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CS/CS/HB 7051, Engrossed 1

2014 Legislature

1  
2 An act relating to the Department of Agriculture and  
3 Consumer Services; amending s. 472.027, F.S.;  
4 directing the Board of Professional Surveyors and  
5 Mappers to adopt rules establishing specified  
6 standards of practice; amending s. 493.6108, F.S.;  
7 revising conditions relating to the examination of  
8 fingerprint records for private investigative,  
9 security, and repossession service licenses; amending  
10 s. 493.6113, F.S.; providing conditions for renewal of  
11 certain firearm licenses; amending s. 493.6115, F.S.;  
12 authorizing certain firearms licensees to carry  
13 specified handguns; amending s. 493.6305, F.S.;  
14 providing conditions under which certain licensees are  
15 authorized to carry concealed firearms; amending s.  
16 501.016, F.S.; providing for consumer claims against  
17 certain bonds posted by health studios; amending s.  
18 501.059, F.S.; prohibiting telephone solicitation of  
19 certain donors; repealing s. 501.143, F.S., relating  
20 to the Dance Studio Act; amending s. 501.603, F.S.;  
21 defining the term "novelty payment"; amending s.  
22 501.611, F.S.; providing for consumer claims against  
23 certain bonds posted by commercial telephone sellers;  
24 amending s. 501.616, F.S.; prohibiting commercial  
25 telephone sellers from accepting specified payments;  
26 amending s. 501.913, F.S.; providing for expiration of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 antifreeze registration certificates; amending s.  
 28 525.16, F.S.; revising administrative fine provisions  
 29 for gasoline and oil proprietors; creating s. 526.015,  
 30 F.S.; prohibiting the sale and distribution of certain  
 31 lubricating oil; amending s. 526.50, F.S.; deleting  
 32 the definition of the term "permit year"; amending s.  
 33 526.51, F.S.; revising provisions for issuance and  
 34 renewal of permits to sell brake fluid; amending s.  
 35 539.001, F.S.; providing for consumer claims against  
 36 certain bonds posted by pawnbroking licensees;  
 37 revising administrative fine and civil penalty  
 38 provisions for pawnbroker licensees; amending s.  
 39 559.929, F.S.; providing for consumer claims against  
 40 certain bonds posted by sellers of travel; amending s.  
 41 943.059, F.S.; requiring the subject of a sealed  
 42 criminal history record to provide such information  
 43 when applying for a concealed weapon or concealed  
 44 firearm permit; providing applicability; amending ss.  
 45 205.1969, 472.025, 501.015, 627.7842, and 718.104,  
 46 F.S.; conforming provisions to changes made by the  
 47 act; providing an appropriation; providing effective  
 48 dates.

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

52 Section 1. Section 472.027, Florida Statutes, is amended



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53 to read:

54 472.027 ~~Minimum technical~~ Standards of practice for  
55 ~~surveying and mapping.~~—The board shall adopt rules establishing  
56 standards of relating to the practice for the profession of  
57 surveying and mapping to:

58 (1) Assure competence in the practice of the profession;

59 (2) Assure accuracy, completeness, and quality in the  
60 products provided;

61 (3) Assure adequate and defensible real property boundary  
62 locations; and

63 (4) Govern the following professional matters:

64 (a) Conflicts of interest.

65 (b) Client confidentiality.

66 (c) Misuse, reuse, unauthorized use, or alteration of  
67 another professional's product.

68 (d) Fair dealing in all professional relationships and  
69 private and public sector contracts.

70 (e) Retention of work products in hard copy or electronic  
71 or digital formats.

72 (f) Transfer and storage of files and file materials upon  
73 discontinuance of the practice of surveying and mapping which  
74 ~~establish minimum technical standards to ensure the achievement~~  
75 ~~of no less than minimum degrees of accuracy, completeness, and~~  
76 ~~quality in order to assure adequate and defensible real property~~  
77 ~~boundary locations and other pertinent information provided by~~  
78 ~~surveyors and mappers under the authority of ss. 472.001—~~



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79 | 472.037.

80 | Section 2. Paragraph (a) of subsection (1) of section  
81 | 493.6108, Florida Statutes, is amended to read:

82 | 493.6108 Investigation of applicants by Department of  
83 | Agriculture and Consumer Services.—

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

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

95 | 2. If a legible set of fingerprints, as determined by the  
96 | Department of Law Enforcement or the Federal Bureau of  
97 | Investigation, cannot be obtained after two attempts, the  
98 | Department of Agriculture and Consumer Services may determine  
99 | the applicant's eligibility based upon a criminal history record  
100 | check under the applicant's name conducted by the Federal Bureau  
101 | of Investigation ~~Department of Law Enforcement if the~~  
102 | ~~fingerprints are taken by a law enforcement agency or the~~  
103 | ~~department and the applicant submits a written statement signed~~  
104 | ~~by the fingerprint technician or a licensed physician stating~~



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105 ~~that there is a physical condition that precludes obtaining a~~  
106 ~~legible set of fingerprints or that the fingerprints taken are~~  
107 ~~the best that can be obtained.~~

108 Section 3. Paragraph (b) of subsection (3) of section  
109 493.6113, Florida Statutes, is amended to read:

110 493.6113 Renewal application for licensure.—

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

115 (b) Each Class "G" licensee shall additionally submit  
116 proof that he or she has received during each year of the  
117 license period a minimum of 4 hours of firearms recertification  
118 training taught by a Class "K" licensee and has complied with  
119 such other health and training requirements that ~~which~~ the  
120 department shall adopt by rule. Proof of completion of firearms  
121 recertification training shall be submitted to the department  
122 upon completion of the training. If the licensee fails to  
123 complete documentation of completion of the required 4 hours of  
124 annual training during ~~is not submitted by the end of the first~~  
125 ~~year of the 2-year term of the license, the individual's license~~  
126 ~~shall be automatically suspended until proof of the required~~  
127 ~~training is submitted to the department. The licensee must~~  
128 complete the minimum number of hours of range and classroom  
129 training required at the time of initial licensure and submit  
130 proof of completion of such training to the department before



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131 the license may be reinstated. If the licensee fails to complete  
132 ~~documentation of completion of~~ the required 4 hours of annual  
133 training ~~during is not submitted by the end of~~ the second year  
134 of the 2-year term of the license, the licensee must complete  
135 ~~license shall not be renewed unless the renewal applicant~~  
136 ~~completes~~ the minimum number of hours of range and classroom  
137 training required at the time of initial licensure and submit  
138 proof of completion of such training to the department before  
139 the license may be renewed. The department may waive the  
140 firearms training requirement if:

141 1. The applicant provides proof that he or she is  
142 currently certified as a law enforcement officer or correctional  
143 officer under the Criminal Justice Standards and Training  
144 Commission and has completed law enforcement firearms  
145 requalification training annually during the previous 2 years of  
146 the licensure period;

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

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

156 Section 4. Subsection (6) of section 493.6115, Florida



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157 Statutes, is amended to read:

158 493.6115 Weapons and firearms.—

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

170 Section 5. Subsection (4) is added to section 493.6305,  
171 Florida Statutes, to read:

172 493.6305 Uniforms, required wear; exceptions.—

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

177 Section 6. Section 501.016, Florida Statutes, is amended  
178 to read:

179 501.016 Health studios; security requirements.—Each health  
180 studio that sells contracts for health studio services shall  
181 meet the following requirements:

182 (1) Each health studio shall maintain for each separate



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183 business location a bond issued by a surety company admitted to  
184 do business in this state. The principal sum of the bond must  
185 ~~shall~~ be \$25,000, and the bond, when required, must ~~shall~~ be  
186 obtained before a business tax receipt may be issued under  
187 chapter 205. Upon issuance of a business tax receipt, the  
188 licensing authority shall immediately notify the department of  
189 such issuance in a manner established by the department by rule.  
190 The bond must ~~shall~~ be in favor of the department ~~state~~ for the  
191 benefit of a ~~any~~ person injured as a result of a violation of  
192 ss. 501.012-501.019. Liability for injuries as a result of a  
193 violation of ss. 501.012-501.019 may be determined in an  
194 administrative proceeding of the department or through a civil  
195 action. However, claims against the bond or certificate of  
196 deposit may only be paid by order of the department in an  
197 administrative proceeding in amounts up to the determined  
198 liability for the injuries. The aggregate liability of the  
199 surety to all persons for all breaches of the conditions of the  
200 bonds provided by this section may not ~~herein shall in no event~~  
201 exceed the amount of the bond. The original surety bond required  
202 by this section shall be filed with the department on a form  
203 adopted by department rule.

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

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





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

211  
212 The original letter of credit or certificate of deposit  
213 submitted in lieu of the bond shall be filed with the  
214 department. The department shall decide whether the security  
215 furnished in lieu of bond by the health studio complies ~~is in~~  
216 ~~compliance~~ with the requirements of this section.

217 (3) A consumer may file a claim against the bond, letter  
218 of credit, or certificate of deposit. Such claim, which must be  
219 submitted in writing on an affidavit form adopted by department  
220 rule, must be submitted to the department within 120 days after  
221 an alleged injury has occurred or is discovered to have occurred  
222 or a judgment has been entered. The proceedings shall be  
223 conducted pursuant to chapter 120. For proceedings conducted  
224 pursuant to ss. 120.569 and 120.57, the department shall act  
225 only as a nominal party.

226 (4) Any indebtedness determined by final order of the  
227 department shall be paid by the health studio to the department  
228 within 30 days after the order is entered for disbursement to  
229 the consumer. If the health studio fails to make payment within  
230 30 days, the department shall make a demand for payment upon the  
231 surety which includes an institution issuing a letter of credit  
232 or depository on a certificate of deposit. Upon failure of a  
233 surety to comply with a demand for payment pursuant to a final  
234 order, the department may file an action in circuit court to



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235 recover payment, up to the amount of the bond or other form of  
236 security, pursuant to s. 120.69. If the department prevails in  
237 such action, the department may recover court costs and  
238 reasonable attorney fees.

239 (5)~~(3)~~ A health studio that ~~which~~ sells contracts for  
240 future health studio services and ~~which~~ collects direct payment  
241 on a monthly basis for those services is ~~shall be~~ exempt from  
242 the security requirements of subsections (1) and (2) if provided  
243 ~~that~~ any service fee charged is a reasonable and fair ~~service~~  
244 ~~fee~~. The number of monthly payments in such a contract must  
245 ~~shall~~ be equal to the number of months in the contract. The  
246 contract must ~~shall~~ conform to all the requirements for future  
247 health studio services contracts ~~as~~ specified in ss. 501.012-  
248 501.019 and must ~~shall~~ specify in the terms of the contract the  
249 charges to be assessed for those health studio services.

250 (6)~~(4)~~ If the health studio furnishes the department with  
251 evidence satisfactory to the department that the aggregate  
252 dollar amount of all current outstanding contracts of the health  
253 studio is less than \$5,000, the department may, ~~at its~~  
254 ~~discretion,~~ reduce the principal amount of the surety bond or  
255 other sufficient financial responsibility required in  
256 subsections (1) and (2) to a sum of at least ~~not less than~~  
257 \$10,000. However, at any time the aggregate dollar amount of  
258 such contracts exceeds \$5,000, the health studio shall ~~so~~ notify  
259 the department and shall ~~thereupon~~ provide the bond or other  
260 documentation as required in subsections (1) and (2). Health



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261 studios whose bonds have been reduced shall ~~must~~ provide the  
262 department with an annually updated list of members. ~~Failure to~~  
263 ~~file an annual report will result in~~ The department shall  
264 increase ~~raising~~ the security requirement to \$25,000 for a  
265 health studio that fails to file an annual report.

266 (7) ~~(5)~~ Each health studio shall furnish the department  
267 with a copy of the escrow account which would contain all funds  
268 received for future consumer services, whether provided under ~~by~~  
269 contract or otherwise, sold before ~~prior to~~ the business  
270 location's full operation and specify a date certain for  
271 opening, if such an escrow account is established.

272 (8) ~~(6)~~ Subsections (1) and (2) do ~~shall~~ not apply to a  
273 health studio that has been operating in compliance with ss.  
274 501.012-501.019 and rules adopted thereunder, ~~continuously~~ under  
275 the same ownership and control, continuously for the most recent  
276 5-year period; ~~in compliance with ss. 501.012-501.019 and the~~  
277 ~~rules adopted thereunder and~~ that has not had any civil,  
278 criminal, or administrative adjudication against it by any state  
279 or federal agency; and that has a satisfactory consumer  
280 complaint history. As used in this subsection, the term  
281 "satisfactory consumer complaint history" means that there are  
282 no unresolved consumer complaints regarding the health studio  
283 ~~are~~ on file with the department. A consumer complaint is  
284 unresolved if a health studio has not responded to the  
285 department's efforts to mediate the complaint or if there has  
286 been an adjudication that the health studio has violated ss.



