

By the Committee on Commerce and Tourism; and Senator Richter

577-02002-16

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1                   A bill to be entitled  
2           An act relating to regulated service providers;  
3           amending s. 472.007, F.S.; revising the composition of  
4           the Board of Professional Surveyors and Mappers;  
5           amending s. 472.015, F.S.; requiring the Department of  
6           Agriculture and Consumer Services to waive the initial  
7           land surveying and mapping license fee for certain  
8           veterans, the spouses of such veterans, or certain  
9           business entities that have a majority ownership held  
10          by such veterans or spouses; amending s. 493.6105,  
11          F.S.; waiving the initial application fee for veterans  
12          for certain private investigative, private security,  
13          and repossession service licenses; revising certain  
14          fees for initial license applications; revising the  
15          submission requirements for a Class "K" license;  
16          amending s. 493.6106, F.S.; deleting a provision  
17          requiring that certain applicants submit additional  
18          documentation establishing state residency; amending  
19          s. 493.6107, F.S.; waiving the initial license fees  
20          for veterans for certain private investigative,  
21          private security, and repossession service licenses;  
22          amending s. 493.6108, F.S.; requiring the Department  
23          of Law Enforcement to retain fingerprints submitted  
24          for private investigative, private security, and  
25          repossession service licenses, to enter such  
26          fingerprints into the statewide automated biometric  
27          identification system and the Federal Bureau of  
28          Investigation's national retained print arrest  
29          notification program, and to report any arrest record  
30          information to the Department of Agriculture and  
31          Consumer Services; requiring the department to provide  
32          information about an arrest of a licensee for certain

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33 crime within the state to the agency that employs the  
34 licensee; amending s. 493.6113, F.S.; clarifying the  
35 renewal requirements for Class "K" licenses; requiring  
36 a person holding a private investigative, private  
37 security, or repossession service license issued  
38 before a certain date to submit, upon first renewal of  
39 the license, a full set of fingerprints and a  
40 fingerprint processing fee; amending ss. 493.6202,  
41 493.6302, and 493.6402, F.S.; waiving initial license  
42 fees for veterans for certain private investigative,  
43 private security, and repossession service licenses;  
44 amending s. 501.0125, F.S.; revising the definition of  
45 the term "health studio"; defining the term "personal  
46 trainer"; amending s. 501.015, F.S.; requiring the  
47 department to waive the initial health studio  
48 registration fee for certain veterans, the spouses of  
49 such veterans, or certain business entities that have  
50 a majority ownership held by such veterans or spouses;  
51 amending s. 501.605, F.S.; prohibiting the use of a  
52 mail drop as a street address for the principal  
53 location of a commercial telephone seller; requiring  
54 the department to waive the initial commercial  
55 telephone seller license fee for certain veterans, the  
56 spouses of such veterans, or certain business entities  
57 that have a majority ownership held by such veterans  
58 or spouses; amending s. 501.607, F.S.; requiring the  
59 department to waive the initial telephone salesperson  
60 license fees for certain veterans, the spouses of such  
61 veterans, or certain business entities that have a

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62 majority ownership held by such veterans or spouses;  
63 amending s. 507.03, F.S.; requiring the department to  
64 waive the initial registration fee for an intrastate  
65 mover for certain veterans, the spouses of such  
66 veterans, or certain business entities that have a  
67 majority ownership held by such veterans or spouses;  
68 amending s. 527.02, F.S.; requiring the department to  
69 waive the original liquefied petroleum gas license fee  
70 for 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  
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

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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; amending s. 559.927,  
111 F.S.; revising definitions; amending s. 559.928, F.S.;

112 revising the registration requirements for sellers of  
113 travel; requiring the department to waive the initial  
114 seller of travel registration fee for certain  
115 veterans, the spouses of such veterans, or certain  
116 business entities that have a majority ownership held  
117 by such veterans or spouses; requiring each  
118 advertisement, each certificate, or any other travel  
119 document to include a specified phrase; deleting a

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120 provision requiring an advertisement to include a  
121 specified phrase; revising the circumstances under  
122 which the department may deny or refuse to renew a  
123 registration; authorizing the department to revoke the  
124 registration of a seller of travel under certain  
125 circumstances; amending s. 559.929, F.S.; revising  
126 certain security requirements; amending s. 559.9295,  
127 F.S.; revising the requirements that certain sellers  
128 of travel submit and disclose to the department;  
129 deleting provisions relating to the duties of the  
130 department; amending s. 559.932, F.S.; requiring a  
131 specified typeface point size for certain disclosures;  
132 requiring the department to review copies of certain  
133 certificates and contracts for compliance with  
134 disclosure requirements; amending s. 559.933, F.S.;  
135 making technical changes; amending s. 559.9335, F.S.;  
136 revising violations relating to the sale of travel;  
137 amending s. 559.935, F.S.; deleting a provision  
138 requiring an affidavit of exemption to obtain a seller  
139 of travel affiliate exemption; adding embezzlement as  
140 a crime for which the department may revoke certain  
141 exemptions; amending s. 559.936, F.S.; conforming  
142 cross-references; amending s. 616.242, F.S.; exempting  
143 water-related amusement rides operated by lodging and  
144 food service establishments and membership  
145 campgrounds, amusement rides at private, membership-  
146 only facilities, and nonprofit permanent facilities  
147 from certain safety standards; authorizing owners or  
148 managers of amusement rides to use alternative forms

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149 to record ride inspections and employee training;  
150 amending s. 713.585, F.S.; revising certain notice  
151 requirements; authorizing the owner of a vehicle or a  
152 person claiming an interest in the vehicle or in a  
153 lien thereon to post a bond to recover possession of a  
154 vehicle held by a lienor; requiring the clerk of the  
155 court to issue a certificate notifying the lienor of  
156 the posting of bond; establishing procedures and  
157 requirements for a vehicle owner to reclaim such  
158 vehicles recovered by a lienholder; authorizing courts  
159 to award damages based on claims relating to the  
160 enforcement of certain lien and recovery rights;  
161 requiring courts to provide for the immediate payment  
162 of proceeds and awards and immediate release of bonds;  
163 amending s. 790.06, F.S.; revising the requirements  
164 for issuance of a concealed weapon or firearm license;  
165 requiring directions for expedited processing requests  
166 in the license application form; revising the initial  
167 and renewal fees for a concealed weapon or firearm  
168 license; providing a process for expediting  
169 applications for servicemembers and veterans;  
170 requiring that notice of the suspension or revocation  
171 of a concealed weapon or firearm license or the  
172 suspension of the processing of an application for  
173 such license be given by personal delivery or first-  
174 class mail; specifying deadlines for requests for a  
175 hearing for suspensions or revocations; specifying  
176 standards of proof for notice of suspensions or  
177 revocations; requiring concealed weapon or firearm

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178 license renewals to include an affidavit submitted  
179 under oath and under penalty of perjury, rather than a  
180 notarized affidavit; amending s. 790.0625, F.S.;  
181 authorizing certain tax collector offices, upon  
182 approval and confirmation of license issuance by the  
183 department, to print and deliver concealed weapon or  
184 firearm licenses; amending ss. 559.917, 559.9285, and  
185 559.937, F.S.; conforming terminology; providing  
186 effective dates  
187

188 Be It Enacted by the Legislature of the State of Florida:  
189

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

192 472.007 Board of Professional Surveyors and Mappers.—There  
193 is created in the Department of Agriculture and Consumer  
194 Services the Board of Professional Surveyors and Mappers.

195 (1) The board shall consist of nine members, seven ~~six~~ of  
196 whom shall be registered surveyors and mappers primarily engaged  
197 in the practice of surveying and mapping, ~~one of whom shall be a~~  
198 ~~registered surveyor and mapper with the designation of~~  
199 ~~photogrammetrist,~~ and two of whom shall be laypersons who are  
200 not and have never been surveyors and mappers or members of any  
201 closely related profession or occupation.

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

204 472.015 Licensure.—

205 (3) (a) Before the issuance of any license, the department  
206 may charge an initial license fee as determined by rule of the

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207 board. Upon receipt of the appropriate license fee, except as  
208 provided in subsection (6), the department shall issue a license  
209 to any person certified by the board, or its designee, as having  
210 met the applicable requirements imposed by law or rule. However,  
211 an applicant who is not otherwise qualified for licensure is not  
212 entitled to licensure solely based on a passing score on a  
213 required examination.

214 (b) The department shall waive the initial license fee for  
215 an honorably discharged veteran of the United States Armed  
216 Forces, the spouse of such a veteran, or a business entity that  
217 has a majority ownership held by such a veteran or spouse if the  
218 department receives an application, in a format prescribed by  
219 the department, within 60 months after the date of the veteran's  
220 discharge from any branch of the United States Armed Forces. To  
221 qualify for the waiver, a veteran must provide to the department  
222 a copy of his or her DD Form 214, as issued by the United States  
223 Department of Defense, or another acceptable form of  
224 identification as specified by the Department of Veterans'  
225 Affairs; the spouse of a veteran must provide to the department  
226 a copy of the veteran's DD Form 214, as issued by the United  
227 States Department of Defense, or another acceptable form of  
228 identification as specified by the Department of Veterans'  
229 Affairs, and a copy of a valid marriage license or certificate  
230 verifying that he or she was lawfully married to the veteran at  
231 the time of discharge; or a business entity must provide to the  
232 department proof that a veteran or the spouse of a veteran holds  
233 a majority ownership in the business, a copy of the veteran's DD  
234 Form 214, as issued by the United States Department of Defense,  
235 or another acceptable form of identification as specified by the



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236 Department of Veterans' Affairs, and, if applicable, a copy of a  
237 valid marriage license or certificate verifying that the spouse  
238 of the veteran was lawfully married to the veteran at the time  
239 of discharge.

240 Section 3. Paragraph (c) is added to subsection (1) of  
241 section 493.6105, Florida Statutes, and paragraph (j) of  
242 subsection (3) and paragraph (a) of subsection (6) of that  
243 section are amended, to read:

244 493.6105 Initial application for license.—

245 (1) Each individual, partner, or principal officer in a  
246 corporation, shall file with the department a complete  
247 application accompanied by an application fee not to exceed \$60,  
248 except that the applicant for a Class "D" or Class "G" license  
249 is not required to submit an application fee. The application  
250 fee is not refundable.

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

261 (3) The application must contain the following information  
262 concerning the individual signing the application:

263 (j) A full set of fingerprints, a fingerprint processing  
264 fee, and a fingerprint retention fee. The fingerprint processing

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265 and retention fees shall ~~to~~ be established by rule of the  
266 department based upon costs determined by state and federal  
267 agency charges and department processing costs, which must  
268 include the cost of retaining the fingerprints in the statewide  
269 automated biometric identification system established in s.  
270 943.05(2) (b) and the cost of enrolling the fingerprints in the  
271 national retained print arrest notification program as required  
272 under s. 493.6108. An applicant who has, within the immediately  
273 preceding 6 months, submitted such fingerprints and ~~fees~~ fee for  
274 licensing purposes under this chapter and who still holds a  
275 valid license is not required to submit another set of  
276 fingerprints or another fingerprint processing fee. An applicant  
277 who holds multiple licenses issued under this chapter is  
278 required to pay only a single fingerprint retention fee.

279 (6) In addition to the requirements under subsection (3),  
280 an applicant for a Class "K" license must:

281 (a) Submit one of the following:

282 1. The Florida Criminal Justice Standards and Training  
283 Commission Instructor Certificate and written confirmation by  
284 the commission that the applicant possesses an active firearms  
285 certification.

286 2. The National Rifle Association Private Security Firearm  
287 Instructor Certificate.

288 3. A firearms instructor certificate issued by a federal  
289 law enforcement agency.

290 4. An International Association of Law Enforcement Firearms  
291 Instructors certification.

292 5. A Second Amendment Foundation Training Division Firearms  
293 Instructors certification.

