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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on General Government)

A bill to be entitled

An act relating to regulated service providers;
amending s. 472.007, F.S.; revising the composition of
the Board of Professional Surveyors and Mappers;
amending s. 472.015, F.S.; requiring the Department of
Agriculture and Consumer Services to waive the initial
land surveying and mapping license fee for certain
veterans, the spouses of such veterans, or certain
business entities that have a majority ownership held
by such veterans or spouses; amending s. 493.6105,
F.S.; waiving the initial application fee for veterans
for certain private investigative, private security,
and repossession service licenses; revising certain
fees for initial license applications; amending s.
493.6106, F.S.; deleting a provision requiring that
certain applicants submit additional documentation
establishing state residency; amending s. 493.6107,
F.S.; waiving the initial license fees for veterans
for certain private investigative, private security,
and repossession service licenses; amending s.
493.6108, F.S.; beginning on a specified date,
requiring the Department of Law Enforcement to retain
fingerprints submitted for private investigative,
private security, and repossession service licenses,
to enter such fingerprints into the statewide
automated biometric identification system and the
Federal Bureau of Investigation's national retained



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28 print arrest notification program, and to report any
29 arrest record information to the Department of
30 Agriculture and Consumer Services; requiring the
31 department to provide information about an arrest of a
32 licensee for certain crime within the state to the
33 agency that employs the licensee; amending s.
34 493.6113, F.S.; clarifying the renewal requirements
35 for Class "K" licenses; requiring a person holding a
36 private investigative, private security, or
37 repossession service license issued before a certain
38 date to submit, upon first renewal of the license, a
39 full set of fingerprints and a fingerprint processing
40 fee; amending ss. 493.6202, 493.6302, and 493.6402,
41 F.S.; waiving initial license fees for veterans for
42 certain private investigative, private security, and
43 repossession service licenses; amending s. 501.0125,
44 F.S.; revising the definition of the term "health
45 studio"; defining the term "personal trainer";
46 amending s. 501.015, F.S.; requiring the department to
47 waive the initial health studio registration fee for
48 certain veterans, the spouses of such veterans, or
49 certain business entities that have a majority
50 ownership held by such veterans or spouses; amending
51 s. 501.605, F.S.; prohibiting the use of a mail drop
52 as a street address for the principal location of a
53 commercial telephone seller; requiring the department
54 to waive the initial commercial telephone seller
55 license fee for certain veterans, the spouses of such
56 veterans, or certain business entities that have a



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57 majority ownership held by such veterans or spouses;
58 amending s. 501.607, F.S.; requiring the department to
59 waive the initial telephone salesperson license fees
60 for certain veterans, the spouses of such veterans, or
61 certain business entities that have a majority
62 ownership held by such veterans or spouses; amending
63 s. 507.03, F.S.; requiring the department to waive the
64 initial registration fee for an intrastate mover for
65 certain veterans, the spouses of such veterans, or
66 certain business entities that have a majority
67 ownership held by such veterans or spouses; amending
68 s. 527.02, F.S.; requiring the department to waive the
69 original liquefied petroleum gas license fee for
70 certain veterans, the spouses of such veterans, or
71 certain business entities that have a majority
72 ownership held by such veterans or spouses; amending
73 s. 527.021, F.S.; deleting a provision requiring a fee
74 for registering transport vehicles; amending s.
75 531.37, F.S.; revising the definition of the term
76 "weights and measures"; amending s. 531.415, F.S.;
77 revising the fees for actual metrology laboratory
78 calibration and testing services; amending s. 531.60,
79 F.S.; clarifying the applicability of permits for
80 commercially operated or tested weights or measures
81 instruments or devices; requiring a new permit
82 application if a new owner acquires and moves an
83 instrument or a device; requiring a business to notify
84 the department of certain information under certain
85 circumstances; deleting a provision authorizing the



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86 department to test weights and measures instruments or
87 devices under certain circumstances; amending s.
88 531.61, F.S.; clarifying provisions exempting certain
89 instruments or devices from specified requirements;
90 amending s. 531.62, F.S.; specifying that the
91 commercial use permit fee is based upon the number and
92 types of instruments or devices permitted; revising
93 the expiration date of the commercial use permit;
94 requiring annual and biennial commercial use permit
95 renewals to meet the same requirements; amending s.
96 531.63, F.S.; revising the commercial use permit fees
97 and fee structures; amending s. 531.65, F.S.;
98 clarifying that the department may use one or more of
99 the prescribed penalties for the unauthorized use of a
100 weights and measures instrument or device; amending s.
101 539.001, F.S.; requiring the department to waive the
102 initial pawnbroker license fee for certain veterans,
103 the spouses of such veterans, or certain business
104 entities that have a majority ownership held by such
105 veterans or spouses; amending s. 559.904, F.S.;
106 requiring the department to waive the initial motor
107 vehicle repair shop registration fee for certain
108 veterans, the spouses of such veterans, or certain
109 business entities that have a majority ownership held
110 by such veterans or spouses; creating s. 559.9191,
111 F.S.; requiring motor vehicle repair shops to obtain
112 consent before seeking certain funds from insurers;
113 requiring such shops to meet certain conditions before
114 filing certain actions against insurers; providing



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115 requirements for certain customer consent; amending s.
116 559.927, F.S.; revising definitions; amending s.
117 559.928, F.S.; requiring the department to waive the
118 initial seller of travel registration fee for certain
119 veterans, the spouses of such veterans, or certain
120 business entities that have a majority ownership held
121 by such veterans or spouses; requiring independent
122 agents to annually file an application, rather than an
123 affidavit; requiring each advertisement or certificate
124 and other travel documents to include a specified
125 phrase; deleting a provision requiring an
126 advertisement to include a specified phrase; revising
127 the circumstances under which the department may deny
128 or refuse to renew a registration; authorizing the
129 department to revoke the registration of a seller of
130 travel under certain circumstances; amending s.
131 559.929, F.S.; revising certain security requirements;
132 amending s. 559.9295, F.S.; revising the documents
133 that certain sellers of travel are required to submit
134 and disclose to the department; deleting provisions
135 relating to the duties of the department; amending s.
136 559.932, F.S.; requiring that certain disclosures be
137 made in a specified type size; revising the language
138 that must be included in certain disclosures;
139 requiring the department to review copies of certain
140 certificates and contracts for compliance with
141 disclosure requirements; specifying that the
142 submission of certain materials or department response
143 does not constitute approval, recommendation,



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144 endorsement, or verification; amending s. 559.933,
145 F.S.; making technical changes; amending s. 559.9335,
146 F.S.; revising violations relating to the sale of
147 travel; amending s. 559.935, F.S.; deleting a
148 provision requiring an affiliate to file an affidavit
149 of exemption in order to obtain a specified exemption;
150 adding embezzlement as a crime for which the
151 department may revoke certain exemptions; amending s.
152 559.936, F.S.; conforming cross-references; amending
153 s. 616.242, F.S.; exempting water-related amusement
154 rides operated by lodging and food service
155 establishments and membership campgrounds, amusement
156 rides at private, membership-only facilities, and
157 nonprofit permanent facilities from certain safety
158 standards; authorizing owners or managers of amusement
159 rides to use alternative forms to record ride
160 inspections and employee training; amending s.
161 713.585, F.S.; revising certain notice requirements;
162 authorizing the owner of a vehicle or a person
163 claiming an interest in the vehicle or in a lien
164 thereon to post a bond to recover possession of a
165 vehicle held by a lienor; requiring the clerk of the
166 court to issue a certificate notifying the lienor of
167 the posting of bond; establishing procedures and
168 requirements for a vehicle owner to reclaim such
169 vehicles recovered by a lienholder; authorizing courts
170 to award damages based on claims relating to the
171 enforcement of certain lien and recovery rights;
172 requiring courts to provide for the immediate payment



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173 of proceeds and awards and immediate release of bonds;
174 amending s. 790.06, F.S.; revising the requirements
175 for issuance of a concealed weapon or firearm license;
176 requiring directions for expedited processing requests
177 in the license application form; revising the initial
178 and renewal fees for a concealed weapon or firearm
179 license; providing a process for expediting
180 applications for servicemembers and veterans;
181 requiring that notice of the suspension or revocation
182 of a concealed weapon or firearm license or the
183 suspension of the processing of an application for
184 such license be given by personal delivery or first-
185 class mail; specifying deadlines for requests for a
186 hearing for suspensions or revocations; specifying
187 standards of proof for notice of suspensions or
188 revocations; requiring concealed weapon or firearm
189 license renewals to include an affidavit submitted
190 under oath and under penalty of perjury, rather than a
191 notarized affidavit, as of a specified date; amending
192 s. 790.0625, F.S.; authorizing certain tax collector
193 offices, upon approval and confirmation of license
194 issuance by the department, to print and deliver
195 concealed weapon or firearm licenses; amending ss.
196 559.917, 559.9285, and 559.937, F.S.; conforming
197 provisions; providing an appropriation; providing
198 effective dates.

199

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

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202 Section 1. Subsection (1) of section 472.007, Florida
203 Statutes, is amended to read:

204 472.007 Board of Professional Surveyors and Mappers.—There
205 is created in the Department of Agriculture and Consumer
206 Services the Board of Professional Surveyors and Mappers.

207 (1) The board shall consist of nine members, seven ~~six~~ of
208 whom shall be registered surveyors and mappers primarily engaged
209 in the practice of surveying and mapping, ~~one of whom shall be a~~
210 ~~registered surveyor and mapper with the designation of~~
211 ~~photogrammetrist~~, and two of whom shall be laypersons who are
212 not and have never been surveyors and mappers or members of any
213 closely related profession or occupation.

214 Section 2. Subsection (3) of section 472.015, Florida
215 Statutes, is amended to read:

216 472.015 Licensure.—

217 (3) (a) Before the issuance of any license, the department
218 may charge an initial license fee as determined by rule of the
219 board. Upon receipt of the appropriate license fee, except as
220 provided in subsection (6), the department shall issue a license
221 to any person certified by the board, or its designee, as having
222 met the applicable requirements imposed by law or rule. However,
223 an applicant who is not otherwise qualified for licensure is not
224 entitled to licensure solely based on a passing score on a
225 required examination.

226 (b) The department shall waive the initial license fee for
227 an honorably discharged veteran of the United States Armed
228 Forces, the spouse of such a veteran, or a business entity that
229 has a majority ownership held by such a veteran or spouse if the
230 department receives an application, in a format prescribed by



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231 the department, within 60 months after the date of the veteran's
232 discharge from any branch of the United States Armed Forces. To
233 qualify for the waiver, a veteran must provide to the department
234 a copy of his or her DD Form 214, as issued by the United States
235 Department of Defense, or another acceptable form of
236 identification as specified by the Department of Veterans'
237 Affairs; the spouse of a veteran must provide to the department
238 a copy of the veteran's DD Form 214, as issued by the United
239 States Department of Defense, or another acceptable form of
240 identification as specified by the Department of Veterans'
241 Affairs, and a copy of a valid marriage license or certificate
242 verifying that he or she was lawfully married to the veteran at
243 the time of discharge; or a business entity must provide to the
244 department proof that a veteran or the spouse of a veteran holds
245 a majority ownership in the business, a copy of the veteran's DD
246 Form 214, as issued by the United States Department of Defense,
247 or another acceptable form of identification as specified by the
248 Department of Veterans' Affairs, and, if applicable, a copy of a
249 valid marriage license or certificate verifying that the spouse
250 of the veteran was lawfully married to the veteran at the time
251 of discharge.

252 Section 3. Paragraph (c) is added to subsection (1) of
253 section 493.6105, Florida Statutes, and paragraph (j) of
254 subsection (3) of that section is amended, to read:

255 493.6105 Initial application for license.-

256 (1) Each individual, partner, or principal officer in a
257 corporation, shall file with the department a complete
258 application accompanied by an application fee not to exceed \$60,
259 except that the applicant for a Class "D" or Class "G" license



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260 is not required to submit an application fee. The application
261 fee is not refundable.

262 (c) The initial application fee for a veteran, as defined
263 in s. 1.01, shall be waived if he or she applies for a Class
264 "C," Class "CC," Class "DI," Class "E," Class "EE," Class "K,"
265 Class "M," Class "MA," Class "MB," Class "MR," or Class "RI"
266 license within 24 months after being discharged from a branch of
267 the United States Armed Forces. An eligible veteran must include
268 a copy of his or her DD Form 214, as issued by the United States
269 Department of Defense, or another acceptable form of
270 identification as specified by the Department of Veterans'
271 Affairs with his or her application in order to obtain a waiver.

272 (3) The application must contain the following information
273 concerning the individual signing the application:

274 (j) A full set of fingerprints, a fingerprint processing
275 fee, and a fingerprint retention fee. The fingerprint processing
276 and retention fees shall ~~to~~ be established by rule of the
277 department based upon costs determined by state and federal
278 agency charges and department processing costs, which must
279 include the cost of retaining the fingerprints in the statewide
280 automated biometric identification system established in s.
281 943.05(2)(b) and the cost of enrolling the fingerprints in the
282 national retained print arrest notification program as required
283 under s. 493.6108. An applicant who has, within the immediately
284 preceding 6 months, submitted such fingerprints and fees fee for
285 licensing purposes under this chapter and who still holds a
286 valid license is not required to submit another set of
287 fingerprints or another fingerprint processing fee. An applicant
288 who holds multiple licenses issued under this chapter is



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289 required to pay only a single fingerprint retention fee.

290 Section 4. Paragraph (f) of subsection (1) of section
291 493.6106, Florida Statutes, is amended to read:

292 493.6106 License requirements; posting.—

293 (1) Each individual licensed by the department must:

294 (f) Be a citizen or permanent legal resident alien of the
295 United States or have appropriate authorization issued by the
296 United States Citizenship and Immigration Services of the United
297 States Department of Homeland Security.

298 1. An applicant for a Class "C," Class "CC," Class "D,"
299 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
300 "MB," Class "MR," or Class "RI" license who is not a United
301 States citizen must submit proof of current employment
302 authorization issued by the United States Citizenship and
303 Immigration Services or proof that she or he is deemed a
304 permanent legal resident alien by the United States Citizenship
305 and Immigration Services.

306 2. An applicant for a Class "G" or Class "K" license who is
307 not a United States citizen must submit proof that she or he is
308 deemed a permanent legal resident alien by the United States
309 Citizenship and Immigration Services, ~~together with additional~~
310 ~~documentation establishing that she or he has resided in the~~
311 ~~state of residence shown on the application for at least 90~~
312 ~~consecutive days before the date that the application is~~
313 ~~submitted.~~

314 3. An applicant for an agency or school license who is not
315 a United States citizen or permanent legal resident alien must
316 submit documentation issued by the United States Citizenship and
317 Immigration Services stating that she or he is lawfully in the



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318 United States and is authorized to own and operate the type of
319 agency or school for which she or he is applying. An employment
320 authorization card issued by the United States Citizenship and
321 Immigration Services is not sufficient documentation.

