notice and
1086 opportunity to be heard if it finds that the brake fluid is
1087 adulterated or misbranded or that the registrant has failed to
1088 comply with the provisions of this part or the rules adopted
1089 pursuant to this section ~~and regulations promulgated thereunder.~~

1090 Section 30. Paragraph (a) of subsection (3) of section
1091 526.52, Florida Statutes, is amended to read:

1092 526.52 Specifications; adulteration and misbranding.—

1093 (3) Brake fluid is deemed to be misbranded:

1094 (a) If its container does not bear on its side or top a
1095 label on which is printed the name and place of business of the
1096 registrant of the product, the words "brake fluid," and a
1097 statement that the product therein equals or exceeds the minimum
1098 specification of the Society of Automotive Engineers for brake
1099 fluid, heavy-duty-type, the United States Department of
1100 Transportation Motor Vehicle Safety Standard No. 116, or other
1101 specified standard identified in department rule. ~~By regulation~~
1102 The department may require by rule that the duty-type

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1103 classification appear on the label.

1104 Section 31. Subsections (1) and (2) of section 526.53,
1105 Florida Statutes, are amended to read:

1106 526.53 Enforcement; inspection and analysis, stop-sale and
1107 disposition, regulations.—

1108 (1) The department shall enforce the provisions of this
1109 part through the department ~~Division of Standards~~, and may
1110 sample, inspect, analyze, and test any brake fluid manufactured,
1111 packed, or sold within this state. The department shall have
1112 free access during business hours to all premises, buildings,
1113 vehicles, cars, or vessels used in the manufacture, packing,
1114 storage, sale, or transportation of brake fluid, and may open
1115 any box, carton, parcel, or container of brake fluid and take
1116 samples for inspection and analysis or for evidence.

1117 (2) (a) If ~~When~~ any brake fluid is sold in violation of any
1118 of the provisions of this part, all such brake fluid of the same
1119 brand name ~~on the same premises on which the violation occurred~~
1120 shall be placed under a stop-sale order by the department by
1121 servicing the owner of the brand name, the distributor, or other
1122 entity responsible for selling or distributing the product in
1123 this state with the stop-sale order. The department shall
1124 withdraw its stop-sale order upon the removal of the violation
1125 or upon voluntary destruction of the product, or other disposal
1126 approved by the department, under the supervision of the
1127 department.

1128 (b) In addition to being subject to the stop-sale
1129 procedures ~~above~~, unregistered brake fluid shall be held by the
1130 department or its representative, at a place to be designated in
1131 the stop-sale order, until properly registered and released in

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1132 writing by the department or its representative. If application
1133 has not been made for registration of such product within 30
1134 days after issue of the stop-sale order, the department or, with
1135 the consent of the department, the representative may give the
1136 product that meets legal specifications ~~such product shall be~~
1137 ~~disposed of by the department~~ to any tax-supported institution
1138 or agency of the state. If application has not been made for
1139 registration of the product within 30 days after issuance of the
1140 stop-order sale and the product fails to meet legal
1141 specifications, the product may be disposed of as if the brake
1142 ~~fluid meets legal specifications or by other disposal~~ authorized
1143 by rule of the department ~~if it fails to meet legal~~
1144 specifications.

1145 Section 32. Section 526.55, Florida Statutes, is amended to
1146 read:

1147 526.55 Violation and penalties.—

1148 (1) It is unlawful:

1149 (a)~~(1)~~ To sell any brake fluid that is adulterated or
1150 misbranded, not registered or on which a permit has not been
1151 issued.

1152 (b)~~(2)~~ For anyone to remove any stop-sale order placed on a
1153 product by the department, or any product upon which a stop-sale
1154 order has been placed.

1155 (2) If the department finds that a person has violated or
1156 is operating in violation of ss. 526.50-526.56 or the rules or
1157 orders adopted thereunder, the department may, by order:

1158 (a) Issue a notice of noncompliance pursuant to s. 120.695;

1159 (b) Impose an administrative fine not to exceed \$5,000 for
1160 each violation;

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1161 (c) Direct that the person cease and desist specified
1162 activities;

1163 (d) Revoke or suspend a registration, or refuse to register
1164 a product; or

1165 (e) Place the registrant on probation for a period of time,
1166 subject to conditions as the department may specify.

1167 (3) The administrative proceedings seeking entry of an
1168 order imposing any of the penalties specified in subsection (2)
1169 are governed by chapter 120.

1170 (4) If a registrant is found to be in violation of ss.
1171 526.50-526.56 and fails to pay a fine within 30 days after
1172 imposition of the fine, the department may suspend all
1173 registrations issued to the registrant by the department until
1174 the fine is paid.

