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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/10/2014	.	
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	.	
	.	

The Committee on Commerce and Tourism (Detert) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (1) of section
493.6108, Florida Statutes, is amended to read:

493.6108 Investigation of applicants by Department of
Agriculture and Consumer Services.—

(1) Except as otherwise provided, the department must
investigate an applicant for a license under this chapter before



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11 it may issue the license. The investigation must include:

12 (a)1. An examination of fingerprint records and police
13 records. If a criminal history record check of an ~~any~~ applicant
14 under this chapter is performed by means of fingerprint
15 identification, the time limitations prescribed by s. 120.60(1)
16 shall be tolled while ~~during the time~~ the applicant's
17 fingerprints are under review by the Department of Law
18 Enforcement or the United States Department of Justice, Federal
19 Bureau of Investigation.

20 2. If a legible set of fingerprints, as determined by the
21 Department of Law Enforcement or the Federal Bureau of
22 Investigation, cannot be obtained after two attempts, the
23 Department of Agriculture and Consumer Services may determine
24 the applicant's eligibility based on ~~upon~~ a criminal history
25 record check under the applicant's name conducted by the Federal
26 Bureau of Investigation ~~Department of Law Enforcement if the~~
27 ~~fingerprints are taken by a law enforcement agency or the~~
28 ~~department and the applicant submits a written statement signed~~
29 ~~by the fingerprint technician or a licensed physician stating~~
30 ~~that there is a physical condition that precludes obtaining a~~
31 ~~legible set of fingerprints or that the fingerprints taken are~~
32 ~~the best that can be obtained.~~

33 Section 2. Paragraph (b) of subsection (3) of section
34 493.6113, Florida Statutes, is amended to read:

35 493.6113 Renewal application for licensure.-

36 (3) Each licensee is responsible for renewing his or her
37 license on or before its expiration by filing with the
38 department an application for renewal accompanied by payment of
39 the prescribed license fee.



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40 (b) Each Class "G" licensee shall additionally submit proof
41 that he or she has received during each year of the license
42 period a minimum of 4 hours of firearms recertification training
43 taught by a Class "K" licensee and has complied with such other
44 health and training requirements that which the department
45 adopts shall adopt by rule. Proof of completion of firearms
46 recertification training shall be submitted to the department
47 upon completion of the training. If the licensee fails to
48 complete the required 4 hours of annual training during
49 documentation of completion of the required training is not
50 submitted by the end of the first year of the 2-year term of the
51 license, the individual's license shall be automatically
52 suspended until proof of the required training is submitted to
53 the department. The licensee must complete the minimum number of
54 hours of range and classroom training required at the time of
55 initial licensure and submit proof of having completed such
56 training to the department before the license may be reinstated.
57 If the licensee fails to complete the required 4 hours of annual
58 training during documentation of completion of the required
59 training is not submitted by the end of the second year of the
60 2-year term of the license, the licensee must complete the
61 minimum number of hours of range and classroom training required
62 at the time of initial licensure and submit proof of having
63 completed such training to the department before the license may
64 shall not be renewed unless the renewal applicant completes the
65 minimum number of hours of range and classroom training required
66 at the time of initial licensure. The department may waive the
67 firearms training requirement if:

1. The applicant provides proof that he or she is currently



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69 certified as a law enforcement officer or correctional officer
70 under the Criminal Justice Standards and Training Commission and
71 has completed law enforcement firearms requalification training
72 annually during the previous 2 years of the licensure period;

73 2. The applicant provides proof that he or she is currently
74 certified as a federal law enforcement officer and has received
75 law enforcement firearms training administered by a federal law
76 enforcement agency annually during the previous 2 years of the
77 licensure period; or

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

82 Section 3. Subsection (6) of section 493.6115, Florida
83 Statutes, is amended to read:

84 493.6115 Weapons and firearms.—

85 (6) In addition to any other firearm approved by the
86 department, a licensee who has been issued a Class "G" license
87 may carry a .38 caliber revolver; ~~or~~ a .380 caliber or 9
88 millimeter semiautomatic pistol; ~~or~~ a .357 caliber revolver with
89 .38 caliber ammunition only; a .40 caliber handgun; or a .45 ACP
90 handgun while performing duties authorized under this chapter. A
91 ~~No~~ licensee may not carry more than two firearms upon her or his
92 person when performing her or his duties. A licensee may only
93 carry a firearm of the specific type and caliber with which she
94 or he is qualified pursuant to the firearms training described
95 ~~referenced~~ in subsection (8) or s. 493.6113(3) (b).

96 Section 4. Subsection (4) is added to section 493.6305,
97 Florida Statutes, to read:



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98 493.6305 Uniforms, required wear; exceptions.—

99 (4) Class "D" licensees who are also Class "G" licensees
100 and who are performing bodyguard or executive protection
101 services may carry their authorized firearm concealed while
102 wearing plain clothes as needed to provide contracted services
103 to the client.

104 Section 5. Section 501.016, Florida Statutes, is amended to
105 read:

106 501.016 Health studios; security requirements.—Each health
107 studio that sells contracts for health studio services shall
108 meet the following requirements:

109 (1) Each health studio shall maintain for each separate
110 business location a bond issued by a surety company admitted to
111 do business in this state. The principal sum of the bond must
112 ~~shall~~ be \$25,000, and the bond, when required, must ~~shall~~ be
113 obtained before a business tax receipt may be issued under
114 chapter 205. Upon issuance of a business tax receipt, the
115 licensing authority shall immediately notify the department of
116 such issuance in a manner established by the department by rule.
117 The bond must ~~shall~~ be in favor of the department ~~state~~ for the
118 benefit of any person injured as a result of a violation of ss.
119 501.012-501.019. Liability for such injuries may be determined
120 in an administrative proceeding of the department pursuant to
121 chapter 120 or through a civil action. However, claims against
122 the bond or certificate of deposit may be paid, in amounts up to
123 the determined liability for such injuries, only by order of the
124 department in an administrative proceeding pursuant to chapter
125 120. The aggregate liability of the surety to all persons for
126 all breaches of the conditions of the bonds provided by this



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127 section may not herein shall in no event exceed the amount of
128 the bond. The original surety bond required by this section
129 shall be filed with the department on a form adopted by
130 department rule.

131 (2) In lieu of maintaining the bond required in subsection
132 (1), the health studio may furnish to the department on a form
133 adopted by department rule:

134 (a) An irrevocable letter of credit from any foreign or
135 domestic bank in the amount of \$25,000; or

136 (b) A guaranty agreement that is secured by a certificate
137 of deposit in the amount of \$25,000.

138
139 The original letter of credit or certificate of deposit
140 submitted in lieu of the bond shall be filed with the
141 department. The department shall decide whether the security
142 furnished in lieu of bond by the health studio complies is in
143 compliance with the requirements of this section.