322 Section 5. Subsection (6) is added to section 493.6107,
323 Florida Statutes, to read:

324 493.6107 Fees.—

325 (6) The initial license fee for a veteran, as defined in s.
326 1.01, shall be waived if he or she applies for a Class "M" or
327 Class "K" license within 24 months after being discharged from
328 any branch of the United States Armed Forces. An eligible
329 veteran must include a copy of his or her DD Form 214, as issued
330 by the United States Department of Defense, or another
331 acceptable form of identification as specified by the Department
332 of Veterans' Affairs with his or her application in order to
333 obtain a waiver.

334 Section 6. Subsections (4) and (5) are added to section
335 493.6108, Florida Statutes, to read:

336 493.6108 Investigation of applicants by Department of
337 Agriculture and Consumer Services.—

338 (4) Beginning January 1, 2017, the Department of Law
339 Enforcement shall:

340 (a) Retain and enter into the statewide automated biometric
341 identification system established in s. 943.05(2) (b) all
342 fingerprints submitted to the Department of Agriculture and
343 Consumer Services pursuant to this chapter.

344 (b) When the Department of Law Enforcement begins
345 participation in the Federal Bureau of Investigation's national
346 retained print arrest notification program, enroll such



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347 fingerprints in the program. The fingerprints must thereafter be
348 available for arrest notifications and all purposes and uses
349 authorized for arrest fingerprint submissions entered into the
350 statewide automated biometric identification system established
351 in s. 943.05(2) (b).

352 (c) Search all arrest fingerprints against fingerprints
353 retained.

354 (d) Report to the Department of Agriculture and Consumer
355 Services any arrest record that it identifies or that is
356 identified by the Federal Bureau of Investigation.

357 (5) If the department receives information about an arrest
358 within the state of a person who holds a valid license issued
359 under this chapter for a crime that could potentially disqualify
360 the person from holding such a license, the department must
361 provide the arrest information to the agency that employs the
362 licensee.

363 Section 7. Subsections (1) and (3) of section 493.6113,
364 Florida Statutes, are amended to read:

365 493.6113 Renewal application for licensure.—

366 (1) A license granted under the provisions of this chapter
367 shall be renewed biennially by the department, except for Class
368 "A," Class "B," Class "AB," Class "K," Class "R," and branch
369 agency licenses, which shall be renewed every 3 years.

370 (3) Each licensee is responsible for renewing his or her
371 license on or before its expiration by filing with the
372 department an application for renewal accompanied by payment of
373 the renewal fee and the fingerprint retention fee to cover the
374 cost of ongoing retention in the statewide automated biometric
375 identification system established in s. 943.05(2) (b) ~~prescribed~~



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376 ~~license fee.~~ Upon the first renewal of a license issued under
377 this chapter before January 1, 2017, the licensee shall submit a
378 full set of fingerprints and fingerprint processing fees to
379 cover the cost of entering the fingerprints into the statewide
380 automated biometric identification system pursuant to s.
381 493.6108(4) (a) and, if applicable, enrollment in the Federal
382 Bureau of Investigation's national retained print arrest
383 notification program. Subsequent renewals may be completed
384 without submission of a new set of fingerprints.

385 (a) Each Class "B" licensee shall additionally submit on a
386 form prescribed by the department a certification of insurance
387 that evidences that the licensee maintains coverage as required
388 under s. 493.6110.

389 (b) Each Class "G" licensee shall additionally submit proof
390 that he or she has received during each year of the license
391 period a minimum of 4 hours of firearms recertification training
392 taught by a Class "K" licensee and has complied with such other
393 health and training requirements that the department shall adopt
394 by rule. Proof of completion of firearms recertification
395 training shall be submitted to the department upon completion of
396 the training. If the licensee fails to complete the required 4
397 hours of annual training during the first year of the 2-year
398 term of the license, the license shall be automatically
399 suspended. The licensee must complete the minimum number of
400 hours of range and classroom training required at the time of
401 initial licensure and submit proof of completion of such
402 training to the department before the license may be reinstated.
403 If the licensee fails to complete the required 4 hours of annual
404 training during the second year of the 2-year term of the



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405 license, the licensee must complete the minimum number of hours
406 of range and classroom training required at the time of initial
407 licensure and submit proof of completion of such training to the
408 department before the license may be renewed. The department may
409 waive the firearms training requirement if:

410 1. The applicant provides proof that he or she is currently
411 certified as a law enforcement officer or correctional officer
412 under the Criminal Justice Standards and Training Commission and
413 has completed law enforcement firearms requalification training
414 annually during the previous 2 years of the licensure period;

415 2. The applicant provides proof that he or she is currently
416 certified as a federal law enforcement officer and has received
417 law enforcement firearms training administered by a federal law
418 enforcement agency annually during the previous 2 years of the
419 licensure period; or

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

424 (c) Each Class "DS" or Class "RS" licensee shall
425 additionally submit the current curriculum, examination, and
426 list of instructors.

427 (d) Each Class "K" licensee shall additionally submit one
428 of the certificates specified under s. 493.6105(6) as proof that
429 he or she remains certified to provide firearms instruction.

430 Section 8. Subsection (4) is added to section 493.6202,
431 Florida Statutes, to read:

432 493.6202 Fees.—

433 (4) The initial license fee for a veteran, as defined in s.



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434 1.01, shall be waived if he or she applies for a Class "C,"
435 Class "CC," or Class "MA" license within 24 months after being
436 discharged from any branch of the United States Armed Forces. An
437 eligible veteran must include a copy of his or her DD Form 214,
438 as issued by the United States Department of Defense, or another
439 acceptable form of identification as specified by the Department
440 of Veterans' Affairs with his or her application in order to
441 obtain a waiver.

442 Section 9. Subsection (4) is added to section 493.6302,
443 Florida Statutes, to read:

444 493.6302 Fees.—

445 (4) The initial license fee for a veteran, as defined in s.
446 1.01, shall be waived if he or she applies for a Class "D,"
447 Class "DI," or Class "MB" license within 24 months after being
448 discharged from any branch of the United States Armed Forces. An
449 eligible veteran must include a copy of his or her DD Form 214,
450 as issued by the United States Department of Defense, or another
451 acceptable form of identification as specified by the Department
452 of Veterans' Affairs with his or her application in order to
453 obtain a waiver.

454 Section 10. Subsection (4) is added to section 493.6402,
455 Florida Statutes, to read:

456 493.6402 Fees.—

457 (4) The initial license fee for a veteran, as defined in s.
458 1.01, shall be waived if he or she applies for a Class "E,"
459 Class "EE," Class "MR," or Class "RI" license within 24 months
460 after being discharged from any branch of the United States
461 Armed Forces. An eligible veteran must include a copy of his or
462 her DD Form 214, as issued by the United States Department of



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463 Defense, or another acceptable form of identification as
464 specified by the Department of Veterans' Affairs with his or her
465 application in order to obtain a waiver.

466 Section 11. Subsection (1) of section 501.0125, Florida
467 Statutes, is amended, and subsection (6) is added to that
468 section, to read:

469 501.0125 Health studios; definitions.—For purposes of ss.
470 501.012-501.019, the following terms shall have the following
471 meanings:

472 (1) "Health studio" means any person who is engaged in the
473 sale of services for instruction, training, or assistance in a
474 program of physical exercise or in the sale of services for the
475 right or privilege to use equipment or facilities in furtherance
476 of a program of physical exercise. The term does not include an
477 individual acting as a personal trainer.

478 (6) "Personal trainer" means an individual:

479 (a) Who does not have an established place of business for
480 the primary purpose of the conducting of physical exercise;

481 (b) Whose provision of exercise equipment is incidental to
482 the instruction provided; and

483 (c) Who does not accept payment for services that are to be
484 rendered more than 30 days after the date of payment.

485 Section 12. Subsection (2) of section 501.015, Florida
486 Statutes, is amended to read:

487 501.015 Health studios; registration requirements and
488 fees.—Each health studio shall:

489 (2) Remit an annual registration fee of \$300 to the
490 department at the time of registration for each of the health
491 studio's business locations. The department shall waive the



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492 initial registration fee for an honorably discharged veteran of
493 the United States Armed Forces, the spouse of such a veteran, or
494 a business entity that has a majority ownership held by such a
495 veteran or spouse if the department receives an application, in
496 a format prescribed by the department, within 60 months after
497 the date of the veteran's discharge from any branch of the
498 United States Armed Forces. To qualify for the waiver, a veteran
499 must provide to the department a copy of his or her DD Form 214,
500 as issued by the United States Department of Defense, or another
501 acceptable form of identification as specified by the Department
502 of Veterans' Affairs; the spouse of a veteran must provide to
503 the department a copy of the veteran's DD Form 214, as issued by
504 the United States Department of Defense, or another acceptable
505 form of identification as specified by the Department of
506 Veterans' Affairs, and a copy of a valid marriage license or
507 certificate verifying that he or she was lawfully married to the
508 veteran at the time of discharge; or a business entity must
509 provide to the department proof that a veteran or the spouse of
510 a veteran holds a majority ownership in the business, a copy of
511 the veteran's DD Form 214, as issued by the United States
512 Department of Defense, or another acceptable form of
513 identification as specified by the Department of Veterans'
514 Affairs, and, if applicable, a copy of a valid marriage license
515 or certificate verifying that the spouse of the veteran was
516 lawfully married to the veteran at the time of discharge.

517 Section 13. Paragraph (j) of subsection (2) and paragraph
518 (b) of subsection (5) of section 501.605, Florida Statutes, are
519 amended to read:

520 501.605 Licensure of commercial telephone sellers.—



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

525 (j) The complete street address of each location,
526 designating the principal location, from which the applicant
527 will be doing business. The street address may not be ~~If any~~
528 ~~location is a mail drop, this shall be disclosed as such.~~

529
530 The application shall be accompanied by a copy of any: Script,
531 outline, or presentation the applicant will require or suggest a
532 salesperson to use when soliciting, or, if no such document is
533 used, a statement to that effect; sales information or
534 literature to be provided by the applicant to a salesperson; and
535 sales information or literature to be provided by the applicant
536 to a purchaser in connection with any solicitation.

537 (5) An application filed pursuant to this part must be
538 verified and accompanied by:

539 (b) A fee for licensing in the amount of \$1,500. The fee
540 shall be deposited into the General Inspection Trust Fund. The
541 department shall waive the initial license fee for an honorably
542 discharged veteran of the United States Armed Forces, the spouse
543 of such a veteran, or a business entity that has a majority
544 ownership held by such a veteran or spouse if the department
545 receives an application, in a format prescribed by the
546 department, within 60 months after the date of the veteran's
547 discharge from any branch of the United States Armed Forces. To
548 qualify for the waiver, a veteran must provide to the department
549 a copy of his or her DD Form 214, as issued by the United States



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550 Department of Defense, or another acceptable form of
551 identification as specified by the Department of Veterans'
552 Affairs; the spouse of a veteran must provide to the department
553 a copy of the veteran's DD Form 214, as issued by the United
554 States Department of Defense, or another acceptable form of
555 identification as specified by the Department of Veterans'
556 Affairs, and a copy of a valid marriage license or certificate
557 verifying that he or she was lawfully married to the veteran at
558 the time of discharge; or a business entity must provide to the
559 department proof that a veteran or the spouse of a veteran holds
560 a majority ownership in the business, a copy of the veteran's DD
561 Form 214, as issued by the United States Department of Defense,
562 or another acceptable form of identification as specified by the
563 Department of Veterans' Affairs, and, if applicable, a copy of a
564 valid marriage license or certificate verifying that the spouse
565 of the veteran was lawfully married to the veteran at the time
566 of discharge.

567 Section 14. Paragraph (b) of subsection (2) of section
568 501.607, Florida Statutes, is amended to read:

569 501.607 Licensure of salespersons.—

570 (2) An application filed pursuant to this section must be
571 verified and be accompanied by:

572 (b) A fee for licensing in the amount of \$50 per
573 salesperson. The fee shall be deposited into the General
574 Inspection Trust Fund. The fee for licensing may be paid after
575 the application is filed, but must be paid within 14 days after
576 the applicant begins work as a salesperson. The department shall
577 waive the initial license fee for an honorably discharged
578 veteran of the United States Armed Forces, the spouse of such a



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579 veteran, or a business entity that has a majority ownership held
580 by such a veteran or spouse if the department receives an
581 application, in a format prescribed by the department, within 60
582 months after the date of the veteran's discharge from any branch
583 of the United States Armed Forces. To qualify for the waiver, a
584 veteran must provide to the department a copy of his or her DD
585 Form 214, as issued by the United States Department of Defense,
586 or another acceptable form of identification as specified by the
587 Department of Veterans' Affairs; the spouse of a veteran must
588 provide to the department a copy of the veteran's DD Form 214,
589 as issued by the United States Department of Defense, or another
590 acceptable form of identification as specified by the Department
591 of Veterans' Affairs, and a copy of a valid marriage license or
592 certificate verifying that he or she was lawfully married to the
593 veteran at the time of discharge; or a business entity must
594 provide to the department proof that a veteran or the spouse of
595 a veteran holds a majority ownership in the business, a copy of
596 the veteran's DD Form 214, as issued by the United States
597 Department of Defense, or another acceptable form of
598 identification as specified by the Department of Veterans'
599 Affairs, and, if applicable, a copy of a valid marriage license
600 or certificate verifying that the spouse of the veteran was
601 lawfully married to the veteran at the time of discharge.

602 Section 15. Subsection (3) of section 507.03, Florida
603 Statutes, is amended to read:

604 507.03 Registration.—

605 (3)(a) Registration fees shall be calculated at the rate of
606 \$300 per year per mover or moving broker. All amounts collected
607 shall be deposited by the Chief Financial Officer to the credit



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608 of the General Inspection Trust Fund of the department for the
609 sole purpose of administration of this chapter.

610 (b) The department shall waive the initial registration fee
611 for an honorably discharged veteran of the United States Armed
612 Forces, the spouse of such a veteran, or a business entity that
613 has a majority ownership held by such a veteran or spouse if the
614 department receives an application, in a format prescribed by
615 the department, within 60 months after the date of the veteran's
616 discharge from any branch of the United States Armed Forces. To
617 qualify for the waiver, a veteran must provide to the department
618 a copy of his or her DD Form 214, as issued by the United States
619 Department of Defense, or another acceptable form of
620 identification as specified by the Department of Veterans'
621 Affairs; the spouse of a veteran must provide to the department
622 a copy of the veteran's DD Form 214, as issued by the United
623 States Department of Defense, or another acceptable form of
624 identification as specified by the Department of Veterans'
625 Affairs, and a copy of a valid marriage license or certificate
626 verifying that he or she was lawfully married to the veteran at
627 the time of discharge; or a business entity must provide to the
628 department proof that a veteran or the spouse of a veteran holds
629 a majority ownership in the business, a copy of the veteran's DD
630 Form 214, as issued by the United States Department of Defense,
631 or another acceptable form of identification as specified by the
632 Department of Veterans' Affairs, and, if applicable, a copy of a
633 valid marriage license or certificate verifying that the spouse
634 of the veteran was lawfully married to the veteran at the time
635 of discharge.