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287 501.012-501.019 or the rules adopted thereunder. Such exemption  
288 extends to all current and future business locations of an  
289 exempt health studio.

290 (9)-(7) This section does not apply to a business,  
291 otherwise defined as a health studio, which sells a single  
292 contract of 30 days or less to a ~~any~~ member without any option  
293 for renewal or any other condition that ~~which~~ establishes any  
294 right in the member beyond the term of such contract ~~is exempt~~  
295 ~~from the provisions of this section.~~ However, this exemption  
296 does ~~shall~~ not apply if the business offers any other health  
297 studio contract, regardless of ~~whatever~~ duration, at any time  
298 before or during ~~or prior to~~ the existence of such single  
299 contract of 30 days or less.

300 (10)-(8) Except in the case of a natural disaster or an act  
301 of God, a health studio that is exempt from the requirements of  
302 subsections (1) and (2), but does not have any ~~that has no~~  
303 business locations open for 14 consecutive days, waives its  
304 exemption and is considered to be a new health studio for the  
305 purposes of ss. 501.012-501.019.

306 Section 7. Subsection (5) of section 501.059, Florida  
307 Statutes, is amended to read:

308 501.059 Telephone solicitation.—

309 (5) A telephone solicitor or other person may not initiate  
310 an outbound telephone call to a consumer or donor or potential  
311 donor who has previously communicated to the telephone solicitor  
312 or other person that he or she does not wish to receive an



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313 outbound telephone call:

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

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

318 Section 8. Section 501.143, Florida Statutes, is repealed.

319 Section 9. Subsections (8) through (11) of section  
320 501.603, Florida Statutes, are renumbered as subsections (9)  
321 through (12), respectively, subsection (2) of that section is  
322 amended, and a new subsection (8) is added to that section, to  
323 read:

324 501.603 Definitions.—As used in this part, unless the  
325 context otherwise requires, the term:

326 (2) "Commercial telephone seller" means a person who  
327 engages in commercial telephone solicitation on his or her own  
328 behalf or through salespersons. The term, except that a  
329 commercial telephone seller does not include a salesperson as  
330 defined in subsection (11) or a person or entity operating under  
331 a valid affidavit of exemption filed with the department  
332 according to s. 501.608(1)(b) or exempted from this part by s.  
333 501.604. The term ~~A commercial telephone seller does not include~~  
334 ~~a salesperson as defined in subsection (10). A commercial~~  
335 ~~telephone seller~~ includes, but is not limited to, owners,  
336 operators, officers, directors, partners, or other individuals  
337 engaged in the management activities of a business entity  
338 pursuant to this part.



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339       (8) "Novelty payment" means a payment method that does not  
340 provide systematic monitoring to detect and deter fraud. The  
341 term includes, but is not limited to, the following payment  
342 devices:

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

346       (b) A remotely created payment order, which is a payment  
347 instruction or order drawn on a person's account which is  
348 initiated or created by the payee and which does not bear the  
349 signature of the person on whose account the order is drawn and  
350 which is cleared through a check-clearing system.

351       (c) A cash-to-cash money transfer, which is the electronic  
352 transfer of the value of cash received from one person to  
353 another person in a different location which is sent by a money  
354 transfer provider and received in the form of cash. As used in  
355 this paragraph, the term "money transfer provider" means a  
356 person or financial institution that provides cash-to-cash money  
357 transfers for a person in the normal course of its business,  
358 regardless of whether the person holds an account with such  
359 person or financial institution.

360       (d) A cash reload mechanism, which is a system that makes  
361 it possible to convert cash into an electronic form that a  
362 person can use to add money to a general-use prepaid card or an  
363 online account with a payment intermediary. As used in this  
364 paragraph, the term "mechanism" means a system that is purchased



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365 by a person on a prepaid basis, that enables access to the funds  
366 via an authorization code or other security measure, and that is  
367 not directly used as a general-use prepaid card.

368 Section 10. Section 501.611, Florida Statutes, is amended  
369 to read:

370 501.611 Security.—

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

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

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

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

382 (2) The amount of the bond, letter of credit, or  
383 certificate of deposit must be a minimum of \$50,000, and the  
384 bond, letter of credit, or certificate of deposit must be in  
385 favor of the department for the use and benefit of a purchaser  
386 who is injured by the fraud, misrepresentation, breach of  
387 contract, financial failure, or violation of this part by the  
388 applicant ~~must be conditioned upon compliance by the applicant~~  
389 ~~with the provisions of this part.~~ The department may, at its  
390 discretion, establish a bond of a greater amount to ensure the



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391 general welfare of the public and the interests of the  
392 telemarketing industry.

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

396 (4) The department or a ~~any~~ governmental agency, on behalf  
397 of an ~~any~~ injured purchaser or a ~~any~~ purchaser herself or  
398 himself who is injured by ~~the bankruptcy of the applicant or her~~  
399 ~~or his breach of any agreement entered into in her or his~~  
400 ~~capacity as a licensee~~, may bring and maintain an action to  
401 recover against the bond, letter of credit, or certificate of  
402 deposit.

403 (5) A purchaser may file a claim against the bond, letter  
404 of credit, or certificate of deposit. Such claim, which must be  
405 submitted in writing on an affidavit form adopted by department  
406 rule, must be submitted to the department within 120 days after  
407 an alleged injury has occurred or is discovered to have occurred  
408 or a judgment has been entered. The proceedings shall be  
409 conducted pursuant to chapter 120. For proceedings conducted  
410 pursuant to ss. 120.569 and 120.57, the department shall act  
411 only as a nominal party.

412 (6) Any indebtedness determined by final order of the  
413 department shall be paid by the commercial telephone seller to  
414 the department within 30 days after the order is entered for  
415 disbursement to the purchaser. If the commercial telephone  
416 seller fails to make payment within 30 days, the department





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417 shall make a demand for payment upon the surety which includes  
418 an institution issuing a letter of credit or depository on a  
419 certificate of deposit. Upon failure of a surety to comply with  
420 a demand for payment pursuant to a final order, the department  
421 may file an action in circuit court to recover payment, up to  
422 the amount of the bond or other form of security, pursuant to s.  
423 120.69. If the department prevails, the department may recover  
424 court costs and reasonable attorney fees.