144 (3) A consumer may file a claim against the bond or other
145 form of security. Such claim must be submitted to the department
146 in writing on a form affidavit approved by department rule
147 within 120 days after an alleged injury has occurred or is
148 discovered to have occurred or a judgment has been entered. The
149 proceedings shall be conducted in accordance with chapter 120.
150 For proceedings conducted under ss. 120.569 and 120.57, the
151 department may act only as a nominal party.

152 (4) The health studio shall pay to the department for
153 distribution to the consumer any indebtedness determined by
154 final order of the department within 30 days after the order is
155 entered. If the health studio fails to make timely payment, the



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156 department shall make demand upon the surety, which may include
157 an institution issuing a letter of credit or depository on a
158 certificate of deposit. If a surety fails to comply with a
159 demand for payment issued pursuant to a final order, the
160 department may file an action in circuit court pursuant to s.
161 120.69 to recover payment up to the amount of the bond or other
162 form of security. If the court affirms the department's demand
163 for payment from the surety, the department shall be awarded
164 court costs and reasonable attorney fees.

165 (5)(3) A health studio that ~~which~~ sells contracts for
166 future health studio services and ~~which~~ collects direct payment
167 on a monthly basis for those services is ~~shall be~~ exempt from
168 the security requirements of subsections (1) and (2) if provided
169 ~~that~~ any service fee charged is a reasonable and fair ~~service~~
170 ~~fee~~. The number of monthly payments in such a contract must
171 ~~shall~~ be equal to the number of months in the contract. The
172 contract must ~~shall~~ conform to all the requirements for future
173 health studio services contracts ~~as~~ specified in ss. 501.012-
174 501.019 and must ~~shall~~ specify in the terms of the contract the
175 charges to be assessed for those health studio services.

176 (6)(4) If the health studio furnishes the department with
177 evidence satisfactory to the department that the aggregate
178 dollar amount of all current outstanding contracts of the health
179 studio is less than \$5,000, the department may, ~~at its~~
180 ~~discretion,~~ reduce the principal amount of the surety bond or
181 other sufficient financial responsibility required in
182 subsections (1) and (2) to a sum of at least ~~not less than~~
183 \$10,000. However, at any time the aggregate dollar amount of
184 such contracts exceeds \$5,000, the health studio shall ~~se~~ notify



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185 the department and shall ~~thereupon~~ provide the bond or other
186 documentation as required in subsections (1) and (2). Health
187 studios whose bonds have been reduced shall ~~must~~ provide the
188 department with an annually updated list of members. ~~Failure to~~
189 ~~file an annual report will result in~~ The department shall
190 increase ~~raising~~ the security requirement to \$25,000 for a
191 health studio that fails to file an annual report.

192 (7) ~~(5)~~ Each health studio shall furnish the department with
193 a copy of the escrow account which would contain all funds
194 received for future consumer services, whether provided under ~~by~~
195 contract or otherwise, sold before ~~prior to~~ the business
196 location's full operation and specify a date certain for
197 opening, if such an escrow account is established.

198 (8) ~~(6)~~ Subsections (1) and (2) do ~~shall~~ not apply to a
199 health studio that has been operating in compliance with ss.
200 501.012-501.019 and rules adopted thereunder, ~~continuously~~ under
201 the same ownership and control, continuously for the most recent
202 5-year period; ~~in compliance with ss. 501.012-501.019 and the~~
203 ~~rules adopted thereunder~~ and that has not had any civil,
204 criminal, or administrative adjudication against it by any state
205 or federal agency; and that has a satisfactory consumer
206 complaint history. As used in this subsection, the term
207 "satisfactory consumer complaint history" means that there are
208 no unresolved consumer complaints regarding the health studio
209 ~~are~~ on file with the department. A consumer complaint is
210 unresolved if a health studio has not responded to the
211 department's efforts to mediate the complaint or if there has
212 been an adjudication that the health studio has violated ss.
213 501.012-501.019 or the rules adopted thereunder. Such exemption



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214 extends to all current and future business locations of an
215 exempt health studio.

216 (9)-(7) This section does not apply to a business, otherwise
217 defined as a health studio, which sells a single contract of 30
218 days or less to a any member without any option for renewal or
219 any other condition that ~~which~~ establishes any right in the
220 member beyond the term of such contract ~~is exempt from the~~
221 ~~provisions of this section.~~ However, this exemption does ~~shall~~
222 not apply if the business offers any other health studio
223 contract, regardless of whatever duration, at any time before or
224 during or prior to the existence of such single contract of 30
225 days or less.

226 (10)-(8) Except in the case of a natural disaster or an act
227 of God, a health studio that is exempt from the requirements of
228 subsections (1) and (2), but does not have any ~~that has no~~
229 business locations open for 14 consecutive days, waives its
230 exemption and is considered to be a new health studio for the
231 purposes of ss. 501.012-501.019.

232 Section 6. Sections 501.057, 501.0571, 501.0573, 501.0575,
233 501.0577, 501.0579, and 501.0581, Florida Statutes, are
234 repealed.

235 Section 7. Section 501.0583, Florida Statutes, is repealed.

236 Section 8. Subsection (5) of section 501.059, Florida
237 Statutes, is amended to read:

238 501.059 Telephone solicitation.-

239 (5) A telephone solicitor or person may not initiate an
240 outbound telephone call to a consumer, donor, or potential donor
241 who has previously communicated to the telephone solicitor or
242 person that he or she does not wish to receive an outbound



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243 telephone call:

244 (a) Made by or on behalf of the seller whose goods or
245 services are being offered; or

246 (b) Made on behalf of a charitable organization for which a
247 charitable contribution is being solicited.

248 Section 9. Section 501.143, Florida Statutes, is repealed.

249 Section 10. Present subsections (8) through (11) of section
250 501.603, Florida Statutes, are redesignated as subsections (9)
251 through (12), respectively, a new subsection (8) is added to
252 that section, and subsection (2) of that section is amended, to
253 read:

254 501.603 Definitions.—As used in this part, unless the
255 context otherwise requires, the term:

256 (2) "Commercial telephone seller" means a person who
257 engages in commercial telephone solicitation on his or her own
258 behalf or through salespersons. The term, except that a
259 commercial telephone seller does not include a salesperson as
260 defined in subsection (11) or a person or entity operating under
261 a valid affidavit of exemption filed with the department
262 according to s. 501.608(1)(b) or exempted from this part by s.
263 501.604. The term A commercial telephone seller does not include
264 a salesperson as defined in subsection (10). A commercial
265 telephone seller includes, but is not limited to, owners,
266 operators, officers, directors, partners, or other individuals
267 engaged in the management activities of a business entity
268 pursuant to this part.

269 (8) "Novelty payment" means a payment method that does not
270 provide a means of systematic monitoring to detect and deter
271 fraud. The term includes, but is not limited to, the following



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272 payment devices:

273 (a) A remotely created check, which is a check that is not
274 created by the paying bank and that does not bear the signature
275 of the person on whose account the check is drawn.

