

By the Committees on Appropriations; and Commerce and Tourism;
and Senator Richter

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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; amending s.
15 493.6106, F.S.; deleting a provision requiring that
16 certain applicants submit additional documentation
17 establishing state residency; amending s. 493.6107,
18 F.S.; waiving the initial license fees for veterans
19 for certain private investigative, private security,
20 and repossession service licenses; amending s.
21 493.6108, F.S.; beginning on a specified date,
22 requiring the Department of Law Enforcement to retain
23 fingerprints submitted for private investigative,
24 private security, and repossession service licenses,
25 to enter such fingerprints into the statewide
26 automated biometric identification system and the
27 Federal Bureau of Investigation's national retained
28 print arrest notification program, and to report any
29 arrest record information to the Department of
30 Agriculture and Consumer Services; requiring the
31 department to provide information about an arrest of a

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

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

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90 amending s. 531.62, F.S.; specifying that the
91 commercial use permit fee is based upon the number and
92 types of instruments or devices permitted; revising
93 the expiration date of the commercial use permit;
94 requiring annual and biennial commercial use permit
95 renewals to meet the same requirements; amending s.
96 531.63, F.S.; revising the commercial use permit fees
97 and fee structures; amending s. 531.65, F.S.;

98 clarifying that the department may use one or more of
99 the prescribed penalties for the unauthorized use of a
100 weights and measures instrument or device; amending s.
101 539.001, F.S.; requiring the department to waive the
102 initial pawnbroker license fee for certain veterans,
103 the spouses of such veterans, or certain business
104 entities that have a majority ownership held by such
105 veterans or spouses; amending s. 559.904, F.S.;

106 requiring the department to waive the initial motor
107 vehicle repair shop registration fee for certain
108 veterans, the spouses of such veterans, or certain
109 business entities that have a majority ownership held
110 by such veterans or spouses; creating s. 559.9191,
111 F.S.; requiring motor vehicle repair shops to meet
112 certain conditions before seeking certain funds from
113 insurers; providing requirements for obtaining certain
114 customer consent; amending s. 559.927, F.S.; revising
115 definitions; amending s. 559.928, F.S.; requiring the
116 department to waive the initial seller of travel
117 registration fee for certain veterans, the spouses of
118 such veterans, or certain business entities that have

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119 a majority ownership held by such veterans or spouses;
120 requiring independent agents to annually file an
121 application, rather than an affidavit; requiring each
122 advertisement or certificate and other travel
123 documents to include a specified phrase; deleting a
124 provision requiring an advertisement to include a
125 specified phrase; revising the circumstances under
126 which the department may deny or refuse to renew a
127 registration; authorizing the department to revoke the
128 registration of a seller of travel under certain
129 circumstances; creating s. 559.9281, F.S.; requiring
130 the Department of Education to provide and maintain a
131 list of approved student tour operators; requiring the
132 department to adopt rules; specifying minimum
133 standards for such operators; amending s. 559.929,
134 F.S.; revising certain security requirements; amending
135 s. 559.9295, F.S.; revising the documents that certain
136 sellers of travel are required to submit and disclose
137 to the department; deleting provisions relating to the
138 duties of the department; amending s. 559.932, F.S.;
139 requiring that certain disclosures be made in a
140 specified type size; revising the language that must
141 be included in certain disclosures; requiring the
142 department to review copies of certain certificates
143 and contracts for compliance with disclosure
144 requirements; specifying that the submission of
145 certain materials or department response does not
146 constitute approval, recommendation, endorsement, or
147 verification; amending s. 559.933, F.S.; making

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148 technical changes; amending s. 559.9335, F.S.;

149 revising violations relating to the sale of travel;

150 amending s. 559.935, F.S.; deleting a provision

151 requiring an affiliate to file an affidavit of

152 exemption in order to obtain a specified exemption;

153 adding embezzlement as a crime for which the

154 department may revoke certain exemptions; amending s.

155 559.936, F.S.; conforming cross-references; amending

156 s. 616.242, F.S.; exempting water-related amusement

157 rides operated by lodging and food service

158 establishments and membership campgrounds, amusement

159 rides at private, membership-only facilities, and

160 nonprofit permanent facilities from certain safety

161 standards; authorizing owners or managers of amusement

162 rides to use alternative forms to record ride

163 inspections and employee training; amending s.