425 Section 11. Section 501.616, Florida Statutes, is amended  
426 to read:

427 501.616 Unlawful acts and practices.—

428 (1) A ~~It shall be unlawful for any~~ commercial telephone  
429 seller or salesperson may not directly or indirectly accept a  
430 novelty payment, as defined in s. 501.603(8) or by rule, as  
431 payment for goods or services offered or sold through  
432 telemarketing ~~to require that payment be by credit card~~  
433 ~~authorization or otherwise to announce a preference for that~~  
434 ~~method of payment.~~

435 (2) A ~~It shall be unlawful for any~~ commercial telephone  
436 seller may not ~~to~~ employ<sub>T</sub> or be affiliated with an,~~any~~  
437 unlicensed salesperson.

438 (3) A ~~It shall be unlawful for any~~ salesperson may not ~~to~~  
439 be employed by<sub>T</sub> or affiliated with<sub>T</sub> an unlicensed commercial  
440 telephone seller.

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



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

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

450           (7) ~~A It shall be unlawful for any~~ commercial telephone  
451 seller or salesperson making a commercial telephone solicitation  
452 call may not intentionally act ~~telephonic solicitations to take~~  
453 ~~any intentional action~~ to prevent transmission of the telephone  
454 solicitor's name or telephone number to the party called when  
455 the equipment or service used by the telephone solicitor is  
456 capable of creating and transmitting the telephone solicitor's  
457 name or telephone number.

458           Section 12. Subsection (1) of section 501.913, Florida  
459 Statutes, is amended to read:

460           501.913 Registration.—

461           (1) Each brand of antifreeze to be distributed in this  
462 state shall be registered with the department before  
463 distribution. The person whose name appears on the label, the  
464 manufacturer, or the packager shall make application annually to  
465 the department on forms provided by the department ~~no later than~~  
466 July 1 of each year. The registration certificate shall expire  
467 12 months after the date of issue. The registrant assumes, by  
468 application to register the brand, full responsibility for the



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469 registration, quality, and quantity of the product sold,  
470 offered, or exposed for sale in this state. If a registered  
471 brand is not in production for distribution in this state and to  
472 ensure any remaining product that is still available for sale in  
473 the state is properly registered, the registrant must submit a  
474 notarized affidavit on company letterhead to the department  
475 certifying that:

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

477 (b) The stated brand will not be distributed in this  
478 state; and

479 (c) All existing product of the stated brand will be  
480 removed by the registrant from the state within 30 days after  
481 expiration of the registration or the registrant will reregister  
482 the brand for two subsequent registration periods.

483

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

486 Section 13. Paragraph (b) of subsection (1) of section  
487 525.16, Florida Statutes, is amended to read:

488 525.16 Administrative fine; penalties; prosecution of  
489 cases by state attorney.—

490 (1)

491 (b) If, 3 years after the date ~~day of issuance~~ of the last  
492 ~~stop-sale order for a~~ violation under this chapter, a ~~no~~ new  
493 violation has not occurred at the same location during the  
494 proprietorship of the same person, all previous fines shall be



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495 | disregarded when administering a fine for the next violation.

496 | Section 14. Section 526.015, Florida Statutes, is created  
497 | to read:

498 | 526.015 Lubricating oil standards and labeling  
499 | requirements.—

500 | (1) A person may not sell or distribute, or offer for sale  
501 | or distribution, a lubricating oil that fails to meet a quality  
502 | standard, such as those established by the Society of Automotive  
503 | Engineers or other similar standard, or a labeling requirement  
504 | designed to prevent deceptive or misleading practices as adopted  
505 | by department rule.

506 | (2) A product that fails to meet a standard or labeling  
507 | requirement adopted by department rule shall be placed under a  
508 | stop-sale order by the department, and the lot number of the  
509 | product shall be identified and tagged by the department to  
510 | prevent its sale.

511 | (3) A person may not sell or distribute, or offer for sale  
512 | or distribution, a product that has been placed under a stop-  
513 | sale order.

514 | (4) If a product is made to conform to standards and  
515 | labeling requirements or is removed from the premises in a  
516 | manner approved by the department, the department shall issue a  
517 | release order.

518 | Section 15. Subsection (6) of section 526.50, Florida  
519 | Statutes, is amended to read:

520 | 526.50 Definition of terms.—As used in this part:



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

523           Section 16. Subsection (1) of section 526.51, Florida  
524 Statutes, is amended to read:

525           526.51 Registration; renewal and fees; departmental  
526 expenses; cancellation or refusal to issue or renew.—

527           (1) (a) Application for registration of each brand of brake  
528 fluid shall be made on forms supplied by the department. The  
529 applicant shall give his or her name and address and the brand  
530 name of the brake fluid, state that he or she owns the brand  
531 name and has complete control over the product sold thereunder  
532 in this state, and provide the name and address of the resident  
533 agent in this state. If the applicant does not own the brand  
534 name but wishes to register the product with the department, a  
535 notarized affidavit that gives the applicant full authorization  
536 to register the brand name and that is signed by the owner of  
537 the brand name must accompany the application for registration.  
538 The affidavit must include all affected brand names, the owner's  
539 company or corporate name and address, the applicant's company  
540 or corporate name and address, and a statement from the owner  
541 authorizing the applicant to register the product with the  
542 department. The owner of the brand name shall maintain complete  
543 control over each product sold under that brand name in this  
544 state. All first-time applications for a brand and formula  
545 combination must be accompanied by a certified report from an  
546 independent testing laboratory, setting forth the analysis of



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547 the brake fluid which shows its quality to be not less than the  
548 specifications established by the department for brake fluids. A  
549 sample of not less than 24 fluid ounces of brake fluid shall be  
550 submitted, in a container with a label printed in the same  
551 manner that it ~~or containers, with labels representing exactly~~  
552 ~~how the containers of brake fluid~~ will be labeled when sold, and  
553 the sample and container shall be analyzed and inspected by the  
554 department in order that compliance with the department's  
555 specifications and labeling requirements may be verified. Upon  
556 approval of the application, the department shall register the  
557 brand name of the brake fluid and issue to the applicant a  
558 permit authorizing the registrant to sell the brake fluid in  
559 this state ~~during the permit year specified in the permit.~~ The  
560 registration certificate shall expire 12 months after the date  
561 of issue.