1175 (5) All fines collected by the department under this
1176 section shall be deposited into the General Inspection Trust
1177 Fund.

1178 ~~(3) Any person who violates any of the provisions of this~~
1179 ~~part or any rule or regulation promulgated thereunder shall, for~~
1180 ~~the first offense, be guilty of a misdemeanor of the second~~
1181 ~~degree, punishable as provided in s. 775.082 or s. 775.083, and,~~
1182 ~~for a second or subsequent offense, shall be guilty of a~~
1183 ~~misdemeanor of the first degree, punishable as provided in s.~~
1184 ~~775.082 or s. 775.083.~~

1185 Section 33. Paragraph (b) of subsection (3) of section
1186 539.001, Florida Statutes, is amended to read:

1187 539.001 The Florida Pawnbroking Act.—

1188 (3) LICENSE REQUIRED.—

1189 (b) A licensee who seeks to move a pawnshop to another

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1190 location must give written notice ~~30 days' prior written notice~~
1191 to the agency at least 30 days before the move ~~by certified or~~
1192 ~~registered mail, return receipt requested,~~ and the agency must
1193 ~~then~~ amend the license to indicate the new location. The
1194 licensee must also give such written notice to the appropriate
1195 law enforcement official.

1196 Section 34. Subsection (1) of section 559.805, Florida
1197 Statutes, is amended to read:

1198 559.805 Filings with the department; disclosure of
1199 advertisement identification number.—

1200 (1) Every seller of a business opportunity shall annually
1201 file with the department a copy of the disclosure statement
1202 required by s. 559.803 before ~~prior to~~ placing an advertisement
1203 or making any other representation designed to offer to, sell
1204 to, or solicit an offer to buy a business opportunity from a
1205 prospective purchaser in this state and shall update this filing
1206 by reporting any material change in the required information
1207 within 30 days after the material change occurs. An
1208 advertisement is not placed in the state merely because the
1209 publisher circulates, or there is circulated on his or her
1210 behalf in the state, any bona fide newspaper or other
1211 publication of general, regular, and paid circulation which has
1212 had more than two-thirds of its circulation during the past 12
1213 months outside the state or because a radio or television
1214 program originating outside the state is received in the state.
1215 If the seller is required by s. 559.807 to provide a bond or
1216 establish a trust account or guaranteed letter of credit, he or
1217 she shall contemporaneously file with the department a copy of
1218 the bond, a copy of the formal notification by the depository

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1219 that the trust account is established, or a copy of the
1220 guaranteed letter of credit. Every seller of a business
1221 opportunity shall file with the department a list of independent
1222 agents who will engage in the offer or sale of business
1223 opportunities on behalf of the seller in this state. This list
1224 must be kept current and shall include the following
1225 information: name, home and business address, telephone number,
1226 present employer, ~~social security number~~, and birth date. A ~~No~~
1227 person may not ~~shall be allowed to~~ offer or sell business
1228 opportunities unless the required information has been provided
1229 to the department.

1230 Section 35. Subsection (7) of section 559.904, Florida
1231 Statutes, is amended to read:

1232 559.904 Motor vehicle repair shop registration;
1233 application; exemption.—

1234 (7) Any person applying for or renewing a local business
1235 tax receipt ~~occupational license on or after October 1, 1993~~, to
1236 engage in business as a motor vehicle repair shop must exhibit
1237 an active registration certificate from the department before
1238 the local business tax receipt ~~occupational license~~ may be
1239 issued or renewed.

1240 Section 36. Section 559.922, Florida Statutes, is repealed.

1241 Section 37. Subsections (1), (3), and (4) of section
1242 559.928, Florida Statutes, are amended to read:

1243 559.928 Registration.—

1244 (1) Each seller of travel shall annually register with the
1245 department, providing: its legal business or trade name, mailing
1246 address, and business locations; the full names, addresses, and
1247 telephone numbers of its owners or corporate officers and

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1248 directors and the Florida agent of the corporation; a statement
1249 whether it is a domestic or foreign corporation, its state and
1250 date of incorporation, its charter number, and, if a foreign
1251 corporation, the date it registered with this state ~~the State of~~
1252 ~~Florida~~, and business tax receipt ~~occupational license~~ where
1253 applicable; the date on which a seller of travel registered its
1254 fictitious name if the seller of travel is operating under a
1255 fictitious or trade name; the name of all other corporations,
1256 business entities, and trade names through which each owner of
1257 the seller of travel operated, was known, or did business as a
1258 seller of travel within the preceding 5 years; a list of all
1259 authorized independent agents, including the agent's trade name,
1260 full name, mailing address, business address, and telephone
1261 numbers; the business location and address of each branch office
1262 and full name and address of the manager or supervisor; the
1263 certification required under s. 559.9285; and proof of purchase
1264 of adequate bond as required in this part. A certificate
1265 evidencing proof of registration shall be issued by the
1266 department and must be prominently displayed in the seller of
1267 travel's primary place of business.

