

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Regulatory Affairs  
 2 Committee

3 Representative La Rosa offered the following:

4  
 5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7 Section 1. Section 205.1969, Florida Statutes, is amended  
 8 to read:

9 205.1969 Health studios; consumer protection.—A county or  
 10 municipality may not issue or renew a business tax receipt for  
 11 the operation of a health studio pursuant to ss. 501.012-501.019  
 12 ~~or ballroom dance studio pursuant to s. 501.143~~, unless such  
 13 business exhibits a current license, registration, or letter of  
 14 exemption from the Department of Agriculture and Consumer  
 15 Services.

16 Section 2. Section 472.025, Florida Statutes, is  
 17 amended to read:

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## 472.025 Seals.—

(1) The board shall prescribe, by rule, a form of seal to be used by all registrants holding valid certificates of registration, whether the registrants are corporations, partnerships, or individuals. Each registrant shall obtain an impression-type metal seal in that form; and all final drawings, plans, specifications, plats, or reports prepared or issued by the registrant in accordance with ~~minimum technical~~ the standards of practice set by the board shall be signed by the registrant, dated, and stamped with his or her seal. This signature, date, and seal shall be evidence of the authenticity of that to which they are affixed. Each registrant may in addition register his or her seal electronically in accordance with ss. 668.001-668.006. Drawings, plans, specifications, reports, or documents prepared or issued by a registrant may be transmitted electronically and may be signed by the registrant, dated, and stamped electronically with such seal in accordance with ss. 668.001-668.006.

(2) It is unlawful for a person to stamp, seal, or digitally sign a document with a seal or digital signature after his or her certificate of registration has expired or been revoked or suspended, unless such certificate of registration has been reinstated or reissued. When a certificate of registration has been revoked or suspended by the board, the registrant shall, within 30 days after the revocation or suspension has become effective, surrender his or her seal to

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44 the executive director of the board and confirm to the executive  
45 director the cancellation of the registrant's digital signature  
46 in accordance with ss. 668.001-668.006. If the registrant's  
47 certificate has been suspended for a period of time, his or her  
48 seal shall be returned to him or her upon expiration of the  
49 suspension period.

50 (3) No registrant shall affix or permit to be affixed his  
51 or her seal, name, or digital signature to any plan,  
52 specification, drawing, or other document which depicts work  
53 which he or she is not licensed to perform or which is beyond  
54 his or her profession or specialty therein.

55 Section 3. Section 472.027, Florida Statutes, is amended  
56 to read:

57 472.027 Standards of Practice.- ~~Minimum technical~~  
58 ~~standards for surveying and mapping.~~ ~~The board shall adopt~~  
59 ~~rules relating to the practice of surveying and mapping which~~  
60 ~~establish minimum technical standards to ensure the achievement~~  
61 ~~of no less than minimum degrees of accuracy, completeness, and~~  
62 ~~quality in order to assure adequate and defensible real property~~  
63 ~~boundary locations and other pertinent information provided by~~  
64 ~~surveyors and mappers under the authority of ss. 472.001-~~  
65 ~~472.037.~~ The board shall adopt rules establishing standards of  
66 practice for the profession of surveying and mapping to:

67 (1) assure competence in the practice of the profession;

68 (2) assure accuracy, completeness, and quality in the products  
69 provided;

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- 70     (3) assure adequate and defensible real property boundary  
71 locations; and  
72     (4) govern the following professional matters:  
73         (a) conflicts of interest;  
74         (b) client confidentiality;  
75         (c) mis-use, re-use, or unauthorized use or alteration of  
76 another professional's product;  
77         (d) fair dealing in all professional relationships and private  
78 and public sector contracts;  
79         (e) retention of work products in hard copy or electronic or  
80 digital formats;  
81         (f) transfer and storage of files and file materials upon  
82 discontinuance of the practice of surveying and mapping.

83             Section 4. Paragraph (a) of subsection (1) of section  
84 493.6108, Florida Statutes, is amended to read:

85             493.6108 Investigation of applicants by Department of  
86 Agriculture and Consumer Services.—

87             (1) Except as otherwise provided, the department must  
88 investigate an applicant for a license under this chapter before  
89 it may issue the license. The investigation must include:

90             (a)1. An examination of fingerprint records and police  
91 records. If a criminal history record check of an ~~any~~ applicant  
92 under this chapter is performed by means of fingerprint  
93 identification, the time limitations prescribed by s. 120.60(1)  
94 shall be tolled while ~~during the time~~ the applicant's  
95 fingerprints are under review by the Department of Law

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96 Enforcement or the United States Department of Justice, Federal  
97 Bureau of Investigation.

98 2. If a legible set of fingerprints, as determined by the  
99 Department of Law Enforcement or the Federal Bureau of  
100 Investigation, cannot be obtained after two attempts, the  
101 Department of Agriculture and Consumer Services may determine  
102 the applicant's eligibility based upon a criminal history record  
103 check under the applicant's name conducted by the ~~Department of~~  
104 ~~Law Enforcement~~ Federal Bureau of Investigation ~~if the~~  
105 ~~fingerprints are taken by a law enforcement agency or the~~  
106 ~~department and the applicant submits a written statement signed~~  
107 ~~by the fingerprint technician or a licensed physician stating~~  
108 ~~that there is a physical condition that precludes obtaining a~~  
109 ~~legible set of fingerprints or that the fingerprints taken are~~  
110 ~~the best that can be obtained.~~

111 Section 5. Paragraph (b) of subsection (3) of section  
112 493.6113, Florida Statutes, is amended to read:

113 493.6113 Renewal application for licensure.—

114 (3) Each licensee is responsible for renewing his or her  
115 license on or before its expiration by filing with the  
116 department an application for renewal accompanied by payment of  
117 the prescribed license fee.

118 (b) Each Class "G" licensee shall additionally submit  
119 proof that he or she has received during each year of the  
120 license period a minimum of 4 hours of firearms recertification  
121 training taught by a Class "K" licensee and has complied with

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122 such other health and training requirements which the department  
123 shall adopt by rule. Proof of completion of firearms  
124 recertification training shall be submitted to the department  
125 upon completion of the training. If the licensee fails to  
126 complete documentation of completion of the required 4 hours of  
127 annual training during is not submitted by the end of the first  
128 year of the 2-year term of the license, the individual's license  
129 shall be automatically suspended until proof of the required  
130 training is submitted to the department. The licensee must  
131 complete the minimum number of hours of range and classroom  
132 training required at the time of initial licensure and submit  
133 proof of completion of such training to the department before  
134 the license may be reinstated. If the licensee fails to complete  
135 documentation of completion of the required 4 hours of annual  
136 training during is not submitted by the end of the second year  
137 of the 2-year term of the license, the licensee must complete  
138 license shall not be renewed unless the renewal applicant  
139 completes the minimum number of hours of range and classroom  
140 training required at the time of initial licensure and submit  
141 proof of completion of such training to the department before  
142 the license may be renewed. The department may waive the  
143 firearms training requirement if:

144 1. The applicant provides proof that he or she is  
145 currently certified as a law enforcement officer or correctional  
146 officer under the Criminal Justice Standards and Training  
147 Commission and has completed law enforcement firearms

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148 requalification training annually during the previous 2 years of  
149 the licensure period;

150 2. The applicant provides proof that he or she is  
151 currently certified as a federal law enforcement officer and has  
152 received law enforcement firearms training administered by a  
153 federal law enforcement agency annually during the previous 2  
154 years of the licensure period; or

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

159 Section 6. Subsection (6) of section 493.6115, Florida  
160 Statutes, is amended to read:

161 493.6115 Weapons and firearms.—

162 (6) In addition to any other firearm approved by the  
163 department, a licensee who has been issued a Class "G" license  
164 may carry a .38 caliber revolver; or a .380 caliber or 9  
165 millimeter semiautomatic pistol; or a .357 caliber revolver with  
166 .38 caliber ammunition only; or a .40 caliber handgun; or a .45  
167 ACP handgun while performing duties authorized under this  
168 chapter. A ~~No~~ licensee may not carry more than two firearms upon  
169 her or his person when performing her or his duties. A licensee  
170 may only carry a firearm of the specific type and caliber with  
171 which she or he is qualified pursuant to the firearms training  
172 referenced in subsection (8) or s. 493.6113(3) (b).