636 Section 16. Subsection (3) of section 527.02, Florida



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637 Statutes, is amended to read:

638 527.02 License; penalty; fees.—

639 (3) (a) An Any applicant for an original license who submits
640 an whose application is submitted during the last 6 months of
641 the license year may have the original license fee reduced by
642 one-half for the 6-month period. This provision applies shall
643 apply only to those companies applying for an original license
644 and may shall not be applied to licensees who held a license
645 during the previous license year and failed to renew the
646 license. The department may refuse to issue an initial license
647 to an any applicant who is under investigation in any
648 jurisdiction for an action that would constitute a violation of
649 this chapter until such time as the investigation is complete.

650 (b) The department shall waive the initial license fee for
651 an honorably discharged veteran of the United States Armed
652 Forces, the spouse of such a veteran, or a business entity that
653 has a majority ownership held by such a veteran or spouse if the
654 department receives an application, in a format prescribed by
655 the department, within 60 months after the date of the veteran's
656 discharge from any branch of the United States Armed Forces. To
657 qualify for the waiver, a veteran must provide to the department
658 a copy of his or her DD Form 214, as issued by the United States
659 Department of Defense or another acceptable form of
660 identification as specified by the Department of Veterans'
661 Affairs; the spouse of a veteran must provide to the department
662 a copy of the veteran's DD Form 214, as issued by the United
663 States Department of Defense, or another acceptable form of
664 identification as specified by the Department of Veterans'
665 Affairs, and a copy of a valid marriage license or certificate



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666 verifying that he or she was lawfully married to the veteran at
667 the time of discharge; or a business entity must provide to the
668 department proof that a veteran or the spouse of a veteran holds
669 a majority ownership in the business, a copy of the veteran's DD
670 Form 214, as issued by the United States Department of Defense,
671 or another acceptable form of identification as specified by the
672 Department of Veterans' Affairs, and, if applicable, a copy of a
673 valid marriage license or certificate verifying that the spouse
674 of the veteran was lawfully married to the veteran at the time
675 of discharge.

676 Section 17. Subsection (4) of section 527.021, Florida
677 Statutes, is amended to read:

678 527.021 Registration of transport vehicles.—

679 ~~(4) An inspection fee of \$50 shall be assessed for each~~
680 ~~registered vehicle inspected by the department pursuant to s.~~
681 ~~527.061. All inspection fees collected in connection with this~~
682 ~~section shall be deposited in the General Inspection Trust Fund~~
683 ~~for the purpose of administering the provisions of this chapter.~~

684 Section 18. Subsection (1) of section 531.37, Florida
685 Statutes, is amended to read:

686 531.37 Definitions.—As used in this chapter:

687 (1) "Weights and measures" means all weights and measures
688 of every kind, instruments, and devices for weighing and
689 measuring, and any appliance and accessories associated with any
690 or all such instruments and devices, excluding those weights and
691 measures used for the purpose of inspecting the accuracy of
692 devices used in conjunction with aviation fuel.

693 Section 19. Subsections (1) and (2) of section 531.415,
694 Florida Statutes, are amended to read:



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695 531.415 Fees.—

696 (1) The department shall charge and collect fees of not
697 more than the following ~~fees~~ for actual metrology laboratory
698 calibration and testing services rendered:

699 (a) For each mass standard that is tested or certified to
700 meet tolerances less stringent than American National Standards
701 Institute/American Society for Testing and Materials (ANSI/ASTM)
702 Standard E617 Class 4, ~~the department shall charge a fee of not~~
703 ~~more than:~~

704 Weight	Fee/Unit
705 0 - 2 lb.	\$6
706 3 - 10 lb.	\$8
707 11 - 50 lb.	\$12
708 51 - 500 lb.	\$20
709 501 - 1000 lb.	\$30
710 1001 - 2500 lb.	\$40
711 2501 - 5000 lb.	\$50

712 (b) For each mass standard that is tested or certified to
713 meet ANSI/ASTM Standard Class 4 or National Institute of
714 Standards and Technology Class P tolerances, ~~the department~~
715 ~~shall charge a fee of not more than:~~

716 Weight	Fee/Unit
717 0 - 10 lb.	\$20
718 11 - 50 lb.	\$30
719 51 - 500 lb.	\$40
720 501 - 1000 lb.	\$50
721 1001 - 2500 lb.	\$60
722 2501 - 5000 lb.	\$75

723 (c) For each mass standard that is calibrated to determine



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724 actual mass or apparent mass values, ~~the department shall charge~~
725 ~~a fee of not more than:~~

726	Weight	Fee/Unit
727	0 - 20 lb.	\$40
728	21 - 50 lb.	\$50
729	51 - 1000 lb.	\$70
730	1001 - 2500 lb.	\$150
731	2501 - 5000 lb.	\$250

732 (d) For each volumetric flask, graduate, or test measure,
733 ~~the department shall charge a fee of not more than:~~

734	Vessel	Fee/Test Point
735	0 - 5 gal.	\$35
736	Over 5 gal.	Plus \$0.75 for each additional gallon

737 ~~(e) For each linear measure that is tested or certified,~~
738 ~~the department shall charge a fee of not more than \$75.~~

739 ~~(e)(f) For each linear measure test that is calibrated to~~
740 ~~determine actual values, the department shall charge a fee of~~
741 ~~\$75 not more than \$100.~~

742 ~~(g) For each liquid-in-glass or electronic thermometer that~~
743 ~~is tested or certified, the department shall charge a fee of not~~
744 ~~more than \$50.~~

745 ~~(f)(h) For each temperature measuring device, liquid-in-~~
746 ~~glass or electronic thermometer that is calibrated to determine~~
747 ~~actual values, the department shall charge a fee of \$50 not more~~
748 ~~than \$100.~~

749 ~~(g)(i) For each special test or special preparation, the~~
750 ~~department shall charge a fee of not more than \$50 per hour.~~

751 (2) Each fee is payable to the department at the time the
752 testing is done, regardless of whether the item tested is



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753 certified. The department may refuse to accept for testing any
754 item deemed by the department to be unsuitable for its intended
755 use or not to be in a condition ready for testing. The
756 department shall deposit all fees collected under this section
757 into the General Inspection Trust Fund.

758 Section 20. Section 531.60, Florida Statutes, is amended to
759 read:

760 531.60 Permit for commercially operated or tested weights
761 or measures instrument or devices.—

762 (1) A weights and measures instrument or device may not
763 operate or be used for commercial purposes, as defined by
764 department rule, within this state without first being permitted
765 through a valid commercial use permit issued by the department
766 to the person who owns the weights and measures device, unless
767 exempted as provided in s. 531.61. Such permit applies only to
768 the specific location and instrument types or device types
769 listed on for which the permit was issued. However, the
770 department may allow such permit to be applicable to a
771 replacement for the original instrument or device.

772 (2) If ownership of a business ~~an instrument or device~~ for
773 which a permit has been issued changes and the instruments or
774 devices affected by the permit ~~instrument or device~~:

775 (a) Remain ~~Remains~~ in the same location, the permit
776 transfers to the new owner and remains in effect until its
777 original expiration date. Within 30 days after the change in
778 ownership, the new owner shall notify the department of the
779 change and provide the pertinent information regarding the
780 change in ownership and an updated replacement permit shall be
781 issued if needed.



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782 (b) Move ~~Moves~~ to a new location, the permit automatically
783 expires and a new permit must be applied for by the new owner of
784 the instruments or devices issued which will expire 1 year
785 following the date of issuance.

786 (3) A person who holds a permit that has been issued under
787 this section must notify the department within 30 days after a
788 change in permit status or if a permit will not be renewed due
789 to the termination in use or removal of all weighing and
790 measuring instruments or devices from the permitted location
791 ~~Weights and measures instruments or devices that are not used~~
792 ~~commercially may be tested by the department under this chapter~~
793 ~~only if they are permitted and appropriate fees paid as~~
794 ~~prescribed by this section and adopted rules.~~

795 Section 21. Section 531.61, Florida Statutes, is amended to
796 read:

797 531.61 Exemptions from permit requirement.—Commercial
798 weights or measures instruments or devices are exempt from the
799 ~~permit~~ requirements of ss. 531.60-531.66 if:

800 (1) The device is a taximeter that is licensed, permitted,
801 or registered by a municipality, county, or other local
802 government and is tested for accuracy and compliance with state
803 standards by the local government in cooperation with the state
804 as authorized in s. 531.421.

805 (2) The device is used exclusively for weighing railroad
806 cars and is tested for accuracy and compliance with state
807 standards by a private testing agency.

808 (3) The device is used exclusively for measuring aviation
809 fuel or petroleum products inspected under chapter 525.

810 Section 22. Subsections (1), (2), and (4) of section



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811 531.62, Florida Statutes, are amended to read:

812 531.62 Permit application and renewal.—

813 (1) An application for a ~~weights and measures~~ commercial
814 use permit shall be submitted to the department on a form
815 prescribed and furnished by the department and must contain such
816 information as the department may require by rule.

817 (2) The application must be accompanied by a fee in an
818 amount determined by the number and types of instruments or
819 devices covered by the permit as provided by department rule.
820 However, the fee for each instrument or device listed on the
821 permit may not exceed the maximum limits set forth in s. 531.63.

822 (4) A permit expires 2 years ~~1-year~~ following its date of
823 issue and must be renewed biennially ~~annually~~. If a complete an
824 application package for renewal is not received by the
825 department before the permit expires ~~within 30 days after its~~
826 ~~due date~~, a late fee of up to \$100 must be paid in addition to
827 the ~~annual~~ commercial use permit fee. However, a person may
828 elect to renew a commercial use permit on an annual basis rather
829 than a biennial basis. An annual renewal must meet the same
830 requirements and conditions as a biennial renewal.

831 Section 23. Paragraph (a) of subsection (1) and subsection
832 (2) of section 531.63, Florida Statutes, are amended to read:

833 531.63 Maximum permit fees.—The commercial use permit fees
834 established for weights or measures instruments or devices shall
835 be in an amount necessary to administer this chapter but may not
836 exceed the amounts provided in this section.

837 (1) For weighing devices, the fees must be based on the
838 manufacturer's rated capacity or the device's design and use and
839 whether measuring by inch or pounds or the metric equivalent:



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840 (a) For weighing devices of up to and including the 100-
841 pound capacity which are used during any portion of the period
842 covered by the permit, the maximum annual fees per category of
843 device ~~retail establishment~~ may not exceed the following:

844	Number of devices	
845	in a single <u>category</u> retail	
846	establishment	Maximum Fee
847	1 to 5	\$60
848	6 to 10	\$150
849	11 to 30	\$200
850	More than 30	\$300

851 (2) For other measuring devices, the annual permit fees per
852 device may not exceed the following:

853 (a) Mass flow meters having a maximum flow rate of up to
854 150 pounds per minute.....\$100.
855 This includes all mass flow meters used to dispense compressed
856 and liquefied natural gas for retail sale.

857 (b) Mass flow meters having a maximum flow rate greater
858 than 150 pounds per minute.....\$500.

859 (c) Volumetric flow meters having a maximum flow rate of up
860 to 20 gallons per minute.....\$50.
861 This includes all devices used to dispense diesel exhaust fluid
862 for retail sale.

863 (d) Volumetric flow meters having a maximum flow rate
864 greater than 20 gallons per minute.....\$100.

865 (e) Tanks, under 500 gallons capacity, used as measure
866 containers, with or without gage rods or markers.....\$100.

867 (f) Tanks, 500 or more gallons capacity, used as measure
868 containers, with or without gage rods or markers.....\$200.



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- 869 (g) Taximeters.....\$50.
- 870 ~~(h) Grain moisture meters.....\$25.~~
- 871 (h)~~(i)~~ Multiple-dimension measuring
- 872 devices.....\$100.
- 873 (i) Liquefied petroleum gas bulk delivery vehicles with a
- 874 meter owned or leased by a liquefied petroleum gas licensee.\$150.

875 Section 24. Section 531.65, Florida Statutes, is amended to
876 read:

877 531.65 Unauthorized use; penalties.—If a weights or
878 measures instrument or device is used commercially without a
879 valid commercial use permit, the department may do one or more
880 of the following:

881 (1) Prohibit the further commercial use of the unpermitted
882 instrument or device until the proper permit has been issued.~~†~~

883 (2) Employ and attach to the instrument or device such
884 form, notice, tag, or seal to prevent the continued unauthorized
885 use of the instrument or device.~~†~~

886 (3) In addition to the permit fees prescribed by rule for
887 the commercial use of a weights and measures instrument or
888 device, assess the late fee authorized under s. 531.62.~~†~~ ~~or~~

889 (4) Impose penalties as prescribed in s. 531.50 in addition
890 to the payment of appropriate permit fees for the commercial use
891 of a weights and measures instrument or device.

892 Section 25. Paragraph (c) of subsection (3) of section
893 539.001, Florida Statutes, is amended to read:

894 539.001 The Florida Pawnbroking Act.—

895 (3) LICENSE REQUIRED.—

896 (c) Each license is valid for a period of 1 year unless it
897 is earlier relinquished, suspended, or revoked. Each license



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898 shall be renewed annually, and each licensee shall, initially
899 and annually thereafter, pay to the agency a license fee of \$300
900 for each license held. The agency shall waive the initial
901 license fee for an honorably discharged veteran of the United
902 States Armed Forces, the spouse of such a veteran, or a business
903 entity that has a majority ownership held by such a veteran or
904 spouse if the agency receives an application, in a format
905 prescribed by the agency, within 60 months after the date of the
906 veteran's discharge from any branch of the United States Armed
907 Forces. To qualify for the waiver, a veteran must provide to the
908 agency a copy of his or her DD Form 214, as issued by the United
909 States Department of Defense, or another acceptable form of
910 identification as specified by the Department of Veterans'
911 Affairs; the spouse of a veteran must provide to the agency a
912 copy of the veteran's DD Form 214, as issued by the United
913 States Department of Defense, or another acceptable form of
914 identification as specified by the Department of Veterans'
915 Affairs, and a copy of a valid marriage license or certificate
916 verifying that he or she was lawfully married to the veteran at
917 the time of discharge; or a business entity must provide to the
918 agency proof that a veteran or the spouse of a veteran holds a
919 majority ownership in the business, a copy of the veteran's DD
920 Form 214, as issued by the United States Department of Defense,
921 or another acceptable form of identification as specified by the
922 Department of Veterans' Affairs, and, if applicable, a copy of a
923 valid marriage license or certificate verifying that the spouse
924 of the veteran was lawfully married to the veteran at the time
925 of discharge.

926 Section 26. Subsection (3) of section 559.904, Florida



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927 Statutes, is amended to read:

928 559.904 Motor vehicle repair shop registration;
929 application; exemption.—

930 (3) (a) Each application for registration must be
931 accompanied by a registration fee calculated on a per-year basis
932 as follows:

933 1. ~~(a)~~ If the place of business has 1 to 5 employees: \$50.

934 2. ~~(b)~~ If the place of business has 6 to 10 employees: \$150.

935 3. ~~(c)~~ If the place of business has 11 or more employees:
936 \$300.