164 713.585, F.S.; revising certain notice requirements;

165 authorizing the owner of a vehicle or a person

166 claiming an interest in the vehicle or in a lien

167 thereon to post a bond to recover possession of a

168 vehicle held by a lienor; requiring the clerk of the

169 court to issue a certificate notifying the lienor of

170 the posting of bond; establishing procedures and

171 requirements for a vehicle owner to reclaim such

172 vehicles recovered by a lienholder; authorizing courts

173 to award damages based on claims relating to the

174 enforcement of certain lien and recovery rights;

175 requiring courts to provide for the immediate payment

176 of proceeds and awards and immediate release of bonds;

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177 amending s. 790.06, F.S.; revising the requirements
178 for issuance of a concealed weapon or firearm license;
179 requiring directions for expedited processing requests
180 in the license application form; revising the initial
181 and renewal fees for a concealed weapon or firearm
182 license; providing a process for expediting
183 applications for servicemembers and veterans;
184 requiring that notice of the suspension or revocation
185 of a concealed weapon or firearm license or the
186 suspension of the processing of an application for
187 such license be given by personal delivery or first-
188 class mail; specifying deadlines for requests for a
189 hearing for suspensions or revocations; specifying
190 standards of proof for notice of suspensions or
191 revocations; requiring concealed weapon or firearm
192 license renewals to include an affidavit submitted
193 under oath and under penalty of perjury, rather than a
194 notarized affidavit, as of a specified date; amending
195 s. 790.0625, F.S.; authorizing certain tax collector
196 offices, upon approval and confirmation of license
197 issuance by the department, to print and deliver
198 concealed weapon or firearm licenses; amending ss.
199 559.917, 559.9285, and 559.937, F.S.; conforming
200 provisions; providing an appropriation; providing
201 effective dates.

202

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

204

205 Section 1. Subsection (1) of section 472.007, Florida

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206 Statutes, is amended to read:

207 472.007 Board of Professional Surveyors and Mappers.—There
208 is created in the Department of Agriculture and Consumer
209 Services the Board of Professional Surveyors and Mappers.

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

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

219 472.015 Licensure.—

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

229 (b) The department shall waive the initial license fee for
230 an honorably discharged veteran of the United States Armed
231 Forces, the spouse of such a veteran, or a business entity that
232 has a majority ownership held by such a veteran or spouse if the
233 department receives an application, in a format prescribed by
234 the department, within 60 months after the date of the veteran's

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

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

258 493.6105 Initial application for license.—

259 (1) Each individual, partner, or principal officer in a
260 corporation, shall file with the department a complete
261 application accompanied by an application fee not to exceed \$60,
262 except that the applicant for a Class "D" or Class "G" license
263 is not required to submit an application fee. The application

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264 fee is not refundable.

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

275 (3) The application must contain the following information
276 concerning the individual signing the application:

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

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

295 493.6106 License requirements; posting.—

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

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

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

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

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

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

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

327 493.6107 Fees.—

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

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

339 493.6108 Investigation of applicants by Department of
340 Agriculture and Consumer Services.—

341 (4) Beginning January 1, 2017, the Department of Law
342 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

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351 available for arrest notifications and all purposes and uses
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.~~ Upon the first renewal of a license issued under

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

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

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

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409 of range and classroom training required at the time of initial
410 licensure and submit proof of completion of such training to the
411 department before the license may be renewed. The department may
412 waive the firearms training requirement if:

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

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

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

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

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

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

435 493.6202 Fees.—

436 (4) The initial license fee for a veteran, as defined in s.
437 1.01, shall be waived if he or she applies for a Class "C,"

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438 Class "CC," or Class "MA" license within 24 months after being
439 discharged from any branch of the United States Armed Forces. An
440 eligible veteran must include a copy of his or her DD Form 214,
441 as issued by the United States Department of Defense, or another
442 acceptable form of identification as specified by the Department
443 of Veterans' Affairs with his or her application in order to
444 obtain a waiver.