276 (b) A remotely created payment order, which is a payment
277 instruction or order drawn on a person's account which is
278 initiated or created by the payee and which does not bear the
279 signature of the person on whose account the order is drawn and
280 which is cleared through the check clearing system.

281 (c) A cash-to-cash money transfer, which is the electronic
282 transfer of the value of cash received from one person to
283 another person in a different location which is sent by a money
284 transfer provider and received in the form of cash. As used in
285 this paragraph, the term "money transfer provider" means a
286 person or financial institution that provides cash-to-cash money
287 transfers for a person in the normal course of business,
288 regardless of whether the person holds an account with such
289 person or financial institution.

290 (d) A cash reload mechanism, which is a system that makes
291 it possible to convert cash into an electronic form which a
292 person can use to add money to a general-use prepaid card or an
293 online account with a payment intermediary. As used in this
294 paragraph, the term "mechanism" means a system that is purchased
295 by a person on a prepaid basis, that enables access to the funds
296 via an authorization code or other security measure, and that is
297 not directly used as a general-use prepaid card.

298 Section 11. Section 501.611, Florida Statutes, is amended
299 to read:

300 501.611 Security.-



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301 (1) An application filed pursuant to s. 501.605 must be
302 accompanied by:

303 (a) A bond executed by a corporate surety approved by the
304 department and licensed to do business in this state;

305 (b) An irrevocable letter of credit issued for the benefit
306 of the applicant by a bank whose deposits are insured by an
307 agency of the Federal Government; or

308 (c) A certificate of deposit in a financial institution
309 insured by an agency of the Federal Government, which may be
310 withdrawn only on the order of the department, except that the
311 interest may accrue to the applicant.

312 (2) The amount of the bond, letter of credit, or
313 certificate of deposit must be a minimum of \$50,000, and the
314 bond, letter of credit, or certificate of deposit must be in
315 favor of the department for the use and benefit of any purchaser
316 who is injured by the fraud, misrepresentation, breach of
317 contract, financial failure, or violation of this part by the
318 applicant ~~must be conditioned upon compliance by the applicant~~
319 ~~with the provisions of this part.~~ The department may, at its
320 discretion, establish a bond of a greater amount to ensure the
321 general welfare of the public and the interests of the
322 telemarketing industry.

323 (3) The bond shall be posted with the department on a form
324 adopted by ~~and shall remain in force throughout the period of~~
325 ~~licensure with the~~ department rule and shall remain in force
326 throughout the period of licensure.

327 (4) The department or a ~~any~~ governmental agency, on behalf
328 of an ~~any~~ injured purchaser or a ~~any~~ purchaser herself or
329 himself who is injured by ~~the bankruptcy of the applicant or her~~



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330 ~~or his breach of any agreement entered into in her or his~~
331 ~~capacity as a licensee,~~ may bring and maintain an action to
332 recover against the bond, letter of credit, or certificate of
333 deposit.

334 (5) A purchaser may file a claim against the bond or other
335 form of security. Such claim must be submitted to the department
336 in writing on a form affidavit approved by department rule
337 within 120 days after an alleged injury has occurred or is
338 discovered to have occurred or a judgment has been entered. The
339 proceedings shall be conducted in accordance with chapter 120.
340 For proceedings conducted under ss. 120.569 and 120.57, the
341 department must act only as a nominal party.

342 (6) The commercial telephone seller shall pay to the
343 department for distribution to the consumer any indebtedness
344 determined by final order of the department within 30 days after
345 the order is entered. If the commercial telephone seller fails
346 to make timely payment, the department shall make demand upon
347 the surety, which may include an institution issuing a letter of
348 credit or depository on a certificate of deposit. If a surety
349 fails to comply with a demand for payment issued pursuant to a
350 final order, the department may file an action in circuit court
351 pursuant to s. 120.69 to recover payment up to the amount of the
352 bond or other form of security. If the court affirms the
353 department's demand for payment from the surety, the department
354 shall be awarded all court costs and reasonable attorney fees.

355 Section 12. Section 501.616, Florida Statutes, is amended
356 to read:

357 501.616 Unlawful acts and practices.—

358 (1) ~~A It shall be unlawful for any~~ commercial telephone



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359 seller or salesperson may not directly or indirectly accept a
360 novelty payment as defined by s. 501.603(8) or rule as payment
361 for goods or services offered or sold through telemarketing to
362 require that payment be by credit card authorization or
363 otherwise to announce a preference for that method of payment.

364 (2) A ~~It shall be unlawful for any~~ commercial telephone
365 seller may not ~~to~~ employ~~r~~ or be affiliated with an~~r~~ any
366 unlicensed salesperson.

367 (3) A ~~It shall be unlawful for any~~ salesperson may not ~~to~~
368 be employed by~~r~~ or affiliated with~~r~~ an unlicensed commercial
369 telephone seller.

370 (4) A ~~It shall be unlawful for any~~ commercial telephone
371 seller or salesperson must ~~to~~ be licensed ~~unlicensed~~.

372 (5) A ~~It shall be unlawful for any~~ salesperson or
373 commercial telephone seller may not ~~to~~ otherwise violate ~~the~~
374 ~~provisions of~~ this part.

375 (6) A ~~It shall be unlawful for any~~ commercial telephone
376 seller or salesperson may not ~~to~~ make a commercial telephone
377 solicitation phone call before 8 ~~8:00~~ a.m. or after 9 ~~9:00~~ p.m.
378 local time at the called person's location.

379 (7) A ~~It shall be unlawful for any~~ commercial telephone
380 seller or salesperson making a commercial telephone solicitation
381 call may not intentionally act ~~telephonic solicitations to take~~
382 ~~any intentional action~~ to prevent transmission of the telephone
383 solicitor's name or telephone number to the party called when
384 the equipment or service used by the telephone solicitor is
385 capable of creating and transmitting the telephone solicitor's
386 name or telephone number.

387 Section 13. Subsection (1) of section 501.913, Florida



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388 Statutes, is amended to read:

389 501.913 Registration.—

390 (1) Each brand of antifreeze to be distributed in this
391 state shall be registered with the department before
392 distribution. The person whose name appears on the label, the
393 manufacturer, or the packager shall make application annually to
394 the department on forms provided by the department ~~no later than~~
395 July 1 of each year. The registration certificate expires 1 year
396 from the date of issue. The registrant assumes, by application
397 to register the brand, full responsibility for the registration
398 and the quality, and quantity of the product sold, offered, or
399 exposed for sale in this state. If a registered brand is not in
400 production for distribution in this state, ~~and~~ to ensure any
401 remaining product that is still available for sale in this ~~the~~
402 state is properly registered, the registrant must submit a
403 notarized affidavit on company letterhead to the department
404 certifying that:

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

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

407 and

408 (c) All existing product of the stated brand will be
409 removed by the registrant from the state within 30 days after
410 expiration of the registration or the registrant will reregister
411 the brand for two subsequent registration periods.