173 Section 7. Subsection (4) is added to section 493.6305,

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174 Florida Statutes, to read:

175 493.6305 Uniforms, required wear; exceptions.—

176 (4) Class "D" licensees who are also Class "G" licensees  
177 and who are performing bodyguard or executive protection  
178 services may carry their authorized firearm concealed while in  
179 nonuniform as needed in the conduct of such services.

180 Section 8. Subsection (6) of section 501.015, Florida  
181 Statutes, is amended to read:

182 501.015 Health studios; registration requirements and  
183 fees.—Each health studio shall:

184 (6) Be considered a new health studio and shall be subject  
185 to the requirements of s. 501.016 each time the health studio  
186 changes ownership or, in the case of corporate ownership, each  
187 time the stock ownership is changed so as to effectively put the  
188 health studio under new management or control, notwithstanding  
189 the provisions of s. 501.016(8) ~~501.016(6)~~. A change of  
190 ownership does not occur within the meaning of this subsection  
191 if:

192 (a) Substantially the same stockholders form a new  
193 corporate entity;

194 (b) In the opinion of the department, the change does not  
195 effectively place the health studio under new management and  
196 control; and

197 (c) The health studio has a satisfactory complaint history  
198 with the department.

199 Section 9. Subsections (3) through (10) of section

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200 501.016, Florida Statutes, are renumbered as subsections (5)  
201 through (12), respectively, subsections (1) and (2) are amended,  
202 and new subsections (3) and (4) are added to that section, to  
203 read:

204 501.016 Health studios; security requirements.—Each health  
205 studio that sells contracts for health studio services shall  
206 meet the following requirements:

207 (1) Each health studio shall maintain for each separate  
208 business location a bond issued by a surety company admitted to  
209 do business in this state. The principal sum of the bond must  
210 ~~shall~~ be \$25,000, and the bond, when required, must ~~shall~~ be  
211 obtained before a business tax receipt may be issued under  
212 chapter 205. Upon issuance of a business tax receipt, the  
213 licensing authority shall immediately notify the department of  
214 such issuance in a manner established by the department by rule.  
215 The bond must ~~shall~~ be in favor of the department ~~state~~ for the  
216 benefit of a any person injured as a result of a violation of  
217 ss. 501.012-501.019. Liability for injuries as a result of a  
218 violation of ss. 501.012-501.019 may be determined in an  
219 administrative proceeding of the department or through a civil  
220 action in a court of competent jurisdiction. However, claims  
221 against the bond or certificate of deposit may only be paid by  
222 order of the department in an administrative proceeding in  
223 amounts not to exceed the determined liability for the injuries.  
224 The aggregate liability of the surety to all persons for all  
225 breaches of the conditions of the bonds provided herein shall in

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226 no event exceed the amount of the bond. The original surety bond  
227 required by this section shall be filed with the department on a  
228 form adopted by rule of the department.

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

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

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

236

237 The original letter of credit or certificate of deposit  
238 submitted in lieu of the bond shall be filed with the  
239 department. The department shall decide whether the security  
240 furnished in lieu of bond by the health studio is in compliance  
241 with the requirements of this section.

242 (3) A consumer may file a claim against the bond or other  
243 form of security specified in subsection (1). The claim shall be  
244 filed with the department on a form adopted by rule of the  
245 department within 120 days after an alleged injury has occurred  
246 or is discovered to have occurred or judgment has been obtained  
247 by a court of competent jurisdiction. The proceedings shall be  
248 held pursuant to chapter 120. For proceedings held pursuant to  
249 ss. 120.569 and 120.57, the department shall act only as a  
250 nominal party.

251 (4) Any indebtedness determined by final order of the

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252 department shall be paid by the health studio to the department  
253 within 30 days after the order is entered for disbursement to  
254 the consumer. If the health studio fails to make payment within  
255 30 days, the department shall make a demand for payment upon the  
256 surety which includes an institution issuing a letter of credit  
257 or depository on a certificate of deposit. Upon failure of a  
258 surety to comply with a demand for payment pursuant to a final  
259 order, the department may file an action in circuit court to  
260 recover payment, not to exceed the amount of the bond or other  
261 form of security, pursuant to s. 120.69. If the department  
262 prevails in such action, the department may recover court costs  
263 and reasonable attorney fees to be fixed and collected as a part  
264 of the costs of the suit.

265 (5)-(3) A health studio that ~~which~~ sells contracts for  
266 future health studio services and ~~which~~ collects direct payment  
267 on a monthly basis for those services is ~~shall be~~ exempt from  
268 the security requirements of subsections (1) and (2) if provided  
269 ~~that~~ any service fee charged is a reasonable and fair ~~service~~  
270 ~~fee~~. The number of monthly payments in such a contract must  
271 ~~shall~~ be equal to the number of months in the contract. The  
272 contract must ~~shall~~ conform to all the requirements for future  
273 health studio services contracts ~~as~~ specified in ss. 501.012-  
274 501.019 and must ~~shall~~ specify in the terms of the contract the  
275 charges to be assessed for those health studio services.

276 (6)-(4) If the health studio furnishes the department with  
277 evidence satisfactory to the department that the aggregate

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278 dollar amount of all current outstanding contracts of the health  
279 studio is less than \$5,000, the department may, ~~at its~~  
280 ~~discretion,~~ reduce the principal amount of the surety bond or  
281 other sufficient financial responsibility required in  
282 subsections (1) and (2) to a sum of at least ~~not less than~~  
283 \$10,000. However, at any time the aggregate dollar amount of  
284 such contracts exceeds \$5,000, the health studio shall ~~so~~ notify  
285 the department and shall ~~thereupon~~ provide the bond or other  
286 documentation as required in subsections (1) and (2). Health  
287 studios whose bonds have been reduced shall ~~must~~ provide the  
288 department with an annually updated list of members. ~~Failure to~~  
289 ~~file an annual report will result in~~ The department shall  
290 increase ~~raising~~ the security requirement to \$25,000 for a  
291 health studio that fails to file an annual report.

292 (7) ~~(5)~~ Each health studio shall furnish the department  
293 with a copy of the escrow account which would contain all funds  
294 received for future consumer services, whether provided under ~~by~~  
295 contract or otherwise, sold before ~~prior to~~ the business  
296 location's full operation and specify a date certain for  
297 opening, if such an escrow account is established.

298 (8) ~~(6)~~ Subsections (1) and (2) do ~~shall~~ not apply to a  
299 health studio that has been operating in compliance with ss.  
300 501.012-501.019 and rules adopted thereunder, ~~continuously~~ under  
301 the same ownership and control, continuously for the most recent  
302 5-year period; ~~in compliance with ss. 501.012-501.019 and the~~  
303 ~~rules adopted thereunder and that has not had any civil,~~

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304 criminal, or administrative adjudication against it by any state  
305 or federal agency; and that has a satisfactory consumer  
306 complaint history. As used in this subsection, the term  
307 "satisfactory consumer complaint history" means that there are  
308 no unresolved consumer complaints regarding the health studio  
309 ~~are~~ on file with the department. A consumer complaint is  
310 unresolved if a health studio has not responded to the  
311 department's efforts to mediate the complaint or if there has  
312 been an adjudication that the health studio has violated ss.  
313 501.012-501.019 or the rules adopted thereunder. Such exemption  
314 extends to all current and future business locations of an  
315 exempt health studio.