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294 Section 4. Paragraph (f) of subsection (1) of section  
295 493.6106, Florida Statutes, is amended to read:

296 493.6106 License requirements; posting.—

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

298 (f) Be a citizen or permanent legal resident alien of the  
299 United States or have appropriate authorization issued by the  
300 United States Citizenship and Immigration Services of the United  
301 States Department of Homeland Security.

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

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

318 3. An applicant for an agency or school license who is not  
319 a United States citizen or permanent legal resident alien must  
320 submit documentation issued by the United States Citizenship and  
321 Immigration Services stating that she or he is lawfully in the  
322 United States and is authorized to own and operate the type of

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323 agency or school for which she or he is applying. An employment  
324 authorization card issued by the United States Citizenship and  
325 Immigration Services is not sufficient documentation.

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

328 493.6107 Fees.—

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

338 Section 6. Subsections (4) and (5) are added to section  
339 493.6108, Florida Statutes, to read:

340 493.6108 Investigation of applicants by Department of  
341 Agriculture and Consumer Services.—

342 (4) The Department of Law Enforcement shall:

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

347 (b) When the Department of Law Enforcement begins  
348 participation in the Federal Bureau of Investigation's national  
349 retained print arrest notification program, enroll such  
350 fingerprints in the program. The fingerprints must thereafter be  
351 available for arrest notifications and all purposes and uses

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352 authorized for arrest fingerprint submissions entered into the  
353 statewide automated biometric identification system established  
354 in s. 943.05(2) (b).

355 (c) Search all arrest fingerprints against fingerprints  
356 retained.

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

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

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

368 493.6113 Renewal application for licensure.—

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

373 (3) Each licensee is responsible for renewing his or her  
374 license on or before its expiration by filing with the  
375 department an application for renewal accompanied by payment of  
376 the renewal fee and the fingerprint retention fee to cover the  
377 cost of ongoing retention in the statewide automated biometric  
378 identification system established in s. 943.05(2) (b) ~~prescribed~~  
379 license fee. A person holding a valid license issued under this  
380 chapter before January 1, 2017, must submit, upon first renewal

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381 of the license, a full set of fingerprints and a fingerprint  
382 processing fee to cover the cost of entering the fingerprints  
383 into the statewide automated biometric identification system  
384 under s. 493.6108(4)(a). Subsequent renewals may be completed  
385 without submission of a set of fingerprints.

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

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

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410 waive the firearms training requirement if:

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

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

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

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

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

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

433 493.6202 Fees.—

434 (4) The initial license fee for a veteran, as defined in s.  
435 1.01, shall be waived if he or she applies for a Class "C,"  
436 Class "CC," or Class "MA" license within 24 months after being  
437 discharged from any branch of the United States Armed Forces. An  
438 eligible veteran must include a copy of his or her DD Form 214,

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439 as issued by the United States Department of Defense, or another  
440 acceptable form of identification as specified by the Department  
441 of Veterans' Affairs with his or her application in order to  
442 obtain a waiver.

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

445 493.6302 Fees.—

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

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

457 493.6402 Fees.—

458 (4) The initial license fee for a veteran, as defined in s.  
459 1.01, shall be waived if he or she applies for a Class "E,"  
460 Class "EE," Class "MR," or Class "RI" license within 24 months  
461 after being discharged from any branch of the United States  
462 Armed Forces. An eligible veteran must include a copy of his or  
463 her DD Form 214, as issued by the United States Department of  
464 Defense, or another acceptable form of identification as  
465 specified by the Department of Veterans' Affairs with his or her  
466 application in order to obtain a waiver.

467 Section 11. Subsection (1) of section 501.0125, Florida



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468 Statutes, is amended, and subsection (6) is added to that  
469 section, to read:

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

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

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

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

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

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

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

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

490 (2) Remit an annual registration fee of \$300 to the  
491 department at the time of registration for each of the health  
492 studio's business locations. The department shall waive the  
493 initial registration fee for an honorably discharged veteran of  
494 the United States Armed Forces, the spouse of such a veteran, or  
495 a business entity that has a majority ownership held by such a  
496 veteran or spouse if the department receives an application, in

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

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

521 501.605 Licensure of commercial telephone sellers.—

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

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

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

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

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

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

568 Section 14. Paragraph (b) of subsection (2) of section  
569 501.607, Florida Statutes, is amended to read:

570 501.607 Licensure of salespersons.—

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

573 (b) A fee for licensing in the amount of \$50 per  
574 salesperson. The fee shall be deposited into the General  
575 Inspection Trust Fund. The fee for licensing may be paid after  
576 the application is filed, but must be paid within 14 days after  
577 the applicant begins work as a salesperson. The department shall  
578 waive the initial license fee for an honorably discharged  
579 veteran of the United States Armed Forces, the spouse of such a  
580 veteran, or a business entity that has a majority ownership held  
581 by such a veteran or spouse if the department receives an  
582 application, in a format prescribed by the department, within 60  
583 months after the date of the veteran's discharge from any branch

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584 of the United States Armed Forces. To qualify for the waiver, a  
585 veteran must provide to the department a copy of his or her DD  
586 Form 214, as issued by the United States Department of Defense,  
587 or another acceptable form of identification as specified by the  
588 Department of Veterans' Affairs; the spouse of a veteran must  
589 provide to the department a copy of the veteran's DD Form 214,  
590 as issued by the United States Department of Defense, or another  
591 acceptable form of identification as specified by the Department  
592 of Veterans' Affairs, and a copy of a valid marriage license or  
593 certificate verifying that he or she was lawfully married to the  
594 veteran at the time of discharge; or a business entity must  
595 provide to the department proof that a veteran or the spouse of  
596 a veteran holds a majority ownership in the business, a copy of  
597 the veteran's DD Form 214, as issued by the United States  
598 Department of Defense, or another acceptable form of  
599 identification as specified by the Department of Veterans'  
600 Affairs, and, if applicable, a copy of a valid marriage license  
601 or certificate verifying that the spouse of the veteran was  
602 lawfully married to the veteran at the time of discharge.

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

605 507.03 Registration.—

606 (3) (a) Registration fees shall be calculated at the rate of  
607 \$300 per year per mover or moving broker. All amounts collected  
608 shall be deposited by the Chief Financial Officer to the credit  
609 of the General Inspection Trust Fund of the department for the  
610 sole purpose of administration of this chapter.

611 (b) The department shall waive the initial registration fee  
612 for an honorably discharged veteran of the United States Armed

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

637 Section 16. Subsection (3) of section 527.02, Florida  
638 Statutes, is amended to read:

639 527.02 License; penalty; fees.—

640 (3) (a) An ~~Any~~ applicant for an original license who submits  
641 an ~~whose~~ application ~~is submitted~~ during the last 6 months of

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

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

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671 Form 214, as issued by the United States Department of Defense,  
672 or another acceptable form of identification as specified by the  
673 Department of Veterans' Affairs, and, if applicable, a copy of a  
674 valid marriage license or certificate verifying that the spouse  
675 of the veteran was lawfully married to the veteran at the time  
676 of discharge.

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

679 527.021 Registration of transport vehicles.-

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

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

687 531.37 Definitions.-As used in this chapter:

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

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

696 531.415 Fees.-

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



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

705 Weight	705 Fee/Unit
706 0 - 2 lb.	\$6
707 3 - 10 lb.	\$8
708 11 - 50 lb.	\$12
709 51 - 500 lb.	\$20
710 501 - 1000 lb.	\$30
711 1001 - 2500 lb.	\$40
712 2501 - 5000 lb.	\$50

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

717 Weight	717 Fee/Unit
718 0 - 10 lb.	\$20
719 11 - 50 lb.	\$30
720 51 - 500 lb.	\$40
721 501 - 1000 lb.	\$50
722 1001 - 2500 lb.	\$60
723 2501 - 5000 lb.	\$75

724 (c) For each mass standard that is calibrated to determine  
 725 actual mass or apparent mass values, ~~the department shall charge~~  
 726 ~~a fee of not more than:~~

727 Weight	727 Fee/Unit
728 0 - 20 lb.	\$40

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729	21 - 50 lb.		\$50
730	51 - 1000 lb.		\$70
731	1001 - 2500 lb.		\$150
732	2501 - 5000 lb.		\$250

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

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

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

740 ~~(e)-(f) For each linear measure test that is calibrated to~~  
 741 ~~determine actual values, the department shall charge a fee of~~  
 742 ~~\$75 not more than \$100.~~

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

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

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

752 (2) Each fee is payable to the department at the time the  
 753 testing is done, regardless of whether the item tested is  
 754 certified. The department may refuse to accept for testing any  
 755 item deemed by the department to be unsuitable for its intended  
 756 use or not to be in a condition ready for testing. The  
 757 department shall deposit all fees collected under this section

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758 into the General Inspection Trust Fund.

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

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

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

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

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

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

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

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

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

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

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

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

811           Section 22. Subsections (1), (2), and (4) of section  
812 531.62, Florida Statutes, are amended to read:

813           531.62 Permit application and renewal.—

814           (1) An application for a ~~weights and measures~~ commercial  
815 use permit shall be submitted to the department on a form

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816 prescribed and furnished by the department and must contain such  
817 information as the department may require by rule.

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

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

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

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

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

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

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845	Number of devices		
846	in a single <u>category</u> <del>retail</del>		
847	<del>establishment</del>	Maximum Fee	
848	1 to 5	\$60	
849	6 to 10	\$150	
850	11 to 30	\$200	
851	More than 30	\$300	
852	(2) For other measuring devices, the annual permit fees per		
853	device may not exceed the following:		
854	(a) Mass flow meters having a maximum flow rate of up to		
855	150 pounds per minute.....	\$100.	
856	<u>This includes all mass flow meters used to dispense compressed</u>		
857	<u>and liquefied natural gas for retail sale.</u>		
858	(b) Mass flow meters having a maximum flow rate greater		
859	than 150 pounds per minute.....	\$500.	
860	(c) Volumetric flow meters having a maximum flow rate of up		
861	to 20 gallons per minute.....	\$50.	
862	<u>This includes all devices used to dispense diesel exhaust fluid</u>		
863	<u>for retail sale.</u>		
864	(d) Volumetric flow meters having a maximum flow rate		
865	greater than 20 gallons per minute.....	\$100.	
866	(e) Tanks, under 500 gallons capacity, used as measure		
867	containers, with or without gage rods or markers.....	\$100.	
868	(f) Tanks, 500 or more gallons capacity, used as measure		
869	containers, with or without gage rods or markers.....	\$200.	
870	(g) Taximeters.....		\$50.
871	<del>(h) Grain moisture meters.....</del>		<del>\$25.</del>
872	<u>(h) <del>(i)</del> Multiple-dimension measuring</u>		
873	devices.....	\$100.	

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874 (i) Liquefied petroleum gas bulk delivery vehicles with a  
 875 meter owned or leased by a liquefied petroleum gas licensee.\$150.

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

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

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

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

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

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

893 Section 25. Paragraph (c) of subsection (3) of section  
 894 539.001, Florida Statutes, is amended to read:

895 539.001 The Florida Pawnbroking Act.—

896 (3) LICENSE REQUIRED.—

897 (c) Each license is valid for a period of 1 year unless it  
 898 is earlier relinquished, suspended, or revoked. Each license  
 899 shall be renewed annually, and each licensee shall, initially  
 900 and annually thereafter, pay to the agency a license fee of \$300  
 901 for each license held. The agency shall waive the initial  
 902 license fee for an honorably discharged veteran of the United

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

927 Section 26. Subsection (3) of section 559.904, Florida  
928 Statutes, is amended to read:

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

931 (3) (a) Each application for registration must be



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932 accompanied by a registration fee calculated on a per-year basis  
933 as follows:

- 934 1.~~(a)~~ If the place of business has 1 to 5 employees: \$50.  
935 2.~~(b)~~ If the place of business has 6 to 10 employees: \$150.  
936 3.~~(c)~~ If the place of business has 11 or more employees:  
937 \$300.