412

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

415 Section 14. Paragraph (b) of subsection (1) of section
416 525.16, Florida Statutes, is amended to read:



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417 525.16 Administrative fine; penalties; prosecution of cases
418 by state attorney.—

419 (1)

420 (b) If a, ~~3 years after the day of issuance of the last~~
421 ~~stop-sale order for a violation under this chapter, no new~~
422 violation does not occur ~~has occurred~~ at the same location while
423 the business is under the same ~~during the~~ proprietorship within
424 3 years after the date of issuance of the last previous stop-
425 sale order of the same person, all previous fines shall be
426 disregarded when administering a fine for a new ~~the next~~
427 violation.

428 Section 15. Section 526.015, Florida Statutes, is created
429 to read:

430 526.015 Lubricating oil standards; labeling requirements.—

431 (1) A person may not sell or distribute, or offer for sale
432 or distribution, a lubricating oil that fails to meet a quality
433 standard, such as those established by the Society of Automotive
434 Engineers or other similar standard, or a labeling requirement
435 designed to prevent deceptive or misleading practices as adopted
436 by rule of the department.

437 (2) A product that fails to meet a standard or labeling
438 requirement adopted by rule of the department shall be placed
439 under a stop-sale order by the department, and the lot number of
440 the product shall be identified and tagged by the department to
441 prevent its sale.

442 (3) A person may not sell or distribute, or offer for sale
443 or distribution, a product that has been placed under a stop-
444 sale order.

445 (4) If a product is made to conform to standards and



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446 labeling requirements or is removed from the premises in a
447 manner approved by the department, the department shall issue a
448 release order.

449 Section 16. Subsection (6) of section 526.50, Florida
450 Statutes, is repealed.

451 Section 17. Subsection (1) of section 526.51, Florida
452 Statutes, is amended to read:

453 526.51 Registration; renewal and fees; departmental
454 expenses; cancellation or refusal to issue or renew.—

455 (1) (a) Application for registration of each brand of brake
456 fluid shall be made on forms supplied by the department. The
457 applicant shall provide ~~give~~ his or her name and address, ~~and~~
458 the brand name of the brake fluid, the state in which ~~that~~ he or
459 she owns the brand name and has complete control over the
460 product sold thereunder in this state, and ~~provide~~ the name and
461 address of the resident agent in this state. If the applicant
462 does not own the brand name but wishes to register the product
463 with the department, a notarized affidavit that gives the
464 applicant full authorization to register the brand name, which
465 must be ~~and that is~~ signed by the owner of the brand name, must
466 accompany the application for registration. The affidavit must
467 include all affected brand names, the owner's company or
468 corporate name and address, the applicant's company or corporate
469 name and address, and a statement from the owner authorizing the
470 applicant to register the product with the department. The owner
471 of the brand name shall maintain complete control over each
472 product sold under that brand name in this state. All first-time
473 applications for a brand and formula combination must be
474 accompanied by a certified report from an independent testing



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475 laboratory, setting forth the analysis of the brake fluid which
476 shows its quality meets ~~to be not less than~~ the minimum
477 specifications established by the department for brake fluids. A
478 sample of at least ~~not less than~~ 24 fluid ounces of brake fluid
479 shall be submitted, in a container with a label printed in the
480 same manner that it ~~or containers, with labels representing~~
481 ~~exactly how the containers of brake fluid~~ will be labeled when
482 sold, and the sample and container shall be analyzed and
483 inspected by the department in order to verify ~~that~~ compliance
484 with the department's specifications and labeling requirements
485 ~~may be verified~~. Upon approval of the application, the
486 department shall register the brand name of the brake fluid and
487 issue to the applicant a permit, valid for 1 year from the date
488 of issue, authorizing the registrant to sell the brake fluid in
489 this state ~~during the permit year specified in the permit~~.

490 (b) An ~~Each~~ applicant shall pay a fee of \$100 with each
491 application. A permit may be renewed by application to the
492 department, accompanied by a renewal fee of \$50, on or before
493 the expiration of the previously issued ~~last day of the permit~~
494 ~~year immediately preceding the permit year for which application~~
495 ~~is made for renewal of registration~~. To reregister a previously
496 registered brand and formula combination, an applicant must
497 submit a completed application and all materials as required in
498 this section to the department before the expiration of the
499 previously issued ~~first day of the permit year~~. A brand and
500 formula combination for which a completed application and all
501 materials required in this section are not received before the
502 expiration of the previously issued ~~first day of the permit year~~
503 may not be registered with the department until a completed



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504 application and all materials required in this section have been
505 received and approved. If the brand and formula combination was
506 previously registered with the department and a fee,
507 application, or materials required in this section are received
508 after the expiration of the previously issued first day of the
509 permit year, a penalty of \$25 ~~accrues, which~~ shall be added to
510 the fee. Renewals shall be accepted only on brake fluids that do
511 not have a ~~ne~~ change in formula, composition, or brand name. A
512 ~~Any~~ change in formula, composition, or brand name of a any brake
513 fluid constitutes a new product that must be registered in
514 accordance with this part.

515 (c) If a registered brand and formula combination is no
516 longer in production for distribution in this state, in order to
517 ensure that any remaining product still available for sale in
518 this state is properly registered, ~~if a registered brand and~~
519 ~~formula combination is no longer in production for distribution~~
520 ~~in this state~~, the registrant must submit a notarized affidavit
521 on company letterhead to the department certifying that:

522 1. The stated brand and formula combination is no longer in
523 production;

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

526 3. Either all existing product of the stated brand and
527 formula combination will be removed by the registrant from the
528 state within 30 days after the expiration of the registration or
529 that the registrant will reregister the brand and formula
530 combination for 2 ~~two~~ subsequent years ~~registration periods~~.

531
532 If production resumes, the brand and formula combination must be



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533 reregistered before it is again distributed in this state.
534 Section 18. Paragraph (a) of subsection (4), paragraphs (b)
535 and (d) of subsection (7), and paragraph (b) of subsection (8)
536 of section 539.001, Florida Statutes, are amended to read:
537 539.001 The Florida Pawnbroking Act.—
538 (4) ELIGIBILITY FOR LICENSE.—
539 (a) To be eligible for a pawnbroker's license, an applicant
540 must:
541 1. Be of good moral character;
542 2. Have a net worth of at least \$50,000 or file with the
543 agency a bond, issued by a surety company qualified to do
544 business in this state, in the amount of \$10,000 for each
545 license. In lieu of the bond required in this section, the
546 applicant may establish a certificate of deposit or an
547 irrevocable letter of credit in a Florida banking institution in
548 the amount of the bond. The original bond, certificate of
549 deposit, or letter of credit shall be filed with the agency on a
550 form adopted by agency rule, and the agency shall be the
551 beneficiary to said document. The bond, certificate of deposit,
552 or letter of credit must ~~shall~~ be in favor of the agency for the
553 use and benefit of any consumer who is injured by the fraud,
554 misrepresentation, breach of contract, financial failure, or
555 violation of ~~any provision of~~ this section by the pawnbroker.
556 Such liability may be enforced either by proceeding in an
557 administrative action or by filing a judicial suit at law ~~in a~~
558 ~~court of competent jurisdiction~~. However, in such court suit,
559 the bond, certificate of deposit, or letter of credit posted
560 with the agency may ~~shall~~ not be amenable or subject to any
561 judgment or other legal process issuing out of or from such