1268 (3) Each independent agent shall annually file an affidavit
1269 with the department prior to engaging in business in this state.
1270 This affidavit must include the independent agent's full name,
1271 legal business or trade name, mailing address, business address,
1272 telephone number, ~~social security number~~, and the name ~~or names~~
1273 and address ~~addresses~~ of each seller of travel represented by
1274 the independent agent. A letter evidencing proof of filing must
1275 be issued by the department and must be prominently displayed in
1276 the independent agent's primary place of business. Each

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1277 independent agent must also submit an annual registration fee of
1278 \$50. All moneys collected pursuant to the imposition of the fee
1279 shall be deposited by the Chief Financial Officer into the
1280 General Inspection Trust Fund of the Department of Agriculture
1281 and Consumer Services for the sole purpose of administrating
1282 this part. As used in this subsection, the term "independent
1283 agent" means a person who represents a seller of travel by
1284 soliciting persons on its behalf; who has a written contract
1285 with a seller of travel which is operating in compliance with
1286 this part and any rules adopted thereunder; who does not receive
1287 a fee, commission, or other valuable consideration directly from
1288 the purchaser for the seller of travel; who does not at any time
1289 have any unissued ticket stock or travel documents in his or her
1290 possession; and who does not have the ability to issue tickets,
1291 vacation certificates, or any other travel document. The term
1292 "independent agent" does not include an affiliate of the seller
1293 of travel, as that term is used in s. 559.935(3), or the
1294 employees of the seller of travel or of such affiliates.

1295 (4) Any person applying for or renewing a local business
1296 tax receipt ~~occupational license~~ to engage in business as a
1297 seller of travel must exhibit a current registration certificate
1298 from the department before the local business tax receipt
1299 ~~occupational license~~ may be issued or reissued.

1300 Section 38. Paragraph (c) of subsection (3) of section
1301 559.9285, Florida Statutes, is amended to read:

1302 559.9285 Certification of business activities.—

1303 (3) The department shall specify by rule the form of each
1304 certification under this section which shall include the
1305 following information:

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1306 (c) The legal name, any trade names or fictitious names,
1307 mailing address, physical address, telephone number or numbers,
1308 facsimile number or numbers, and all Internet and electronic
1309 contact information of every other commercial entity with which
1310 the certifying party engages in business or commerce that is
1311 related in any way to the certifying party's business or
1312 commerce with any terrorist state. The information disclosed
1313 pursuant to this paragraph does not constitute customer lists,
1314 customer names, or trade secrets protected under s. 570.544(8)
1315 ~~570.544(7)~~.

1316 Section 39. Subsection (6) of section 559.935, Florida
1317 Statutes, is amended to read:

1318 559.935 Exemptions.—

1319 (6) The department shall request from the Airlines
1320 Reporting Corporation any information necessary to implement the
1321 provisions of subsection (2). Persons claiming an exemption
1322 under subsection (2) or subsection (3) must show a letter of
1323 exemption from the department before a local business tax
1324 receipt ~~occupational license~~ to engage in business as a seller
1325 of travel may be issued or reissued. If the department fails to
1326 issue a letter of exemption on a timely basis, the seller of
1327 travel shall submit to the department, through certified mail,
1328 an affidavit containing her or his name and address and an
1329 explanation of the exemption sought. Such affidavit may be used
1330 in lieu of a letter of exemption for the purpose of obtaining a
1331 business tax receipt ~~an occupational license~~. In any civil or
1332 criminal proceeding, the burden of proving an exemption under
1333 this section ~~is shall be~~ on the person claiming such exemption.
1334 A letter of exemption issued by the department may ~~shall~~ not be

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1335 used in, and has ~~shall have~~ no bearing on, such proceedings.

1336 Section 40. Subsection (12) of section 570.29, Florida
1337 Statutes, is amended to read:

1338 570.29 Departmental divisions.—The department shall include
1339 the following divisions:

1340 ~~(12) Standards.~~

1341 Section 41. Sections 570.46 and 570.47, Florida Statutes,
1342 are repealed.

1343 Section 42. Section 570.544, Florida Statutes, is amended
1344 to read:

1345 570.544 Division of Consumer Services; director; powers;
1346 processing of complaints; records.—

1347 (1) The director of the Division of Consumer Services shall
1348 be appointed by and serve at the pleasure of the commissioner.

1349 (2) The director shall supervise, direct, and coordinate
1350 the activities of the division and shall, under the direction of
1351 the department, enforce the provisions of chapters 472, 496,
1352 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849.