562 (b) Each applicant shall pay a fee of \$100 with each  
563 application. A permit may be renewed by application to the  
564 department, accompanied by a renewal fee of \$50 on or before the  
565 expiration last day of the previously issued permit year  
566 ~~immediately preceding the permit year for which application is~~  
567 ~~made for renewal of registration.~~ To reregister a previously  
568 registered brand and formula combination, an applicant must  
569 submit a completed application and all materials as required in  
570 this section to the department before the expiration first day  
571 of the previously issued permit year. A brand and formula  
572 combination for which a completed application and all materials



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573 required in this section are not received before the expiration  
574 ~~first day~~ of the previously issued permit ~~year~~ may not be  
575 registered with the department until a completed application and  
576 all materials required in this section have been received and  
577 approved. If the brand and formula combination was previously  
578 registered with the department and a fee, application, or  
579 materials required in this section are received after the  
580 expiration ~~first day~~ of the previously issued permit ~~year~~, a  
581 penalty of \$25 accrues, which shall be added to the fee.  
582 Renewals shall be accepted only on brake fluids that have no  
583 change in formula, composition, or brand name. Any change in  
584 formula, composition, or brand name of a ~~any~~ brake fluid  
585 constitutes a new product that must be registered in accordance  
586 with this part.

587 (c) If a registered brand and formula combination is no  
588 longer in production for distribution in this state, in order to  
589 ensure that any remaining product still available for sale in  
590 this state is properly registered, ~~if a registered brand and~~  
591 ~~formula combination is no longer in production for distribution~~  
592 ~~in this state,~~ the registrant must submit a notarized affidavit  
593 on company letterhead to the department certifying that:

594 1. The stated brand and formula combination is no longer  
595 in production;

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

598 3. Either all existing product of the stated brand and



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599 formula combination will be removed by the registrant from the  
600 state within 30 days after the expiration of the registration or  
601 that the registrant will reregister the brand and formula  
602 combination for 2 ~~two~~ subsequent years ~~registration periods~~.

603

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

606 Section 17. Paragraph (a) of subsection (4), paragraphs  
607 (b) and (d) of subsection (7), and paragraph (b) of subsection  
608 (8) of section 539.001, Florida Statutes, are amended to read:

609 539.001 The Florida Pawnbroking Act.—

610 (4) ELIGIBILITY FOR LICENSE.—

611 (a) To be eligible for a pawnbroker's license, an  
612 applicant must:

613 1. Be of good moral character;

614 2. Have a net worth of at least \$50,000 or file with the  
615 agency a bond issued by a surety company qualified to do  
616 business in this state in the amount of \$10,000 for each  
617 license. In lieu of the bond required in this section, the  
618 applicant may establish a certificate of deposit or an  
619 irrevocable letter of credit in a Florida banking institution in  
620 the amount of the bond. The original bond, certificate of  
621 deposit, or letter of credit shall be filed with the agency on a  
622 form adopted by agency rule, and the agency shall be the  
623 beneficiary to said document. The bond, certificate of deposit,  
624 or letter of credit must ~~shall~~ be in favor of the agency for the





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625 use and benefit of a ~~any~~ consumer who is injured by the fraud,  
626 misrepresentation, breach of contract, financial failure, or  
627 violation ~~of any provision of~~ this section by the pawnbroker.  
628 Such liability may be enforced ~~either~~ by proceeding in an  
629 administrative action or by filing a civil action ~~judicial suit~~  
630 ~~at law in a court of competent jurisdiction~~. However, in such  
631 civil action ~~court suit~~, the bond, certificate of deposit, or  
632 letter of credit posted with the agency may ~~shall~~ not be  
633 amenable or subject to a ~~any~~ judgment or other legal process  
634 issuing out of or from such court in connection with such civil  
635 action ~~lawsuit~~, but such bond, certificate of deposit, or letter  
636 of credit shall be amenable to and enforceable only by and  
637 through administrative proceedings before the agency. It is the  
638 intent of the Legislature that such bond, certificate of  
639 deposit, or letter of credit ~~shall~~ be applicable and liable only  
640 for the payment of claims duly adjudicated by order of the  
641 agency. The bond, certificate of deposit, or letter of credit  
642 shall be payable on a pro rata basis as determined by the  
643 agency, but the aggregate amount awarded may not exceed the  
644 amount of the bond, certificate of deposit, or letter of credit.  
645 A consumer may file a claim against the bond, certificate of  
646 deposit, or letter of credit. Such claim, which must be  
647 submitted in writing on an affidavit form adopted by agency  
648 rule, must be submitted to the agency within 120 days after an  
649 alleged injury has occurred or is discovered to have occurred or  
650 a judgment has been entered. The proceedings shall be conducted



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651 pursuant to chapter 120. For proceedings conducted pursuant to  
652 ss. 120.569 and 120.57, the agency shall act only as a nominal  
653 party. Any indebtedness determined by final order of the agency  
654 shall be paid by the pawnbroker to the agency within 30 days  
655 after the order is entered for disbursement to the consumer. If  
656 the pawnbroker fails to make payment within 30 days, the agency  
657 shall make a demand for payment upon the surety which includes  
658 an institution issuing a letter of credit or depository on a  
659 certificate of deposit. Upon failure of a surety to comply with  
660 a demand for payment pursuant to a final order, the agency may  
661 file an action in circuit court to recover payment, up to the  
662 amount of the bond or other form of security, pursuant to s.  
663 120.69. If the agency prevails in such action, the agency may  
664 recover court costs and reasonable attorney fees;

665 3. Not have been convicted of, or found guilty of, or pled  
666 guilty or nolo contendere to, or not have been incarcerated  
667 within the last 10 years as a result of having previously been  
668 convicted of, or found guilty of, or pled guilty or nolo  
669 contendere to, regardless of adjudication, a felony within the  
670 last 10 years and not be acting as a beneficial owner for  
671 someone who has been convicted of, or found guilty of, or pled  
672 guilty or nolo contendere to, regardless of adjudication, a  
673 felony within the last 10 years; and

674 4. Not have been convicted of, or found guilty of, or pled  
675 guilty or nolo contendere to, or not have been incarcerated  
676 within the last 10 years as a result of having previously been



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677 convicted of, or found guilty of, or pled guilty or nolo  
 678 contendere to, regardless of adjudication, a crime that involves  
 679 theft, larceny, dealing in stolen property, receiving stolen  
 680 property, burglary, embezzlement, obtaining property by false  
 681 pretenses, possession of altered property, or any other  
 682 fraudulent or dishonest dealing within the last 10 years, and  
 683 not be acting as a beneficial owner for someone who has been  
 684 convicted, of, or found guilty of, or pled guilty or nolo  
 685 contendere to, or has been incarcerated within the last 10 years  
 686 as a result of having previously been convicted of, or found  
 687 guilty of, or pled guilty or nolo contendere to, regardless of  
 688 adjudication, a crime that involves theft, larceny, dealing in  
 689 stolen property, receiving stolen property, burglary,  
 690 embezzlement, obtaining property by false pretenses, possession  
 691 of altered property, or any other fraudulent or dishonest  
 692 dealing within the last 10 years.