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562 court in connection with such lawsuit, but such bond,
563 certificate of deposit, or letter of credit shall be amenable to
564 and enforceable only by and through administrative proceedings
565 before the agency. It is the intent of the Legislature that such
566 bond, certificate of deposit, or letter of credit ~~shall~~ be
567 applicable and liable only for the payment of claims duly
568 adjudicated by order of the agency. The bond, certificate of
569 deposit, or letter of credit shall be payable on a pro rata
570 basis as determined by the agency, but the aggregate amount may
571 not exceed the amount of the bond, certificate of deposit, or
572 letter of credit. A consumer may file a claim against the bond,
573 certificate of deposit, or letter of credit. Such claim must be
574 submitted in writing to the agency on a form affidavit approved
575 by agency rule within 120 days after an alleged injury has
576 occurred or is discovered to have occurred or a judgment has
577 been entered. The proceedings shall be conducted in accordance
578 with chapter 120. For proceedings conducted under ss. 120.569
579 and 120.57, the agency may act only as a nominal party. The
580 pawnbroker shall pay to the agency for distribution to the
581 consumer any indebtedness determined by final order of the
582 agency within 30 days after the order is entered. If the
583 pawnbroker fails to make timely payment, the agency shall make
584 demand upon the surety, which includes an institution issuing a
585 letter of credit or depository on a certificate of deposit. If a
586 surety fails to comply with a demand for payment pursuant to a
587 final order, the agency may file an action pursuant to s. 120.69
588 in circuit court to recover payment, up to the amount of the
589 bond or other form of security. If the agency is successful and
590 the court affirms the agency's demand for payment from the



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591 surety, the agency shall be awarded all court costs and
592 reasonable attorney fees;

593 3. Not have been convicted of, or found guilty of, or pled
594 guilty or nolo contendere to, or not have been incarcerated
595 within the last 10 years as a result of having previously been
596 convicted of, or found guilty of, or pled guilty or nolo
597 contendere to, regardless of adjudication, a felony within the
598 last 10 years and not be acting as a beneficial owner for
599 someone who has been convicted of, or found guilty of, or pled
600 guilty or nolo contendere to, regardless of adjudication, a
601 felony within the last 10 years; and

602 4. Not have been convicted of, or found guilty of, or pled
603 guilty or nolo contendere to, or not have been incarcerated
604 within the last 10 years as a result of having previously been
605 convicted of, or found guilty of, or pled guilty or nolo
606 contendere to, regardless of adjudication, a crime that involves
607 theft, larceny, dealing in stolen property, receiving stolen
608 property, burglary, embezzlement, obtaining property by false
609 pretenses, possession of altered property, or any other
610 fraudulent or dishonest dealing within the last 10 years, and
611 not be acting as a beneficial owner for someone who has been
612 convicted, of, or found guilty of, or pled guilty or nolo
613 contendere to, or has been incarcerated within the last 10 years
614 as a result of having previously been convicted of, or found
615 guilty of, or pled guilty or nolo contendere to, regardless of
616 adjudication, a crime that involves theft, larceny, dealing in
617 stolen property, receiving stolen property, burglary,
618 embezzlement, obtaining property by false pretenses, possession
619 of altered property, or any other fraudulent or dishonest



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620 dealing within the last 10 years.

621 (7) ORDERS IMPOSING PENALTIES.—

622 (b) Upon a finding as set forth in paragraph (a), the
623 agency may enter an order doing one or more of the following:

624 1. Issuing a notice of noncompliance pursuant to s.
625 120.695.

626 2. Imposing an administrative fine of up to not to exceed
627 \$5,000 for each act that ~~which~~ constitutes a violation of this
628 section, ~~or~~ a rule, or an order.

629 3. Directing that the pawnbroker cease and desist specified
630 activities.

631 4. Refusing to license or revoking or suspending a license.

632 5. Placing the licensee on probation for a period of time,
633 subject to such conditions as the agency may specify.

634 (d)1. ~~When the agency,~~ If a violation of this section
635 occurs and the agency has reasonable cause to believe that a
636 person is operating in violation of this section, ~~has reasonable~~
637 ~~cause to believe that a person is operating in violation of this~~
638 ~~section,~~ the agency may bring a civil action in the appropriate
639 court for temporary or permanent injunctive relief and may seek
640 other appropriate civil relief, including a civil penalty of up
641 to not to exceed \$5,000 for each violation, restitution and
642 damages for injured customers, court costs, and reasonable
643 attorney ~~attorney's~~ fees.

644 2. The agency may terminate an ~~any~~ investigation or action
645 upon agreement by the offender to pay a stipulated civil
646 penalty, to make restitution or pay damages to customers, or to
647 satisfy any other relief authorized in this section ~~herein~~ and
648 requested by the agency.



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649 (8) PAWNBROKER TRANSACTION FORM.—
650 (b) The front of the pawnbroker transaction form must
651 include:
652 1. The name and address of the pawnshop.
653 2. A complete and accurate description of the pledged goods
654 or purchased goods, including the following information, if
655 applicable:
656 a. Brand name.
657 b. Model number.
658 c. Manufacturer's serial number.
659 d. Size.
660 e. Color, as apparent to the untrained eye.
661 f. Precious metal type, weight, and content, if known.
662 Weight shall be obtained from a device properly approved by the
663 agency and in compliance with ss. 531.39 and 531.40.
664 g. Gemstone description, including the number of stones.
665 h. In the case of firearms, the type of action, caliber or
666 gauge, number of barrels, barrel length, and finish.
667 i. Any other unique identifying marks, numbers, names, or
668 letters.
669
670 Notwithstanding sub-subparagraphs a.-i., in the case of multiple
671 items of a similar nature delivered together in one transaction
672 which do not bear serial or model numbers and which do not
673 include precious metal or gemstones, such as musical or video
674 recordings, books, and hand tools, the description of the items
675 is adequate if it contains the quantity of items and a
676 description of the type of items delivered.
677 3. The name, address, home telephone number, place of



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678 employment, date of birth, physical description, and right
679 thumbprint of the pledgor or seller.

680 4. The date and time of the transaction.

681 5. The type of identification accepted from the pledgor or
682 seller, including the issuing agency and the identification
683 number.