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

447 493.6302 Fees.—

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

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

459 493.6402 Fees.—

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

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467 specified by the Department of Veterans' Affairs with his or her
468 application in order to obtain a waiver.

469 Section 11. Subsection (1) of section 501.0125, Florida
470 Statutes, is amended, and subsection (6) is added to that
471 section, to read:

472 501.0125 Health studios; definitions.—For purposes of ss.
473 501.012-501.019, the following terms shall have the following
474 meanings:

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

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

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

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

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

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

490 501.015 Health studios; registration requirements and
491 fees.—Each health studio shall:

492 (2) Remit an annual registration fee of \$300 to the
493 department at the time of registration for each of the health
494 studio's business locations. The department shall waive the
495 initial registration fee for an honorably discharged veteran of

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

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

523 501.605 Licensure of commercial telephone sellers.—

524 (2) An applicant for a license as a commercial telephone

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525 seller must submit to the department, in such form as it
526 prescribes, a written application for the license. The
527 application must set forth the following information:

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

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

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

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

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

570 Section 14. Paragraph (b) of subsection (2) of section
571 501.607, Florida Statutes, is amended to read:

572 501.607 Licensure of salespersons.—

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

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

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

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

607 507.03 Registration.—

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

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612 sole purpose of administration of this chapter.

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

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

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641 527.02 License; penalty; fees.—

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

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

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

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

681 527.021 Registration of transport vehicles.—

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

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

689 531.37 Definitions.—As used in this chapter:

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

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

698 531.415 Fees.—

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

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

707 Weight	707 Fee/Unit
708 0 - 2 lb.	\$6
709 3 - 10 lb.	\$8
710 11 - 50 lb.	\$12
711 51 - 500 lb.	\$20
712 501 - 1000 lb.	\$30
713 1001 - 2500 lb.	\$40
714 2501 - 5000 lb.	\$50

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

719 Weight	719 Fee/Unit
720 0 - 10 lb.	\$20
721 11 - 50 lb.	\$30
722 51 - 500 lb.	\$40
723 501 - 1000 lb.	\$50
724 1001 - 2500 lb.	\$60
725 2501 - 5000 lb.	\$75

726 (c) For each mass standard that is calibrated to determine
 727 actual mass or apparent mass values, ~~the department shall charge~~

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728 ~~a fee of not more than:~~

729 Weight	Fee/Unit
730 0 - 20 lb.	\$40
731 21 - 50 lb.	\$50
732 51 - 1000 lb.	\$70
733 1001 - 2500 lb.	\$150
734 2501 - 5000 lb.	\$250

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

737 Vessel	Fee/Test Point
738 0 - 5 gal.	\$35
739 Over 5 gal.	Plus \$0.75 for each additional gallon

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

742 (e) ~~(f)~~ For each linear measure test ~~that is calibrated to~~
 743 ~~determine actual values, the department shall charge a fee of~~
 744 \$75 not more than \$100.

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

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

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

754 (2) Each fee is payable to the department at the time the
 755 testing is done, regardless of whether the item tested is
 756 certified. The department may refuse to accept for testing any

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757 item deemed by the department to be unsuitable for its intended
758 use or not to be in a condition ready for testing. The
759 department shall deposit all fees collected under this section
760 into the General Inspection Trust Fund.

761 Section 20. Section 531.60, Florida Statutes, is amended to
762 read:

763 531.60 Permit for commercially operated or tested weights
764 or measures instrument or devices.—

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

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

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

785 (b) Move ~~Moves~~ to a new location, the permit automatically

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786 expires and a new permit must be applied for by the new owner of
787 the instruments or devices ~~issued which will expire 1 year~~
788 ~~following the date of issuance.~~

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

798 Section 21. Section 531.61, Florida Statutes, is amended to
799 read:

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

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

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

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

813 Section 22. Subsections (1), (2), and (4) of section
814 531.62, Florida Statutes, are amended to read:

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815 531.62 Permit application and renewal.-

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

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

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

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

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

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

843 (a) For weighing devices of up to and including the 100-

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844 pound capacity which are used during any portion of the period
845 covered by the permit, the maximum annual fees per category of
846 device ~~retail establishment~~ may not exceed the following:

847	Number of devices	
848	in a single <u>category</u> retail	
849	establishment	Maximum Fee
850	1 to 5	\$60
851	6 to 10	\$150
852	11 to 30	\$200
853	More than 30	\$300

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

856 (a) Mass flow meters having a maximum flow rate of up to
857 150 pounds per minute.....\$100.