693 (7) ORDERS IMPOSING PENALTIES.—

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

696 1. Issuing a notice of noncompliance pursuant to s.  
 697 120.695.

698 2. Imposing an administrative fine of up ~~not~~ to ~~exceed~~  
 699 \$5,000 for each act that ~~which~~ constitutes a violation of this  
 700 section, ~~or~~ a rule, or an order.

701 3. Directing that the pawnbroker cease and desist  
 702 specified activities.



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703 4. Refusing to license or revoking or suspending a  
704 license.

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

707 (d)1. ~~When the agency,~~ If a violation of this section  
708 occurs and the agency, has reasonable cause to believe that a  
709 person is operating in violation of this section, the agency may  
710 bring a civil action in the appropriate court for temporary or  
711 permanent injunctive relief and may seek other appropriate civil  
712 relief, including a civil penalty of up to ~~not to exceed~~ \$5,000 for  
713 each violation, restitution and damages for injured customers,  
714 court costs, and reasonable attorney ~~attorney's~~ fees.

715 2. The agency may terminate an ~~any~~ investigation or action  
716 upon agreement by the offender to pay a stipulated civil  
717 penalty, to make restitution or pay damages to customers, or to  
718 satisfy any other relief authorized under this subsection ~~herein~~  
719 and requested by the agency.

720 Section 18. Section 559.929, Florida Statutes, is amended  
721 to read:

722 559.929 Security requirements.—

723 (1) An application must be accompanied by a performance  
724 bond in an amount set by the department under paragraph (a),  
725 paragraph (b), or paragraph (c). The surety on such bond must  
726 ~~shall~~ be a surety company authorized to do business in the  
727 state.

728 (a) Each seller of travel which ~~that~~ certifies its



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729 business activities under s. 559.9285(1)(a) shall provide a  
730 performance bond in an amount up ~~not~~ to ~~exceed~~ \$25,000, or in  
731 the amount of \$50,000 if the seller of travel is offering  
732 vacation certificates.

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

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

743 (2) The bond must ~~shall~~ be filed with the department on a  
744 form adopted by department rule and must be in favor of the  
745 department for the use and benefit of a ~~any~~ traveler who is  
746 injured by the fraud, misrepresentation, breach of contract,  
747 financial failure, or violation of ~~any provision of~~ this part by  
748 the seller of travel. Such liability may be enforced ~~either~~ by  
749 proceeding in an administrative action as specified in  
750 subsection (3) or by filing a civil action ~~judicial suit at law~~  
751 ~~in a court of competent jurisdiction~~. However, in such civil  
752 action ~~court suit~~ the bond posted with the department shall not  
753 be amenable or subject to a ~~any~~ judgment or other legal process  
754 issuing out of or from such court in connection with such civil



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755 action lawsuit, but such bond shall be amenable to and  
756 enforceable only by and through administrative proceedings  
757 before the department. It is the intent of the Legislature that  
758 such bond ~~shall~~ be applicable and liable only for the payment of  
759 claims duly adjudicated by order of the department. The bond  
760 must ~~shall~~ be open to successive claims, but the aggregate  
761 amount awarded may not exceed the amount of the bond. In  
762 addition to the foregoing, a bond provided by a registrant or  
763 applicant for registration which certifies its business  
764 activities under s. 559.9285(1) (b) or (c) must ~~shall~~ be in favor  
765 of the department, with payment in the following order of  
766 priority:

767 (a) The ~~All~~ expenses for prosecuting the registrant or  
768 applicant in an ~~any~~ administrative or civil action under this  
769 part, including attorney fees ~~for attorneys~~ and fees for other  
770 professionals, court costs or other costs of the proceedings,  
771 and all other expenses incidental to the action.

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

775 (c) An ~~Any~~ unpaid administrative fine imposed by final  
776 order or an ~~any~~ unpaid civil penalty imposed by final judgment  
777 under this part.

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

780 (3) A ~~Any~~ traveler may file a claim against the bond. Such



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781 claim, which must ~~shall~~ be submitted ~~made~~ in writing on an  
782 affidavit form adopted by department rule, must be submitted to  
783 the department within 120 days after an alleged injury has  
784 occurred or is discovered to have occurred or a judgment has  
785 been entered. The proceedings shall be conducted pursuant to  
786 chapter 120. For ~~The~~ proceedings conducted pursuant to shall be  
787 ~~held in accordance with~~ ss. 120.569 and 120.57, the agency shall  
788 act only as a nominal party.

789 (4) Any indebtedness determined by final order of the  
790 department shall be paid by the seller of travel to the  
791 department within 30 days after the order is entered for  
792 disbursement to the consumer. If the seller of travel fails to  
793 make payment within 30 days, the agency shall make a demand for  
794 payment upon the surety which includes an institution issuing a  
795 letter of credit or depository on a certificate of deposit. Upon  
796 failure of a surety to comply with a demand for payment pursuant  
797 to a final order, the department may file an action in circuit  
798 court to recover payment, up to the amount of the bond or other  
799 form of security, pursuant to s. 120.69. If the department  
800 prevails, the department may recover court costs and reasonable  
801 attorney fees.

802 (5) ~~(4)~~ If ~~In any situation in which~~ the seller of travel  
803 is currently the subject of an administrative, civil, or  
804 criminal action by the department, the Department of Legal  
805 Affairs, or the state attorney relating to ~~concerning~~ compliance  
806 with this part, the right to proceed against the bond as



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807 provided in subsection (3) is ~~shall be~~ suspended until ~~after~~ any  
808 enforcement action becomes final.

809 (6) ~~(5)~~ The department may waive the bond requirement on an  
810 annual basis if the seller of travel has had 5 or more  
811 consecutive years of experience as a seller of travel in this  
812 state ~~Florida~~ in compliance with this part, has not had a ~~any~~  
813 civil, criminal, or administrative action instituted against the  
814 seller of travel in the vacation and travel business by a ~~any~~  
815 governmental agency or an ~~any~~ action involving fraud, theft,  
816 misappropriation of property, violation of a ~~any~~ statute  
817 pertaining to business or commerce with a ~~any~~ terrorist state,  
818 or moral turpitude, and has a satisfactory consumer complaint  
819 history with the department, and certifies its business  
820 activities under s. 559.9285. Such waiver may be revoked if the  
821 seller of travel violates ~~any provision of~~ this part. A seller  
822 of travel which ~~that~~ certifies its business activities under s.  
823 559.9285(1)(b) or (c) is not entitled to the waiver provided in  
824 this subsection.