684 6. In the case of a pawn:

685 a. The amount of money advanced, which must be designated
686 as the amount financed;

687 b. The maturity date of the pawn, which must be 30 days
688 after the date of the pawn;

689 c. The default date of the pawn and the amount due on the
690 default date;

691 d. The total pawn service charge payable on the maturity
692 date, which must be designated as the finance charge;

693 e. The amount financed plus the finance charge that must be
694 paid to redeem the pledged goods on the maturity date, which
695 must be designated as the total of payments;

696 f. The annual percentage rate, computed according to ~~the~~
697 regulations adopted by the Federal Reserve Board under the
698 federal Truth in Lending Act; and

699 g. The front or back of the pawnbroker transaction form
700 must include a statement that:

701 (I) Any personal property pledged to a pawnbroker within
702 this state which is not redeemed within 30 days after ~~following~~
703 the maturity date of the pawn, or if the 30th day is not a
704 business day, ~~then~~ the following business day, is automatically
705 forfeited to the pawnbroker, and absolute right, title, and
706 interest in and to the property vests in and is deemed conveyed



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707 to the pawnbroker by operation of law, and ~~no~~ further notice is
708 not necessary;

709 (II) The pledgor is not obligated to redeem the pledged
710 goods; and

711 (III) If the pawnbroker transaction form is lost,
712 destroyed, or stolen, the pledgor must immediately advise the
713 issuing pawnbroker in writing by certified or registered mail,
714 return receipt requested, or in person evidenced by a signed
715 receipt.

716 (IV) A pawn may be extended upon mutual agreement of the
717 parties.

718 7. In the case of a purchase, the amount of money paid for
719 the goods or the monetary value assigned to the goods in
720 connection with the transaction.

721 8. A statement that the pledgor or seller of the item
722 represents and warrants that it is not stolen, that it has no
723 liens or encumbrances against it, and that the pledgor or seller
724 is the rightful owner of the goods and has the right to enter
725 into the transaction.

726
727 A ~~Any~~ person who knowingly gives false verification of
728 ownership or gives a false or altered identification and who
729 receives money from a pawnbroker for goods sold or pledged
730 commits:

731 a. If the value of the money received is less than \$300, a
732 felony of the third degree, punishable as provided in s.
733 775.082, s. 775.083, or s. 775.084.

734 b. If the value of the money received is \$300 or more, a
735 felony of the second degree, punishable as provided in s.



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736 775.082, s. 775.083, or s. 775.084.

737 Section 19. Section 559.929, Florida Statutes, is amended
738 to read:

739 559.929 Security requirements.—

740 (1) An application must be accompanied by a performance
741 bond in an amount set by the department under paragraph (a),
742 paragraph (b), or paragraph (c). The surety on such bond must
743 ~~shall~~ be a surety company authorized to do business in the
744 state.

745 (a) Each seller of travel which ~~that~~ certifies its business
746 activities under s. 559.9285(1)(a) shall provide a performance
747 bond in an amount up to ~~not to exceed~~ \$25,000, or in the amount
748 of \$50,000 if the seller of travel is offering vacation
749 certificates.

750 (b) Each seller of travel which ~~that~~ certifies its business
751 activities under s. 559.9285(1)(b) shall provide a performance
752 bond in an amount up to ~~not to exceed~~ \$100,000, or in the amount
753 of \$150,000 if the seller of travel is offering vacation
754 certificates.

755 (c) Each seller of travel which ~~that~~ certifies its business
756 activities under s. 559.9285(1)(c) shall provide a performance
757 bond in an amount up to ~~not to exceed~~ \$250,000, or in the amount
758 of \$300,000 if the seller of travel is offering vacation
759 certificates.

760 (2) The bond must ~~shall~~ be in favor of the department on a
761 form adopted by rule of the department for the use and benefit
762 of a ~~any~~ traveler who is injured by the fraud,
763 misrepresentation, breach of contract, financial failure, or
764 violation ~~of any provision~~ of this part by the seller of travel.



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765 Such liability may be enforced either by proceeding in an
766 administrative action as specified in subsection (3) or by
767 filing a judicial suit at law ~~in a court of competent~~
768 ~~jurisdiction~~. However, in such court suit the bond posted with
769 the department shall not be amenable or subject to any judgment
770 or other legal process issuing out of or from such court in
771 connection with such lawsuit, but such bond shall be amenable to
772 and enforceable only by and through administrative proceedings
773 before the department. It is the intent of the Legislature that
774 such bond is ~~shall be~~ applicable and liable only for the payment
775 of claims duly adjudicated by order of the department. The bond
776 must ~~shall~~ be open to successive claims, but the aggregate
777 amount awarded may not exceed the amount of the bond. In
778 addition to the foregoing, a bond provided by a registrant or
779 applicant for registration which certifies its business
780 activities under s. 559.9285(1)(b) or (c) must ~~shall~~ be in favor
781 of the department, with payment in the following order of
782 priority:

783 (a) All expenses for prosecuting the registrant or
784 applicant in an ~~any~~ administrative or civil action under this
785 part, including attorney fees ~~for attorneys~~ and fees for other
786 professionals, court costs or other costs of the proceedings,
787 and all other expenses incidental to the action.

788 (b) The ~~All~~ costs and expenses of investigation before
789 ~~prior to~~ the commencement of an administrative or civil action
790 under this part.

791 (c) An ~~Any~~ unpaid administrative fine imposed by final
792 order or an ~~any~~ unpaid civil penalty imposed by final judgment
793 under this part.



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794 (d) Damages or compensation for a ~~any~~ traveler injured as
795 provided in this subsection.

796 (3) A ~~Any~~ traveler may file a claim against the bond. Such
797 claim must ~~which shall~~ be submitted to the department ~~made~~ in
798 writing on a form affidavit approved by department rule ~~to the~~
799 ~~department~~ within 120 days after an alleged injury has occurred
800 or is discovered to have occurred or a judgment has been
801 entered. The proceedings shall be conducted ~~held~~ in accordance
802 with chapter 120. The department may act only as a nominal party
803 in proceedings conducted under ss. 120.569 and 120.57.

804 (4) Any indebtedness determined by final order of the
805 department must be paid by the seller of travel to the
806 department within 30 days after the order is entered, for
807 distribution to the traveler. If the seller of travel fails to
808 make payment within the 30 days, the department shall make
809 demand upon the surety, which includes an institution issuing a
810 letter of credit or depository on a certificate of deposit. Upon
811 failure of a surety to comply with a demand for payment pursuant
812 to a final order, the department may file an action in circuit
813 court to recover payment, up to the amount of the bond or other
814 form of security pursuant to s. 120.69. If the department is
815 successful and the court affirms the department's demand for
816 payment from the surety, the department shall be allowed all
817 court costs incurred and reasonable attorney fees to be fixed
818 and collected as a part of the costs of the suit.