937 (b) The department shall waive the initial registration fee
938 for an honorably discharged veteran of the United States Armed
939 Forces, the spouse of such a veteran, or a business entity that
940 has a majority ownership held by such a veteran or spouse if the
941 department receives an application, in a format prescribed by
942 the department, within 60 months after the date of the veteran's
943 discharge from any branch of the United States Armed Forces. To
944 qualify for the waiver, a veteran must provide to the department
945 a copy of his or her DD Form 214, as issued by the United States
946 Department of Defense, or another acceptable form of
947 identification as specified by the Department of Veterans'
948 Affairs; the spouse of a veteran must provide to the department
949 a copy of the veteran's DD Form 214, as issued by the United
950 States Department of Defense, or another acceptable form of
951 identification as specified by the Department of Veterans'
952 Affairs, and a copy of a valid marriage license or certificate
953 verifying that he or she was lawfully married to the veteran at
954 the time of discharge; or a business entity must provide to the
955 department proof that a veteran or the spouse of a veteran holds



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956 a majority ownership in the business, a copy of the veteran's DD
957 Form 214, as issued by the United States Department of Defense
958 or another acceptable form of identification as specified by the
959 Department of Veterans' Affairs, and, if applicable, a copy of a
960 valid marriage license or certificate verifying that the spouse
961 of the veteran was lawfully married to the veteran at the time
962 of discharge.

963 Section 27. Section 559.9191, Florida Statutes, is created
964 to read:

965 559.9191 Reimbursement from insurers.-

966 (1) A motor vehicle repair shop may not directly seek
967 reimbursement, payment, or benefits from an insurer unless all
968 of the following conditions are satisfied:

969 (a) The insurer consents to the repairs.

970 (b) The customer under whose insurance policy the repairs
971 will be made signs a document containing the following language
972 in at least 16-point, boldfaced type: "I UNDERSTAND THAT A MOTOR
973 VEHICLE REPAIR SHOP MAY SEEK REIMBURSEMENT FOR THEIR SERVICES
974 FROM ANOTHER PARTY, SUCH AS MY INSURANCE COMPANY. I UNDERSTAND
975 THAT IF THIS DAMAGE IS NOT COVERED BY MY INSURANCE POLICY, THE
976 MOTOR VEHICLE REPAIR SHOP MAY SEEK REIMBURSEMENT FROM ME,
977 PERSONALLY."

978 (c) The motor vehicle repair shop seeks reimbursement only
979 for services detailed in the repair invoice required in s.
980 559.911.

981 (2) At least 15 business days prior to the initiation of
982 civil litigation or arbitration to enforce the payment of
983 benefits assigned, granted, or otherwise transferred by the
984 insured customer to the motor vehicle repair shop, the shop



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985 shall obtain written consent from the customer. The consent
986 form, which must be signed by the customer and provided to the
987 insurer at least 7 business days before the initiation of
988 litigation, must contain the following statement in 18-point,
989 boldfaced type: "THIS CONTRACT ALLOWS ... (NAME OF COMPANY)... TO
990 FILE A LAWSUIT TO SEEK BENEFITS ASSOCIATED WITH YOUR INSURANCE
991 POLICY. YOUR WRITTEN CONSENT IS REQUIRED FOR THE FILING OF SUCH
992 A LAWSUIT TO ENFORCE POST-CLAIM BENEFITS UNDER YOUR INSURANCE
993 POLICY. BY SIGNING THIS FORM, YOU AGREE THAT ... (NAME OF
994 COMPANY)... HAS THE RIGHT TO FILE A LAWSUIT FOR THESE INSURANCE
995 BENEFITS."

996 Section 28. Subsections (1), (7), (8), (10), (11), and (13)
997 of section 559.927, Florida Statutes, are amended to read:

998 559.927 Definitions.—For the purposes of this part, the
999 term:

1000 (1) "Accommodations" means any hotel or motel room,
1001 condominium or cooperative unit, cabin, lodge, or apartment; any
1002 other commercial structure designed for occupancy by one or more
1003 individuals; or any lodging establishment as provided by law.
1004 The term does not include long-term home rentals covered under a
1005 lease pursuant to chapter 83.

1006 (7) "Prearranged travel ~~or~~, tourist-related services, ~~or~~
1007 ~~tour-guide services~~" includes, but is not limited to, car
1008 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other
1009 such services that ~~which~~ are reasonably related to air, sea,
1010 rail, motor coach, or other medium of transportation, or
1011 accommodations for which a purchaser receives a premium or
1012 contracts or pays before ~~prior to~~ or after departure. This term
1013 ~~These terms~~ also includes ~~include~~ services for which a



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1014 purchaser, whose legal residence is outside the United States,
1015 contracts or pays before ~~prior to~~ departure, and any arrangement
1016 by which a purchaser prepays for, receives a reservation or any
1017 other commitment to provide services before ~~prior to~~ departure
1018 for, or otherwise arranges for travel directly to a terrorist
1019 state and which originates in Florida.

1020 (8) "Purchaser" means the purchaser of, or person otherwise
1021 entitled to receive, prearranged travel or, ~~tourist-related~~
1022 ~~services, or tour-guide services,~~ for a fee or commission, or
1023 who has acquired a vacation certificate for personal use.

1024 (10) "Satisfactory consumer complaint history" means no
1025 unresolved complaints regarding prearranged travel or, ~~tourist-~~
1026 ~~related services, or tour-guide services~~ are on file with the
1027 department. A complaint is unresolved when a seller of travel
1028 does not respond to the department's efforts to mediate the
1029 complaint or a complaint where the department has determined
1030 that a violation of this part has occurred and the complainant
1031 ~~complaint~~ has not been satisfied by the seller of travel.

1032 (11) "Seller of travel" means any resident or nonresident
1033 person, firm, corporation, or business entity that ~~who~~ offers
1034 ~~for sale, directly or indirectly, at wholesale or retail,~~
1035 prearranged travel or, ~~tourist-related services, or tour-guide~~
1036 ~~services~~ for individuals or groups, including, but not limited
1037 to, vacation ~~or tour~~ packages, or vacation certificates in
1038 exchange for a fee, commission, or other valuable consideration.
1039 The term includes such person, firm, corporation, or business
1040 entity who sells a vacation certificate to third-party merchants
1041 for a fee, or in exchange for a commission, or who offers such
1042 certificates to consumers in exchange for attendance at sales



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1043 presentations. The term also includes any business entity
1044 offering membership in a travel club or travel services for an
1045 advance fee or payment, even if no travel contracts or
1046 certificates or vacation or tour packages are sold by the
1047 business entity. The term does not include third parties who may
1048 offer prearranged travel or tourist-related services, but do not
1049 participate in travel fulfillment or vacation certificate
1050 redemption.

1051 (13) "Vacation certificate" means any arrangement, plan,
1052 program, ~~or~~ vacation package, or advance travel purchase that
1053 promotes, discusses, or discloses a destination or itinerary or
1054 type of travel, whereby a purchaser ~~for consideration paid in~~
1055 ~~advance~~ is entitled to the use of travel, accommodations, or
1056 facilities for any number of days, whether certain or uncertain,
1057 during the period in which the certificate can be exercised, and
1058 no specific date or dates for its use are designated. A vacation
1059 certificate does not include prearranged travel or, tourist-
1060 related services, ~~or tour-guide services~~ when a seller of travel
1061 remits full payment for the cost of such services to the
1062 provider or supplier within 10 business days of the purchaser's
1063 initial payment to the seller of travel. The term does not
1064 include travel if exact travel dates are selected, guaranteed,
1065 and paid for at the time of the purchase.

1066 Section 29. Subsections (2) through (9) of section 559.928,
1067 Florida Statutes, are amended to read:

1068 559.928 Registration.—

1069 (2) (a) Registration fees shall be as follows:

1070 1. Three hundred dollars per year per registrant certifying
1071 its business activities under s. 559.9285(1) (a).



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1072 2. One thousand dollars per year per registrant certifying
1073 its business activities under s. 559.9285(1) (b).

1074 3. Twenty-five hundred dollars per year per registrant
1075 certifying its business activities under s. 559.9285(1) (c).

1076 (b) All amounts collected shall be deposited by the Chief
1077 Financial Officer to the credit of the General Inspection Trust
1078 Fund of the Department of Agriculture and Consumer Services
1079 pursuant to s. 570.20, for the sole purpose of administration of
1080 this part.

1081 (c) The department shall waive the initial registration fee
1082 for an honorably discharged veteran of the United States Armed
1083 Forces, the spouse of such a veteran, or a business entity that
1084 has a majority ownership held by such a veteran or spouse if the
1085 department receives an application, in a format prescribed by
1086 the department, within 60 months after the date of the veteran's
1087 discharge from any branch of the United States Armed Forces. To
1088 qualify for the waiver, a veteran must provide to the department
1089 a copy of his or her DD Form 214, as issued by the United States
1090 Department of Defense, or another acceptable form of
1091 identification as specified by the Department of Veterans'
1092 Affairs; the spouse of a veteran must provide to the department
1093 a copy of the veteran's DD Form 214, as issued by the United
1094 States Department of Defense, or another acceptable form of
1095 identification as specified by the Department of Veterans'
1096 Affairs, and a copy of a valid marriage license or certificate
1097 verifying that he or she was lawfully married to the veteran at
1098 the time of discharge; or a business entity must provide to the
1099 department proof that a veteran or the spouse of a veteran holds
1100 a majority ownership in the business, a copy of the veteran's DD



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1101 Form 214, as issued by the United States Department of Defense,
1102 or another acceptable form of identification as specified by the
1103 Department of Veterans' Affairs, and, if applicable, a copy of a
1104 valid marriage license or certificate verifying that the spouse
1105 of the veteran was lawfully married to the veteran at the time
1106 of discharge.

1107 (3) Each independent agent shall annually file an
1108 application affidavit with the department before ~~prior to~~
1109 engaging in business in this state. This application affidavit
1110 must include the independent agent's full name, legal business
1111 or trade name, mailing address, business address, telephone
1112 number, and the name and address of each seller of travel
1113 represented by the independent agent. A letter evidencing proof
1114 of filing must be issued by the department and must be
1115 prominently displayed in the independent agent's primary place
1116 of business. Each independent agent must also submit an annual
1117 registration fee of \$50. All moneys collected pursuant to the
1118 imposition of the fee shall be deposited by the Chief Financial
1119 Officer into the General Inspection Trust Fund of the Department
1120 of Agriculture and Consumer Services for the sole purpose of
1121 administrating this part. As used in this subsection, the term
1122 "independent agent" means a person who represents a seller of
1123 travel by soliciting persons on its behalf; who has a written
1124 contract with a seller of travel which is operating in
1125 compliance with this part and any rules adopted thereunder; who
1126 does not receive a fee, commission, or other valuable
1127 consideration directly from the purchaser for the seller of
1128 travel; who does not at any time have any unissued ticket stock
1129 or travel documents in his or her possession; and who does not



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1130 have the ability to issue tickets, vacation certificates, or any
1131 other travel document. The term "independent agent" does not
1132 include an affiliate of the seller of travel, as that term is
1133 used in s. 559.935(3), or the employees of the seller of travel
1134 or of such affiliates.

1135 (4) A ~~Any~~ person applying for or renewing a local business
1136 tax receipt to engage in business as a seller of travel must
1137 exhibit a current registration certificate from the department
1138 before the local business tax receipt may be issued or reissued.

1139 (5) Each contract, advertisement, certificate, or travel
1140 document of a seller of travel must include the phrase "... (NAME
1141 OF FIRM)... is registered with the State of Florida as a Seller
1142 of Travel. Registration No....."

1143 ~~(6) Each advertisement of a seller of travel must include~~
1144 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

1145 ~~(6)~~ (7) A ~~No~~ registration is not ~~shall be~~ valid for any
1146 seller of travel transacting business at any place other than
1147 that designated in its application, unless the department is
1148 first notified in writing in advance of any change of location.
1149 A ~~Nor shall the~~ registration is not ~~be~~ valid for an affiliate of
1150 the seller of travel who engages in the prearranged travel and
1151 tourist business. A registration issued under this part may
1152 ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not
1153 be permitted to conduct business under more than one name except
1154 as registered. A seller of travel desiring to change its
1155 registered name or location or designated agent for service of
1156 process at a time other than upon renewal of registration shall
1157 notify the department of such change.

1158 ~~(7)~~ (8) Applications under this section are ~~shall be~~ subject



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1159 to ~~the provisions of~~ s. 120.60.

1160 ~~(8)-(9)~~ The department may deny, ~~or~~ refuse to renew, or
1161 revoke the registration of any seller of travel based upon a
1162 determination that the seller of travel, or any of its
1163 directors, officers, owners, or general partners while acting on
1164 behalf of the seller of travel:

1165 (a) Has failed to meet the requirements for registration as
1166 provided in this part;

1167 (b) Has been convicted of a crime involving fraud, theft,
1168 embezzlement, dishonest dealing, or any other act of moral
1169 turpitude or any other act arising out of conduct as a seller of
1170 travel;

1171 (c) Has not satisfied a civil fine or penalty arising out
1172 of any administrative or enforcement action brought by any
1173 governmental agency or private person based upon conduct
1174 involving fraud, theft, embezzlement, dishonest dealing, or any
1175 violation of this part; or

1176 ~~(d) Has pending against her or him any criminal,~~
1177 ~~administrative, or enforcement proceedings in any jurisdiction,~~
1178 ~~based upon conduct involving fraud, dishonest dealing, or any~~
1179 ~~other act of moral turpitude; or~~

1180 ~~(d)-(e)~~ Has had a judgment entered against her or him in any
1181 action brought by the department or the Department of Legal
1182 Affairs pursuant to ss. 501.201-501.213 or this act part.

1183 (9) The department may deny or refuse to renew the
1184 registration of any seller of travel based upon a determination
1185 by the department that the seller of travel, or any of the
1186 seller's directors, officers, owners, or general partners has
1187 pending against him or her while acting on behalf of the seller



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1188 of travel any criminal, administrative, or enforcement
1189 proceedings in any jurisdiction, based upon conduct involving
1190 fraud, theft, embezzlement, dishonest dealing, or any other act
1191 of moral turpitude.

1192 Section 30. Subsections (2) through (6) of section 559.929,
1193 Florida Statutes, are amended to read:

1194 559.929 Security requirements.—

1195 (2) The bond must be filed with the department on a form
1196 adopted by department rule and must be in favor of the
1197 department for the use and benefit of a consumer ~~traveler~~ who is
1198 injured by the fraud, misrepresentation, breach of contract, or
1199 financial failure, or any other violation of this part by the
1200 seller of travel. Such liability may be enforced by proceeding
1201 in an administrative action as specified in subsection (3) or by
1202 filing a civil action. ~~However, in such civil action the bond~~
1203 ~~posted with the department shall not be amenable or subject to a~~
1204 ~~judgment or other legal process issuing out of or from such~~
1205 ~~court in connection with such civil action, but such bond shall~~
1206 ~~be amenable to and enforceable only by and through~~
1207 ~~administrative proceedings before the department. It is the~~
1208 ~~intent of the Legislature that such bond be applicable and~~
1209 ~~liable only for the payment of claims duly adjudicated by order~~
1210 ~~of the department.~~ The bond must be open to successive claims,
1211 but the aggregate amount awarded may not exceed the amount of
1212 the bond. In addition to the foregoing, a bond provided by a
1213 registrant or applicant for registration which certifies its
1214 business activities under s. 559.9285(1)(b) or (c) must be in
1215 favor of the department, with payment in the following order of
1216 priority:



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1217 (a) The expenses for prosecuting the registrant or
1218 applicant in an administrative or civil action under this part,
1219 including attorney fees and fees for other professionals, court
1220 costs or other costs of the proceedings, and all other expenses
1221 incidental to the action.