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

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961 valid marriage license or certificate verifying that the spouse  
962 of the veteran was lawfully married to the veteran at the time  
963 of discharge.

964 Section 27. Subsections (1), (7), (8), (10), (11), and (13)  
965 of section 559.927, Florida Statutes, are amended to read:

966 559.927 Definitions.—For the purposes of this part, the  
967 term:

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

974 (7) "Prearranged travel or, tourist-related services, ~~or~~  
975 ~~tour guide services~~" includes, but is not limited to, car  
976 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other  
977 such services that ~~which~~ are reasonably related to air, sea,  
978 rail, motor coach, or other medium of transportation, or  
979 accommodations for which a purchaser receives a premium or  
980 contracts or pays before ~~prior to~~ or after departure. This term  
981 ~~These terms~~ also includes ~~include~~ services for which a  
982 purchaser, whose legal residence is outside the United States,  
983 contracts or pays before ~~prior to~~ departure, and any arrangement  
984 by which a purchaser prepays for, receives a reservation or any  
985 other commitment to provide services before ~~prior to~~ departure  
986 for, or otherwise arranges for travel directly to a terrorist  
987 state and which originates in Florida.

988 (8) "Purchaser" means the purchaser of, or person otherwise  
989 entitled to receive, prearranged travel or, tourist-related

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990 services, ~~or tour guide services,~~ for a fee or commission, or  
991 who has acquired a vacation certificate for personal use.

992 (10) "Satisfactory consumer complaint history" means no  
993 unresolved complaints regarding prearranged travel or, tourist-  
994 related services, ~~or tour guide services~~ are on file with the  
995 department. A complaint is unresolved when a seller of travel  
996 does not respond to the department's efforts to mediate the  
997 complaint or a complaint where the department has determined  
998 that a violation of this part has occurred and the complainant  
999 ~~complaint~~ has not been satisfied by the seller of travel.

1000 (11) "Seller of travel" means any ~~resident or nonresident~~  
1001 person, firm, corporation, or business entity who offers for  
1002 sale, directly or indirectly, at wholesale or retail,  
1003 prearranged travel or, tourist-related services, ~~or tour guide~~  
1004 ~~services~~ for individuals or groups, including, but not limited  
1005 to, vacation ~~or tour~~ packages, or vacation certificates in  
1006 exchange for a fee, commission, or other valuable consideration.  
1007 The term includes any business entity offering membership in a  
1008 travel club or travel services for an advance fee or payment,  
1009 even if no travel contracts or certificates or vacation or tour  
1010 packages are sold by the business entity.

1011 (13) "Vacation certificate" means any advance travel  
1012 purchase arrangement, ~~plan, program, or vacation package that~~  
1013 ~~promotes, discusses, or discloses a destination or itinerary or~~  
1014 ~~type of travel,~~ whereby a purchaser ~~for consideration paid in~~  
1015 ~~advance~~ is entitled to the use of travel, accommodations, or  
1016 facilities for any number of days, whether certain or uncertain,  
1017 during the period in which the certificate can be exercised, and  
1018 no specific date or dates for its use are designated. A vacation

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1019 certificate does not include prearranged travel or, tourist-  
1020 related services, ~~or tour guide services~~ when a seller of travel  
1021 remits full payment for the cost of such services to the  
1022 provider or supplier within 10 business days of the purchaser's  
1023 initial payment to the seller of travel. The term does not  
1024 include travel if exact travel dates are selected, guaranteed,  
1025 and paid for at the time of the purchase.

1026 Section 28. Section 559.928, Florida Statutes, is amended  
1027 to read:

1028 559.928 Registration.—

1029 (1) Each seller of travel shall annually register with the  
1030 department, providing: its legal business or trade name, mailing  
1031 address, and business locations; the full names, addresses, and  
1032 telephone numbers of its owners or corporate officers and  
1033 directors and the Florida agent of the corporation; a statement  
1034 whether it is a domestic or foreign corporation, its state and  
1035 date of incorporation, its charter number, and, if a foreign  
1036 corporation, the date it registered with this state, and  
1037 business tax receipt where applicable; ~~the date on which a~~  
1038 ~~seller of travel registered its fictitious name if the seller of~~  
1039 ~~travel is operating under a fictitious or trade name;~~ the name  
1040 of all other corporations, business entities, and trade names  
1041 through which each owner of the seller of travel operated, was  
1042 known, or did business as a seller of travel within the  
1043 preceding 5 years; a list of all authorized independent agents,  
1044 including the agent's trade name, full name, mailing address,  
1045 business address, and telephone numbers; the business location  
1046 and address of each branch office and full name and address of  
1047 the manager or supervisor; the certification required under s.

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1048 559.9285; and proof of purchase of adequate bond as required in  
1049 this part. A certificate evidencing proof of registration shall  
1050 be issued by the department and must be prominently displayed in  
1051 the seller of travel's primary place of business.

1052 (2) (a) Registration fees shall be as follows:

1053 1. Three hundred dollars per year per registrant certifying  
1054 its business activities under s. 559.9285(1) (a).

1055 2. One thousand dollars per year per registrant certifying  
1056 its business activities under s. 559.9285(1) (b).

1057 3. Twenty-five hundred dollars per year per registrant  
1058 certifying its business activities under s. 559.9285(1) (c).

1059 (b) All amounts collected shall be deposited by the Chief  
1060 Financial Officer to the credit of the General Inspection Trust  
1061 Fund of the Department of Agriculture and Consumer Services  
1062 pursuant to s. 570.20, for the sole purpose of administration of  
1063 this part.

1064 (c) The department shall waive the initial registration fee  
1065 for an honorably discharged veteran of the United States Armed  
1066 Forces, the spouse of such a veteran, or a business entity that  
1067 has a majority ownership held by such a veteran or spouse if the  
1068 department receives an application, in a format prescribed by  
1069 the department, within 60 months after the date of the veteran's  
1070 discharge from any branch of the United States Armed Forces. To  
1071 qualify for the waiver, a veteran must provide to the department  
1072 a copy of his or her DD Form 214, as issued by the United States  
1073 Department of Defense, or another acceptable form of  
1074 identification as specified by the Department of Veterans'  
1075 Affairs; the spouse of a veteran must provide to the department  
1076 a copy of the veteran's DD Form 214, as issued by the United

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1077 States Department of Defense, or another acceptable form of  
1078 identification as specified by the Department of Veterans'  
1079 Affairs, and a copy of a valid marriage license or certificate  
1080 verifying that he or she was lawfully married to the veteran at  
1081 the time of discharge; or a business entity must provide to the  
1082 department proof that a veteran or the spouse of a veteran holds  
1083 a majority ownership in the business, a copy of the veteran's DD  
1084 Form 214, as issued by the United States Department of Defense,  
1085 or another acceptable form of identification as specified by the  
1086 Department of Veterans' Affairs, and, if applicable, a copy of a  
1087 valid marriage license or certificate verifying that the spouse  
1088 of the veteran was lawfully married to the veteran at the time  
1089 of discharge.

1090 (3) Each independent agent shall annually file an affidavit  
1091 with the department before ~~prior to~~ engaging in business in this  
1092 state. This affidavit must include the independent agent's full  
1093 name, legal business or trade name, mailing address, business  
1094 address, telephone number, and the name and address of each  
1095 seller of travel represented by the independent agent. A letter  
1096 evidencing proof of filing must be issued by the department and  
1097 must be prominently displayed in the independent agent's primary  
1098 place of business. Each independent agent must also submit an  
1099 annual registration fee of \$50. All moneys collected pursuant to  
1100 the imposition of the fee shall be deposited by the Chief  
1101 Financial Officer into the General Inspection Trust Fund of the  
1102 Department of Agriculture and Consumer Services for the sole  
1103 purpose of administrating this part. As used in this subsection,  
1104 the term "independent agent" means a person who represents a  
1105 seller of travel by soliciting persons on its behalf; who has a

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1106 written contract with a seller of travel which is operating in  
 1107 compliance with this part and any rules adopted thereunder; who  
 1108 does not receive a fee, commission, or other valuable  
 1109 consideration directly from the purchaser for the seller of  
 1110 travel; who does not at any time have any unissued ticket stock  
 1111 or travel documents in his or her possession; and who does not  
 1112 have the ability to issue tickets, vacation certificates, or any  
 1113 other travel document. The term "independent agent" does not  
 1114 include an affiliate of the seller of travel, as that term is  
 1115 used in s. 559.935(3), or the employees of the seller of travel  
 1116 or of such affiliates.

1117 (4) Any person applying for or renewing a local business  
 1118 tax receipt to engage in business as a seller of travel must  
 1119 exhibit a current registration certificate from the department  
 1120 before the local business tax receipt may be issued or reissued.

1121 (5) Each contract, advertisement, or certificate, or any  
 1122 other travel document, of a seller of travel must include the  
 1123 phrase "...(NAME OF FIRM)... is registered with the State of  
 1124 Florida as a Seller of Travel. Registration No....."

1125 ~~(6) Each advertisement of a seller of travel must include~~  
 1126 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

1127 (6)(7) A No registration is not ~~shall be~~ valid for any  
 1128 seller of travel transacting business at any place other than  
 1129 that designated in its application, unless the department is  
 1130 first notified in writing in advance of any change of location.  
 1131 A Nor shall the registration is not ~~be~~ valid for an affiliate of  
 1132 the seller of travel who engages in the prearranged travel and  
 1133 tourist business. A registration issued under this part may  
 1134 ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not

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1135 be permitted to conduct business under more than one name except  
1136 as registered. A seller of travel desiring to change its  
1137 registered name or location or designated agent for service of  
1138 process at a time other than upon renewal of registration shall  
1139 notify the department of such change.

1140 ~~(7)~~~~(8)~~ Applications under this section are ~~shall be~~ subject  
1141 to ~~the provisions of~~ s. 120.60.

1142 ~~(8)~~~~(9)~~ The department may deny, ~~or~~ refuse to renew, or  
1143 revoke the registration of any seller of travel based upon a  
1144 determination that the seller of travel, or any of its  
1145 directors, officers, owners, or general partners:

1146 (a) Has failed to meet the requirements for registration as  
1147 provided in this part;

1148 (b) Has been convicted of a crime involving fraud, theft,  
1149 embezzlement, dishonest dealing, or any other act of moral  
1150 turpitude or any other act arising out of conduct as a seller of  
1151 travel;

1152 (c) Has not satisfied a civil fine or penalty arising out  
1153 of any administrative or enforcement action brought by any  
1154 governmental agency or private person based upon conduct  
1155 involving fraud, theft, embezzlement, dishonest dealing, or any  
1156 violation of this part;

1157 (d) Has pending against her or him any criminal,  
1158 administrative, or enforcement proceedings in any jurisdiction,  
1159 based upon conduct involving fraud, theft, embezzlement,  
1160 dishonest dealing, or any other act of moral turpitude or any  
1161 other act arising out of conduct as a seller of travel; or

1162 (e) Has had a judgment entered against her or him in any  
1163 action brought by the department or the Department of Legal



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1164 Affairs pursuant to ss. 501.201-501.213 or this act ~~part~~.