819 (5) ~~(4)~~ If ~~In any situation in which~~ the seller of travel is
820 currently the subject of an administrative, civil, or criminal
821 action by the department, the Department of Legal Affairs, or
822 the state attorney relating to ~~concerning~~ compliance with this



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823 part, the right to proceed against the bond as provided in
824 subsection (3) is ~~shall be~~ suspended until ~~after~~ any enforcement
825 action becomes final.

826 (6)~~(5)~~ The department may waive the bond requirement on an
827 annual basis if the seller of travel has had 5 or more
828 consecutive years of experience as a seller of travel in this
829 state Florida in compliance with this part, has not had a any
830 civil, criminal, or administrative action instituted against the
831 seller of travel in the vacation and travel business by a any
832 governmental agency or an any action involving fraud, theft,
833 misappropriation of property, violation of a any statute
834 pertaining to business or commerce with a any terrorist state,
835 or moral turpitude, and has a satisfactory consumer complaint
836 history with the department, and certifies its business
837 activities under s. 559.9285. Such waiver may be revoked if the
838 seller of travel violates ~~any provision of~~ this part. A seller
839 of travel which that certifies its business activities under s.
840 559.9285(1)(b) or (c) is not entitled to the waiver provided in
841 this subsection.

842 Section 20. Effective January 1, 2015, paragraph (a) of
843 subsection (4) of section 943.059, Florida Statutes, is amended
844 to read:

845 943.059 Court-ordered sealing of criminal history records.-
846 The courts of this state shall continue to have jurisdiction
847 over their own procedures, including the maintenance, sealing,
848 and correction of judicial records containing criminal history
849 information to the extent such procedures are not inconsistent
850 with the conditions, responsibilities, and duties established by
851 this section. Any court of competent jurisdiction may order a



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852 criminal justice agency to seal the criminal history record of a
853 minor or an adult who complies with the requirements of this
854 section. The court shall not order a criminal justice agency to
855 seal a criminal history record until the person seeking to seal
856 a criminal history record has applied for and received a
857 certificate of eligibility for sealing pursuant to subsection
858 (2). A criminal history record that relates to a violation of s.
859 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
860 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
861 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
862 916.1075, a violation enumerated in s. 907.041, or any violation
863 specified as a predicate offense for registration as a sexual
864 predator pursuant to s. 775.21, without regard to whether that
865 offense alone is sufficient to require such registration, or for
866 registration as a sexual offender pursuant to s. 943.0435, may
867 not be sealed, without regard to whether adjudication was
868 withheld, if the defendant was found guilty of or pled guilty or
869 nolo contendere to the offense, or if the defendant, as a minor,
870 was found to have committed or pled guilty or nolo contendere to
871 committing the offense as a delinquent act. The court may only
872 order sealing of a criminal history record pertaining to one
873 arrest or one incident of alleged criminal activity, except as
874 provided in this section. The court may, at its sole discretion,
875 order the sealing of a criminal history record pertaining to
876 more than one arrest if the additional arrests directly relate
877 to the original arrest. If the court intends to order the
878 sealing of records pertaining to such additional arrests, such
879 intent must be specified in the order. A criminal justice agency
880 may not seal any record pertaining to such additional arrests if



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881 the order to seal does not articulate the intention of the court
882 to seal records pertaining to more than one arrest. This section
883 does not prevent the court from ordering the sealing of only a
884 portion of a criminal history record pertaining to one arrest or
885 one incident of alleged criminal activity. Notwithstanding any
886 law to the contrary, a criminal justice agency may comply with
887 laws, court orders, and official requests of other jurisdictions
888 relating to sealing, correction, or confidential handling of
889 criminal history records or information derived therefrom. This
890 section does not confer any right to the sealing of any criminal
891 history record, and any request for sealing a criminal history
892 record may be denied at the sole discretion of the court.

893 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
894 history record of a minor or an adult which is ordered sealed by
895 a court of competent jurisdiction pursuant to this section is
896 confidential and exempt from the provisions of s. 119.07(1) and
897 s. 24(a), Art. I of the State Constitution and is available only
898 to the person who is the subject of the record, to the subject's
899 attorney, to criminal justice agencies for their respective
900 criminal justice purposes, which include conducting a criminal
901 history background check for approval of firearms purchases or
902 transfers as authorized by state or federal law, to judges in
903 the state courts system for the purpose of assisting them in
904 their case-related decisionmaking responsibilities, as set forth
905 in s. 943.053(5), or to those entities set forth in
906 subparagraphs (a)1., 4., 5., 6., and 8. for their respective
907 licensing, access authorization, and employment purposes.

908 (a) The subject of a criminal history record sealed under
909 this section or under other provisions of law, including former



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910 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
911 deny or fail to acknowledge the arrests covered by the sealed
912 record, except when the subject of the record:

- 913 1. Is a candidate for employment with a criminal justice
914 agency;
- 915 2. Is a defendant in a criminal prosecution;
- 916 3. Concurrently or subsequently petitions for relief under
917 this section, s. 943.0583, or s. 943.0585;
- 918 4. Is a candidate for admission to The Florida Bar;
- 919 5. Is seeking to be employed or licensed by or to contract
920 with the Department of Children and Families, the Division of
921 Vocational Rehabilitation within the Department of Education,
922 the Agency for Health Care Administration, the Agency for
923 Persons with Disabilities, the Department of Health, the
924 Department of Elderly Affairs, or the Department of Juvenile
925 Justice or to be employed or used by such contractor or licensee
926 in a sensitive position having direct contact with children, the
927 disabled, or the elderly;
- 928 6. Is seeking to be employed or licensed by the Department
929 of Education, any district school board, any university
930 laboratory school, any charter school, any private or parochial
931 school, or any local governmental entity that licenses child
932 care facilities; ~~or~~
- 933 7. Is attempting to purchase a firearm from a licensed
934 importer, licensed manufacturer, or licensed dealer and is
935 subject to a criminal history check under state or federal law;
936 or-
- 937 8. Is seeking to be licensed by the Bureau of License
938 Issuance of the Division of Licensing within the Department of



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939 Agriculture and Consumer Services to carry a concealed weapon or
940 concealed firearm. This exception applies only to the
941 determination of an applicant's eligibility in accordance with
942 s. 790.06.

943 Section 21. Section 205.1969, Florida Statutes, is amended
944 to read:

945 205.1969 Health studios; consumer protection.—A county or
946 municipality may not issue or renew a business tax receipt for
947 the operation of a health studio pursuant to ss. 501.012-501.019
948 ~~or ballroom dance studio pursuant to s. 501.143,~~ unless such
949 business exhibits a current license, registration, or letter of
950 exemption from the Department of Agriculture and Consumer
951 Services.