825 Section 19. Effective January 1, 2015, subsection (4) of  
826 section 943.059, Florida Statutes, is amended to read:

827 943.059 Court-ordered sealing of criminal history  
828 records.—The courts of this state shall continue to have  
829 jurisdiction over their own procedures, including the  
830 maintenance, sealing, and correction of judicial records  
831 containing criminal history information to the extent such  
832 procedures are not inconsistent with the conditions,





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833 responsibilities, and duties established by this section. Any  
834 court of competent jurisdiction may order a criminal justice  
835 agency to seal the criminal history record of a minor or an  
836 adult who complies with the requirements of this section. The  
837 court shall not order a criminal justice agency to seal a  
838 criminal history record until the person seeking to seal a  
839 criminal history record has applied for and received a  
840 certificate of eligibility for sealing pursuant to subsection  
841 (2). A criminal history record that relates to a violation of s.  
842 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
843 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
844 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
845 916.1075, a violation enumerated in s. 907.041, or any violation  
846 specified as a predicate offense for registration as a sexual  
847 predator pursuant to s. 775.21, without regard to whether that  
848 offense alone is sufficient to require such registration, or for  
849 registration as a sexual offender pursuant to s. 943.0435, may  
850 not be sealed, without regard to whether adjudication was  
851 withheld, if the defendant was found guilty of or pled guilty or  
852 nolo contendere to the offense, or if the defendant, as a minor,  
853 was found to have committed or pled guilty or nolo contendere to  
854 committing the offense as a delinquent act. The court may only  
855 order sealing of a criminal history record pertaining to one  
856 arrest or one incident of alleged criminal activity, except as  
857 provided in this section. The court may, at its sole discretion,  
858 order the sealing of a criminal history record pertaining to



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859 | more than one arrest if the additional arrests directly relate  
860 | to the original arrest. If the court intends to order the  
861 | sealing of records pertaining to such additional arrests, such  
862 | intent must be specified in the order. A criminal justice agency  
863 | may not seal any record pertaining to such additional arrests if  
864 | the order to seal does not articulate the intention of the court  
865 | to seal records pertaining to more than one arrest. This section  
866 | does not prevent the court from ordering the sealing of only a  
867 | portion of a criminal history record pertaining to one arrest or  
868 | one incident of alleged criminal activity. Notwithstanding any  
869 | law to the contrary, a criminal justice agency may comply with  
870 | laws, court orders, and official requests of other jurisdictions  
871 | relating to sealing, correction, or confidential handling of  
872 | criminal history records or information derived therefrom. This  
873 | section does not confer any right to the sealing of any criminal  
874 | history record, and any request for sealing a criminal history  
875 | record may be denied at the sole discretion of the court.

876 |       (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
877 | history record of a minor or an adult which is ordered sealed by  
878 | a court ~~of competent jurisdiction~~ pursuant to this section is  
879 | confidential and exempt from the provisions of s. 119.07(1) and  
880 | s. 24(a), Art. I of the State Constitution and is available only  
881 | to the person who is the subject of the record, to the subject's  
882 | attorney, to criminal justice agencies for their respective  
883 | criminal justice purposes, which include conducting a criminal  
884 | history background check for approval of firearms purchases or

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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885 transfers as authorized by state or federal law, to judges in  
886 the state courts system for the purpose of assisting them in  
887 their case-related decisionmaking responsibilities, as set forth  
888 in s. 943.053(5), or to those entities set forth in  
889 subparagraphs (a)1., 4., 5., 6., and 8., ~~and 8.~~ for their  
890 respective licensing, access authorization, and employment  
891 purposes.

892 (a) The subject of a criminal history record sealed under  
893 this section or under other provisions of law, including former  
894 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
895 deny or fail to acknowledge the arrests covered by the sealed  
896 record, except when the subject of the record:

- 897 1. Is a candidate for employment with a criminal justice  
898 agency;
- 899 2. Is a defendant in a criminal prosecution;
- 900 3. Concurrently or subsequently petitions for relief under  
901 this section, s. 943.0583, or s. 943.0585;
- 902 4. Is a candidate for admission to The Florida Bar;
- 903 5. Is seeking to be employed or licensed by or to contract  
904 with the Department of Children and Families, the Division of  
905 Vocational Rehabilitation within the Department of Education,  
906 the Agency for Health Care Administration, the Agency for  
907 Persons with Disabilities, the Department of Health, the  
908 Department of Elderly Affairs, or the Department of Juvenile  
909 Justice or to be employed or used by such contractor or licensee  
910 in a sensitive position having direct contact with children, the



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911 disabled, or the elderly;

912 6. Is seeking to be employed or licensed by the Department  
913 of Education, a ~~any~~ district school board, a ~~any~~ university  
914 laboratory school, a ~~any~~ charter school, a ~~any~~ private or  
915 parochial school, or a ~~any~~ local governmental entity that  
916 licenses child care facilities; ~~or~~

917 7. Is attempting to purchase a firearm from a licensed  
918 importer, licensed manufacturer, or licensed dealer and is  
919 subject to a criminal history check under state or federal law;  
920 or

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

926 (b) Subject to the exceptions in paragraph (a), a person  
927 who has been granted a sealing under this section, former s.  
928 893.14, former s. 901.33, or former s. 943.058 may not be held  
929 under any provision of law of this state to commit perjury or to  
930 be otherwise liable for giving a false statement by reason of  
931 such person's failure to recite or acknowledge a sealed criminal  
932 history record.

933 (c) Information relating to the existence of a sealed  
934 criminal record provided in accordance with the provisions of  
935 paragraph (a) is confidential and exempt from the provisions of  
936 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,



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937 | except that the department shall disclose the sealed criminal  
938 | history record to the entities set forth in subparagraphs (a)1.,  
939 | 4., 5., 6., and 8., ~~and 8.~~ for their respective licensing,  
940 | access authorization, and employment purposes. An ~~It is unlawful~~  
941 | ~~for any~~ employee of an entity set forth in subparagraph (a)1.,  
942 | subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or  
943 | subparagraph (a)8. may not ~~subparagraph (a)8. to~~ disclose  
944 | information relating to the existence of a sealed criminal  
945 | history record of a person seeking employment, access  
946 | authorization, or licensure with such entity or contractor,  
947 | except to the person to whom the criminal history record relates  
948 | or to persons having direct responsibility for employment,  
949 | access authorization, or licensure decisions. A ~~Any~~ person who  
950 | violates the provisions of this paragraph commits a misdemeanor  
951 | of the first degree, punishable as provided in s. 775.082 or s.  
952 | 775.083.