1165 Section 29. Subsections (2) and (6) of section 559.929,  
1166 Florida Statutes, are amended to read:

1167 559.929 Security requirements.—

1168 (2) The bond must be filed with the department on a form  
1169 adopted by department rule and must be in favor of the  
1170 department for the use and benefit of a traveler who is injured  
1171 by the fraud, misrepresentation, breach of contract, or  
1172 financial failure, or any other violation of this part by the  
1173 seller of travel. Such liability may be enforced by proceeding  
1174 in an administrative action as specified in subsection (3) or by  
1175 filing a civil action. However, in such civil action the bond  
1176 posted with the department may ~~shall~~ not be amenable or subject  
1177 to a judgment or other legal process issuing out of or from such  
1178 court in connection with such civil action, but such bond shall  
1179 be amenable to and enforceable only by and through  
1180 administrative proceedings before the department. It is the  
1181 intent of the Legislature that such bond be applicable and  
1182 liable only for the payment of claims duly adjudicated by order  
1183 of the department. The bond must be open to successive claims,  
1184 but the aggregate amount awarded may not exceed the amount of  
1185 the bond. In addition to the foregoing, a bond provided by a  
1186 registrant or applicant for registration which certifies its  
1187 business activities under s. 559.9285(1)(b) or (c) must be in  
1188 favor of the department, with payment in the following order of  
1189 priority:

1190 (a) The expenses for prosecuting the registrant or  
1191 applicant in an administrative or civil action under this part,  
1192 including attorney fees and fees for other professionals, court

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1193 costs or other costs of the proceedings, and all other expenses  
1194 incidental to the action.

1195 (b) The costs and expenses of investigation before the  
1196 commencement of an administrative or civil action under this  
1197 part.

1198 (c) An unpaid administrative fine imposed by final order or  
1199 an unpaid civil penalty imposed by final judgment under this  
1200 part.

1201 (d) Damages or compensation for a traveler injured as  
1202 provided in this subsection.

1203 (6) The department may waive the bond requirement on an  
1204 annual basis if the seller of travel has had 5 or more  
1205 consecutive years of experience as a seller of travel in this  
1206 state in compliance with this part, has not had a civil,  
1207 criminal, or administrative action instituted against the seller  
1208 of travel in the vacation and travel business by a governmental  
1209 agency or an action involving fraud, theft, misappropriation of  
1210 property, violation of a statute pertaining to business or  
1211 commerce with a terrorist state, ~~or~~ moral turpitude, or other  
1212 violation of this part and has a satisfactory consumer complaint  
1213 history with the department, and certifies its business  
1214 activities under s. 559.9285. Such waiver may be revoked if the  
1215 seller of travel violates this part. A seller of travel which  
1216 certifies its business activities under s. 559.9285(1)(b) or (c)  
1217 is not entitled to the waiver provided in this subsection.

1218 Section 30. Subsections (10), (14), and (17) of section  
1219 559.9295, Florida Statutes, are amended to read:

1220 559.9295 Submission of vacation certificate documents.—  
1221 Sellers of travel who offer vacation certificates must submit

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1222 and disclose to the department with the application for  
1223 registration, and any time such document is changed, but prior  
1224 to the sale of any vacation certificate, the following  
1225 materials:

1226 ~~(10) A statement of the number of certificates to be issued  
1227 and the date of their expiration.~~

1228 (13)~~(14)~~ A listing of the full name, address, and telephone  
1229 number of each person through which the distribution and sale of  
1230 vacation certificates is to be carried out, ~~including the number  
1231 of vacation certificates allocated or sold to each such person~~  
1232 and the name and address of a Florida registered agent for  
1233 service of process.

1234 ~~(17) Within 10 working days after receipt of any materials  
1235 submitted subsequent to filing an initial registration  
1236 application or any annual renewal thereof, the department shall  
1237 determine whether such materials are adequate to meet the  
1238 requirements of this section. The department shall notify the  
1239 seller of travel that materials submitted are in substantial  
1240 compliance, or shall notify the seller of travel of any specific  
1241 deficiencies. If the department fails to notify the seller of  
1242 travel of its determination within the period specified in this  
1243 subsection, the materials shall be deemed in compliance;  
1244 however, the failure of the department to send notification in  
1245 either case will not relieve the seller of travel from the duty  
1246 of complying with this section. Neither the submission of these  
1247 materials nor the department's response implies approval,  
1248 recommendation, or endorsement by the department or that the  
1249 contents of said materials have been verified by the department.~~

1250 Section 31. Section 559.932, Florida Statutes, is amended

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1251 to read:

1252 559.932 Vacation certificate disclosure.—

1253 (1) A ~~It shall be unlawful for any~~ seller of travel must ~~to~~  
1254 ~~fail to~~ provide each person solicited with a contract that  
1255 includes which shall include the following in a 10-point font,  
1256 unless otherwise specified:

1257 (a) A space for the date, name, address, and signature of  
1258 the purchaser.

1259 (b) The expiration date of the vacation certificate and the  
1260 terms and conditions of its extension or renewal, if available.

1261 (c) The name and business address of any seller of travel  
1262 who may solicit vacation certificate purchasers for further  
1263 purchases, and a full and complete statement as to the nature  
1264 and method of that solicitation.

1265 (d) The total financial obligation of the purchaser which  
1266 shall include the initial purchase price and any additional  
1267 charges to which the purchaser may be subject, including, but  
1268 not limited to, any per diem, seasonal, reservation, or  
1269 recreational charge.

1270 (e) The name and street address of any person who has the  
1271 right to alter, amend, or add to the charges to which the  
1272 purchaser may be subject and the terms and conditions under  
1273 which such charges may be imposed.

1274 (f) If any accommodation or facility which a purchaser  
1275 acquires the right to use pursuant to the vacation certificate  
1276 is not completed at the time the certificate is offered for  
1277 sale, the date of availability of each component of the  
1278 accommodation or facility.

1279 (g) By means of a section entitled "terms and conditions":

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1280 1. All eligibility requirements for use of the vacation  
1281 certificate, including, but not limited to, age, sex, marital  
1282 status, group association, residency, or geographic limitations.

1283 2. All eligibility requirements for use of any discount or  
1284 complimentary coupon or ticket.

1285 3. A statement as to whether transportation and meals are  
1286 provided pursuant to use of the certificate.

1287 4. Any room deposit requirement, including all conditions  
1288 for its return or refund.

1289 5. The manner in which reservation requests are to be made  
1290 and the method by which they are to be confirmed.

1291 6. Any identification, credential, or other means by which  
1292 a purchaser must establish her or his entitlement to the rights,  
1293 benefits, or privileges of the vacation certificate.

1294 7. Any restriction or limitation upon transfer of the  
1295 vacation certificate or any right, benefit, or privilege  
1296 thereunder.

1297 8. Any other term, limitation, condition, or requirement  
1298 material to use of the vacation certificate or any right,  
1299 benefit, or privilege thereunder.

1300 (h) In immediate proximity to the space reserved in the  
1301 contract for the date and the name, address, and signature of  
1302 the purchaser, the following statement in boldfaced type of a  
1303 size of 10 points:

1304  
1305 "YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR  
1306 OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT  
1307 OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER."

1308 "YOU MAY ALSO CANCEL THIS CONTRACT IF ACCOMMODATIONS OR

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1309 FACILITIES ARE NOT AVAILABLE PURSUANT TO A REQUEST FOR USE AS  
1310 PROVIDED IN THE CONTRACT."

1311 "IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN  
1312 WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE  
1313 AND SENDING NOTICE TO: ... (NAME OF SELLER)... AT ... (SELLER'S  
1314 ADDRESS)...."

1315

1316 (i) In immediate proximity to the statement required in  
1317 paragraph (h), the following statement in boldfaced type of a  
1318 size of 12 ~~10~~ points:

1319

1320 "NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN  
1321 THOSE INCLUDED IN THIS CONTRACT."

1322

1323 However, inclusion of this statement shall not impair any  
1324 purchaser's right to bring legal action based on verbal  
1325 statements.

1326 (j) In immediate proximity to the statement required in  
1327 paragraph (i), the following statement:

1328 "This contract is for the purchase of a vacation  
1329 certificate and puts all assignees on notice of the consumer's  
1330 right to cancel under section 559.933, Florida Statutes."

1331 (2) If a sale or agreement to purchase a vacation  
1332 certificate is completed over the telephone, the seller shall  
1333 inform the purchaser over the telephone that:

1334 (a) The purchaser may cancel the contract without any  
1335 penalty or obligation within 30 days from the date of purchase  
1336 or receipt of the vacation certificate, whichever occurs later.

1337 (b) The purchaser may also cancel the contract if

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1338 accommodations or facilities are not available upon request for  
1339 use as provided in the contract.

1340 (3) Upon receipt of a copy of a vacation certificate or  
1341 contract required pursuant to s. 559.9295, the department must  
1342 review the certificate or contract for compliance with the  
1343 disclosures required under this section.

1344 Section 32. Section 559.933, Florida Statutes, is amended  
1345 to read:

1346 559.933 Vacation certificate cancellation and refund  
1347 provisions.-

1348 (1) A ~~It shall be unlawful for any~~ seller of travel or  
1349 assignee ~~must honor a purchaser's request to cancel a vacation~~  
1350 certificate if such request is made:

1351 ~~(1) To fail or refuse to honor a purchaser's vacation~~  
1352 ~~certificate request to cancel if such request is made:~~

1353 (a) Within 30 days after ~~from~~ the date of purchase or  
1354 receipt of the vacation certificate, whichever occurs later; or

1355 (b) At any time accommodations or facilities are not  
1356 available pursuant to a request for use as provided in the  
1357 contract, provided that:

1358 1. The contract may ~~shall~~ not require notice greater than  
1359 60 days in advance of the date requested for use;

1360 2. If acceptable to the purchaser, comparable alternate  
1361 accommodations or facilities in a city, or reservations for a  
1362 date different than that requested, may be provided.

1363 (2) A seller of travel or assignee must ~~To fail to~~ refund  
1364 any and all payments made by the vacation certificate purchaser  
1365 within 30 days after receipt of the certificate and notice of  
1366 cancellation made pursuant to this section, if the purchaser has

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1367 not received any benefits pursuant to the vacation certificate.

1368 (3) A seller of travel or assignee must, if the purchaser  
1369 has received any benefits pursuant to the vacation certificate,  
1370 ~~to fail to~~ refund within 30 days after receipt of the  
1371 certificate and notice of cancellation made pursuant to this  
1372 section any and all payments made by the purchaser which exceed  
1373 a pro rata portion of the total price, representing the portion  
1374 of any benefits actually received by the vacation certificate  
1375 purchaser during the time preceding cancellation.

1376 (4) If ~~Where~~ any purchaser has received confirmation of  
1377 reservations in advance and is refused accommodations upon  
1378 arrival, a seller of travel or assignee must ~~to fail to~~ procure  
1379 comparable alternate accommodations for the purchaser in the  
1380 same city at no expense to the purchaser, or ~~to fail to~~ fully  
1381 compensate the purchaser for the room rate incurred in securing  
1382 comparable alternate accommodations himself or herself.

1383 (5) A seller of travel or assignee may not ~~To~~ collect more  
1384 than the full contract price from the purchaser.

1385 (6) A seller of travel or assignee may not ~~To~~ sell, assign,  
1386 or otherwise transfer any interest in a seller of travel  
1387 business, or ~~to~~ sell, assign, or otherwise transfer to a third  
1388 party any interest in any vacation certificate unless:

1389 (a) The third party agrees in writing to fully honor the  
1390 rights of vacation certificate purchasers to cancel and to  
1391 receive an appropriate refund or reimbursement as provided in  
1392 this section.

1393 (b) The third party agrees in writing to comply with all  
1394 other provisions of this part for as long as the third party  
1395 continues the sale of vacation certificates or for the duration



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1396 of the period of validity of outstanding vacation certificates,  
1397 whichever is longer in time.

1398 (c) The seller of travel agrees to be liable for and fully  
1399 indemnify a purchaser from any loss occasioned by the failure of  
1400 the third party to honor the purchaser's right to cancel and  
1401 failure to make prompt and complete refund to the purchaser of  
1402 all sums paid to the third party, or occasioned by the third  
1403 party's failure to comply with the provisions of this part.

1404 (7) A seller of travel or assignee must ~~To fail to~~ fulfill  
1405 the terms of a vacation certificate within 18 months after ~~of~~  
1406 the initial payment of any consideration by the purchaser to a  
1407 seller of travel or third party.