858 This includes all mass flow meters used to dispense compressed
859 and liquefied natural gas for retail sale.

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

862 (c) Volumetric flow meters having a maximum flow rate of up
863 to 20 gallons per minute.....\$50.

864 This includes all devices used to dispense diesel exhaust fluid
865 for retail sale.

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

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

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

872 (g) Taximeters.....\$50.

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873 ~~(h) Grain moisture meters.....\$25.~~

874 (h)(i) Multiple-dimension measuring
 875 devices.....\$100.

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

878 Section 24. Section 531.65, Florida Statutes, is amended to
 879 read:

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

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

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

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

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

895 Section 25. Paragraph (c) of subsection (3) of section
 896 539.001, Florida Statutes, is amended to read:

897 539.001 The Florida Pawnbroking Act.—

898 (3) LICENSE REQUIRED.—

899 (c) Each license is valid for a period of 1 year unless it
 900 is earlier relinquished, suspended, or revoked. Each license
 901 shall be renewed annually, and each licensee shall, initially

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

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

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931 559.904 Motor vehicle repair shop registration;
932 application; exemption.—

933 (3) (a) Each application for registration must be
934 accompanied by a registration fee calculated on a per-year basis
935 as follows:

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

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

938 3. (c) If the place of business has 11 or more employees:
939 \$300.

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

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960 Form 214, as issued by the United States Department of Defense
961 or another acceptable form of identification as specified by the
962 Department of Veterans' Affairs, and, if applicable, a copy of a
963 valid marriage license or certificate verifying that the spouse
964 of the veteran was lawfully married to the veteran at the time
965 of discharge.

966 Section 27. Section 559.9191, Florida Statutes, is created
967 to read:

968 559.9191 Reimbursement from insurers; repair or replacement
969 of motor vehicle glass.— A motor vehicle repair shop may not
970 directly seek reimbursement, payment, or benefits from an
971 insurer for motor vehicle glass repair or replacement unless all
972 of the following conditions are satisfied:

973 (1) The customer under whose insurance policy the motor
974 vehicle glass repair or replacement payment will be sought signs
975 a document containing the following language in at least 16-
976 point, boldfaced type: "I UNDERSTAND THAT I AM ASSIGNING THE
977 BENEFITS OF MY INSURANCE POLICY TO A MOTOR VEHICLE REPAIR SHOP
978 THAT MAY SEEK REIMBURSEMENT FOR THE REPAIR OR REPLACEMENT OF MY
979 MOTOR VEHICLE GLASS FROM MY INSURANCE COMPANY. I ALSO UNDERSTAND
980 THAT IF THE CHARGES ARE NOT FULLY COVERED OR THE COST OF THE
981 MOTOR VEHICLE GLASS REPAIR OR REPLACEMENT IS NOT FULLY
982 REIMBURSED BY MY INSURANCE BENEFITS, THE MOTOR VEHICLE REPAIR
983 SHOP MAY SEEK REIMBURSEMENT FROM ME, PERSONALLY, OR TAKE LEGAL
984 ACTION AGAINST MY INSURANCE COMPANY. I UNDERSTAND THAT I HAVE
985 THE RIGHT TO CONSULT MY INSURANCE COMPANY OR AGENT ABOUT
986 ALTERNATIVE OPTIONS BEFORE SIGNING THIS DOCUMENT."

987 (2) The motor vehicle repair shop seeks reimbursement only
988 for the replacement or repair of motor vehicle glass detailed in

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989 the repair invoice required by s. 559.911.