1222 (b) The costs and expenses of investigation before the
1223 commencement of an administrative or civil action under this
1224 part.

1225 (c) An unpaid administrative fine imposed by final order or
1226 an unpaid civil penalty imposed by final judgment under this
1227 part.

1228 (d) Damages or compensation for a consumer ~~traveler~~ injured
1229 as provided in this subsection.

1230 (3) A consumer ~~traveler~~ may file a claim against the bond.
1231 Such claim, which must be submitted in writing on an affidavit
1232 form adopted by department rule, must be submitted to the
1233 department within 120 days after an alleged injury has occurred
1234 or is discovered to have occurred or a judgment has been
1235 entered. The proceedings shall be conducted pursuant to chapter
1236 120. For proceedings conducted pursuant to ss. 120.569 and
1237 120.57, the agency shall act only as a nominal party.

1238 (4) A consumer who is injured by the applicant, or the
1239 department or another governmental agency acting on behalf of
1240 the injured consumer, may bring and maintain an action to
1241 recover against the bond.

1242 (5) Any indebtedness determined by final order of the
1243 department shall be paid by the seller of travel to the
1244 department within 30 days after the order is entered for
1245 disbursement to the consumer. If the seller of travel fails to



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1246 make payment within 30 days, the agency shall make a demand for
1247 payment upon the surety which includes an institution issuing a
1248 letter of credit or depository on a certificate of deposit. Upon
1249 failure of a surety to comply with a demand for payment pursuant
1250 to a final order, the department may file an action in circuit
1251 court to recover payment, up to the amount of the bond or other
1252 form of security, pursuant to s. 120.69. If the department
1253 prevails, the department may recover court costs and reasonable
1254 attorney fees.

1255 (6)~~(5)~~ If the seller of travel is currently the subject of
1256 an administrative, civil, or criminal action by the department,
1257 the Department of Legal Affairs, or the state attorney relating
1258 to compliance with this part, the right to proceed against the
1259 bond as provided in subsection (3) is suspended until any
1260 enforcement action becomes final.

1261 (7)~~(6)~~ The department may waive the bond requirement on an
1262 annual basis if the seller of travel has had 5 or more
1263 consecutive years of experience as a seller of travel in this
1264 state in compliance with this part, has not had a civil,
1265 criminal, or administrative action instituted against the seller
1266 of travel in the vacation and travel business by a governmental
1267 agency or an action involving fraud, theft, misappropriation of
1268 property, violation of a statute pertaining to business or
1269 commerce with a terrorist state, ~~or~~ moral turpitude, or other
1270 violation of this part and has a satisfactory consumer complaint
1271 history with the department, and certifies its business
1272 activities under s. 559.9285. Such waiver may be revoked if the
1273 seller of travel violates this part. A seller of travel which
1274 certifies its business activities under s. 559.9285(1)(b) or (c)



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1275 is not entitled to the waiver provided in this subsection.

1276 Section 31. Subsections (2) and (17) of section 559.9295,
1277 Florida Statutes, are amended to read:

1278 559.9295 Submission of vacation certificate documents.—
1279 Sellers of travel who offer vacation certificates must submit
1280 and disclose to the department with the application for
1281 registration, and any time such document is changed, but prior
1282 to the sale of any vacation certificate, the following
1283 materials:

1284 (2) A copy of each promotional brochure, pamphlet, form
1285 letter, registration form, or any other written material
1286 disseminated in connection with the advertising, promotion, or
1287 sale of any vacation certificate. Any such promotional materials
1288 that include terms such "free," "awarded," "prize," "absolutely
1289 without charge," and "free of charge," or similar words or
1290 groups of words, which might reasonably lead a person to believe
1291 that he or she may receive, or has been selected to receive,
1292 something of value without making full or partial compensation
1293 in any form from the recipient must:

1294 (a) Clearly and conspicuously display the following
1295 disclosure in at least 12-point type: "... (NAME OF FIRM) ... is
1296 registered with the State of Florida as a seller of travel,
1297 Registration No... THIS IS NOT A FREE OFFER. SEE TERMS AND
1298 CONDITIONS VIA WWW. (OFFER WEBSITE).COM. RESPONSE TO THIS OFFER
1299 DOES NOT GUARANTEE TRAVEL." The offer website referred to in the
1300 disclosure must include, and clearly indicate, the terms and
1301 conditions for such a vacation certificate offer.

1302 (b) Disclose the number of individuals who actually
1303 traveled pursuant to the vacation certificate, as opposed to the



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1304 number of individuals who submitted or otherwise activated the
1305 vacation certificate, in the 12 months preceding issuance of the
1306 promotional material.

1307 ~~(17) Within 10 working days after receipt of any materials~~
1308 ~~submitted subsequent to filing an initial registration~~
1309 ~~application or any annual renewal thereof, the department shall~~
1310 ~~determine whether such materials are adequate to meet the~~
1311 ~~requirements of this section. The department shall notify the~~
1312 ~~seller of travel that materials submitted are in substantial~~
1313 ~~compliance, or shall notify the seller of travel of any specific~~
1314 ~~deficiencies. If the department fails to notify the seller of~~
1315 ~~travel of its determination within the period specified in this~~
1316 ~~subsection, the materials shall be deemed in compliance;~~
1317 ~~however, the failure of the department to send notification in~~
1318 ~~either case will not relieve the seller of travel from the duty~~
1319 ~~of complying with this section.~~

1320
1321 Neither the submission of these materials nor the department's
1322 response implies approval, recommendation, or endorsement by the
1323 department or that the contents of said materials have been
1324 verified by the department.

1325 Section 32. Section 559.932, Florida Statutes, is amended
1326 to read:

1327 559.932 Vacation certificate disclosure.—

1328 (1) ~~A It shall be unlawful for any seller of travel must to~~
1329 ~~fail to~~ provide each person solicited with a contract that
1330 includes which shall include the following information, which
1331 shall be in 12-point type, unless otherwise specified:

1332 (a) A space for the date, name, address, and signature of



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1333 the purchaser.

1334 (b) The expiration date of the vacation certificate and the
1335 terms and conditions of its extension or renewal, if available.

1336 (c) The name and business address of any seller of travel
1337 who may solicit vacation certificate purchasers for further
1338 purchases, and a full and complete statement as to the nature
1339 and method of that solicitation.

1340 (d) The total financial obligation of the purchaser which
1341 shall include the initial purchase price and any additional
1342 charges to which the purchaser may be subject, including, but
1343 not limited to, any per diem, seasonal, reservation, or
1344 recreational charge.

1345 (e) The name and street address of any person who has the
1346 right to alter, amend, or add to the charges to which the
1347 purchaser may be subject and the terms and conditions under
1348 which such charges may be imposed.

1349 (f) If any accommodation or facility which a purchaser
1350 acquires the right to use pursuant to the vacation certificate
1351 is not completed at the time the certificate is offered for
1352 sale, the date of availability of each component of the
1353 accommodation or facility.

1354 (g) By means of a section entitled "terms and conditions":

1355 1. All eligibility requirements for use of the vacation
1356 certificate, including, but not limited to, age, sex, marital
1357 status, group association, residency, or geographic limitations.

1358 2. All eligibility requirements for use of any discount or
1359 complimentary coupon or ticket.

1360 3. A statement as to whether transportation and meals are
1361 provided pursuant to use of the certificate.



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1362 4. Any room deposit requirement, including all conditions
1363 for its return or refund.

1364 5. The manner in which reservation requests are to be made
1365 and the method by which they are to be confirmed.

1366 6. Any identification, credential, or other means by which
1367 a purchaser must establish her or his entitlement to the rights,
1368 benefits, or privileges of the vacation certificate.

1369 7. Any restriction or limitation upon transfer of the
1370 vacation certificate or any right, benefit, or privilege
1371 thereunder.

1372 8. Any other term, limitation, condition, or requirement
1373 material to use of the vacation certificate or any right,
1374 benefit, or privilege thereunder.

1375 (h) In immediate proximity to the space reserved in the
1376 contract for the date and the name, address, and signature of
1377 the purchaser, the following statement in boldfaced type of a
1378 size of 10 points:

1379
1380 "YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR
1381 OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT
1382 OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER."

1383 "YOU MAY ALSO CANCEL THIS CONTRACT IF ACCOMMODATIONS OR
1384 FACILITIES ARE NOT AVAILABLE PURSUANT TO A REQUEST FOR USE AS
1385 PROVIDED IN THE CONTRACT."

1386 "TO CANCEL THIS AGREEMENT, A SIGNED AND DATED COPY OF A
1387 STATEMENT THAT YOU ARE CANCELING THE AGREEMENT SHOULD BE MAILED
1388 AND POSTMARKED, OR DELIVERED TO ... (NAME) ... AT ... (ADDRESS) ...
1389 NO LATER THAN MIDNIGHT OF (DATE)"

1390 ~~"IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN~~



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1391 ~~WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE~~
1392 ~~AND SENDING NOTICE TO: ... (NAME OF SELLER) ... AT ... (SELLER'S~~
1393 ~~ADDRESS)...."~~

1394 (i) In immediate proximity to the statement required in
1395 paragraph (h), the following statement in boldfaced type of a
1396 size of 12 ~~10~~ points:

1397

1398 "NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN
1399 THOSE INCLUDED IN THIS CONTRACT."

1400

1401 However, inclusion of this statement shall not impair any
1402 purchaser's right to bring legal action based on verbal
1403 statements.

1404 (j) In immediate proximity to the statement required in
1405 paragraph (i), the following statement:

1406 "This contract is for the purchase of a vacation
1407 certificate and puts all assignees on notice of the consumer's
1408 right to cancel under section 559.933, Florida Statutes."

1409 (2) If a sale or agreement to purchase a vacation
1410 certificate is completed over the telephone, the seller shall
1411 inform the purchaser over the telephone that:

1412 (a) The purchaser may cancel the contract without any
1413 penalty or obligation within 30 days from the date of purchase
1414 or receipt of the vacation certificate, whichever occurs later.

1415 (b) The purchaser may also cancel the contract if
1416 accommodations or facilities are not available upon request for
1417 use as provided in the contract.

1418 (3) Upon receipt of a copy of a vacation certificate or
1419 contract required pursuant to s. 559.9295, the department shall



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1420 review the certificate or contract for compliance with the
1421 disclosures required under this section. The submission of the
1422 certificate or contract, and the department's response, do not
1423 imply approval, recommendation, or endorsement by the department
1424 or that the contents of the certificate or contract have been
1425 verified by the department.

1426 Section 33. Section 559.933, Florida Statutes, is amended
1427 to read:

1428 559.933 Vacation certificate cancellation and refund
1429 provisions.—

1430 (1) A ~~It shall be unlawful for any~~ seller of travel or
1431 assignee ~~must honor a purchaser's request to cancel a vacation~~
1432 certificate if such request is made:

1433 ~~(1) To fail or refuse to honor a purchaser's vacation~~
1434 ~~certificate request to cancel if such request is made:~~

1435 (a) Within 30 days after ~~from~~ the date of purchase or
1436 receipt of the vacation certificate, whichever occurs later; or

1437 (b) At any time accommodations or facilities are not
1438 available pursuant to a request for use as provided in the
1439 contract, provided that:

1440 1. The contract may ~~shall~~ not require notice greater than
1441 60 days in advance of the date requested for use;

1442 2. If acceptable to the purchaser, comparable alternate
1443 accommodations or facilities in a city, or reservations for a
1444 date different than that requested, may be provided.

1445 (2) A seller of travel or assignee must ~~To fail to~~ refund
1446 any and all payments made by the vacation certificate purchaser
1447 within 30 days after receipt of the certificate and notice of
1448 cancellation made pursuant to this section, if the purchaser has



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1449 not received any benefits pursuant to the vacation certificate.

1450 (3) A seller of travel or assignee must, if the purchaser
1451 has received any benefits pursuant to the vacation certificate,
1452 ~~to fail to~~ refund within 30 days after receipt of the
1453 certificate and notice of cancellation made pursuant to this
1454 section any and all payments made by the purchaser which exceed
1455 a pro rata portion of the total price, representing the portion
1456 of any benefits actually received by the vacation certificate
1457 purchaser during the time preceding cancellation.

1458 (4) If ~~where~~ any purchaser has received confirmation of
1459 reservations in advance and is refused accommodations upon
1460 arrival, a seller of travel or assignee must ~~to fail to~~ procure
1461 comparable alternate accommodations for the purchaser in the
1462 same city at no expense to the purchaser, or ~~to fail to~~ fully
1463 compensate the purchaser for the room rate incurred in securing
1464 comparable alternate accommodations himself or herself.

1465 (5) A seller of travel or assignee may not ~~To~~ collect more
1466 than the full contract price from the purchaser.

1467 (6) A seller of travel or assignee may not ~~To~~ sell, assign,
1468 or otherwise transfer any interest in a seller of travel
1469 business, or ~~to~~ sell, assign, or otherwise transfer to a third
1470 party any interest in any vacation certificate unless:

1471 (a) The third party agrees in writing to fully honor the
1472 rights of vacation certificate purchasers to cancel and to
1473 receive an appropriate refund or reimbursement as provided in
1474 this section.

1475 (b) The third party agrees in writing to comply with all
1476 other provisions of this part for as long as the third party
1477 continues the sale of vacation certificates or for the duration



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1478 of the period of validity of outstanding vacation certificates,
1479 whichever is longer in time.

1480 (c) The seller of travel agrees to be liable for and fully
1481 indemnify a purchaser from any loss occasioned by the failure of
1482 the third party to honor the purchaser's right to cancel and
1483 failure to make prompt and complete refund to the purchaser of
1484 all sums paid to the third party, or occasioned by the third
1485 party's failure to comply with the provisions of this part.

1486 (7) A seller of travel or assignee must ~~To fail to~~ fulfill
1487 the terms of a vacation certificate within 18 months after ~~of~~
1488 the initial payment of any consideration by the purchaser to a
1489 seller of travel or third party.

1490 Section 34. Section 559.9335, Florida Statutes, is amended
1491 to read:

1492 559.9335 Violations.—It is a violation of this part for any
1493 seller of travel, independent agent, assignee, or other person:

1494 (1) To conduct business as a seller of travel without
1495 registering annually with the department unless exempt pursuant
1496 to s. 559.935.

1497 (2) To conduct business as a seller of travel without an
1498 annual purchase of a performance bond in the amount set by the
1499 department unless exempt pursuant to s. 559.935.

1500 (3) Knowingly to make any false statement, representation,
1501 or certification in any application, document, or record
1502 required to be submitted or retained under this part or in any
1503 response to an inquiry or investigation conducted by the
1504 department or any other governmental agency.