1408 Section 33. Section 559.9335, Florida Statutes, is amended  
1409 to read:

1410 559.9335 Violations.—It is a violation of this part for any  
1411 seller of travel, independent agent, or other person:

1412 (1) To conduct business as a seller of travel without  
1413 registering annually with the department unless exempt pursuant  
1414 to s. 559.935.

1415 (2) To conduct business as a seller of travel without an  
1416 annual purchase of a performance bond in the amount set by the  
1417 department unless exempt pursuant to s. 559.935.

1418 (3) Knowingly to make any false statement, representation,  
1419 or certification in any application, document, or record  
1420 required to be submitted or retained under this part or in any  
1421 response to an inquiry or investigation conducted by the  
1422 department or any other governmental agency.

1423 (4) Knowingly to sell or market any ~~number of~~ vacation  
1424 certificates that exceed the accommodations available at the

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1425 ~~time of sale the number disclosed to the department pursuant to~~  
1426 ~~this section.~~

1427 (5) Knowingly to sell or market vacation certificates with  
1428 an expiration date of more than 18 months from the date of  
1429 issuance.

1430 ~~(6) Knowingly to require, request, encourage, or suggest,~~  
1431 ~~directly or indirectly, that payment for the right to obtain a~~  
1432 ~~travel contract, certificate, or vacation package must be by~~  
1433 ~~credit card authorization or to otherwise announce a preference~~  
1434 ~~for that method of payment over any other when no correct and~~  
1435 ~~true explanation for such preference is likewise stated.~~

1436 (6)~~(7)~~ Knowingly to state, represent, indicate, suggest, or  
1437 imply, directly or indirectly, that the travel contract,  
1438 certificate, or vacation package being offered by the seller of  
1439 travel cannot be purchased at some later time or may not  
1440 otherwise be available after the initial contact, or that  
1441 callbacks by the prospective purchaser are not accepted, when no  
1442 such restrictions or limitations in fact exist.

1443 (7)~~(8)~~ To misrepresent ~~in any manner~~ the purchaser's right  
1444 to cancel and to receive an appropriate refund or reimbursement  
1445 as provided by this part.

1446 (8)~~(9)~~ To sell any vacation certificate the duration of  
1447 which exceeds the duration of any agreement between the seller  
1448 and any business entity obligated thereby to provide  
1449 accommodations or facilities pursuant to the vacation  
1450 certificate.

1451 (9)~~(10)~~ To misrepresent or deceptively represent:

1452 (a) The amount of time or period of time accommodations or  
1453 facilities will be available.

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- 1454 (b) The location of accommodations or facilities offered.
- 1455 (c) The price, size, nature, extent, qualities, or  
1456 characteristics of accommodations or facilities offered.
- 1457 (d) The nature or extent of other goods, services, or  
1458 amenities offered.
- 1459 (e) A purchaser's rights, privileges, or benefits.
- 1460 (f) The conditions under which the purchaser may obtain a  
1461 reservation for the use of offered accommodations or facilities.
- 1462 (g) That the recipient of an advertisement or promotional  
1463 materials is a winner, or has been selected, or is otherwise  
1464 being involved in a select group for receipt, of a gift, award,  
1465 or prize, unless this fact is the truth.
- 1466 (10)~~(11)~~ To fail to inform a purchaser of a nonrefundable  
1467 cancellation policy before ~~prior to~~ the seller of travel  
1468 accepting any fee, commission, or other valuable consideration.
- 1469 ~~(12) To fail to include, when offering to sell a vacation  
1470 certificate, in any advertisement or promotional material, the  
1471 following statement: "This is an offer to sell travel."~~
- 1472 (11)~~(13)~~ To fail to honor and comply with all provisions of  
1473 the vacation certificate regarding the purchaser's rights,  
1474 benefits, and privileges thereunder.
- 1475 (12)~~(14)~~ (a) To include in any vacation certificate or  
1476 contract any provision purporting to waive or limit any right or  
1477 benefit provided to purchasers under this part; or
- 1478 (b) To seek or solicit such waiver or acceptance of  
1479 limitation from a purchaser concerning rights or benefits  
1480 provided under this part.
- 1481 (13)~~(15)~~ To offer vacation certificates for any  
1482 accommodation or facility for which there is no contract with

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1483 the owner of the accommodation or facility securing the  
1484 purchaser's right to occupancy and use, unless the seller is the  
1485 owner.

1486 ~~(16) To use a local mailing address, registration facility,~~  
1487 ~~drop box, or answering service in the promotion, advertising,~~  
1488 ~~solicitation, or sale of vacation certificates, unless the~~  
1489 ~~seller's fixed business address is clearly disclosed during any~~  
1490 ~~telephone solicitation and is prominently and conspicuously~~  
1491 ~~disclosed on all solicitation materials and on the contract.~~

1492 (14) ~~(17)~~ To use any registered trademark, trade name, or  
1493 trade logo in any promotional, advertising, or solicitation  
1494 materials without written authorization from the holder of such  
1495 trademark, trade name, or trade logo.

1496 (15) ~~(18)~~ To represent, directly or by implication, any  
1497 affiliation with, or endorsement by, any governmental,  
1498 charitable, educational, medical, religious, fraternal, or civic  
1499 organization or body, or any individual, in the promotion,  
1500 advertisement, solicitation, or sale of vacation certificates  
1501 without express written authorization.

1502 (16) ~~(19)~~ To sell a vacation certificate to any purchaser  
1503 who is ineligible for its use.

1504 ~~(20) To sell any number of vacation certificates exceeding~~  
1505 ~~the number disclosed pursuant to this part.~~

1506 (17) ~~(21)~~ During the period of a vacation certificate's  
1507 validity, in the event, for any reason whatsoever, of lapse or  
1508 breach of an agreement for the provision of accommodations or  
1509 facilities to purchasers, to fail to procure similar agreement  
1510 for the provision of comparable alternate accommodations or  
1511 facilities in the same city or surrounding area.

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1512        ~~(18)(22)~~ To offer to sell, at wholesale or retail,  
1513 prearranged travel or, tourist-related services, ~~or tour-guide~~  
1514 ~~services~~ for individuals or groups directly to any terrorist  
1515 state and which originate in Florida, without disclosing such  
1516 business activities in a certification filed under s.  
1517 559.9285(1) (b) or (c).

1518        ~~(19)(23)~~ To violate any state or federal law restricting or  
1519 prohibiting commerce with terrorist states.

1520        ~~(20)(24)~~ To engage in ~~do~~ any other fraudulent action that  
1521 ~~act which~~ constitutes fraud, misrepresentation, or failure to  
1522 disclose a material fact, or to commit any other violation of,  
1523 or fail to comply with, this part.

1524        ~~(21)(25)~~ To refuse or fail, or for any of its principal  
1525 officers to refuse or fail, after notice, to produce any  
1526 document or record or disclose any information required to be  
1527 produced or disclosed.

1528        ~~(22)(26)~~ Knowingly to make a material false statement in  
1529 response to any request or investigation by the department, the  
1530 Department of Legal Affairs, or the state attorney.

1531        Section 34. Subsections (3) and (4) of section 559.935,  
1532 Florida Statutes, are amended to read:

1533        559.935 Exemptions.—

1534        (3) Sections 559.928, 559.929, 559.9295, 559.931, and  
1535 559.932 ~~shall~~ also do not apply to a seller of travel that is an  
1536 affiliate of an entity exempt pursuant to subsection (2) subject  
1537 to the following conditions:

1538        (a) If ~~In the event~~ the department finds the affiliate does  
1539 not have a satisfactory consumer complaint history or the  
1540 affiliate fails to respond to a consumer complaint within 30

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1541 days, the related seller of travel exempt pursuant to subsection  
1542 (2) is ~~shall be~~ liable for the actions of the affiliate, subject  
1543 to the remedies provided in ss. 559.9355 and 559.936.

1544 (b) If ~~In the event~~ the department is unable to locate an  
1545 affiliate, the related seller of travel exempt pursuant to  
1546 subsection (2) is ~~shall be~~ fully liable for the actions of the  
1547 affiliate, subject to the remedies provided in ss. 559.9355 and  
1548 559.936.

1549 ~~(c) In order to obtain an exemption under this subsection,~~  
1550 ~~the affiliate shall file an affidavit of exemption on a form~~  
1551 ~~prescribed by the department and shall certify its business~~  
1552 ~~activities under s. 559.9285(1)(a). The affidavit of exemption~~  
1553 ~~shall be executed by a person who exercises identical control~~  
1554 ~~over the seller of travel exempt pursuant to subsection (2) and~~  
1555 ~~the affiliate. Failure to file an affidavit of exemption or~~  
1556 ~~certification under s. 559.9285(1)(a) prior to engaging in~~  
1557 ~~seller of travel activities shall subject the affiliate to the~~  
1558 ~~remedies provided in ss. 559.9355 and 559.936.~~

1559 (c) ~~(d)~~ Revocation by the department of an exemption  
1560 provided to a seller of travel under subsection (2) shall  
1561 constitute automatic revocation by law of an exemption obtained  
1562 by an affiliate under the subsection.

1563 (d) ~~(e)~~ This subsection does ~~shall~~ not apply to:

1564 1. An affiliate that independently qualifies for another  
1565 exemption under this section.

1566 2. An affiliate that sells, or offers for sale, vacation  
1567 certificates.

1568 3. An affiliate that certifies its business activities  
1569 under s. 559.9285(1)(b) or (c).

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1570        (e)~~(f)~~ For purposes of this section, the term an  
 1571 "affiliate" means an entity that meets the following:

1572            1. The entity has the identical ownership as the seller of  
 1573 travel that is exempt under subsection (2).

1574            2. The ownership controlling the seller of travel that is  
 1575 exempt under subsection (2) also exercises identical control  
 1576 over the entity.

1577            3. The owners of the affiliate hold the identical  
 1578 percentage of voting shares as they hold in the seller of travel  
 1579 that is exempt under subsection (2).

1580            (4) The department may revoke the exemption provided in  
 1581 subsection (2) or subsection (3) if the department finds that  
 1582 the seller of travel does not have a satisfactory consumer  
 1583 complaint history, has been convicted of a crime involving  
 1584 fraud, theft, embezzlement, misappropriation of property,  
 1585 deceptive or unfair trade practices, or moral turpitude, or has  
 1586 not complied with the terms of any order or settlement agreement  
 1587 arising out of an administrative or enforcement action brought  
 1588 by a governmental agency or private person based on conduct  
 1589 involving fraud, theft, embezzlement, misappropriation of  
 1590 property, deceptive or unfair trade practices, or moral  
 1591 turpitude.

1592            Section 35. Subsection (3) of section 559.936, Florida  
 1593 Statutes, is amended to read:

1594            559.936 Civil penalties; remedies.—

1595            (3) The department may seek a civil penalty in the Class  
 1596 III category pursuant to s. 570.971 for each act or omission in  
 1597 violation of s. 559.9335(18) or (19) ~~s. 559.9335(22) or (23)~~.

1598            Section 36. Paragraph (b) of subsection (5), paragraph (a)

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1599 of subsection (10), and subsections (15) and (16) of section  
1600 616.242, Florida Statutes, are amended to read:

1601 616.242 Safety standards for amusement rides.—

1602 (5) ANNUAL PERMIT.—

1603 (b) To apply for an annual permit, an owner must submit to  
1604 the department a written application on a form prescribed by  
1605 rule of the department, which must include the following:

1606 1. The legal name, address, and primary place of business  
1607 of the owner.

1608 2. A description, manufacturer's name, serial number, model  
1609 number and, if previously assigned, the United States Amusement  
1610 Identification Number of the amusement ride.

1611 3. A valid certificate of insurance ~~or bond~~ for each  
1612 amusement ride.