316 ~~(9)-(7)~~ This section does not apply to a business,  
317 otherwise defined as a health studio, which sells a single  
318 contract of 30 days or less to a ~~any~~ member without any option  
319 for renewal or any other condition that ~~which~~ establishes any  
320 right in the member beyond the term of such contract ~~is exempt~~  
321 ~~from the provisions of this section.~~ However, this exemption  
322 does ~~shall~~ not apply if the business offers any other health  
323 studio contract, regardless of ~~whatever~~ duration, at any time  
324 before or during ~~or prior to~~ the existence of such single  
325 contract of 30 days or less.

326 ~~(10)-(8)~~ Except in the case of a natural disaster or an act  
327 of God, a health studio that is exempt from the requirements of  
328 subsections (1) and (2), but does not have any ~~that has no~~  
329 business locations open for 14 consecutive days, waives its

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330 exemption and is considered to be a new health studio for the  
331 purposes of ss. 501.012-501.019.

332 Section 10. Subsection (5) of section 501.059, Florida  
333 Statutes, is amended to read:

334 501.059 Telephone solicitation.—

335 (5) A telephone solicitor or other person may not initiate  
336 an outbound telephone call to a consumer or donor or potential  
337 donor who has previously communicated to the telephone solicitor  
338 or other person that he or she does not wish to receive an  
339 outbound telephone call:

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

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

344 Section 11. Section 501.143, Florida Statutes, is  
345 repealed.

346 Section 12. Subsections (8) through (11) of section  
347 501.603, Florida Statutes, are renumbered as subsections (9)  
348 through (12), respectively, subsection (2) of that section is  
349 amended, and a new subsection (8) is added to that section, to  
350 read:

351 501.603 Definitions.—As used in this part, unless the  
352 context otherwise requires, the term:

353 (2) "Commercial telephone seller" means a person who  
354 engages in commercial telephone solicitation on his or her own  
355 behalf or through salespersons. The term, except that a

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356 ~~commercial telephone seller~~ does not include a salesperson as  
357 defined in subsection (11) or a person or entity operating under  
358 a valid affidavit of exemption filed with the department  
359 according to s. 501.608(1)(b) or exempted from this part by s.  
360 501.604. The term ~~A commercial telephone seller does not include~~  
361 ~~a salesperson as defined in subsection (10). A commercial~~  
362 ~~telephone seller~~ includes, but is not limited to, owners,  
363 operators, officers, directors, partners, or other individuals  
364 engaged in the management activities of a business entity  
365 pursuant to this part.

366 (8) "Novelty payment" means a payment method that does not  
367 provide a means of systematic monitoring to detect and deter  
368 fraud. The term includes, but is not limited to, the following  
369 payment devices:

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

373 (b) A remotely created payment order, which is a payment  
374 instruction or order drawn on a person's account which is  
375 initiated or created by the payee and which does not bear the  
376 signature of the person on whose account the order is drawn and  
377 which is cleared through the check clearing system.

378 (c) A cash-to-cash money transfer, which is the electronic  
379 transfer of the value of cash received from one person to  
380 another person in a different location which is sent by a money  
381 transfer provider and received in the form of cash. As used in

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382 this paragraph, the term "money transfer provider" means a  
383 person or financial institution that provides cash-to-cash money  
384 transfers for a person in the normal course of business,  
385 regardless of whether the person holds an account with such  
386 person or financial institution.

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

395 Section 13. Section 501.611, Florida Statutes, is amended  
396 to read:

397 501.611 Security.—

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

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

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

405 (c) A certificate of deposit in a financial institution  
406 insured by an agency of the Federal Government, which may be  
407 withdrawn only on the order of the department, except that the

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408 interest may accrue to the applicant.

409 (2) The amount of the bond, letter of credit, or  
410 certificate of deposit must be a minimum of \$50,000, and the  
411 bond, letter of credit, or certificate of deposit shall be in  
412 favor of the department for the use and benefit of a purchaser  
413 who is injured by the fraud, misrepresentation, breach of  
414 contract, financial failure, or violation of this part by the  
415 applicant ~~must be conditioned upon compliance by the applicant~~  
416 ~~with the provisions of this part.~~ The department may, at its  
417 discretion, establish a bond of a greater amount to ensure the  
418 general welfare of the public and the interests of the  
419 telemarketing industry.

420 (3) The bond shall be posted with the department on a form  
421 adopted by rule of the department and shall remain in force  
422 throughout the period of licensure with the department.

423 (4) The department or a ~~any~~ governmental agency, on behalf  
424 of an ~~any~~ injured purchaser or a ~~any~~ purchaser herself or  
425 himself who is injured by ~~the bankruptcy of the applicant or her~~  
426 ~~or his breach of any agreement entered into in her or his~~  
427 ~~capacity as a licensee,~~ may bring and maintain an action to  
428 recover against the bond, letter of credit, or certificate of  
429 deposit.

430 (5) A consumer may file a claim against the bond or other  
431 form of security specified in subsection (2). The claim shall be  
432 filed with the department on a form adopted by rule of the  
433 department within 120 days after an alleged injury has occurred

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434 or is discovered to have occurred or judgment has been obtained  
435 by a court of competent jurisdiction. The proceedings shall be  
436 held pursuant to chapter 120. For proceedings held pursuant to  
437 ss. 120.569 and 120.57, the department shall act only as a  
438 nominal party.

439 (6) Any indebtedness determined by final order of the  
440 department shall be paid by the commercial telephone seller to  
441 the department within 30 days after the order is entered for  
442 disbursement to the consumer. If the commercial telephone seller  
443 fails to make payment within 30 days, the department shall make  
444 a demand for payment upon the surety which includes an  
445 institution issuing a letter of credit or depository on a  
446 certificate of deposit. Upon failure of a surety to comply with  
447 a demand for payment pursuant to a final order, the department  
448 may file an action in circuit court to recover payment, not to  
449 exceed the amount of the bond or other form of security,  
450 pursuant to s. 120.69. If the department prevails, the  
451 department may recover court costs and reasonable attorney fees  
452 to be fixed and collected as a part of the costs of the suit.

453 Section 14. Section 501.616, Florida Statutes, is amended  
454 to read:

455 501.616 Unlawful acts and practices.-

456 (1) ~~A~~ It shall be unlawful for any commercial telephone  
457 seller or salesperson may not directly or indirectly accept a  
458 novelty payment as defined in s. 501.603(8) or rule as payment  
459 for goods or services offered or sold through telemarketing ~~to~~

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460 ~~require that payment be by credit card authorization or~~  
461 ~~otherwise to announce a preference for that method of payment.~~

462 (2) ~~A It shall be unlawful for any~~ commercial telephone  
463 seller may not ~~to~~ employ~~r~~, or be affiliated with an~~r~~, any  
464 unlicensed salesperson.

465 (3) ~~A It shall be unlawful for any~~ salesperson may not ~~to~~  
466 be employed by~~r~~, or affiliated with~~r~~, an unlicensed commercial  
467 telephone seller.

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

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

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

477 (7) ~~A It shall be unlawful for any~~ commercial telephone  
478 seller or salesperson making a commercial telephone solicitation  
479 call may not intentionally act ~~telephonic solicitations to take~~  
480 ~~any intentional action~~ to prevent transmission of the telephone  
481 solicitor's name or telephone number to the party called when  
482 the equipment or service used by the telephone solicitor is  
483 capable of creating and transmitting the telephone solicitor's  
484 name or telephone number.

485 Section 15. Subsection (1) of section 501.913, Florida

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486 Statutes, is amended to read:

487 501.913 Registration.—

488 (1) Each brand of antifreeze to be distributed in this  
489 state shall be registered with the department before  
490 distribution. The person whose name appears on the label, the  
491 manufacturer, or the packager shall make application annually to  
492 the department on forms provided by the department ~~no later than~~  
493 ~~July 1 of each year.~~ The registration certificate shall expire  
494 12 months after the date of issue. The registrant assumes, by  
495 application to register the brand, full responsibility for the  
496 registration, quality, and quantity of the product sold,  
497 offered, or exposed for sale in this state. If a registered  
498 brand is not in production for distribution in this state and to  
499 ensure any remaining product that is still available for sale in  
500 the state is properly registered, the registrant must submit a  
501 notarized affidavit on company letterhead to the department  
502 certifying that:

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

504 (b) The stated brand will not be distributed in this  
505 state; and

506 (c) All existing product of the stated brand will be  
507 removed by the registrant from the state within 30 days after  
508 expiration of the registration or the registrant will reregister  
509 the brand for two subsequent registration periods.