990 Section 28. Subsections (1), (7), (8), (10), and (11) and
991 present subsection (13) of section 559.927, Florida Statutes,
992 are amended, present subsections (12) and (13) of that section
993 are redesignated as subsections (13) and (14), respectively, and
994 a new section (12) is added to that section, to read:

995 559.927 Definitions.—For the purposes of this part, the
996 term:

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

1003 (7) "Prearranged travel ~~or~~, tourist-related services, ~~or~~
1004 ~~tour-guide services~~" includes, but is not limited to, car
1005 rentals, lodging, transfers, and ~~sightseeing tours~~ and all other
1006 such services that ~~which~~ are reasonably related to air, sea,
1007 rail, motor coach, or other medium of transportation, or
1008 accommodations for which a purchaser receives a premium or
1009 contracts or pays before ~~prior to~~ or after departure. This term
1010 ~~These terms~~ also includes ~~include~~ services for which a
1011 purchaser, whose legal residence is outside the United States,
1012 contracts or pays before ~~prior to~~ departure, and any arrangement
1013 by which a purchaser prepays for, receives a reservation or any
1014 other commitment to provide services before ~~prior to~~ departure
1015 for, or otherwise arranges for travel directly to a terrorist
1016 state and which originates in Florida.

1017 (8) "Purchaser" means the purchaser of, or person otherwise

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1018 entitled to receive, prearranged travel or, tourist-related
1019 services, ~~or tour-guide services~~, for a fee or commission, or
1020 who has acquired a vacation certificate for personal use.

1021 (10) "Satisfactory consumer complaint history" means no
1022 unresolved complaints regarding prearranged travel or, tourist-
1023 related services, ~~or tour-guide services~~ are on file with the
1024 department. A complaint is unresolved when a seller of travel
1025 does not respond to the department's efforts to mediate the
1026 complaint or a complaint where the department has determined
1027 that a violation of this part has occurred and the complainant
1028 ~~complaint~~ has not been satisfied by the seller of travel.

1029 (11) "Seller of travel" means any resident or nonresident
1030 person, firm, corporation, or business entity that ~~who~~ offers
1031 ~~for sale~~, directly or indirectly, ~~at wholesale or retail~~,
1032 prearranged travel or, tourist-related services, ~~or tour-guide~~
1033 ~~services~~ for individuals or groups, including, but not limited
1034 to, vacation ~~or tour~~ packages, or vacation certificates in
1035 exchange for a fee, commission, or other valuable consideration.
1036 The term includes such person, firm, corporation, or business
1037 entity who sells a vacation certificate to third-party merchants
1038 for a fee, or in exchange for a commission, or who offers such
1039 certificates to consumers in exchange for attendance at sales
1040 presentations. The term also includes any business entity
1041 offering membership in a travel club or travel services for an
1042 advance fee or payment, even if no travel contracts or
1043 certificates or vacation or tour packages are sold by the
1044 business entity. The term does not include third parties who may
1045 offer prearranged travel or tourist-related services, but do not
1046 participate in travel fulfillment or vacation certificate

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1047 redemption.

1048 (12) "Student tour operator" means any resident or
1049 nonresident person, firm, corporation, or business entity that
1050 offers sale, directly or indirectly, at wholesale, prearranged
1051 travel, tourist-related services, or tour-guide services for
1052 groups within the educational community for schools districts,
1053 educators, and students and their families, in exchange for a
1054 fee, a commission, or any other valuable consideration.

1055 (13)~~(12)~~ "Terrorist state" means any state, country, or
1056 nation designated by the United States Department of State as a
1057 state sponsor of terrorism.

1058 (14)~~(13)~~ "Vacation certificate" means any arrangement,
1059 plan, program, ~~or~~ vacation package, or advance travel purchase
1060 that promotes, discusses, or discloses a destination or
1061 itinerary or type of travel, whereby a purchaser ~~for~~
1062 ~~consideration paid in advance~~ is entitled to the use of travel,
1063 accommodations, or facilities for any number of days, whether
1064 certain or uncertain, during the period in which the certificate
1065 can be exercised, and no specific date or dates for its use are
1066 designated. A vacation certificate does not include prearranged
1067 travel or, tourist-related services, ~~or tour-guide services~~ when
1068 a seller of travel remits full payment for the cost of such
1069 services to the provider or supplier within 10 business days of
1070 the purchaser's initial payment to the seller of travel. The
1071 term does not include travel if exact travel dates are selected,
1072 guaranteed, and paid for at the time of the purchase.