1613 4. An affidavit of compliance that the amusement ride was  
1614 inspected in person by the affiant and that the amusement ride  
1615 is in general conformance with the requirements of this section  
1616 and all applicable rules adopted by the department. The  
1617 affidavit must be executed by a professional engineer or a  
1618 qualified inspector no earlier than 60 days before, but not  
1619 later than, the date of the filing of the application with the  
1620 department. The owner shall request inspection and permitting of  
1621 the amusement ride within 60 days of the date of filing the  
1622 application with the department. The department shall inspect  
1623 and permit the amusement ride within 60 days after filing the  
1624 application with the department.

1625 5. If required by subsection (6), an affidavit of  
1626 nondestructive testing dated and executed no earlier than 60  
1627 days before ~~prior to~~, but not later than, the date of the filing



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1628 of the application with the department. The owner shall request  
1629 inspection and permitting of the amusement ride within 60 days  
1630 of the date of filing the application with the department. The  
1631 department shall inspect and permit the amusement ride within 60  
1632 days after filing the application with the department.

1633 6. A request for inspection.

1634 7. Upon request, the owner shall, at no cost to the  
1635 department, provide the department a copy of the manufacturer's  
1636 current recommended operating instructions in the possession of  
1637 the owner, the owner's operating fact sheet, and any written  
1638 bulletins in the possession of the owner concerning the safety,  
1639 operation, or maintenance of the amusement ride.

1640 (10) EXEMPTIONS.—

1641 (a) This section does not apply to:

1642 1. Permanent facilities that employ at least 1,000 full-  
1643 time employees and that maintain full-time, in-house safety  
1644 inspectors. Furthermore, the permanent facilities must file an  
1645 affidavit of the annual inspection with the department, on a  
1646 form prescribed by rule of the department. Additionally, the  
1647 Department of Agriculture and Consumer Services may consult  
1648 annually with the permanent facilities regarding industry safety  
1649 programs.

1650 2. Any playground operated by a school, local government,  
1651 or business licensed under chapter 509, if the playground is an  
1652 incidental amenity and the operating entity is not primarily  
1653 engaged in providing amusement, pleasure, thrills, or  
1654 excitement.

1655 3. Museums or other institutions principally devoted to the  
1656 exhibition of products of agriculture, industry, education,

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1657 science, religion, or the arts.

1658 4. Conventions or trade shows for the sale or exhibit of  
1659 amusement rides if there are a minimum of 15 amusement rides on  
1660 display or exhibition, and if any operation of such amusement  
1661 rides is limited to the registered attendees of the convention  
1662 or trade show.

1663 5. Skating rinks, arcades, laser ~~lazer~~ or paint ball war  
1664 games, bowling alleys, miniature golf courses, mechanical bulls,  
1665 inflatable rides, trampolines, ball crawls, exercise equipment,  
1666 jet skis, paddle boats, airboats, helicopters, airplanes,  
1667 parasails, hot air or helium balloons whether tethered or  
1668 untethered, theatres, batting cages, stationary spring-mounted  
1669 fixtures, rider-propelled merry-go-rounds, games, side shows,  
1670 live animal rides, or live animal shows.

1671 6. Go-karts operated in competitive sporting events if  
1672 participation is not open to the public.

1673 7. Nonmotorized playground equipment that is not required  
1674 to have a manager.

1675 8. Coin-actuated amusement rides designed to be operated by  
1676 depositing coins, tokens, credit cards, debit cards, bills, or  
1677 other cash money and which are not required to have a manager,  
1678 and which have a capacity of six persons or less.

1679 9. Facilities described in s. 549.09(1)(a) when such  
1680 facilities are operating cars, trucks, or motorcycles only.

1681 10. Battery-powered cars or other vehicles that are  
1682 designed to be operated by children 7 years of age or under and  
1683 that cannot exceed a speed of 4 miles per hour.

1684 11. Mechanically driven vehicles that pull train cars,  
1685 carts, wagons, or other similar vehicles, that are not confined

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1686 to a metal track or confined to an area but are steered by an  
1687 operator and do not exceed a speed of 4 miles per hour.

1688 12. A water-related amusement ride operated by a business  
1689 licensed under chapter 509 if the water-related amusement ride  
1690 is an incidental amenity and the operating business is not  
1691 primarily engaged in providing amusement, pleasure, thrills, or  
1692 excitement and does not offer day rates.

1693 13. An amusement ride at a private, membership-only  
1694 facility if the amusement ride is an incidental amenity and the  
1695 facility is not open to the general public; is not primarily  
1696 engaged in providing amusement, pleasure, thrills, or  
1697 excitement; and does not offer day rates.

1698 14. A nonprofit permanent facility registered under chapter  
1699 496 which is not open to the general public.

1700 (15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ Prior to  
1701 opening on each day of operation and before ~~prior~~ to any  
1702 inspection by the department, the owner or manager of an  
1703 amusement ride must inspect and test the amusement ride to  
1704 ensure compliance with all requirements of this section. Each  
1705 inspection must be recorded on a form prescribed by rule of the  
1706 department and signed by the person who conducted the  
1707 inspection. In lieu of the form prescribed by rule of the  
1708 department, the owner or manager may request approval of an  
1709 alternative form if the alternative form includes, at a minimum,  
1710 the information required on the form prescribed by rule of the  
1711 department. Inspection records of the last 14 daily inspections  
1712 must be kept on site by the owner or manager and made  
1713 immediately available to the department upon request.

1714 (16) TRAINING OF EMPLOYEES.—The owner or manager of an ~~any~~

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1715 amusement ride shall maintain a record of employee training for  
1716 each employee authorized to operate, assemble, disassemble,  
1717 transport, or conduct maintenance on an amusement ride, on a  
1718 form prescribed by rule of the department. In lieu of the form  
1719 prescribed by rule of the department, the owner or manager may  
1720 request approval of an alternative form if the alternative form  
1721 includes, at a minimum, the information required on the form  
1722 prescribed by rule of the department. The training record must  
1723 be kept on site by the owner or manager and made immediately  
1724 available to the department upon request. Training may not be  
1725 conducted when an amusement ride is open to the public unless  
1726 the training is conducted under the supervision of an employee  
1727 who is trained in the operation of that ride. The owner or  
1728 manager shall certify that each employee is trained, as required  
1729 by this section and any rules adopted thereunder, on the  
1730 amusement ride for which the employee is responsible.

1731 Section 37. Subsections (1), (2), (5), (7), and (13) of  
1732 section 713.585, Florida Statutes, are amended to read:

1733 713.585 Enforcement of lien by sale of motor vehicle.—A  
1734 person claiming a lien under s. 713.58 for performing labor or  
1735 services on a motor vehicle may enforce such lien by sale of the  
1736 vehicle in accordance with the following procedures:

1737 (1) The lienor must give notice, by certified mail, return  
1738 receipt requested, within 7 ~~15~~ business days, excluding Saturday  
1739 and Sunday, from the beginning date of the assessment of storage  
1740 charges on said motor vehicle, to the registered owner of the  
1741 vehicle, to the customer as indicated on the order for repair,  
1742 and to all other persons claiming an interest in or lien  
1743 thereon, as disclosed by the records of the Department of

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1744 Highway Safety and Motor Vehicles or as disclosed by the records  
1745 of any corresponding agency of any other state in which the  
1746 vehicle is identified through a records check of the National  
1747 Motor Vehicle Title Information System or an equivalent  
1748 commercially available system as being the current state where  
1749 the vehicle is titled. Such notice must contain:

1750 (a) A description of the vehicle, including, at minimum,  
1751 its ~~(year, make, vehicle identification number,)~~ and the  
1752 vehicle's ~~its~~ location.

1753 (b) The name and address of the owner of the vehicle, the  
1754 customer as indicated on the order for repair, and any person  
1755 claiming an interest in or lien thereon.

1756 (c) The name, address, and telephone number of the lienor.

1757 (d) Notice that the lienor claims a lien on the vehicle for  
1758 labor and services performed and storage charges, if any, and  
1759 the cash sum which, if paid to the lienor, would be sufficient  
1760 to redeem the vehicle from the lien claimed by the lienor.

1761 (e) Notice that the lien claimed by the lienor is subject  
1762 to enforcement pursuant to this section and that the vehicle may  
1763 be sold to satisfy the lien.

1764 (f) If known, the date, time, and location of any proposed  
1765 or scheduled sale of the vehicle. A ~~No~~ vehicle may not be sold  
1766 earlier than 60 days after completion of the repair work.

1767 (g) Notice that the owner of the vehicle or any person  
1768 claiming an interest in or lien thereon has a right to a hearing  
1769 at any time before ~~prior to~~ the scheduled date of sale by filing  
1770 a demand for hearing with the clerk of the circuit court in the  
1771 county in which the vehicle is held and mailing copies of the  
1772 demand for hearing to all other owners and lienors as reflected

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1773 on the notice.

1774 (h) Notice that the owner of the vehicle has a right to  
1775 recover possession of the vehicle without instituting judicial  
1776 proceedings by posting bond in accordance with ~~the provisions of~~  
1777 s. 559.917.

1778 (i) Notice that any proceeds from the sale of the vehicle  
1779 remaining after payment of the amount claimed to be due and  
1780 owing to the lienor will be deposited with the clerk of the  
1781 circuit court for disposition upon court order pursuant to  
1782 subsection (8).

1783 (j) Notice that a lienholder, if any, has the right, as  
1784 specified in subsection (5), to demand a hearing or to post a  
1785 bond.

1786 (2) If attempts to locate the owner or lienholder are  
1787 unsuccessful after a check of the records of the Department of  
1788 Highway Safety and Motor Vehicles and any state disclosed by the  
1789 check of the National Motor Vehicle Title Information System or  
1790 an equivalent commercially available system, the lienor must  
1791 notify the local law enforcement agency in writing by certified  
1792 mail or acknowledged hand delivery that the lienor has been  
1793 unable to locate the owner or lienholder, that a physical search  
1794 of the vehicle has disclosed no ownership information, and that  
1795 a good faith effort, including records checks of the Department  
1796 of Highway Safety and Motor Vehicles database and the National  
1797 Motor Vehicle Title Information System or an equivalent  
1798 commercially available system, has been made. A description of  
1799 the motor vehicle which includes the year, make, and  
1800 identification number must be given on the notice. This  
1801 notification must take place within 7 ~~15~~ business days,

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1802 excluding Saturday and Sunday, from the beginning date of the  
1803 assessment of storage charges on said motor vehicle. For  
1804 purposes of this paragraph, the term "good faith effort" means  
1805 that the following checks have been performed by the company to  
1806 establish the prior state of registration and title:

1807 (a) A check of the Department of Highway Safety and Motor  
1808 Vehicles database for the owner and any lienholder;

1809 (b) A check of the federally mandated electronic National  
1810 Motor Vehicle Title Information System or an equivalent  
1811 commercially available system to determine the state of  
1812 registration when there is not a current title or registration  
1813 record for the vehicle on file with the Department of Highway  
1814 Safety and Motor Vehicles;

1815 (c) A check of vehicle for any type of tag, tag record,  
1816 temporary tag, or regular tag;

1817 (d) A check of vehicle for inspection sticker or other  
1818 stickers and decals that could indicate the state of possible  
1819 registration; and

1820 (e) A check of the interior of the vehicle for any papers  
1821 that could be in the glove box, trunk, or other areas for the  
1822 state of registration.

1823 (5) At any time before ~~prior to~~ the proposed or scheduled  
1824 date of sale of a vehicle, the owner of the vehicle, or any  
1825 person claiming an interest in the vehicle or a lien thereon,  
1826 may post a bond following the procedures outlined in s. 559.917  
1827 or file a demand for hearing with the clerk of the circuit court  
1828 in the county in which the vehicle is held to determine whether  
1829 the vehicle has been wrongfully taken or withheld from her or  
1830 him. Any person who files a demand for hearing shall mail copies

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1831 of the demand to all other owners and lienors as reflected on  
1832 the notice required in subsection (1).