510

511 If production resumes, the brand must be reregistered before it

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512 is distributed in this state.

513 Section 16. Paragraph (b) of subsection (1) of section  
514 525.16, Florida Statutes, is amended to read:

515 525.16 Administrative fine; penalties; prosecution of  
516 cases by state attorney.—

517 (1)

518 (b) If, 3 years after the date ~~day of issuance~~ of the last  
519 ~~stop-sale order for a violation~~ under this chapter, a ~~no~~ new  
520 violation has not occurred at the same location during the  
521 proprietorship of the same person, all previous fines shall be  
522 disregarded when administering a fine for the next violation.

523 Section 17. Section 526.015, Florida Statutes, is created  
524 to read:

525 526.015 Lubricating oil standards and labeling  
526 requirements.—

527 (1) A person may not sell or distribute, or offer for sale  
528 or distribution, a lubricating oil that fails to meet a quality  
529 standard, such as those established by the Society of Automotive  
530 Engineers or other similar standard, or a labeling requirement  
531 designed to prevent deceptive or misleading practices as adopted  
532 by rule of the department.

533 (2) A product that fails to meet a standard or labeling  
534 requirement adopted by rule of the department shall be placed  
535 under a stop-sale order by the department, and the lot number of  
536 the product shall be identified and tagged by the department to  
537 prevent its sale.

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

541 (4) If a product is made to conform to standards and  
542 labeling requirements or is removed from the premises in a  
543 manner approved by the department, the department shall issue a  
544 release order.

545 Section 18. Subsection (6) of section 526.50, Florida  
546 Statutes, is amended to read:

547 526.50 Definition of terms.—As used in this part:

548 ~~(6) "Permit year" means a period of 12 months commencing~~  
549 ~~July 1 and ending on the next succeeding June 30.~~

550 Section 19. Subsection (1) of section 526.51, Florida  
551 Statutes, is amended to read:

552 526.51 Registration; renewal and fees; departmental  
553 expenses; cancellation or refusal to issue or renew.—

554 (1) (a) Application for registration of each brand of brake  
555 fluid shall be made on forms supplied by the department. The  
556 applicant shall give his or her name and address and the brand  
557 name of the brake fluid, state that he or she owns the brand  
558 name and has complete control over the product sold thereunder  
559 in this state, and provide the name and address of the resident  
560 agent in this state. If the applicant does not own the brand  
561 name but wishes to register the product with the department, a  
562 notarized affidavit that gives the applicant full authorization  
563 to register the brand name and that is signed by the owner of

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564 the brand name must accompany the application for registration.  
565 The affidavit must include all affected brand names, the owner's  
566 company or corporate name and address, the applicant's company  
567 or corporate name and address, and a statement from the owner  
568 authorizing the applicant to register the product with the  
569 department. The owner of the brand name shall maintain complete  
570 control over each product sold under that brand name in this  
571 state. All first-time applications for a brand and formula  
572 combination must be accompanied by a certified report from an  
573 independent testing laboratory, setting forth the analysis of  
574 the brake fluid which shows its quality to be not less than the  
575 specifications established by the department for brake fluids. A  
576 sample of not less than 24 fluid ounces of brake fluid shall be  
577 submitted, in a container with a label printed in the same  
578 manner that it ~~or containers, with labels representing exactly~~  
579 ~~how the containers of brake fluid~~ will be labeled when sold, and  
580 the sample and container shall be analyzed and inspected by the  
581 department in order that compliance with the department's  
582 specifications and labeling requirements may be verified. Upon  
583 approval of the application, the department shall register the  
584 brand name of the brake fluid and issue to the applicant a  
585 permit authorizing the registrant to sell the brake fluid in  
586 this state ~~during the permit year specified in the permit.~~ The  
587 registration certificate shall expire 12 months after the date  
588 of issue.

589 (b) Each applicant shall pay a fee of \$100 with each

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590 application. A permit may be renewed by application to the  
591 department, accompanied by a renewal fee of \$50 on or before the  
592 expiration last day of the previously issued permit ~~year~~  
593 ~~immediately preceding the permit year for which application is~~  
594 ~~made for renewal of registration~~. To reregister a previously  
595 registered brand and formula combination, an applicant must  
596 submit a completed application and all materials as required in  
597 this section to the department before the expiration first day  
598 of the previously issued permit ~~year~~. A brand and formula  
599 combination for which a completed application and all materials  
600 required in this section are not received before the expiration  
601 ~~first day~~ of the previously issued permit ~~year~~ may not be  
602 registered with the department until a completed application and  
603 all materials required in this section have been received and  
604 approved. If the brand and formula combination was previously  
605 registered with the department and a fee, application, or  
606 materials required in this section are received after the  
607 expiration first day of the previously issued permit ~~year~~, a  
608 penalty of \$25 accrues, which shall be added to the fee.  
609 Renewals shall be accepted only on brake fluids that have no  
610 change in formula, composition, or brand name. Any change in  
611 formula, composition, or brand name of a any brake fluid  
612 constitutes a new product that must be registered in accordance  
613 with this part.

614 (c) If a registered brand and formula combination is no  
615 longer in production for distribution in this state, in ~~In~~ order

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616 to ensure that any remaining product still available for sale in  
617 this state is properly registered, ~~if a registered brand and~~  
618 ~~formula combination is no longer in production for distribution~~  
619 ~~in this state~~, the registrant must submit a notarized affidavit  
620 on company letterhead to the department certifying that:

621 1. The stated brand and formula combination is no longer  
622 in production;

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

625 3. Either all ~~All~~ existing product of the stated brand and  
626 formula combination will be removed by the registrant from the  
627 state within 30 days after the expiration of the registration or  
628 that the registrant will reregister the brand and formula  
629 combination for two subsequent years ~~registration periods~~.

630  
631 If production resumes, the brand and formula combination must be  
632 reregistered before it is again distributed in this state.

633 Section 20. Subsections (16) through (21) of section  
634 539.001, Florida Statutes, are renumbered as subsections (17)  
635 through (22), respectively, paragraph (a) of subsection (4),  
636 paragraphs (b) and (d) of subsection (7), and paragraph (b) of  
637 subsection (8) of that section are amended, and a new subsection  
638 (16) is added to that section, to read:

639 539.001 The Florida Pawnbroking Act.—

640 (4) ELIGIBILITY FOR LICENSE.—

641 (a) To be eligible for a pawnbroker's license, an

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642 applicant must:

643 1. Be of good moral character;

644 2. Have a net worth of at least \$50,000 or file with the  
645 agency a bond issued by a surety company qualified to do  
646 business in this state in the amount of \$10,000 for each  
647 license. In lieu of the bond required in this section, the  
648 applicant may establish a certificate of deposit or an  
649 irrevocable letter of credit in a Florida banking institution in  
650 the amount of the bond. The original bond, certificate of  
651 deposit, or letter of credit shall be filed with the agency on a  
652 form adopted by rule of the agency, and the agency shall be the  
653 beneficiary to said document. The bond, certificate of deposit,  
654 or letter of credit must ~~shall~~ be in favor of the agency for the  
655 use and benefit of a ~~any~~ consumer who is injured by the fraud,  
656 misrepresentation, breach of contract, financial failure, or  
657 violation ~~of any provision of~~ this section by the pawnbroker.  
658 Such liability may be enforced ~~either~~ by proceeding in an  
659 administrative action or by filing a judicial suit at law in a  
660 court of competent jurisdiction. However, in such court suit,  
661 the bond, certificate of deposit, or letter of credit posted  
662 with the agency shall not be amenable or subject to a ~~any~~  
663 judgment or other legal process issuing out of or from such  
664 court in connection with such lawsuit, but such bond,  
665 certificate of deposit, or letter of credit shall be amenable to  
666 and enforceable only by and through administrative proceedings  
667 before the agency. It is the intent of the Legislature that such