1505 (4) Knowingly to sell or market any ~~number of~~ vacation
1506 certificates that exceed the number disclosed to the department



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1507 pursuant to this section.

1508 (5) Knowingly to sell or market vacation certificates with
1509 an expiration date of more than 18 months from the date of
1510 issuance.

1511 ~~(6) Knowingly to require, request, encourage, or suggest,~~
1512 ~~directly or indirectly, that payment for the right to obtain a~~
1513 ~~travel contract, certificate, or vacation package must be by~~
1514 ~~credit card authorization or to otherwise announce a preference~~
1515 ~~for that method of payment over any other when no correct and~~
1516 ~~true explanation for such preference is likewise stated.~~

1517 (6)~~(7)~~ Knowingly to state, represent, indicate, suggest, or
1518 imply, directly or indirectly, that the travel contract,
1519 certificate, or vacation package being offered by the seller of
1520 travel cannot be purchased at some later time or may not
1521 otherwise be available after the initial contact, or that
1522 callbacks by the prospective purchaser are not accepted, when no
1523 such restrictions or limitations in fact exist.

1524 (7)~~(8)~~ To misrepresent ~~in any manner~~ the purchaser's right
1525 to cancel and to receive an appropriate refund or reimbursement
1526 as provided by this part.

1527 (8)~~(9)~~ To sell any vacation certificate the duration of
1528 which exceeds the duration of any agreement between the seller
1529 and any business entity obligated thereby to provide
1530 accommodations or facilities pursuant to the vacation
1531 certificate.

1532 (9)~~(10)~~ To misrepresent or deceptively represent:

1533 (a) The amount of time or period of time accommodations or
1534 facilities will be available.

1535 (b) The location of accommodations or facilities offered.



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1536 (c) The price, size, nature, extent, qualities, or
1537 characteristics of accommodations or facilities offered.

1538 (d) The nature or extent of other goods, services, or
1539 amenities offered.

1540 (e) A purchaser's rights, privileges, or benefits.

1541 (f) The conditions under which the purchaser may obtain a
1542 reservation for the use of offered accommodations or facilities.

1543 (g) That the recipient of an advertisement or promotional
1544 materials is a winner, or has been selected, or is otherwise
1545 being involved in a select group for receipt, of a gift, award,
1546 or prize, unless this fact is the truth.

1547 (10)~~(11)~~ To fail to inform a purchaser of a nonrefundable
1548 cancellation policy before ~~prior to~~ the seller of travel
1549 accepting any fee, commission, or other valuable consideration.

1550 (11)~~(12)~~ To fail to include, when offering to sell a
1551 vacation certificate, in any advertisement or promotional
1552 material, the following statement: "This is an offer to sell
1553 travel."

1554 (12)~~(13)~~ To fail to honor and comply with all provisions of
1555 the vacation certificate regarding the purchaser's rights,
1556 benefits, and privileges thereunder.

1557 (13)~~(14)~~ (a) To include in any vacation certificate or
1558 contract any provision purporting to waive or limit any right or
1559 benefit provided to purchasers under this part; or

1560 (b) To seek or solicit such waiver or acceptance of
1561 limitation from a purchaser concerning rights or benefits
1562 provided under this part.

1563 (14)~~(15)~~ To offer vacation certificates for any
1564 accommodation or facility for which there is no contract with



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1565 the owner of the accommodation or facility securing the
1566 purchaser's right to occupancy and use, unless the seller is the
1567 owner.

1568 (15)~~(16)~~ To use a local mailing address, registration
1569 facility, drop box, or answering service in the promotion,
1570 advertising, solicitation, or sale of vacation certificates,
1571 unless the seller's fixed business address is clearly disclosed
1572 during any telephone solicitation and is prominently and
1573 conspicuously disclosed on all solicitation materials and on the
1574 contract.

1575 (16)~~(17)~~ To use any registered trademark, trade name, or
1576 trade logo in any promotional, advertising, or solicitation
1577 materials without written authorization from the holder of such
1578 trademark, trade name, or trade logo.

1579 (17)~~(18)~~ To represent, directly or by implication, any
1580 affiliation with, or endorsement by, any governmental,
1581 charitable, educational, medical, religious, fraternal, or civic
1582 organization or body, or any individual, in the promotion,
1583 advertisement, solicitation, or sale of vacation certificates
1584 without express written authorization.

1585 (18)~~(19)~~ To sell a vacation certificate to any purchaser
1586 who is ineligible for its use.

1587 (19)~~(20)~~ To sell any ~~number of~~ vacation certificates in
1588 excess of exceeding the number of available accommodations
1589 ~~disclosed pursuant to this part.~~

1590 (20)~~(21)~~ During the period of a vacation certificate's
1591 validity, in the event, for any reason whatsoever, of lapse or
1592 breach of an agreement for the provision of accommodations or
1593 facilities to purchasers, to fail to procure similar agreement



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1594 for the provision of comparable alternate accommodations or
1595 facilities in the same city or surrounding area.

1596 ~~(21)(22)~~ To offer to sell, at wholesale or retail,
1597 prearranged travel or, ~~tourist-related services, or tour-guide~~
1598 ~~services~~ for individuals or groups directly to any terrorist
1599 state and which originate in Florida, without disclosing such
1600 business activities in a certification filed under s.
1601 559.9285(1) (b) or (c).

1602 ~~(22)(23)~~ To violate any state or federal law restricting or
1603 prohibiting commerce with terrorist states.

1604 ~~(23)(24)~~ To engage in ~~do~~ any other fraudulent action that
1605 ~~act which~~ constitutes fraud, misrepresentation, or failure to
1606 disclose a material fact, or to commit any other violation of,
1607 or fail to comply with, this part.

1608 ~~(24)(25)~~ To refuse or fail, or for any of its principal
1609 officers to refuse or fail, after notice, to produce any
1610 document or record or disclose any information required to be
1611 produced or disclosed.

1612 ~~(25)(26)~~ Knowingly to make a material false statement in
1613 response to any request or investigation by the department, the
1614 Department of Legal Affairs, or the state attorney.

1615 Section 35. Subsections (3) and (4) of section 559.935,
1616 Florida Statutes, are amended to read:

1617 559.935 Exemptions.—

1618 (3) Sections 559.928, 559.929, 559.9295, 559.931, and
1619 559.932 ~~shall~~ also do not apply to a seller of travel that is an
1620 affiliate of an entity exempt pursuant to subsection (2) subject
1621 to the following conditions:

1622 (a) If ~~In the event~~ the department finds the affiliate does



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1623 not have a satisfactory consumer complaint history or the
1624 affiliate fails to respond to a consumer complaint within 30
1625 days, the related seller of travel exempt pursuant to subsection
1626 (2) is ~~shall be~~ liable for the actions of the affiliate, subject
1627 to the remedies provided in ss. 559.9355 and 559.936.

1628 (b) If ~~In the event~~ the department is unable to locate an
1629 affiliate, the related seller of travel exempt pursuant to
1630 subsection (2) is ~~shall be~~ fully liable for the actions of the
1631 affiliate, subject to the remedies provided in ss. 559.9355 and
1632 559.936.

1633 ~~(c) In order to obtain an exemption under this subsection,~~
1634 ~~the affiliate shall file an affidavit of exemption on a form~~
1635 ~~prescribed by the department and shall certify its business~~
1636 ~~activities under s. 559.9285(1)(a). The affidavit of exemption~~
1637 ~~shall be executed by a person who exercises identical control~~
1638 ~~over the seller of travel exempt pursuant to subsection (2) and~~
1639 ~~the affiliate. Failure to file an affidavit of exemption or~~
1640 ~~certification under s. 559.9285(1)(a) prior to engaging in~~
1641 ~~seller of travel activities shall subject the affiliate to the~~
1642 ~~remedies provided in ss. 559.9355 and 559.936.~~

1643 (c) ~~(d)~~ Revocation by the department of an exemption
1644 provided to a seller of travel under subsection (2) shall
1645 constitute automatic revocation by law of an exemption obtained
1646 by an affiliate under the subsection.

1647 (d) ~~(e)~~ This subsection does ~~shall~~ not apply to:

1648 1. An affiliate that independently qualifies for another
1649 exemption under this section.

1650 2. An affiliate that sells, or offers for sale, vacation
1651 certificates.



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1652 3. An affiliate that certifies its business activities
1653 under s. 559.9285(1) (b) or (c).

1654 (e)~~(f)~~ For purposes of this section, the term an
1655 "affiliate" means an entity that meets the following:

1656 1. The entity has the identical ownership as the seller of
1657 travel that is exempt under subsection (2).

1658 2. The ownership controlling the seller of travel that is
1659 exempt under subsection (2) also exercises identical control
1660 over the entity.

1661 3. The owners of the affiliate hold the identical
1662 percentage of voting shares as they hold in the seller of travel
1663 that is exempt under subsection (2).

1664 (4) The department may revoke the exemption provided in
1665 subsection (2) or subsection (3) if the department finds that
1666 the seller of travel does not have a satisfactory consumer
1667 complaint history, has been convicted of a crime involving
1668 fraud, theft, embezzlement, misappropriation of property,
1669 deceptive or unfair trade practices, or moral turpitude, or has
1670 not complied with the terms of any order or settlement agreement
1671 arising out of an administrative or enforcement action brought
1672 by a governmental agency or private person based on conduct
1673 involving fraud, theft, embezzlement, misappropriation of
1674 property, deceptive or unfair trade practices, or moral
1675 turpitude.

1676 Section 36. Subsection (3) of section 559.936, Florida
1677 Statutes, is amended to read:

1678 559.936 Civil penalties; remedies.—

1679 (3) The department may seek a civil penalty in the Class
1680 III category pursuant to s. 570.971 for each act or omission in



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1681 violation of s. 559.9335(21) or (22) ~~s. 559.9335(22) or (23)~~.

1682 Section 37. Paragraph (b) of subsection (5), paragraph (a)
1683 of subsection (10), and subsections (15) and (16) of section
1684 616.242, Florida Statutes, are amended to read:

1685 616.242 Safety standards for amusement rides.—

1686 (5) ANNUAL PERMIT.—

1687 (b) To apply for an annual permit, an owner must submit to
1688 the department a written application on a form prescribed by
1689 rule of the department, which must include the following:

1690 1. The legal name, address, and primary place of business
1691 of the owner.

1692 2. A description, manufacturer's name, serial number, model
1693 number and, if previously assigned, the United States Amusement
1694 Identification Number of the amusement ride.

1695 3. A valid certificate of insurance ~~or bond~~ for each
1696 amusement ride.

1697 4. An affidavit of compliance that the amusement ride was
1698 inspected in person by the affiant and that the amusement ride
1699 is in general conformance with the requirements of this section
1700 and all applicable rules adopted by the department. The
1701 affidavit must be executed by a professional engineer or a
1702 qualified inspector no earlier than 60 days before, but not
1703 later than, the date of the filing of the application with the
1704 department. The owner shall request inspection and permitting of
1705 the amusement ride within 60 days of the date of filing the
1706 application with the department. The department shall inspect
1707 and permit the amusement ride within 60 days after filing the
1708 application with the department.

1709 5. If required by subsection (6), an affidavit of



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1710 nondestructive testing dated and executed no earlier than 60
1711 days before ~~prior to~~, but not later than, the date of the filing
1712 of the application with the department. The owner shall request
1713 inspection and permitting of the amusement ride within 60 days
1714 of the date of filing the application with the department. The
1715 department shall inspect and permit the amusement ride within 60
1716 days after filing the application with the department.

1717 6. A request for inspection.

1718 7. Upon request, the owner shall, at no cost to the
1719 department, provide the department a copy of the manufacturer's
1720 current recommended operating instructions in the possession of
1721 the owner, the owner's operating fact sheet, and any written
1722 bulletins in the possession of the owner concerning the safety,
1723 operation, or maintenance of the amusement ride.

1724 (10) EXEMPTIONS.—

1725 (a) This section does not apply to:

1726 1. Permanent facilities that employ at least 1,000 full-
1727 time employees and that maintain full-time, in-house safety
1728 inspectors. Furthermore, the permanent facilities must file an
1729 affidavit of the annual inspection with the department, on a
1730 form prescribed by rule of the department. Additionally, the
1731 Department of Agriculture and Consumer Services may consult
1732 annually with the permanent facilities regarding industry safety
1733 programs.

1734 2. Any playground operated by a school, local government,
1735 or business licensed under chapter 509, if the playground is an
1736 incidental amenity and the operating entity is not primarily
1737 engaged in providing amusement, pleasure, thrills, or
1738 excitement.



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1739 3. Museums or other institutions principally devoted to the
1740 exhibition of products of agriculture, industry, education,
1741 science, religion, or the arts.

1742 4. Conventions or trade shows for the sale or exhibit of
1743 amusement rides if there are a minimum of 15 amusement rides on
1744 display or exhibition, and if any operation of such amusement
1745 rides is limited to the registered attendees of the convention
1746 or trade show.

1747 5. Skating rinks, arcades, laser ~~lazer~~ or paint ball war
1748 games, bowling alleys, miniature golf courses, mechanical bulls,
1749 inflatable rides, trampolines, ball crawls, exercise equipment,
1750 jet skis, paddle boats, airboats, helicopters, airplanes,
1751 parasails, hot air or helium balloons whether tethered or
1752 untethered, theatres, batting cages, stationary spring-mounted
1753 fixtures, rider-propelled merry-go-rounds, games, side shows,
1754 live animal rides, or live animal shows.

1755 6. Go-karts operated in competitive sporting events if
1756 participation is not open to the public.

1757 7. Nonmotorized playground equipment that is not required
1758 to have a manager.

1759 8. Coin-actuated amusement rides designed to be operated by
1760 depositing coins, tokens, credit cards, debit cards, bills, or
1761 other cash money and which are not required to have a manager,
1762 and which have a capacity of six persons or less.

1763 9. Facilities described in s. 549.09(1)(a) when such
1764 facilities are operating cars, trucks, or motorcycles only.

1765 10. Battery-powered cars or other vehicles that are
1766 designed to be operated by children 7 years of age or under and
1767 that cannot exceed a speed of 4 miles per hour.



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1768 11. Mechanically driven vehicles that pull train cars,
1769 carts, wagons, or other similar vehicles, that are not confined
1770 to a metal track or confined to an area but are steered by an
1771 operator and do not exceed a speed of 4 miles per hour.

1772 12. A water-related amusement ride operated by a business
1773 licensed under chapter 509 if the water-related amusement ride
1774 is an incidental amenity and the operating business is not
1775 primarily engaged in providing amusement, pleasure, thrills, or
1776 excitement and does not offer day rates.

1777 13. An amusement ride at a private, membership-only
1778 facility if the amusement ride is an incidental amenity and the
1779 facility is not open to the general public; is not primarily
1780 engaged in providing amusement, pleasure, thrills, or
1781 excitement; and does not offer day rates.

1782 14. A nonprofit permanent facility registered under chapter
1783 496 which is not open to the general public.