953 |       Section 20. Section 205.1969, Florida Statutes, is amended  
954 | to read:

955 |       205.1969 Health studios; consumer protection.—A county or  
956 | municipality may not issue or renew a business tax receipt for  
957 | the operation of a health studio pursuant to ss. 501.012-501.019  
958 | ~~or ballroom dance studio pursuant to s. 501.143~~, unless such  
959 | business exhibits a current license, registration, or letter of  
960 | exemption from the Department of Agriculture and Consumer  
961 | Services.

962 |       Section 21. Subsection (1) of section 472.025, Florida



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963 Statutes, is amended to read:

964 472.025 Seals.—

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

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

984 501.015 Health studios; registration requirements and  
985 fees.—Each health studio shall:

986 (6) Be considered a new health studio and shall be subject  
987 to the requirements of s. 501.016 each time the health studio  
988 changes ownership or, in the case of corporate ownership, each



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989 time the stock ownership is changed so as to effectively put the  
990 health studio under new management or control, notwithstanding  
991 the provisions of s. 501.016(8) ~~501.016(6)~~. A change of  
992 ownership does not occur within the meaning of this subsection  
993 if:

994 (a) Substantially the same stockholders form a new  
995 corporate entity;

996 (b) In the opinion of the department, the change does not  
997 effectively place the health studio under new management and  
998 control; and

999 (c) The health studio has a satisfactory complaint history  
1000 with the department.

1001 Section 23. Paragraph (a) of subsection (1) of section  
1002 627.7842, Florida Statutes, is amended to read:

1003 627.7842 Policy exceptions.—

1004 (1) (a) If a survey meeting the ~~minimum technical~~ standards  
1005 of practice for surveying required by the Department of  
1006 Agriculture and Consumer Services ~~Business and Professional~~  
1007 ~~Regulation~~ and certified to the title insurer by a registered  
1008 Florida surveyor has been completed on the property within 90  
1009 days before the date of closing, the title policy may only  
1010 except from coverage the encroachments, overlays, boundary line  
1011 disputes, and other matters which are actually shown on the  
1012 survey.

1013 Section 24. Paragraph (e) of subsection (4) of section  
1014 718.104, Florida Statutes, is amended to read:



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1015           718.104 Creation of condominiums; contents of  
1016 declaration.—Every condominium created in this state shall be  
1017 created pursuant to this chapter.

1018           (4) The declaration must contain or provide for the  
1019 following matters:

1020           (e) A survey of the land which meets the ~~minimum technical~~  
1021 standards of practice established ~~set forth~~ by the Board of  
1022 Professional Surveyors and Mappers, pursuant to s. 472.027, and  
1023 a graphic description of the improvements in which units are  
1024 located and a plot plan thereof that, together with the  
1025 declaration, are in sufficient detail to identify the common  
1026 elements and each unit and their relative locations and  
1027 approximate dimensions. Failure of the survey to meet the  
1028 ~~minimum technical~~ standards of practice ~~does~~ shall not  
1029 invalidate an otherwise validly created condominium. The survey,  
1030 graphic description, and plot plan may be in the form of  
1031 exhibits consisting of building plans, floor plans, maps,  
1032 surveys, or sketches. If the construction of the condominium is  
1033 not substantially completed, there shall be a statement to that  
1034 effect, and, upon substantial completion of construction, the  
1035 developer or the association shall amend the declaration to  
1036 include the certificate described below. The amendment may be  
1037 accomplished by referring to the recording data of a survey of  
1038 the condominium that complies with the certificate. A  
1039 certificate of a surveyor and mapper authorized to practice in  
1040 this state shall be included in or attached to the declaration





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1041 or the survey or graphic description as recorded under s.  
 1042 718.105 that the construction of the improvements is  
 1043 substantially complete so that the material, together with the  
 1044 provisions of the declaration describing the condominium  
 1045 property, is an accurate representation of the location and  
 1046 dimensions of the improvements and so that the identification,  
 1047 location, and dimensions of the common elements and of each unit  
 1048 can be determined from these materials. Completed units within  
 1049 each substantially completed building in a condominium  
 1050 development may be conveyed to purchasers, notwithstanding that  
 1051 other buildings in the condominium are not substantially  
 1052 completed, provided that all planned improvements, including,  
 1053 but not limited to, landscaping, utility services and access to  
 1054 the unit, and common-element facilities serving such building,  
 1055 as set forth in the declaration, are first completed and the  
 1056 declaration of condominium is first recorded and provided that  
 1057 as to the units being conveyed there is a certificate of a  
 1058 surveyor and mapper as required above, including certification  
 1059 that all planned improvements, including, but not limited to,  
 1060 landscaping, utility services and access to the unit, and  
 1061 common-element facilities serving the building in which the  
 1062 units to be conveyed are located have been substantially  
 1063 completed, and such certificate is recorded with the original  
 1064 declaration or as an amendment to such declaration. This section  
 1065 does ~~shall~~ not, however, operate to require development of  
 1066 improvements and amenities declared to be included in future



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1067 phases pursuant to s. 718.403 before ~~prior to~~ conveying a unit  
1068 as provided in this paragraph herein. For the purposes of this  
1069 section, a "certificate of a surveyor and mapper" means  
1070 certification by a surveyor and mapper in the form provided in  
1071 this paragraph herein and may include, along with certification  
1072 by a surveyor and mapper, when appropriate, certification by an  
1073 architect or engineer authorized to practice in this state.  
1074 Notwithstanding the requirements of substantial completion  
1075 provided in this section, this paragraph does not ~~nothing~~  
1076 ~~contained herein shall~~ prohibit or impair the validity of a  
1077 mortgage encumbering units together with an undivided interest  
1078 in the common elements as described in a declaration of  
1079 condominium recorded before ~~prior to~~ the recording of a  
1080 certificate of a surveyor and mapper as provided in this  
1081 paragraph herein.

1082 Section 25. For the 2014-2015 fiscal year, the sum of  
1083 \$35,745 in nonrecurring funds is appropriated to the Department  
1084 of Law Enforcement from the Operating Trust Fund for contracted  
1085 services and operating capital outlay related to sealed criminal  
1086 history records. To support this appropriation, funds in this  
1087 amount shall be transferred from the Division of Licensing Trust  
1088 Fund of the Department of Agriculture and Consumer Services to  
1089 the Operating Trust Fund of the Department of Law Enforcement.

1090 Section 26. Except as otherwise expressly provided in this  
1091 act, this act shall take effect July 1, 2014.