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668 bond, certificate of deposit, or letter of credit shall be  
669 applicable and liable only for the payment of claims duly  
670 adjudicated by order of the agency. The bond, certificate of  
671 deposit, or letter of credit shall be payable on a pro rata  
672 basis as determined by the agency, but the aggregate amount may  
673 not exceed the amount of the bond, certificate of deposit, or  
674 letter of credit. A consumer may file a claim against the bond,  
675 certificate of deposit, or letter of credit. Such claim must be  
676 submitted in writing to the agency on a form affidavit approved  
677 by agency rule within 120 days after an alleged injury has  
678 occurred or is discovered to have occurred or a judgment has  
679 been entered. The proceedings shall be conducted in accordance  
680 with chapter 120. For proceedings conducted under ss. 120.569  
681 and 120.57, the agency may act only as a nominal party. The  
682 pawnbroker shall pay to the agency for distribution to the  
683 consumer any indebtedness determined by final order of the  
684 agency within 30 days after the order is entered. If the  
685 pawnbroker fails to make timely payment, the agency shall make  
686 demand upon the surety, which includes an institution issuing a  
687 letter of credit or depository on a certificate of deposit. If a  
688 surety fails to comply with a demand for payment pursuant to a  
689 final order, the agency may file an action pursuant to s. 120.69  
690 in circuit court to recover payment, up to the amount of the  
691 bond or other form of security. If the agency is successful and  
692 the court affirms the agency's demand for payment from the  
693 surety, the agency shall be awarded all court costs and

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694 reasonable attorney fees;

695 3. Not have been convicted of, or found guilty of, or pled  
696 guilty or nolo contendere to, or not have been incarcerated  
697 within the last 10 years as a result of having previously been  
698 convicted of, or found guilty of, or pled guilty or nolo  
699 contendere to, regardless of adjudication, a felony within the  
700 last 10 years and not be acting as a beneficial owner for  
701 someone who has been convicted of, or found guilty of, or pled  
702 guilty or nolo contendere to, regardless of adjudication, a  
703 felony within the last 10 years; and

704 4. Not have been convicted of, or found guilty of, or pled  
705 guilty or nolo contendere to, or not have been incarcerated  
706 within the last 10 years as a result of having previously been  
707 convicted of, or found guilty of, or pled guilty or nolo  
708 contendere to, regardless of adjudication, a crime that involves  
709 theft, larceny, dealing in stolen property, receiving stolen  
710 property, burglary, embezzlement, obtaining property by false  
711 pretenses, possession of altered property, or any other  
712 fraudulent or dishonest dealing within the last 10 years, and  
713 not be acting as a beneficial owner for someone who has been  
714 convicted, of, or found guilty of, or pled guilty or nolo  
715 contendere to, or has been incarcerated within the last 10 years  
716 as a result of having previously been convicted of, or found  
717 guilty of, or pled guilty or nolo contendere to, regardless of  
718 adjudication, a crime that involves theft, larceny, dealing in  
719 stolen property, receiving stolen property, burglary,

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720 embezzlement, obtaining property by false pretenses, possession  
721 of altered property, or any other fraudulent or dishonest  
722 dealing within the last 10 years.

723 (7) ORDERS IMPOSING PENALTIES.—

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

726 1. Issuing a notice of noncompliance pursuant to s.  
727 120.695.

728 2. Imposing an administrative fine of up to not to exceed  
729 \$5,000 for each act that ~~which~~ constitutes a violation of this  
730 section, ~~or~~ a rule, or an order.

731 3. Directing that the pawnbroker cease and desist  
732 specified activities.

733 4. Refusing to license or revoking or suspending a  
734 license.

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

737 (d)1. ~~When the agency,~~ If a violation of this section  
738 occurs and the agency has reasonable cause to believe that a  
739 person is operating in violation of this section, ~~has reasonable~~  
740 ~~cause to believe that a person is operating in violation of this~~  
741 ~~section,~~ the agency may bring a civil action in the appropriate  
742 court for temporary or permanent injunctive relief and may seek  
743 other appropriate civil relief, including a civil penalty of up  
744 to not to exceed \$5,000 for each violation, restitution and  
745 damages for injured customers, court costs, and reasonable

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746 attorney ~~attorney's~~ fees.

747 2. The agency may terminate an ~~any~~ investigation or action  
748 upon agreement by the offender to pay a stipulated civil  
749 penalty, to make restitution or pay damages to customers, or to  
750 satisfy any other relief authorized under this subsection ~~herein~~  
751 and requested by the agency.

752 (8) PAWNBROKER TRANSACTION FORM.—

753 (b) The front of the pawnbroker transaction form must  
754 include:

755 1. The name and address of the pawnshop.

756 2. A complete and accurate description of the pledged  
757 goods or purchased goods, including the following information,  
758 if applicable:

759 a. Brand name.

760 b. Model number.

761 c. Manufacturer's serial number.

762 d. Size.

763 e. Color, as apparent to the untrained eye.

764 f. Precious metal type, weight, and content, if known.

765 Weight must be obtained from a device that has been approved by  
766 the agency and that complies with ss. 531.39, 531.40, and  
767 531.60.

768 g. Gemstone description, including the number of stones.

769 h. In the case of firearms, the type of action, caliber or  
770 gauge, number of barrels, barrel length, and finish.

771 i. Any other unique identifying marks, numbers, names, or

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772 letters.

773

774 Notwithstanding sub-subparagraphs a.-i., in the case of multiple  
775 items of a similar nature delivered together in one transaction  
776 which do not bear serial or model numbers and which do not  
777 include precious metal or gemstones, such as musical or video  
778 recordings, books, and hand tools, the description of the items  
779 is adequate if it contains the quantity of items and a  
780 description of the type of items delivered.

781 3. The name, address, home telephone number, place of  
782 employment, date of birth, physical description, and right  
783 thumbprint of the pledgor or seller.

784 4. The date and time of the transaction.

785 5. The type of identification accepted from the pledgor or  
786 seller, including the issuing agency and the identification  
787 number.

788 6. In the case of a pawn:

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

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

793 c. The default date of the pawn and the amount due on the  
794 default date;

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

797 e. The amount financed plus the finance charge that must

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798 be paid to redeem the pledged goods on the maturity date, which  
799 must be designated as the total of payments;

800 f. The annual percentage rate, computed according to the  
801 regulations adopted by the Federal Reserve Board under the  
802 federal Truth in Lending Act; and

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

805 (I) Any personal property pledged to a pawnbroker within  
806 this state which is not redeemed within 30 days following the  
807 maturity date of the pawn, if the 30th day is not a business  
808 day, then the following business day, is automatically forfeited  
809 to the pawnbroker, and absolute right, title, and interest in  
810 and to the property vests in and is deemed conveyed to the  
811 pawnbroker by operation of law, and no further notice is  
812 necessary;

813 (II) The pledgor is not obligated to redeem the pledged  
814 goods; and

815 (III) If the pawnbroker transaction form is lost,  
816 destroyed, or stolen, the pledgor must immediately advise the  
817 issuing pawnbroker in writing by certified or registered mail,  
818 return receipt requested, or in person evidenced by a signed  
819 receipt.

820 (IV) A pawn may be extended upon mutual agreement of the  
821 parties.

822 7. In the case of a purchase, the amount of money paid for  
823 the goods or the monetary value assigned to the goods in

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824 connection with the transaction.

825 8. A statement that the pledgor or seller of the item  
826 represents and warrants that it is not stolen, that it has no  
827 liens or encumbrances against it, and that the pledgor or seller  
828 is the rightful owner of the goods and has the right to enter  
829 into the transaction.