1833 (a) Upon the filing of a demand for hearing, a hearing  
1834 shall be held ~~before~~ ~~prior to~~ the proposed or scheduled date of  
1835 sale of the vehicle.

1836 (b) Upon the posting of the bond and payment of the  
1837 applicable fee set forth in s. 28.24, the clerk of the court  
1838 shall issue a certificate notifying the lienor of the posting of  
1839 the bond and directing the lienor to release the vehicle to the  
1840 lienholder or the owner, based upon whomever posted the bond.

1841 (c) If a lienholder obtains the vehicle and the owner of  
1842 the vehicle is not in default under the installment sales  
1843 contract or title loan at the time the lienholder has possession  
1844 of the vehicle, the lienholder must return the vehicle to the  
1845 owner within 5 days after the owner repays the lienholder for  
1846 the amount of the bond, or makes arrangements to repay the  
1847 lienholder for the bond under terms agreeable to the lienholder.

1848 A lienholder may retain possession of the vehicle if the owner  
1849 is in default until such time as the default is cured and the  
1850 amount of the bond is repaid by the owner, or an arrangement  
1851 agreeable to the lienholder is made with the owner.

1852 (7) At a ~~the~~ hearing on a complaint relating to the  
1853 requirements of this section ~~on the complaint~~, the court shall  
1854 ~~forthwith~~ issue ~~an its~~ order determining:

1855 (a) Whether the vehicle is subject to a valid lien by the  
1856 lienor and the amount thereof;

1857 (b) The priority of the lien of the lienor as against any  
1858 existing security interest in the vehicle;

1859 (c) The distribution of any proceeds of the sale by the



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1860 clerk of the circuit court;

1861 (d) The awarding of damages, if any;

1862 (e)-(d) The award of reasonable attorney attorney's fees and  
 1863 costs, at the court's discretion, to the prevailing party; and

1864 (f)-(e) The reasonableness of storage charges.

1865

1866 A final order, by the court, must also provide for immediate  
 1867 payment of any proceeds or awards, and the immediate release of  
 1868 the bond to the posting party, if applicable.

1869 (13) A failure to make good faith efforts as defined in  
 1870 subsection (2) precludes the imposition of any storage charges  
 1871 against the vehicle. If a lienor fails to provide notice to any  
 1872 person claiming a lien on a vehicle under subsection (1) within  
 1873 7 ~~15~~ business days after the assessment of storage charges has  
 1874 begun, then the lienor is precluded from charging for more than  
 1875 7 ~~15~~ days of storage, but failure to provide timely notice does  
 1876 not affect charges made for repairs, adjustments, or  
 1877 modifications to the vehicle or the priority of liens on the  
 1878 vehicle.

1879 Section 38. Subsections (2), (4), (5), and (10) of section  
 1880 790.06, Florida Statutes, are amended, and paragraph (f) is  
 1881 added to subsection (6) of that section, to read:

1882 790.06 License to carry concealed weapon or firearm.—

1883 (2) The Department of Agriculture and Consumer Services  
 1884 shall issue a license if the applicant:

1885 (a) Is a resident of the United States and a citizen of the  
 1886 United States or a permanent resident alien of the United  
 1887 States, as determined by the United States Bureau of Citizenship  
 1888 and Immigration Services, or is a consular security official of

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1889 a foreign government that maintains diplomatic relations and  
1890 treaties of commerce, friendship, and navigation with the United  
1891 States and is certified as such by the foreign government and by  
1892 the appropriate embassy in this country;

1893 (b) Is 21 years of age or older;

1894 (c) Does not suffer from a physical infirmity which  
1895 prevents the safe handling of a weapon or firearm;

1896 (d) Is not ineligible to possess a firearm pursuant to s.  
1897 790.23 by virtue of having been convicted of a felony;

1898 (e) Has not been committed for the abuse of a controlled  
1899 substance or been found guilty of a crime under the provisions  
1900 of chapter 893 or similar laws of any other state relating to  
1901 controlled substances within a 3-year period immediately  
1902 preceding the date on which the application is submitted;

1903 (f) Does not chronically and habitually use alcoholic  
1904 beverages or other substances to the extent that his or her  
1905 normal faculties are impaired. It shall be presumed that an  
1906 applicant chronically and habitually uses alcoholic beverages or  
1907 other substances to the extent that his or her normal faculties  
1908 are impaired if the applicant has been committed under chapter  
1909 397 or under the provisions of former chapter 396 or has been  
1910 convicted under s. 790.151 or has been deemed a habitual  
1911 offender under s. 856.011(3), or has had two or more convictions  
1912 under s. 316.193 or similar laws of any other state, within the  
1913 3-year period immediately preceding the date on which the  
1914 application is submitted;

1915 (g) Desires a legal means to carry a concealed weapon or  
1916 firearm for lawful self-defense;

1917 (h) Demonstrates competence with a firearm by any one of

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1918 the following:

1919 1. Completion of any hunter education or hunter safety  
1920 course approved by the Fish and Wildlife Conservation Commission  
1921 or a similar agency of another state;

1922 2. Completion of any National Rifle Association firearms  
1923 safety or training course;

1924 3. Completion of any firearms safety or training course or  
1925 class available to the general public offered by a law  
1926 enforcement agency, junior college, college, or private or  
1927 public institution or organization or firearms training school,  
1928 using ~~utilizing~~ instructors certified by the National Rifle  
1929 Association, Criminal Justice Standards and Training Commission,  
1930 or the Department of Agriculture and Consumer Services;

1931 4. Completion of any law enforcement firearms safety or  
1932 training course or class offered for security guards,  
1933 investigators, special deputies, or any division or subdivision  
1934 of a law enforcement agency or security enforcement;

1935 5. Presents evidence of equivalent experience with a  
1936 firearm through participation in organized shooting competition  
1937 or military service;

1938 6. Is licensed or has been licensed to carry a firearm in  
1939 this state or a county or municipality of this state, unless  
1940 such license has been revoked for cause; or

1941 7. Completion of any firearms training or safety course or  
1942 class conducted by a state-certified or National Rifle  
1943 Association certified firearms instructor;

1944

1945 A photocopy of a certificate of completion of any of the courses  
1946 or classes; ~~or~~ an affidavit from the instructor, school, club,

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1947 organization, or group that conducted or taught such ~~said~~ course  
1948 or class attesting to the completion of the course or class by  
1949 the applicant; or a copy of any document that ~~which~~ shows  
1950 completion of the course or class or evidences participation in  
1951 firearms competition shall constitute evidence of qualification  
1952 under this paragraph. A; ~~any~~ person who conducts a course  
1953 pursuant to subparagraph 2., subparagraph 3., or subparagraph  
1954 7., or who, as an instructor, attests to the completion of such  
1955 courses, must maintain records certifying that he or she  
1956 observed the student safely handle and discharge the firearm in  
1957 his or her physical presence and that the discharge of the  
1958 firearm included live fire using a firearm and ammunition as  
1959 defined in s. 790.001;

1960 (i) Has not been adjudicated an incapacitated person under  
1961 s. 744.331, or similar laws of any other state, unless 5 years  
1962 have elapsed since the applicant's restoration to capacity by  
1963 court order;

1964 (j) Has not been committed to a mental institution under  
1965 chapter 394, or similar laws of any other state, unless the  
1966 applicant produces a certificate from a licensed psychiatrist  
1967 that he or she has not suffered from disability for at least 5  
1968 years before ~~prior to~~ the date of submission of the application;

1969 (k) Has not had adjudication of guilt withheld or  
1970 imposition of sentence suspended on any felony ~~or misdemeanor~~  
1971 ~~crime of domestic violence~~ unless 3 years have elapsed since  
1972 probation or any other conditions set by the court have been  
1973 fulfilled, or expunction has occurred ~~the record has been sealed~~  
1974 ~~or expunged;~~

1975 (l) Has not had adjudication of guilt withheld or

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1976 imposition of sentence suspended on any misdemeanor crime of  
1977 domestic violence unless 3 years have elapsed since probation or  
1978 any other conditions set by the court have been fulfilled, or  
1979 the record has been sealed or expunged;

1980 (m) ~~(1)~~ Has not been issued an injunction that is currently  
1981 in force and effect and that restrains the applicant from  
1982 committing acts of domestic violence or acts of repeat violence;  
1983 and

1984 (n) ~~(m)~~ Is not prohibited from purchasing or possessing a  
1985 firearm by any other provision of Florida or federal law.

1986 (4) The application shall be completed, under oath, on a  
1987 form adopted ~~promulgated~~ by the Department of Agriculture and  
1988 Consumer Services and shall include:

1989 (a) The name, address, place of birth, ~~and~~ date of birth,  
1990 and race, ~~and occupation~~ of the applicant;

1991 (b) A statement that the applicant is in compliance with  
1992 criteria contained within subsections (2) and (3);

1993 (c) A statement that the applicant has been furnished a  
1994 copy of this chapter and is knowledgeable of its provisions;

1995 (d) A conspicuous warning that the application is executed  
1996 under oath and that a false answer to any question, or the  
1997 submission of any false document by the applicant, subjects the  
1998 applicant to criminal prosecution under s. 837.06; ~~and~~

1999 (e) A statement that the applicant desires a concealed  
2000 weapon or firearms license as a means of lawful self-defense;  
2001 and-

2002 (f) Directions for an applicant who is a servicemember, as  
2003 defined in s. 250.01, or a veteran, as defined in s. 1.01, to  
2004 request expedited processing of his or her application.

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2005 (5) The applicant shall submit to the Department of  
2006 Agriculture and Consumer Services or an approved tax collector  
2007 pursuant to s. 790.0625:

2008 (a) A completed application as described in subsection (4).

2009 (b) A nonrefundable license fee of up to \$60 ~~\$70~~ if he or  
2010 she has not previously been issued a statewide license or of up  
2011 to \$50 ~~\$60~~ for renewal of a statewide license. The cost of  
2012 processing fingerprints as required in paragraph (c) shall be  
2013 borne by the applicant. However, an individual holding an active  
2014 certification from the Criminal Justice Standards and Training  
2015 Commission as a law enforcement officer, correctional officer,  
2016 or correctional probation officer as defined in s. 943.10(1),  
2017 (2), (3), (6), (7), (8), or (9) is exempt from the licensing  
2018 requirements of this section. If such individual wishes to  
2019 receive a concealed weapon ~~weapons~~ or firearm ~~firearms~~ license,  
2020 he or she is exempt from the background investigation and all  
2021 background investigation fees, but must pay the current license  
2022 fees regularly required to be paid by nonexempt applicants.  
2023 Further, a law enforcement officer, a correctional officer, or a  
2024 correctional probation officer as defined in s. 943.10(1), (2),  
2025 or (3) is exempt from the required fees and background  
2026 investigation for ~~a period of~~ 1 year after his or her  
2027 retirement.

2028 (c) A full set of fingerprints of the applicant  
2029 administered by a law enforcement agency or the Division of  
2030 Licensing of the Department of Agriculture and Consumer Services  
2031 or an approved tax collector pursuant to s. 790.0625 together  
2032 with any personal identifying information required by federal  
2033 law to process fingerprints.

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2034 (d) A photocopy of a certificate, affidavit, or document as  
2035 described in paragraph (2) (h) .

2036 (e) A full frontal view color photograph of the applicant  
2037 taken within the preceding 30 days, in which the head, including  
2038 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

2039 (f) For expedited processing of an application:

2040 1. A servicemember shall submit a copy of the Common Access  
2041 Card, United States Uniformed Services Identification Card, or  
2042 current deployment orders.

2043 2. A veteran shall submit a copy of the DD Form 214, issued  
2044 by the United States Department of Defense, or another  
2045 acceptable form of identification as specified by the Department  
2046 of Veterans' Affairs.

2047 (6)

2048 (f) The Department of Agriculture and Consumer Services  
2049 shall, upon receipt of a completed application and the  
2050 identifying information required under paragraph (5) (f),  
2051 expedite the processing of a servicemember's or a veteran's  
2052 concealed weapon or firearm license application.