1353 (3)~~(2)~~ The Division of Consumer Services may:

1354 (a) Conduct studies and make analyses of matters affecting
1355 the interests of consumers.

1356 (b) Study the operation of laws for consumer protection.

1357 (c) Advise and make recommendations to the various state
1358 agencies concerned with matters affecting consumers.

1359 (d) Assist, advise, and cooperate with local, state, or
1360 federal agencies and officials in order to promote the interests
1361 of consumers.

1362 (e) Make use of the testing and laboratory facilities of
1363 the department for the detection of consumer fraud.

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1364 (f) Report to the appropriate law enforcement officers any
1365 information concerning violation of consumer protection laws.

1366 (g) Assist, develop, and conduct programs of consumer
1367 education and consumer information through publications and
1368 other informational and educational material prepared for
1369 dissemination to the public, in order to increase the competence
1370 of consumers.

1371 (h) Organize and hold conferences on problems affecting
1372 consumers.

1373 (i) Recommend programs to encourage business and industry
1374 to maintain high standards of honesty, fair business practices,
1375 and public responsibility in the production, promotion, and sale
1376 of consumer goods and services.

1377 (4)~~(3)~~ In addition to the powers, duties, and
1378 responsibilities authorized by this or any other chapter, the
1379 Division of Consumer Services shall serve as a clearinghouse for
1380 matters relating to consumer protection, consumer information,
1381 and consumer services generally. It shall receive complaints and
1382 grievances from consumers and promptly transmit them to the ~~that~~
1383 agency most directly concerned in order that the complaint or
1384 grievance may be expeditiously handled in the best interests of
1385 the complaining consumer. If no agency exists, the Division of
1386 Consumer Services shall seek a settlement of the complaint using
1387 formal or informal methods of mediation and conciliation and may
1388 seek any other resolution of the matter in accordance with its
1389 jurisdiction.

1390 (5)~~(4)~~ If any complaint received by the Division of
1391 Consumer Services concerns matters that ~~which~~ involve concurrent
1392 jurisdiction in more than one agency, duplicate copies of the

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1393 complaint shall be referred to those offices deemed to have
1394 concurrent jurisdiction.

1395 (6)~~(5)~~ (a) Any agency, office, bureau, division, or board of
1396 state government receiving a complaint that ~~which~~ deals with
1397 consumer fraud or consumer protection and that ~~which~~ is not
1398 within the jurisdiction of the receiving agency, office, bureau,
1399 division, or board originally receiving it, shall immediately
1400 refer the complaint to the Division of Consumer Services.

1401 (b) Upon receipt of such a complaint, the Division of
1402 Consumer Services shall make a determination of the proper
1403 jurisdiction to which the complaint relates and shall
1404 immediately refer the complaint to the agency, office, bureau,
1405 division, or board that ~~which~~ does have the proper regulatory or
1406 enforcement authority to deal with it.

1407 (7)~~(6)~~ The office or agency to which a complaint has been
1408 referred shall within 30 days acknowledge receipt of the
1409 complaint. If an office or agency receiving a complaint
1410 determines that the matter presents a prima facie case for
1411 criminal prosecution or if the complaint cannot be settled at
1412 the administrative level, the complaint together with all
1413 supporting evidence shall be transmitted to the Department of
1414 Legal Affairs or other appropriate enforcement agency with a
1415 recommendation for civil or criminal action warranted by the
1416 evidence.

1417 (8)~~(7)~~ The records of the Division of Consumer Services are
1418 public records. However, customer lists, customer names, and
1419 trade secrets are confidential and exempt from the provisions of
1420 s. 119.07(1). Disclosure necessary to enforcement procedures
1421 does ~~shall~~ not violate ~~be construed as violative of~~ this

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1422 prohibition.

1423 ~~(9)-(8) It shall be the duty of~~ The Division of Consumer
1424 Services shall ~~to~~ maintain records and compile summaries and
1425 analyses of consumer complaints and their eventual disposition,
1426 which data may serve as a basis for recommendations to the
1427 Legislature and to state regulatory agencies.

1428 Section 43. Paragraph (a) of subsection (8) of section
1429 616.242, Florida Statutes, is amended to read:

1430 616.242 Safety standards for amusement rides.—

1431 (8) FEES.—

1432 (a) The department shall by rule establish fees to cover
1433 the costs and expenditures associated with the fair rides
1434 inspection program ~~Bureau of Fair Rides Inspection~~, including
1435 all direct and indirect costs. If there is not sufficient
1436 general revenue appropriated by the Legislature, the industry
1437 shall pay for the remaining cost of the program. The fees must
1438 be deposited in the General Inspection Trust Fund.

1439 Section 44. This act shall take effect July 1, 2012.