830 A ~~Any~~ person who knowingly gives false verification of ownership  
831 or gives a false or altered identification and who receives  
832 money from a pawnbroker for goods sold or pledged commits:

833 a. If the value of the money received is less than \$300, a  
834 felony of the third degree, punishable as provided in s.  
835 775.082, s. 775.083, or s. 775.084.

836 b. If the value of the money received is \$300 or more, a  
837 felony of the second degree, punishable as provided in s.  
838 775.082, s. 775.083, or s. 775.084.

839 Section 21. Section 559.929, Florida Statutes, is amended  
840 to read:

841 559.929 Security requirements.—

842 (1) An application must be accompanied by a performance  
843 bond in an amount set by the department under paragraph (a),  
844 paragraph (b), or paragraph (c). The surety on such bond must  
845 ~~shall~~ be a surety company authorized to do business in the  
846 state.

847 (a) Each seller of travel which ~~that~~ certifies its  
848 business activities under s. 559.9285(1)(a) shall provide a  
849 performance bond in an amount up to ~~not to exceed~~ \$25,000, or in

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850 the amount of \$50,000 if the seller of travel is offering  
851 vacation certificates.

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

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

862 (2) The bond must ~~shall~~ be in favor of the department on a  
863 form adopted by rule of the department for the use and benefit  
864 of a ~~any~~ traveler who is injured by the fraud,  
865 misrepresentation, breach of contract, financial failure, or  
866 violation ~~of any provision~~ of this part by the seller of travel.  
867 Such liability may be enforced either by proceeding in an  
868 administrative action as specified in subsection (3) or by  
869 filing a judicial suit at law ~~in a court of competent~~  
870 ~~jurisdiction~~. However, in such court suit the bond posted with  
871 the department shall not be amenable or subject to any judgment  
872 or other legal process issuing out of or from such court in  
873 connection with such lawsuit, but such bond shall be amenable to  
874 and enforceable only by and through administrative proceedings  
875 before the department. It is the intent of the Legislature that

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876 such bond is ~~shall be~~ applicable and liable only for the payment  
877 of claims duly adjudicated by order of the department. The bond  
878 must ~~shall~~ be open to successive claims, but the aggregate  
879 amount awarded may not exceed the amount of the bond. In  
880 addition to the foregoing, a bond provided by a registrant or  
881 applicant for registration which certifies its business  
882 activities under s. 559.9285(1)(b) or (c) must ~~shall~~ be in favor  
883 of the department, with payment in the following order of  
884 priority:

885 (a) All expenses for prosecuting the registrant or  
886 applicant in an ~~any~~ administrative or civil action under this  
887 part, including attorney fees ~~for attorneys~~ and fees for other  
888 professionals, court costs or other costs of the proceedings,  
889 and all other expenses incidental to the action.

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

893 (c) An ~~Any~~ unpaid administrative fine imposed by final  
894 order or an ~~any~~ unpaid civil penalty imposed by final judgment  
895 under this part.

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

898 (3) A ~~Any~~ traveler may file a claim against the bond. Such  
899 claim must ~~which shall~~ be submitted to the department ~~made in~~  
900 writing on a form affidavit approved by department rule ~~to the~~  
901 ~~department~~ within 120 days after an alleged injury has occurred

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902 or is discovered to have occurred or a judgment has been  
903 entered. The proceedings shall be conducted ~~held~~ in accordance  
904 with chapter 120. The department may act only as a nominal party  
905 in proceedings conducted under ss. 120.569 and 120.57.

906 (4) Any indebtedness determined by final order of the  
907 department must be paid by the seller of travel to the  
908 department within 30 days after the order is entered, for  
909 distribution to the traveler. If the seller of travel fails to  
910 make payment within the 30 days, the department shall make  
911 demand upon the surety, which includes an institution issuing a  
912 letter of credit or depository on a certificate of deposit. Upon  
913 failure of a surety to comply with a demand for payment pursuant  
914 to a final order, the department may file an action in circuit  
915 court to recover payment, up to the amount of the bond or other  
916 form of security pursuant to s. 120.69. If the department is  
917 successful and the court affirms the department's demand for  
918 payment from the surety, the department shall be allowed all  
919 court costs incurred and reasonable attorney fees to be fixed  
920 and collected as a part of the costs of the suit.

921 (5)-(4) If In any situation in which the seller of travel  
922 is currently the subject of an administrative, civil, or  
923 criminal action by the department, the Department of Legal  
924 Affairs, or the state attorney relating to ~~concerning~~ compliance  
925 with this part, the right to proceed against the bond as  
926 provided in subsection (3) is ~~shall be~~ suspended until ~~after~~ any  
927 enforcement action becomes final.

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928        ~~(6)~~~~(5)~~ The department may waive the bond requirement on an  
929 annual basis if the seller of travel has had 5 or more  
930 consecutive years of experience as a seller of travel in this  
931 state Florida in compliance with this part, has not had a any  
932 civil, criminal, or administrative action instituted against the  
933 seller of travel in the vacation and travel business by a any  
934 governmental agency or an any action involving fraud, theft,  
935 misappropriation of property, violation of a any statute  
936 pertaining to business or commerce with a any terrorist state,  
937 or moral turpitude, and has a satisfactory consumer complaint  
938 history with the department, and certifies its business  
939 activities under s. 559.9285. Such waiver may be revoked if the  
940 seller of travel violates ~~any provision of~~ this part. A seller  
941 of travel which ~~that~~ certifies its business activities under s.  
942 559.9285(1)(b) or (c) is not entitled to the waiver provided in  
943 this subsection.

944        Section 22. Paragraph (a) of subsection (1) of section  
945 627.7842, Florida Statutes, is amended to read:

946        627.7842 Policy exceptions.—

947        (1) (a) If a survey meeting the ~~minimum technical~~ standards  
948 of practice for surveying required by the Department of ~~Business~~  
949 ~~and Professional Regulation~~ Agriculture and Consumer Services  
950 and certified to the title insurer by a registered Florida  
951 surveyor has been completed on the property within 90 days  
952 before the date of closing, the title policy may only except  
953 from coverage the encroachments, overlays, boundary line

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954 disputes, and other matters which are actually shown on the  
955 survey.

956 Section 23. Subsection (4) of section 718.104, Florida  
957 Statutes, is amended to read:

958 718.104 Creation of condominiums; contents of  
959 declaration.—Every condominium created in this state shall be  
960 created pursuant to this chapter.

961 (4) The declaration must contain or provide for the  
962 following matters:

963 (a) A statement submitting the property to condominium  
964 ownership.

965 (b) The name by which the condominium property is to be  
966 identified, which shall include the word "condominium" or be  
967 followed by the words "a condominium."

968 (c) The legal description of the land and, if a leasehold  
969 estate is submitted to condominium, an identification of the  
970 lease.

971 (d) An identification of each unit by letter, name, or  
972 number, or combination thereof, so that no unit bears the same  
973 designation as any other unit.