952 Section 22. Subsection (6) of section 501.015, Florida
953 Statutes, is amended to read:

954 501.015 Health studios; registration requirements and
955 fees.—Each health studio shall:

956 (6) Be considered a new health studio and is ~~shall be~~
957 subject to the requirements of s. 501.016 each time the health
958 studio changes ownership or, in the case of corporate ownership,
959 each time the stock ownership is changed so as to effectively
960 put the health studio under new management or control,
961 notwithstanding s. 501.016(8) ~~the provisions of s. 501.016(6)~~. A
962 change of ownership does not occur within the meaning of this
963 subsection if:

964 (a) Substantially the same stockholders form a new
965 corporate entity;

966 (b) In the opinion of the department, the change does not
967 effectively place the health studio under new management and



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968 control; and

969 (c) The health studio has a satisfactory complaint history
970 with the department.

971 Section 23. Except as otherwise expressly provided in this
972 act, this act shall take effect July 1, 2014.

973

974 ===== T I T L E A M E N D M E N T =====

975 And the title is amended as follows:

976 Delete everything before the enacting clause
977 and insert:

978

A bill to be entitled

979

An act relating to the Department of Agriculture and
980 Consumer Services; amending s. 493.6108, F.S.;

981

removing the requirement that an applicant for private
982 investigative, private security, and repossession

983

services provide a written statement by a fingerprint
984 technician or licensed physician under certain

985

conditions; amending s. 493.6113, F.S.; revising

986

recertification training requirements for Class "G"

987

licensees; amending s. 493.6115, F.S.; adding specific

988

handguns to the list of firearms a Class "G" licensee

989

may carry while performing his or her duties; amending

990

s. 493.6305, F.S.; authorizing specified Class "D"

991

licensees to carry an authorized concealed firearm

992

under certain circumstances; amending s. 501.016,

993

F.S.; requiring a health studio to maintain a bond in

994

favor of the department, rather than the state;

995

authorizing liability for specified injuries to be

996

determined in an administrative proceeding or through



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997 a civil action; providing that certain claims may be
998 paid only upon an order of the department issued in an
999 administrative proceeding; requiring that a claim
1000 against the bond be filed on a form affidavit adopted
1001 by rule of the department; providing the process by
1002 which a consumer may file a claim against a bond or
1003 other form of security; requiring a health studio to
1004 pay the department indebtedness determined by final
1005 order within 30 days; providing the process by which
1006 the department may make a demand if the health studio
1007 fails to timely make the payment; providing that the
1008 department shall be awarded attorney fees and costs in
1009 certain circumstances; repealing ss. 501.057,
1010 501.0571, 501.0573, 501.0575, 501.0577, 501.0579, and
1011 501.0581, F.S., relating to the Commercial Weight-Loss
1012 Practices Act; repealing s. 501.0583, F.S., relating
1013 to selling, delivering, bartering, furnishing, or
1014 giving weight-loss pills to persons younger than 18
1015 years of age and related penalties and defense;
1016 amending s. 501.059, F.S.; prohibiting a telephone
1017 solicitor or a person from initiating an outbound
1018 telephone call to a consumer, a donor, or a potential
1019 donor under certain circumstances; repealing s.
1020 501.143, F.S., relating to the Dance Studio Act;
1021 amending s. 501.603, F.S.; defining the term "novelty
1022 payment"; conforming a cross-reference; amending s.
1023 501.611, F.S.; requiring the bond required of a
1024 commercial telephone seller to be in favor of the
1025 department for the use and benefit of a purchaser who



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1026 is injured by specified acts; requiring that a claim
1027 against the bond be filed on a form affidavit adopted
1028 by rule of the department; providing procedures that a
1029 purchaser must follow in filing a claim against the
1030 bond or other form of security; providing for payment
1031 of indebtedness by the commercial telephone seller to
1032 the department; requiring the department to make
1033 demand on a surety if a commercial telephone seller
1034 fails to pay certain indebtedness within 30 days and
1035 providing a process; providing that attorney fees and
1036 costs must be awarded to the department in certain
1037 circumstances; conforming provisions to changes made
1038 by the act; amending s. 501.616, F.S.; prohibiting a
1039 commercial telephone seller or salesperson from
1040 accepting a novelty payment; deleting a provision that
1041 prohibits a commercial telephone seller or salesperson
1042 from requiring payment to be made by credit card;
1043 amending s. 501.913, F.S.; providing that the
1044 registration certificate for each brand of antifreeze
1045 distributed in this state expires 1 year from the date
1046 of issue; amending s. 525.16, F.S.; requiring all
1047 previous fines to be disregarded if a new violation of
1048 provisions relating to gasoline and oil inspections
1049 has not occurred within 3 years after the date of a
1050 previous violation; creating s. 526.015, F.S.,
1051 relating to lubricating oil standards and labeling
1052 requirements; prohibiting a person from selling,
1053 distributing, or offering for sale or distribution
1054 lubricating oil that does not meet specified standards



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1055 or labeling requirements; requiring such noncompliant
1056 products to be placed under a stop-sale order and the
1057 lot identified and tagged by the department;
1058 prohibiting a person from selling, distributing, or
1059 offering for sale or distribution a product under
1060 stop-sale order; requiring the department to issue a
1061 release order under certain circumstances; repealing
1062 s. 526.50(6), F.S., relating to definition of terms
1063 related to the sale of brake fluid; amending s.
1064 526.51, F.S.; providing that a permit authorizing a
1065 registrant to sell brake fluid in this state is valid
1066 for a specified period from the date of issue;
1067 conforming provisions to changes made by the act;
1068 amending s. 539.001, F.S.; requiring that a claim
1069 against the bond be filed on a form affidavit adopted
1070 by rule of the department; providing the procedure
1071 that a consumer must follow in filing a claim against
1072 a bond or other form of security filed with the
1073 department by a pawnbroker; providing for payment of
1074 indebtedness by the pawnbroker to the department;
1075 providing the procedure that a consumer must follow if
1076 the pawnbroker fails to make the payment; providing
1077 that the agency shall be awarded attorney fees and
1078 costs in certain circumstances; requiring the weight
1079 of a precious metal to be obtained from a device that
1080 meets specified requirements; amending s. 559.929,
1081 F.S.; requiring that a claim against the bond be filed
1082 on a form affidavit adopted by rule of the department;
1083 providing the procedure that a consumer must follow in



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1084 filing a claim against a bond or other form of
1085 security filed with the department by a seller of
1086 travel; providing for payment of indebtedness by the
1087 seller of travel to the department; providing
1088 procedures that the agency must follow if the seller
1089 of travel fails to pay certain indebtedness within 30
1090 days and providing a process; providing that the
1091 agency shall be awarded attorney fees and costs in
1092 certain circumstances; amending s. 943.059, F.S.;
1093 providing an exception relating to the acknowledgement
1094 of arrests covered by a sealed criminal history record
1095 for a person seeking to be licensed to carry a
1096 concealed weapon or concealed firearm; providing
1097 applicability; amending ss. 205.1969 and 501.015,
1098 F.S.; conforming cross-references; providing effective
1099 dates.