1784 (15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ Prior to
1785 opening on each day of operation and before ~~prior~~ to any
1786 inspection by the department, the owner or manager of an
1787 amusement ride must inspect and test the amusement ride to
1788 ensure compliance with all requirements of this section. Each
1789 inspection must be recorded on a form prescribed by rule of the
1790 department and signed by the person who conducted the
1791 inspection. In lieu of the form prescribed by rule of the
1792 department, the owner or manager may request approval of an
1793 alternative form if the alternative form includes, at a minimum,
1794 the information required on the form prescribed by rule of the
1795 department. Inspection records of the last 14 daily inspections
1796 must be kept on site by the owner or manager and made



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1797 immediately available to the department upon request.

1798 (16) TRAINING OF EMPLOYEES.—The owner or manager of an ~~any~~
1799 amusement ride shall maintain a record of employee training for
1800 each employee authorized to operate, assemble, disassemble,
1801 transport, or conduct maintenance on an amusement ride, ~~on a~~
1802 form prescribed by rule of the department. In lieu of the form
1803 prescribed by rule of the department, the owner or manager may
1804 request approval of an alternative form if the alternative form
1805 includes, at a minimum, the information required on the form
1806 prescribed by rule of the department. The training record must
1807 be kept on site by the owner or manager and made immediately
1808 available to the department upon request. Training may not be
1809 conducted when an amusement ride is open to the public unless
1810 the training is conducted under the supervision of an employee
1811 who is trained in the operation of that ride. The owner or
1812 manager shall certify that each employee is trained, as required
1813 by this section and any rules adopted thereunder, on the
1814 amusement ride for which the employee is responsible.

1815 Section 38. Subsections (1), (2), (5), (7), and (13) of
1816 section 713.585, Florida Statutes, are amended to read:

1817 713.585 Enforcement of lien by sale of motor vehicle.—A
1818 person claiming a lien under s. 713.58 for performing labor or
1819 services on a motor vehicle may enforce such lien by sale of the
1820 vehicle in accordance with the following procedures:

1821 (1) The lienor must give notice, by certified mail, return
1822 receipt requested, within 7 ~~15~~ business days, excluding Saturday
1823 and Sunday, from the beginning date of the assessment of storage
1824 charges on said motor vehicle, to the registered owner of the
1825 vehicle, to the customer as indicated on the order for repair,



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1826 and to all other persons claiming an interest in or lien
1827 thereon, as disclosed by the records of the Department of
1828 Highway Safety and Motor Vehicles or as disclosed by the records
1829 of any corresponding agency of any other state in which the
1830 vehicle is identified through a records check of the National
1831 Motor Vehicle Title Information System or an equivalent
1832 commercially available system as being the current state where
1833 the vehicle is titled. Such notice must contain:

1834 (a) A description of the vehicle, including, at minimum,
1835 its ~~(year, make, vehicle identification number,)~~ and the
1836 vehicle's ~~its~~ location.

1837 (b) The name and address of the owner of the vehicle, the
1838 customer as indicated on the order for repair, and any person
1839 claiming an interest in or lien thereon.

1840 (c) The name, address, and telephone number of the lienor.

1841 (d) Notice that the lienor claims a lien on the vehicle for
1842 labor and services performed and storage charges, if any, and
1843 the cash sum which, if paid to the lienor, would be sufficient
1844 to redeem the vehicle from the lien claimed by the lienor.

1845 (e) Notice that the lien claimed by the lienor is subject
1846 to enforcement pursuant to this section and that the vehicle may
1847 be sold to satisfy the lien.

1848 (f) If known, the date, time, and location of any proposed
1849 or scheduled sale of the vehicle. A ~~No~~ vehicle may not be sold
1850 earlier than 60 days after completion of the repair work.

1851 (g) Notice that the owner of the vehicle or any person
1852 claiming an interest in or lien thereon has a right to a hearing
1853 at any time before ~~prior to~~ the scheduled date of sale by filing
1854 a demand for hearing with the clerk of the circuit court in the



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1855 county in which the vehicle is held and mailing copies of the
1856 demand for hearing to all other owners and lienors as reflected
1857 on the notice.

1858 (h) Notice that the owner of the vehicle has a right to
1859 recover possession of the vehicle without instituting judicial
1860 proceedings by posting bond in accordance with ~~the provisions of~~
1861 s. 559.917.

1862 (i) Notice that any proceeds from the sale of the vehicle
1863 remaining after payment of the amount claimed to be due and
1864 owing to the lienor will be deposited with the clerk of the
1865 circuit court for disposition upon court order pursuant to
1866 subsection (8).

1867 (j) Notice that a lienholder, if any, has the right, as
1868 specified in subsection (5), to demand a hearing or to post a
1869 bond.

1870 (2) If attempts to locate the owner or lienholder are
1871 unsuccessful after a check of the records of the Department of
1872 Highway Safety and Motor Vehicles and any state disclosed by the
1873 check of the National Motor Vehicle Title Information System or
1874 an equivalent commercially available system, the lienor must
1875 notify the local law enforcement agency in writing by certified
1876 mail or acknowledged hand delivery that the lienor has been
1877 unable to locate the owner or lienholder, that a physical search
1878 of the vehicle has disclosed no ownership information, and that
1879 a good faith effort, including records checks of the Department
1880 of Highway Safety and Motor Vehicles database and the National
1881 Motor Vehicle Title Information System or an equivalent
1882 commercially available system, has been made. A description of
1883 the motor vehicle which includes the year, make, and



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1884 identification number must be given on the notice. This
1885 notification must take place within 7 ~~15~~ business days,
1886 excluding Saturday and Sunday, from the beginning date of the
1887 assessment of storage charges on said motor vehicle. For
1888 purposes of this paragraph, the term "good faith effort" means
1889 that the following checks have been performed by the company to
1890 establish the prior state of registration and title:

1891 (a) A check of the Department of Highway Safety and Motor
1892 Vehicles database for the owner and any lienholder;

1893 (b) A check of the federally mandated electronic National
1894 Motor Vehicle Title Information System or an equivalent
1895 commercially available system to determine the state of
1896 registration when there is not a current title or registration
1897 record for the vehicle on file with the Department of Highway
1898 Safety and Motor Vehicles;

1899 (c) A check of vehicle for any type of tag, tag record,
1900 temporary tag, or regular tag;

1901 (d) A check of vehicle for inspection sticker or other
1902 stickers and decals that could indicate the state of possible
1903 registration; and

1904 (e) A check of the interior of the vehicle for any papers
1905 that could be in the glove box, trunk, or other areas for the
1906 state of registration.

1907 (5) At any time before ~~prior to~~ the proposed or scheduled
1908 date of sale of a vehicle, the owner of the vehicle, or any
1909 person claiming an interest in the vehicle or a lien thereon,
1910 may post a bond following the procedures outlined in s. 559.917
1911 or file a demand for hearing with the clerk of the circuit court
1912 in the county in which the vehicle is held to determine whether



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1913 the vehicle has been wrongfully taken or withheld from her or
1914 him. Any person who files a demand for hearing shall mail copies
1915 of the demand to all other owners and lienors as reflected on
1916 the notice required in subsection (1).

1917 (a) Upon the filing of a demand for hearing, a hearing
1918 shall be held before ~~prior to~~ the proposed or scheduled date of
1919 sale of the vehicle.

1920 (b) Upon the posting of the bond and payment of the
1921 applicable fee set forth in s. 28.24, the clerk of the court
1922 shall issue a certificate notifying the lienor of the posting of
1923 the bond and directing the lienor to release the vehicle to the
1924 lienholder or the owner, based upon whomever posted the bond.

1925 (c) If a lienholder obtains the vehicle and the owner of
1926 the vehicle is not in default under the installment sales
1927 contract or title loan at the time the lienholder has possession
1928 of the vehicle, the lienholder must return the vehicle to the
1929 owner within 5 days after the owner repays the lienholder for
1930 the amount of the bond, or makes arrangements to repay the
1931 lienholder for the bond under terms agreeable to the lienholder.

1932 A lienholder may retain possession of the vehicle if the owner
1933 is in default until such time as the default is cured and the
1934 amount of the bond is repaid by the owner, or an arrangement
1935 agreeable to the lienholder is made with the owner.

1936 (7) At a ~~the~~ hearing on a complaint relating to the
1937 requirements of this section ~~on the complaint~~, the court shall
1938 ~~forthwith~~ issue an ~~its~~ order determining:

1939 (a) Whether the vehicle is subject to a valid lien by the
1940 lienor and the amount thereof;

1941 (b) The priority of the lien of the lienor as against any



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1942 existing security interest in the vehicle;

1943 (c) The distribution of any proceeds of the sale by the
1944 clerk of the circuit court;

1945 (d) The awarding of damages, if any;

1946 (e) ~~(d)~~ The award of reasonable attorney ~~attorney's~~ fees and
1947 costs, at the court's discretion, to the prevailing party; and

1948 (f) ~~(e)~~ The reasonableness of storage charges.

1949
1950 A final order, by the court, must also provide for immediate
1951 payment of any proceeds or awards, and the immediate release of
1952 the bond to the posting party, if applicable.

1953 (13) A failure to make good faith efforts as defined in
1954 subsection (2) precludes the imposition of any storage charges
1955 against the vehicle. If a lienor fails to provide notice to any
1956 person claiming a lien on a vehicle under subsection (1) within
1957 7 ~~15~~ business days after the assessment of storage charges has
1958 begun, then the lienor is precluded from charging for more than
1959 7 ~~15~~ days of storage, but failure to provide timely notice does
1960 not affect charges made for repairs, adjustments, or
1961 modifications to the vehicle or the priority of liens on the
1962 vehicle.

1963 Section 39. Subsections (2), (4), (5), and (10) of section
1964 790.06, Florida Statutes, are amended, and paragraph (f) is
1965 added to subsection (6) of that section, to read:

1966 790.06 License to carry concealed weapon or firearm.-

1967 (2) The Department of Agriculture and Consumer Services
1968 shall issue a license if the applicant:

1969 (a) Is a resident of the United States and a citizen of the
1970 United States or a permanent resident alien of the United



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1971 States, as determined by the United States Bureau of Citizenship
1972 and Immigration Services, or is a consular security official of
1973 a foreign government that maintains diplomatic relations and
1974 treaties of commerce, friendship, and navigation with the United
1975 States and is certified as such by the foreign government and by
1976 the appropriate embassy in this country;

1977 (b) Is 21 years of age or older;

1978 (c) Does not suffer from a physical infirmity which
1979 prevents the safe handling of a weapon or firearm;

1980 (d) Is not ineligible to possess a firearm pursuant to s.
1981 790.23 by virtue of having been convicted of a felony;

1982 (e) Has not been committed for the abuse of a controlled
1983 substance or been found guilty of a crime under the provisions
1984 of chapter 893 or similar laws of any other state relating to
1985 controlled substances within a 3-year period immediately
1986 preceding the date on which the application is submitted;

1987 (f) Does not chronically and habitually use alcoholic
1988 beverages or other substances to the extent that his or her
1989 normal faculties are impaired. It shall be presumed that an
1990 applicant chronically and habitually uses alcoholic beverages or
1991 other substances to the extent that his or her normal faculties
1992 are impaired if the applicant has been committed under chapter
1993 397 or under the provisions of former chapter 396 or has been
1994 convicted under s. 790.151 or has been deemed a habitual
1995 offender under s. 856.011(3), or has had two or more convictions
1996 under s. 316.193 or similar laws of any other state, within the
1997 3-year period immediately preceding the date on which the
1998 application is submitted;

1999 (g) Desires a legal means to carry a concealed weapon or



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2000 firearm for lawful self-defense;

2001 (h) Demonstrates competence with a firearm by any one of

2002 the following:

2003 1. Completion of any hunter education or hunter safety

2004 course approved by the Fish and Wildlife Conservation Commission

2005 or a similar agency of another state;

2006 2. Completion of any National Rifle Association firearms

2007 safety or training course;

2008 3. Completion of any firearms safety or training course or

2009 class available to the general public offered by a law

2010 enforcement agency, junior college, college, or private or

2011 public institution or organization or firearms training school,

2012 using ~~utilizing~~ instructors certified by the National Rifle

2013 Association, Criminal Justice Standards and Training Commission,

2014 or the Department of Agriculture and Consumer Services;

2015 4. Completion of any law enforcement firearms safety or

2016 training course or class offered for security guards,

2017 investigators, special deputies, or any division or subdivision

2018 of a law enforcement agency or security enforcement;

2019 5. Presents evidence of equivalent experience with a

2020 firearm through participation in organized shooting competition

2021 or military service;

2022 6. Is licensed or has been licensed to carry a firearm in

2023 this state or a county or municipality of this state, unless

2024 such license has been revoked for cause; or

2025 7. Completion of any firearms training or safety course or

2026 class conducted by a state-certified or National Rifle

2027 Association certified firearms instructor;

2028



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2029 A photocopy of a certificate of completion of any of the courses
2030 or classes; ~~or~~ an affidavit from the instructor, school, club,
2031 organization, or group that conducted or taught such ~~said~~ course
2032 or class attesting to the completion of the course or class by
2033 the applicant; or a copy of any document that ~~which~~ shows
2034 completion of the course or class or evidences participation in
2035 firearms competition shall constitute evidence of qualification
2036 under this paragraph. ~~A;~~ any person who conducts a course
2037 pursuant to subparagraph 2., subparagraph 3., or subparagraph
2038 7., or who, as an instructor, attests to the completion of such
2039 courses, must maintain records certifying that he or she
2040 observed the student safely handle and discharge the firearm in
2041 his or her physical presence and that the discharge of the
2042 firearm included live fire using a firearm and ammunition as
2043 defined in s. 790.001;

2044 (i) Has not been adjudicated an incapacitated person under
2045 s. 744.331, or similar laws of any other state, unless 5 years
2046 have elapsed since the applicant's restoration to capacity by
2047 court order;

2048 (j) Has not been committed to a mental institution under
2049 chapter 394, or similar laws of any other state, unless the
2050 applicant produces a certificate from a licensed psychiatrist
2051 that he or she has not suffered from disability for at least 5
2052 years before ~~prior to~~ the date of submission of the application;

2053 (k) Has not had adjudication of guilt withheld or
2054 imposition of sentence suspended on any felony ~~or misdemeanor~~
2055 ~~crime of domestic violence~~ unless 3 years have elapsed since
2056 probation or any other conditions set by the court have been
2057 fulfilled, or expunction has occurred ~~the record has been sealed~~



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2058 ~~or expunged;~~

2059 (1) Has not had adjudication of guilt withheld or
2060 imposition of sentence suspended on any misdemeanor crime of
2061 domestic violence unless 3 years have elapsed since probation or
2062 any other conditions set by the court have been fulfilled, or
2063 the record has been sealed or expunged;

2064 (m) ~~(l)~~ Has not been issued an injunction that is currently
2065 in force and effect and that restrains the applicant from
2066 committing acts of domestic violence or acts of repeat violence;
2067 and

2068 (n) ~~(m)~~ Is not prohibited from purchasing or possessing a
2069 firearm by any other provision of Florida or federal law.