974 (e) A survey of the land which meets the ~~minimum technical~~  
975 standards of practice set forth by the Board of Professional  
976 Surveyors and Mappers, pursuant to s. 472.027, and a graphic  
977 description of the improvements in which units are located and a  
978 plot plan thereof that, together with the declaration, are in  
979 sufficient detail to identify the common elements and each unit

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980 and their relative locations and approximate dimensions. Failure  
981 of the survey to meet ~~minimum technical~~ standards of practice  
982 shall not invalidate an otherwise validly created condominium.  
983 The survey, graphic description, and plot plan may be in the  
984 form of exhibits consisting of building plans, floor plans,  
985 maps, surveys, or sketches. If the construction of the  
986 condominium is not substantially completed, there shall be a  
987 statement to that effect, and, upon substantial completion of  
988 construction, the developer or the association shall amend the  
989 declaration to include the certificate described below. The  
990 amendment may be accomplished by referring to the recording data  
991 of a survey of the condominium that complies with the  
992 certificate. A certificate of a surveyor and mapper authorized  
993 to practice in this state shall be included in or attached to  
994 the declaration or the survey or graphic description as recorded  
995 under s. 718.105 that the construction of the improvements is  
996 substantially complete so that the material, together with the  
997 provisions of the declaration describing the condominium  
998 property, is an accurate representation of the location and  
999 dimensions of the improvements and so that the identification,  
1000 location, and dimensions of the common elements and of each unit  
1001 can be determined from these materials. Completed units within  
1002 each substantially completed building in a condominium  
1003 development may be conveyed to purchasers, notwithstanding that  
1004 other buildings in the condominium are not substantially  
1005 completed, provided that all planned improvements, including,

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1006 but not limited to, landscaping, utility services and access to  
1007 the unit, and common-element facilities serving such building,  
1008 as set forth in the declaration, are first completed and the  
1009 declaration of condominium is first recorded and provided that  
1010 as to the units being conveyed there is a certificate of a  
1011 surveyor and mapper as required above, including certification  
1012 that all planned improvements, including, but not limited to,  
1013 landscaping, utility services and access to the unit, and  
1014 common-element facilities serving the building in which the  
1015 units to be conveyed are located have been substantially  
1016 completed, and such certificate is recorded with the original  
1017 declaration or as an amendment to such declaration. This section  
1018 shall not, however, operate to require development of  
1019 improvements and amenities declared to be included in future  
1020 phases pursuant to s. 718.403 prior to conveying a unit as  
1021 provided herein. For the purposes of this section, a  
1022 "certificate of a surveyor and mapper" means certification by a  
1023 surveyor and mapper in the form provided herein and may include,  
1024 along with certification by a surveyor and mapper, when  
1025 appropriate, certification by an architect or engineer  
1026 authorized to practice in this state. Notwithstanding the  
1027 requirements of substantial completion provided in this section,  
1028 nothing contained herein shall prohibit or impair the validity  
1029 of a mortgage encumbering units together with an undivided  
1030 interest in the common elements as described in a declaration of

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1031 condominium recorded prior to the recording of a certificate of  
1032 a surveyor and mapper as provided herein.

1033 (f) The undivided share of ownership of the common  
1034 elements and common surplus of the condominium that is  
1035 appurtenant to each unit stated as a percentage or a fraction of  
1036 the whole. In the declaration of condominium for residential  
1037 condominiums created after April 1, 1992, the ownership share of  
1038 the common elements assigned to each residential unit shall be  
1039 based either upon the total square footage of each residential  
1040 unit in uniform relationship to the total square footage of each  
1041 other residential unit in the condominium or on an equal  
1042 fractional basis.

1043 (g) The percentage or fractional shares of liability for  
1044 common expenses of the condominium, which, for all residential  
1045 units, must be the same as the undivided shares of ownership of  
1046 the common elements and common surplus appurtenant to each unit  
1047 as provided for in paragraph (f).

1048 (h) If a developer reserves the right, in a declaration  
1049 recorded on or after July 1, 2000, to create a multicondominium,  
1050 the declaration must state, or provide a specific formula for  
1051 determining, the fractional or percentage shares of liability  
1052 for the common expenses of the association and of ownership of  
1053 the common surplus of the association to be allocated to the  
1054 units in each condominium to be operated by the association. If  
1055 a declaration recorded on or after July 1, 2000, for a  
1056 condominium operated by a multicondominium association as

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1057 originally recorded fails to so provide, the share of liability  
1058 for the common expenses of the association and of ownership of  
1059 the common surplus of the association allocated to each unit in  
1060 each condominium operated by the association shall be a fraction  
1061 of the whole, the numerator of which is the number "one" and the  
1062 denominator of which is the total number of units in all  
1063 condominiums operated by the association.

1064 (i) The name of the association, which must be a  
1065 corporation for profit or a corporation not for profit.

1066 (j) Unit owners' membership and voting rights in the  
1067 association.

1068 (k) The document or documents creating the association,  
1069 which may be attached as an exhibit.

1070 (l) A copy of the bylaws, which shall be attached as an  
1071 exhibit. Defects or omissions in the bylaws shall not affect the  
1072 validity of the condominium or title to the condominium parcels.

1073 (m) Other desired provisions not inconsistent with this  
1074 chapter.

1075 (n) The creation of a nonexclusive easement for ingress  
1076 and egress over streets, walks, and other rights-of-way serving  
1077 the units of a condominium, as part of the common elements  
1078 necessary to provide reasonable access to the public ways, or a  
1079 dedication of the streets, walks, and other rights-of-way to the  
1080 public. All easements for ingress and egress shall not be  
1081 encumbered by any leasehold or lien other than those on the  
1082 condominium parcels, unless:

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1083 1. Any such lien is subordinate to the rights of unit  
1084 owners, or

1085 2. The holder of any encumbrance or leasehold of any  
1086 easement has executed and recorded an agreement that the use-  
1087 rights of each unit owner will not be terminated as long as the  
1088 unit owner has not been evicted because of a default under the  
1089 encumbrance or lease, and the use-rights of any mortgagee of a  
1090 unit who has acquired title to a unit may not be terminated.

1091 (o) If timeshare estates will or may be created with  
1092 respect to any unit in the condominium, a statement in  
1093 conspicuous type declaring that timeshare estates will or may be  
1094 created with respect to units in the condominium. In addition,  
1095 the degree, quantity, nature, and extent of the timeshare  
1096 estates that will or may be created shall be defined and  
1097 described in detail in the declaration, with a specific  
1098 statement as to the minimum duration of the recurring periods of  
1099 rights of use, possession, or occupancy that may be created with  
1100 respect to any unit.

1101 Section 24. Effective January 1, 2015, paragraph (a) of  
1102 subsection (4) of section 943.059, Florida Statutes, is amended  
1103 to read:

1104 943.059 Court-ordered sealing of criminal history  
1105 records.—The courts of this state shall continue to have  
1106 jurisdiction over their own procedures, including the  
1107 maintenance, sealing, and correction of judicial records  
1108 containing criminal history information to the extent such

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1109 | procedures are not inconsistent with the conditions,  
1110 | responsibilities, and duties established by this section. Any  
1111 | court of competent jurisdiction may order a criminal justice  
1112 | agency to seal the criminal history record of a minor or an  
1113 | adult who complies with the requirements of this section. The  
1114 | court shall not order a criminal justice agency to seal a  
1115 | criminal history record until the person seeking to seal a  
1116 | criminal history record has applied for and received a  
1117 | certificate of eligibility for sealing pursuant to subsection  
1118 | (2). A criminal history record that relates to a violation of s.  
1119 | 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
1120 | 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
1121 | 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
1122 | 916.1075, a violation enumerated in s. 907.041, or any violation  
1123 | specified as a predicate offense for registration as a sexual  
1124 | predator pursuant to s. 775.21, without regard to whether that  
1125 | offense alone is sufficient to require such registration, or for  
1126 | registration as a sexual offender pursuant to s. 943.0435, may  
1127 | not be sealed, without regard to whether adjudication was  
1128 | withheld, if the defendant was found guilty of or pled guilty or  
1129 | nolo contendere to the offense, or if the defendant, as a minor,  
1130 | was found to have committed or pled guilty or nolo contendere to  
1131 | committing the offense as a delinquent act. The court may only  
1132 | order sealing of a criminal history record pertaining to one  
1133 | arrest or one incident of alleged criminal activity, except as  
1134 | provided in this section. The court may, at its sole discretion,

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1135 order the sealing of a criminal history record pertaining to  
1136 more than one arrest if the additional arrests directly relate  
1137 to the original arrest. If the court intends to order the  
1138 sealing of records pertaining to such additional arrests, such  
1139 intent must be specified in the order. A criminal justice agency  
1140 may not seal any record pertaining to such additional arrests if  
1141 the order to seal does not articulate the intention of the court  
1142 to seal records pertaining to more than one arrest. This section  
1143 does not prevent the court from ordering the sealing of only a  
1144 portion of a criminal history record pertaining to one arrest or  
1145 one incident of alleged criminal activity. Notwithstanding any  
1146 law to the contrary, a criminal justice agency may comply with  
1147 laws, court orders, and official requests of other jurisdictions  
1148 relating to sealing, correction, or confidential handling of  
1149 criminal history records or information derived therefrom. This  
1150 section does not confer any right to the sealing of any criminal  
1151 history record, and any request for sealing a criminal history  
1152 record may be denied at the sole discretion of the court.