2053 (10) A license issued under this section shall be suspended  
2054 or revoked pursuant to chapter 120 if the licensee:

2055 (a) Is found to be ineligible under the criteria set forth  
2056 in subsection (2);

2057 (b) Develops or sustains a physical infirmity which  
2058 prevents the safe handling of a weapon or firearm;

2059 (c) Is convicted of a felony which would make the licensee  
2060 ineligible to possess a firearm pursuant to s. 790.23;

2061 (d) Is found guilty of a crime under the provisions of  
2062 chapter 893, or similar laws of any other state, relating to

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2063 controlled substances;

2064 (e) Is committed as a substance abuser under chapter 397,  
2065 or is deemed a habitual offender under s. 856.011(3), or similar  
2066 laws of any other state;

2067 (f) Is convicted of a second violation of s. 316.193, or a  
2068 similar law of another state, within 3 years after ~~of~~ a first  
2069 ~~previous~~ conviction of such section, or similar law of another  
2070 state, even though the first violation may have occurred before  
2071 ~~prior to~~ the date on which the application was submitted;

2072 (g) Is adjudicated an incapacitated person under s.  
2073 744.331, or similar laws of any other state; or

2074 (h) Is committed to a mental institution under chapter 394,  
2075 or similar laws of any other state.

2076  
2077 Notwithstanding s. 120.60(5), service of a notice of the  
2078 suspension or revocation of a concealed weapon or firearm  
2079 license must be given by either certified mail, return receipt  
2080 requested, to the licensee at his or her last known mailing  
2081 address furnished to the Department of Agriculture and Consumer  
2082 Services, or by personal service. If a notice given by certified  
2083 mail is returned as undeliverable, a second attempt must be made  
2084 to provide notice to the licensee at that address, by either  
2085 first-class mail in an envelope, postage prepaid, addressed to  
2086 the licensee at his or her last known mailing address furnished  
2087 to the department, or, if the licensee has provided an e-mail  
2088 address to the department, by e-mail. Such mailing by the  
2089 department constitutes notice, and any failure by the licensee  
2090 to receive such notice does not stay the effective date or term  
2091 of the suspension or revocation. A request for hearing must be



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2092 filed with the department within 21 days after notice is  
2093 received by personal delivery, or within 26 days after the date  
2094 the department deposits the notice in the United States mail (21  
2095 days plus 5 days for mailing). The department shall document its  
2096 attempts to provide notice and such documentation is admissible  
2097 in the courts of this state and constitutes sufficient proof  
2098 that notice was given.

2099 Section 39. Effective upon this act becoming a law,  
2100 paragraph (a) of subsection (11) of section 790.06, Florida  
2101 Statutes, is amended to read:

2102 790.06 License to carry concealed weapon or firearm.-

2103 (11) (a) At least ~~No less than~~ 90 days before the expiration  
2104 date of the license, the Department of Agriculture and Consumer  
2105 Services shall mail to each licensee a written notice of the  
2106 expiration and a renewal form prescribed by the Department of  
2107 Agriculture and Consumer Services. The licensee must renew his  
2108 or her license on or before the expiration date by filing with  
2109 the Department of Agriculture and Consumer Services the renewal  
2110 form containing an a-notarized affidavit submitted under oath  
2111 and under penalty of perjury stating that the licensee remains  
2112 qualified pursuant to the criteria specified in subsections (2)  
2113 and (3), a color photograph as specified in paragraph (5) (e),  
2114 and the required renewal fee. Out-of-state residents must also  
2115 submit a complete set of fingerprints and fingerprint processing  
2116 fee. The license shall be renewed upon receipt of the completed  
2117 renewal form, color photograph, appropriate payment of fees,  
2118 and, if applicable, fingerprints. Additionally, a licensee who  
2119 fails to file a renewal application on or before its expiration  
2120 date must renew his or her license by paying a late fee of \$15.

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2121 A license may not be renewed 180 days or more after its  
2122 expiration date, and such a license is deemed to be permanently  
2123 expired. A person whose license has been permanently expired may  
2124 reapply for licensure; however, an application for licensure and  
2125 fees under subsection (5) must be submitted, and a background  
2126 investigation shall be conducted pursuant to this section. A  
2127 person who knowingly files false information under this  
2128 subsection is subject to criminal prosecution under s. 837.06.

2129 Section 40. Subsection (8) is added to section 790.0625,  
2130 Florida Statutes, to read:

2131 790.0625 Appointment of tax collectors to accept  
2132 applications for a concealed weapon or firearm license; fees;  
2133 penalties.—

2134 (8) Upon receipt of a completed renewal application, a new  
2135 color photograph, and appropriate payment of fees, a tax  
2136 collector authorized to accept renewal applications for  
2137 concealed weapon or firearm licenses under this section may,  
2138 upon approval and confirmation of license issuance by the  
2139 department, print and deliver a concealed weapon or firearm  
2140 license to a licensee renewing his or her license at the tax  
2141 collector's office.

2142 Section 41. Subsections (1) through (4) of section 559.917,  
2143 Florida Statutes, are amended to read:

2144 559.917 Bond to release possessory lien claimed by motor  
2145 vehicle repair shop.—

2146 (1) As used in this section, the term:

2147 (a) "Lienholder" means a person claiming an interest in or  
2148 a lien on a vehicle pursuant to s. 713.585(5).

2149 (b) "Lienor" means a person claiming a lien for motor

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2150 vehicle repair shop work under part II of chapter 713.

2151 (2)~~(1)~~(a) A lienholder or Any customer may obtain the  
2152 release of a her or his motor vehicle for which the lienholder  
2153 or customer has a lien or ownership rights, respectively, from  
2154 any lien claimed under part II of chapter 713 by a motor vehicle  
2155 repair shop for repair work performed under a written repair  
2156 estimate by filing with the clerk of the court in the circuit in  
2157 which the disputed transaction occurred a cash or surety bond,  
2158 payable to the person claiming the lien and conditioned for the  
2159 payment of any judgment which may be entered on the lien. The  
2160 bond shall be in the amount stated on the invoice required by s.  
2161 559.911, plus accrued storage charges, if any, less any amount  
2162 paid to the motor vehicle repair shop as indicated on the  
2163 invoice. The lienholder or customer shall not be required to  
2164 institute judicial proceedings in order to post the bond in the  
2165 registry of the court, nor shall the lienholder or customer be  
2166 required to use a particular form for posting the bond, unless  
2167 the clerk provides ~~shall provide~~ such form to the lienholder or  
2168 customer for filing. Upon the posting of such bond, the clerk of  
2169 the court shall automatically issue a certificate notifying the  
2170 lienor of the posting of the bond and directing the lienor to  
2171 release the lienholder's or customer's motor vehicle.

2172 (b) The lienor shall have 60 days to file suit to recover  
2173 the bond. The prevailing party in that action may be entitled to  
2174 damages plus court costs and reasonable attorney ~~attorney's~~  
2175 fees. If the lienor fails to file suit within 60 days after the  
2176 posting of such bond, the bond shall be discharged.

2177 (3)~~(2)~~ The failure of a lienor to release or return to the  
2178 lienholder or customer the motor vehicle upon which any lien is

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2179 claimed, upon receiving a copy of a certificate giving notice of  
2180 the posting of the bond and directing release of the motor  
2181 vehicle, shall subject the lienor to judicial proceedings which  
2182 may be brought by the lienholder or customer to compel  
2183 compliance with the certificate. ~~If Whenever~~ a lienholder  
2184 pursuant to s. 713.585 or customer brings an action to compel  
2185 compliance with the certificate, the lienholder or customer need  
2186 only establish that:

2187 (a) Bond in the amount of the invoice, plus accrued storage  
2188 charges, if any, less any amount paid to the motor vehicle  
2189 repair shop as indicated on the invoice, was posted;

2190 (b) A certificate was issued pursuant to this section;

2191 (c) The motor vehicle repair shop, or any employee or agent  
2192 thereof who is authorized to release the motor vehicle, received  
2193 a copy of a certificate issued pursuant to this section; and

2194 (d) The motor vehicle repair shop or employee authorized to  
2195 release the motor vehicle failed to release the motor vehicle.

2196  
2197 The lienholder or customer, upon a judgment in her or his favor  
2198 in an action brought under this subsection, may be entitled to  
2199 damages plus court costs and reasonable attorney ~~attorney's~~ fees  
2200 sustained by her or him by reason of such wrongful detention or  
2201 retention. Upon a judgment in favor of the motor vehicle repair  
2202 shop, the shop may be entitled to reasonable attorney ~~attorney's~~  
2203 fees.

2204 ~~(4)(3)~~ Any motor vehicle repair shop that ~~which~~, or any  
2205 employee or agent thereof who is authorized to release the motor  
2206 vehicle who, upon receiving a copy of a certificate giving  
2207 notice of the posting of the bond in the required amount and

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2208 directing release of the motor vehicle, fails to release or  
2209 return the property to the lienholder or customer pursuant to  
2210 this section commits ~~is guilty of~~ a misdemeanor of the second  
2211 degree, punishable as provided in s. 775.082 or s. 775.083.

2212 (5) ~~(4)~~ Any lienholder or customer who stops payment on a  
2213 credit card charge or a check drawn in favor of a motor vehicle  
2214 repair shop on account of an invoice, or who fails to post a  
2215 cash or surety bond pursuant to this section, shall be  
2216 prohibited from any recourse under this section with respect to  
2217 the motor vehicle repair shop.

2218 Section 42. Subsection (1) and paragraph (d) of subsection  
2219 (3) of section 559.9285, Florida Statutes, are amended to read:  
2220 559.9285 Certification of business activities.—

2221 (1) Each certifying party, as defined in s. 559.927(2):

2222 (a) Which does not offer for sale, at wholesale or retail,  
2223 prearranged travel or ~~tourist-related services, or tour-guide~~  
2224 ~~services~~ for individuals or groups directly to any terrorist  
2225 state and which originate in Florida;

2226 (b) Which offers for sale, at wholesale or retail, only  
2227 prearranged travel or ~~tourist-related services, or tour-guide~~  
2228 ~~services~~ for individuals or groups directly to any terrorist  
2229 state and which originate in Florida, but engages in no other  
2230 business dealings or commerce with any terrorist state; or

2231 (c) Which offers for sale, at wholesale or retail,  
2232 prearranged travel or ~~tourist-related services, or tour-guide~~  
2233 ~~services~~ for individuals or groups directly to any terrorist  
2234 state and which originate in Florida, and also engages in any  
2235 other business dealings or commerce with any terrorist state,

2236

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2237 shall annually certify its business activities by filing a  
2238 disclosure statement with the department which accurately  
2239 represents the scope of the seller's business activities  
2240 according to the criteria provided in paragraph (a), paragraph  
2241 (b), or paragraph (c).

2242 (3) The department shall specify by rule the form of each  
2243 certification under this section which shall include the  
2244 following information:

2245 (d) The type of all prearranged travel or, tourist-related  
2246 services, ~~or tour-guide services~~ that the certifying party  
2247 offers for sale to individuals or groups traveling directly to  
2248 any terrorist state and that originate in Florida, and the  
2249 frequency with which such services are offered.

2250 Section 43. Subsection (2) of section 559.937, Florida  
2251 Statutes, is amended to read:

2252 559.937 Criminal penalties.—Any person or business that  
2253 violates this part:

2254 (2) Which violation directly or indirectly pertains to an  
2255 offer to sell, at wholesale or retail, prearranged travel or  
2256 tourist-related services, ~~or tour-guide services~~ for individuals  
2257 or groups directly to any terrorist state and which originate in  
2258 Florida, commits a felony of the third degree, punishable as  
2259 provided in s. 775.082 or s. 775.083.

2260 Section 44. Except as otherwise expressly provided in this  
2261 act, this act shall take effect July 1, 2016.