2070 (4) The application shall be completed, under oath, on a
2071 form adopted ~~promulgated~~ by the Department of Agriculture and
2072 Consumer Services and shall include:

2073 (a) The name, address, place of birth, ~~and~~ date of birth,
2074 and race, ~~and occupation~~ of the applicant;

2075 (b) A statement that the applicant is in compliance with
2076 criteria contained within subsections (2) and (3);

2077 (c) A statement that the applicant has been furnished a
2078 copy of this chapter and is knowledgeable of its provisions;

2079 (d) A conspicuous warning that the application is executed
2080 under oath and that a false answer to any question, or the
2081 submission of any false document by the applicant, subjects the
2082 applicant to criminal prosecution under s. 837.06; ~~and~~

2083 (e) A statement that the applicant desires a concealed
2084 weapon or firearms license as a means of lawful self-defense;
2085 and ~~and~~

2086 (f) Directions for an applicant who is a servicemember, as



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2087 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
2088 request expedited processing of his or her application.

2089 (5) The applicant shall submit to the Department of
2090 Agriculture and Consumer Services or an approved tax collector
2091 pursuant to s. 790.0625:

2092 (a) A completed application as described in subsection (4).

2093 (b) A nonrefundable license fee of up to \$60 ~~\$70~~ if he or
2094 she has not previously been issued a statewide license or of up
2095 to \$50 ~~\$60~~ for renewal of a statewide license. The cost of
2096 processing fingerprints as required in paragraph (c) shall be
2097 borne by the applicant. However, an individual holding an active
2098 certification from the Criminal Justice Standards and Training
2099 Commission as a law enforcement officer, correctional officer,
2100 or correctional probation officer as defined in s. 943.10(1),
2101 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
2102 requirements of this section. If such individual wishes to
2103 receive a concealed weapon ~~weapons~~ or firearm ~~firearms~~ license,
2104 he or she is exempt from the background investigation and all
2105 background investigation fees, but must pay the current license
2106 fees regularly required to be paid by nonexempt applicants.
2107 Further, a law enforcement officer, a correctional officer, or a
2108 correctional probation officer as defined in s. 943.10(1), (2),
2109 or (3) is exempt from the required fees and background
2110 investigation for ~~a period of~~ 1 year after his or her
2111 retirement.

2112 (c) A full set of fingerprints of the applicant
2113 administered by a law enforcement agency or the Division of
2114 Licensing of the Department of Agriculture and Consumer Services
2115 or an approved tax collector pursuant to s. 790.0625 together



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2116 with any personal identifying information required by federal
2117 law to process fingerprints.

2118 (d) A photocopy of a certificate, affidavit, or document as
2119 described in paragraph (2) (h).

2120 (e) A full frontal view color photograph of the applicant
2121 taken within the preceding 30 days, in which the head, including
2122 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

2123 (f) For expedited processing of an application:

2124 1. A servicemember shall submit a copy of the Common Access
2125 Card, United States Uniformed Services Identification Card, or
2126 current deployment orders.

2127 2. A veteran shall submit a copy of the DD Form 214, issued
2128 by the United States Department of Defense, or another
2129 acceptable form of identification as specified by the Department
2130 of Veterans' Affairs.

2131 (6)

2132 (f) The Department of Agriculture and Consumer Services
2133 shall, upon receipt of a completed application and the
2134 identifying information required under paragraph (5) (f),
2135 expedite the processing of a servicemember's or a veteran's
2136 concealed weapon or firearm license application.

2137 (10) A license issued under this section shall be suspended
2138 or revoked pursuant to chapter 120 if the licensee:

2139 (a) Is found to be ineligible under the criteria set forth
2140 in subsection (2);

2141 (b) Develops or sustains a physical infirmity which
2142 prevents the safe handling of a weapon or firearm;

2143 (c) Is convicted of a felony which would make the licensee
2144 ineligible to possess a firearm pursuant to s. 790.23;



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2145 (d) Is found guilty of a crime under the provisions of
2146 chapter 893, or similar laws of any other state, relating to
2147 controlled substances;

2148 (e) Is committed as a substance abuser under chapter 397,
2149 or is deemed a habitual offender under s. 856.011(3), or similar
2150 laws of any other state;

2151 (f) Is convicted of a second violation of s. 316.193, or a
2152 similar law of another state, within 3 years after ~~of~~ a first
2153 ~~previous~~ conviction of such section, or similar law of another
2154 state, even though the first violation may have occurred before
2155 ~~prior to~~ the date on which the application was submitted;

2156 (g) Is adjudicated an incapacitated person under s.
2157 744.331, or similar laws of any other state; or

2158 (h) Is committed to a mental institution under chapter 394,
2159 or similar laws of any other state.

2160
2161 Notwithstanding s. 120.60(5), service of a notice of the
2162 suspension or revocation of a concealed weapon or firearm
2163 license must be given by either certified mail, return receipt
2164 requested, to the licensee at his or her last known mailing
2165 address furnished to the Department of Agriculture and Consumer
2166 Services, or by personal service. If a notice given by certified
2167 mail is returned as undeliverable, a second attempt must be made
2168 to provide notice to the licensee at that address, by either
2169 first-class mail in an envelope, postage prepaid, addressed to
2170 the licensee at his or her last known mailing address furnished
2171 to the department, or, if the licensee has provided an e-mail
2172 address to the department, by e-mail. Such mailing by the
2173 department constitutes notice, and any failure by the licensee



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2174 to receive such notice does not stay the effective date or term
2175 of the suspension or revocation. A request for hearing must be
2176 filed with the department within 21 days after notice is
2177 received by personal delivery, or within 26 days after the date
2178 the department deposits the notice in the United States mail (21
2179 days plus 5 days for mailing). The department shall document its
2180 attempts to provide notice and such documentation is admissible
2181 in the courts of this state and constitutes sufficient proof
2182 that notice was given.

2183 Section 40. Effective upon this act becoming a law,
2184 paragraph (a) of subsection (11) of section 790.06, Florida
2185 Statutes, is amended to read:

2186 790.06 License to carry concealed weapon or firearm.-

2187 (11) (a) At least ~~No less than~~ 90 days before the expiration
2188 date of the license, the Department of Agriculture and Consumer
2189 Services shall mail to each licensee a written notice of the
2190 expiration and a renewal form prescribed by the Department of
2191 Agriculture and Consumer Services. The licensee must renew his
2192 or her license on or before the expiration date by filing with
2193 the Department of Agriculture and Consumer Services the renewal
2194 form containing an a-notarized affidavit submitted under oath
2195 and under penalty of perjury stating that the licensee remains
2196 qualified pursuant to the criteria specified in subsections (2)
2197 and (3), a color photograph as specified in paragraph (5) (e),
2198 and the required renewal fee. Out-of-state residents must also
2199 submit a complete set of fingerprints and fingerprint processing
2200 fee. The license shall be renewed upon receipt of the completed
2201 renewal form, color photograph, appropriate payment of fees,
2202 and, if applicable, fingerprints. Additionally, a licensee who



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2203 fails to file a renewal application on or before its expiration
2204 date must renew his or her license by paying a late fee of \$15.
2205 A license may not be renewed 180 days or more after its
2206 expiration date, and such a license is deemed to be permanently
2207 expired. A person whose license has been permanently expired may
2208 reapply for licensure; however, an application for licensure and
2209 fees under subsection (5) must be submitted, and a background
2210 investigation shall be conducted pursuant to this section. A
2211 person who knowingly files false information under this
2212 subsection is subject to criminal prosecution under s. 837.06.

2213 Section 41. Subsection (8) is added to section 790.0625,
2214 Florida Statutes, to read:

2215 790.0625 Appointment of tax collectors to accept
2216 applications for a concealed weapon or firearm license; fees;
2217 penalties.—

2218 (8) Upon receipt of a completed renewal application, a new
2219 color photograph, and appropriate payment of fees, a tax
2220 collector authorized to accept renewal applications for
2221 concealed weapon or firearm licenses under this section may,
2222 upon approval and confirmation of license issuance by the
2223 department, print and deliver a concealed weapon or firearm
2224 license to a licensee renewing his or her license at the tax
2225 collector's office.

2226 Section 42. Subsections (1) through (4) of section 559.917,
2227 Florida Statutes, are amended to read:

2228 559.917 Bond to release possessory lien claimed by motor
2229 vehicle repair shop.—

2230 (1) As used in this section, the term:

2231 (a) "Lienholder" means a person claiming an interest in or



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2232 a lien on a vehicle pursuant to s. 713.585(5).

2233 (b) "Lienor" means a person claiming a lien for motor
2234 vehicle repair shop work under part II of chapter 713.

2235 (2)(1)(a) A lienholder or Any customer may obtain the
2236 release of a her or his motor vehicle for which the lienholder
2237 or customer has a lien or ownership rights, respectively, from
2238 any lien claimed under part II of chapter 713 by a motor vehicle
2239 repair shop for repair work performed under a written repair
2240 estimate by filing with the clerk of the court in the circuit in
2241 which the disputed transaction occurred a cash or surety bond,
2242 payable to the person claiming the lien and conditioned for the
2243 payment of any judgment which may be entered on the lien. The
2244 bond shall be in the amount stated on the invoice required by s.
2245 559.911, plus accrued storage charges, if any, less any amount
2246 paid to the motor vehicle repair shop as indicated on the
2247 invoice. The lienholder or customer shall not be required to
2248 institute judicial proceedings in order to post the bond in the
2249 registry of the court, nor shall the lienholder or customer be
2250 required to use a particular form for posting the bond, unless
2251 the clerk provides shall provide such form to the lienholder or
2252 customer for filing. Upon the posting of such bond, the clerk of
2253 the court shall automatically issue a certificate notifying the
2254 lienor of the posting of the bond and directing the lienor to
2255 release the lienholder's or customer's motor vehicle.

2256 (b) The lienor shall have 60 days to file suit to recover
2257 the bond. The prevailing party in that action may be entitled to
2258 damages plus court costs and reasonable attorney attorney's
2259 fees. If the lienor fails to file suit within 60 days after the
2260 posting of such bond, the bond shall be discharged.



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2261 (3)~~(2)~~ The failure of a lienor to release or return to the
2262 lienholder or customer the motor vehicle upon which any lien is
2263 claimed, upon receiving a copy of a certificate giving notice of
2264 the posting of the bond and directing release of the motor
2265 vehicle, shall subject the lienor to judicial proceedings which
2266 may be brought by the lienholder or customer to compel
2267 compliance with the certificate. If ~~Whenever~~ a lienholder
2268 pursuant to s. 713.585 or customer brings an action to compel
2269 compliance with the certificate, the lienholder or customer need
2270 only establish that:

2271 (a) Bond in the amount of the invoice, plus accrued storage
2272 charges, if any, less any amount paid to the motor vehicle
2273 repair shop as indicated on the invoice, was posted;

2274 (b) A certificate was issued pursuant to this section;

2275 (c) The motor vehicle repair shop, or any employee or agent
2276 thereof who is authorized to release the motor vehicle, received
2277 a copy of a certificate issued pursuant to this section; and

2278 (d) The motor vehicle repair shop or employee authorized to
2279 release the motor vehicle failed to release the motor vehicle.

2280
2281 The lienholder or customer, upon a judgment in her or his favor
2282 in an action brought under this subsection, may be entitled to
2283 damages plus court costs and reasonable attorney ~~attorney's~~ fees
2284 sustained by her or him by reason of such wrongful detention or
2285 retention. Upon a judgment in favor of the motor vehicle repair
2286 shop, the shop may be entitled to reasonable attorney ~~attorney's~~
2287 fees.

2288 (4)~~(3)~~ Any motor vehicle repair shop that ~~which~~, or any
2289 employee or agent thereof who is authorized to release the motor



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2290 vehicle who, upon receiving a copy of a certificate giving
2291 notice of the posting of the bond in the required amount and
2292 directing release of the motor vehicle, fails to release or
2293 return the property to the lienholder or customer pursuant to
2294 this section commits ~~is guilty of~~ a misdemeanor of the second
2295 degree, punishable as provided in s. 775.082 or s. 775.083.

2296 (5) ~~(4)~~ Any lienholder or customer who stops payment on a
2297 credit card charge or a check drawn in favor of a motor vehicle
2298 repair shop on account of an invoice, or who fails to post a
2299 cash or surety bond pursuant to this section, shall be
2300 prohibited from any recourse under this section with respect to
2301 the motor vehicle repair shop.

2302 Section 43. Subsection (1) and paragraph (d) of subsection
2303 (3) of section 559.9285, Florida Statutes, are amended to read:
2304 559.9285 Certification of business activities.—

2305 (1) Each certifying party, as defined in s. 559.927(2):

2306 (a) Which does not offer for sale, at wholesale or retail,
2307 prearranged travel or, ~~tourist-related services, or tour-guide~~
2308 ~~services~~ for individuals or groups directly to any terrorist
2309 state and which originate in Florida;

2310 (b) Which offers for sale, at wholesale or retail, only
2311 prearranged travel or, ~~tourist-related services, or tour-guide~~
2312 ~~services~~ for individuals or groups directly to any terrorist
2313 state and which originate in Florida, but engages in no other
2314 business dealings or commerce with any terrorist state; or

2315 (c) Which offers for sale, at wholesale or retail,
2316 prearranged travel or, ~~tourist-related services, or tour-guide~~
2317 ~~services~~ for individuals or groups directly to any terrorist
2318 state and which originate in Florida, and also engages in any



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2319 other business dealings or commerce with any terrorist state,
2320
2321 shall annually certify its business activities by filing a
2322 disclosure statement with the department which accurately
2323 represents the scope of the seller's business activities
2324 according to the criteria provided in paragraph (a), paragraph
2325 (b), or paragraph (c).

2326 (3) The department shall specify by rule the form of each
2327 certification under this section which shall include the
2328 following information:

2329 (d) The type of all prearranged travel or, tourist-related
2330 services, ~~or tour-guide services~~ that the certifying party
2331 offers for sale to individuals or groups traveling directly to
2332 any terrorist state and that originate in Florida, and the
2333 frequency with which such services are offered.

2334 Section 44. Subsection (2) of section 559.937, Florida
2335 Statutes, is amended to read:

2336 559.937 Criminal penalties.—Any person or business that
2337 violates this part:

2338 (2) Which violation directly or indirectly pertains to an
2339 offer to sell, at wholesale or retail, prearranged travel or,
2340 tourist-related services, ~~or tour-guide services~~ for individuals
2341 or groups directly to any terrorist state and which originate in
2342 Florida, commits a felony of the third degree, punishable as
2343 provided in s. 775.082 or s. 775.083.

2344 Section 45. For the 2016-2017 fiscal year, the sum of
2345 \$1,305,097 in nonrecurring funds from the Division of Licensing
2346 Trust Fund is appropriated to the Department of Agriculture and
2347 Consumer Services for the purpose of implementing s. 493.6108,



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2348 Florida Statutes, regarding the collection and subsequent
2349 payment of fingerprint retention and processing fees to the
2350 Florida Department of Law Enforcement.

2351 Section 46. Except as otherwise expressly provided in this
2352 act, this act shall take effect July 1, 2016.

2353