1153 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1154 history record of a minor or an adult which is ordered sealed by  
1155 a court of competent jurisdiction pursuant to this section is  
1156 confidential and exempt from the provisions of s. 119.07(1) and  
1157 s. 24(a), Art. I of the State Constitution and is available only  
1158 to the person who is the subject of the record, to the subject's  
1159 attorney, to criminal justice agencies for their respective  
1160 criminal justice purposes, which include conducting a criminal

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1161 history background check for approval of firearms purchases or  
1162 transfers as authorized by state or federal law, to judges in  
1163 the state courts system for the purpose of assisting them in  
1164 their case-related decisionmaking responsibilities, as set forth  
1165 in s. 943.053(5), or to those entities set forth in  
1166 subparagraphs (a)1., 4., 5., 6., and 8., ~~and 8.~~ for their  
1167 respective licensing, access authorization, and employment  
1168 purposes.

1169 (a) The subject of a criminal history record sealed under  
1170 this section or under other provisions of law, including former  
1171 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
1172 deny or fail to acknowledge the arrests covered by the sealed  
1173 record, except when the subject of the record:

- 1174 1. Is a candidate for employment with a criminal justice  
1175 agency;
- 1176 2. Is a defendant in a criminal prosecution;
- 1177 3. Concurrently or subsequently petitions for relief under  
1178 this section, s. 943.0583, or s. 943.0585;
- 1179 4. Is a candidate for admission to The Florida Bar;
- 1180 5. Is seeking to be employed or licensed by or to contract  
1181 with the Department of Children and Families, the Division of  
1182 Vocational Rehabilitation within the Department of Education,  
1183 the Agency for Health Care Administration, the Agency for  
1184 Persons with Disabilities, the Department of Health, the  
1185 Department of Elderly Affairs, or the Department of Juvenile  
1186 Justice or to be employed or used by such contractor or licensee

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1187 in a sensitive position having direct contact with children, the  
1188 disabled, or the elderly;

1189 6. Is seeking to be employed or licensed by the Department  
1190 of Education, a ~~any~~ district school board, a ~~any~~ university  
1191 laboratory school, a ~~any~~ charter school, a ~~any~~ private or  
1192 parochial school, or a ~~any~~ local governmental entity that  
1193 licenses child care facilities; ~~or~~

1194 7. Is attempting to purchase a firearm from a licensed  
1195 importer, licensed manufacturer, or licensed dealer and is  
1196 subject to a criminal history check under state or federal law;  
1197 or

1198 8. Is seeking to be licensed by the Bureau of License  
1199 Issuance of the Division of Licensing within the Department of  
1200 Agriculture and Consumer Services to carry a concealed weapon or  
1201 concealed firearm. This subparagraph applies only in the  
1202 determination of an applicant's eligibility under s. 790.06.

1203 (b) Subject to the exceptions in paragraph (a), a person  
1204 who has been granted a sealing under this section, former s.  
1205 893.14, former s. 901.33, or former s. 943.058 may not be held  
1206 under any provision of law of this state to commit perjury or to  
1207 be otherwise liable for giving a false statement by reason of  
1208 such person's failure to recite or acknowledge a sealed criminal  
1209 history record.

1210 (c) Information relating to the existence of a sealed  
1211 criminal record provided in accordance with the provisions of  
1212 paragraph (a) is confidential and exempt from the provisions of

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1213 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,  
1214 except that the department shall disclose the sealed criminal  
1215 history record to the entities set forth in subparagraphs (a)1.,  
1216 4., 5., 6., and 8., ~~and 8.~~ for their respective licensing,  
1217 access authorization, and employment purposes. It is unlawful  
1218 for any employee of an entity set forth in subparagraph (a)1.,  
1219 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or  
1220 subparagraph (a)8. ~~subparagraph (a)8.~~ to disclose information  
1221 relating to the existence of a sealed criminal history record of  
1222 a person seeking employment, access authorization, or licensure  
1223 with such entity or contractor, except to the person to whom the  
1224 criminal history record relates or to persons having direct  
1225 responsibility for employment, access authorization, or  
1226 licensure decisions. Any person who violates the provisions of  
1227 this paragraph commits a misdemeanor of the first degree,  
1228 punishable as provided in s. 775.082 or s. 775.083.

1229 Section 25. For the 2014-2015 fiscal year, the sum of  
1230 \$35,745 in nonrecurring funds is appropriated to the Department  
1231 of Law Enforcement from the Operating Trust Fund for contracted  
1232 services and operating capital outlay related to sealed criminal  
1233 history records. To support this appropriation, funds in this  
1234 amount shall be transferred from the Division of Licensing Trust  
1235 Fund of the Department of Agriculture and Consumer Services to  
1236 the Operating Trust Fund of the Department of Law Enforcement.

1237 Section 26. This act shall take effect July 1, 2014.  
1238

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**T I T L E   A M E N D M E N T**

Remove everything before the enacting clause and insert:

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 205.1969; conforming cross-references; amending s. 472.025; conforming cross-references; amending s. 472.027; amending the Board of Surveyors and Mappers rulemaking authority; requiring the board adopt standards of practice to regulate the practice of surveying and mapping; amending s. 493.6108, F.S.; revising conditions relating to the examination of fingerprint records for private investigative, security, and repossession service licenses; amending s. 493.6113, F.S.; providing conditions for renewal of certain firearm licenses; amending s. 493.6115, F.S.; authorizing certain firearms licensees to carry specified handguns; amending s. 493.6305, F.S.; providing conditions under which certain licensees are authorized to carry concealed firearms; amending s. 501.015, F.S.; conforming cross-references; amending s. 501.016, F.S.; providing for consumer claims against certain bonds posted by health studios; amending s. 501.059, F.S.; prohibiting telephone solicitation of certain donors; repealing s. 501.143, F.S., relating to the Dance Studio Act; amending s. 501.603, F.S.; defining the term "novelty payment"; amending s. 501.611, F.S.; providing for consumer claims against certain bonds posted by

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7051 (2014)

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1265 commercial telephone sellers; amending s. 501.616, F.S.;

1266 prohibiting commercial telephone sellers from accepting

1267 specified payments; amending s. 501.913, F.S.; providing for

1268 expiration of antifreeze registration certificates; amending s.

1269 525.16, F.S.; revising administrative fine provisions for

1270 gasoline and oil proprietors; creating s. 526.015, F.S.;

1271 prohibiting the sale and distribution of certain lubricating

1272 oil; amending s. 526.50, F.S.; deleting the definition of the

1273 term "permit year"; amending s. 526.51, F.S.; revising

1274 provisions for issuance and renewal of permits to sell brake

1275 fluid; amending s. 539.001, F.S.; providing for consumer claims

1276 against certain bonds posted by pawnbrokers; revising

1277 administrative fine and civil penalty provisions for pawnbroking

1278 licensees; providing requirements for certain weight

1279 descriptions; amending s. 559.929, F.S.; providing for consumer

1280 claims against certain bonds posted by sellers of travel;

1281 amending s. 627.7842; conforming cross-references; amending s.

1282 718.104; conforming cross-references; amending s. 943.059, F.S.;

1283 requiring the subject of a sealed criminal history record to

1284 provide such information when applying for a concealed weapon or

1285 concealed firearm permit; providing applicability; providing an

1286 appropriation; providing an effective date.

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