1073 Section 29. Subsections (2) through (8) and present
1074 subsection (9) of section 559.928, Florida Statutes, are
1075 amended, and a new subsection (9) is added to that section, to

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1076 read:

1077 559.928 Registration.—

1078 (2) (a) Registration fees shall be as follows:

1079 1. Three hundred dollars per year per registrant certifying
1080 its business activities under s. 559.9285(1) (a).1081 2. One thousand dollars per year per registrant certifying
1082 its business activities under s. 559.9285(1) (b).1083 3. Twenty-five hundred dollars per year per registrant
1084 certifying its business activities under s. 559.9285(1) (c).1085 (b) All amounts collected shall be deposited by the Chief
1086 Financial Officer to the credit of the General Inspection Trust
1087 Fund of the Department of Agriculture and Consumer Services
1088 pursuant to s. 570.20, for the sole purpose of administration of
1089 this part.1090 (c) The department shall waive the initial registration fee
1091 for an honorably discharged veteran of the United States Armed
1092 Forces, the spouse of such a veteran, or a business entity that
1093 has a majority ownership held by such a veteran or spouse if the
1094 department receives an application, in a format prescribed by
1095 the department, within 60 months after the date of the veteran's
1096 discharge from any branch of the United States Armed Forces. To
1097 qualify for the waiver, a veteran must provide to the department
1098 a copy of his or her DD Form 214, as issued by the United States
1099 Department of Defense, or another acceptable form of
1100 identification as specified by the Department of Veterans'
1101 Affairs; the spouse of a veteran must provide to the department
1102 a copy of the veteran's DD Form 214, as issued by the United
1103 States Department of Defense, or another acceptable form of
1104 identification as specified by the Department of Veterans'

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1105 Affairs, and a copy of a valid marriage license or certificate
1106 verifying that he or she was lawfully married to the veteran at
1107 the time of discharge; or a business entity must provide to the
1108 department proof that a veteran or the spouse of a veteran holds
1109 a majority ownership in the business, a copy of the veteran's DD
1110 Form 214, as issued by the United States Department of Defense,
1111 or another acceptable form of identification as specified by the
1112 Department of Veterans' Affairs, and, if applicable, a copy of a
1113 valid marriage license or certificate verifying that the spouse
1114 of the veteran was lawfully married to the veteran at the time
1115 of discharge.

1116 (3) Each independent agent shall annually file an
1117 application ~~affidavit~~ with the department before ~~prior to~~
1118 engaging in business in this state. This application ~~affidavit~~
1119 must include the independent agent's full name, legal business
1120 or trade name, mailing address, business address, telephone
1121 number, and the name and address of each seller of travel
1122 represented by the independent agent. A letter evidencing proof
1123 of filing must be issued by the department and must be
1124 prominently displayed in the independent agent's primary place
1125 of business. Each independent agent must also submit an annual
1126 registration fee of \$50. All moneys collected pursuant to the
1127 imposition of the fee shall be deposited by the Chief Financial
1128 Officer into the General Inspection Trust Fund of the Department
1129 of Agriculture and Consumer Services for the sole purpose of
1130 administrating this part. As used in this subsection, the term
1131 "independent agent" means a person who represents a seller of
1132 travel by soliciting persons on its behalf; who has a written
1133 contract with a seller of travel which is operating in

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1134 compliance with this part and any rules adopted thereunder; who
1135 does not receive a fee, commission, or other valuable
1136 consideration directly from the purchaser for the seller of
1137 travel; who does not at any time have any unissued ticket stock
1138 or travel documents in his or her possession; and who does not
1139 have the ability to issue tickets, vacation certificates, or any
1140 other travel document. The term "independent agent" does not
1141 include an affiliate of the seller of travel, as that term is
1142 used in s. 559.935(3), or the employees of the seller of travel
1143 or of such affiliates.

1144 (4) A ~~Any~~ person applying for or renewing a local business
1145 tax receipt to engage in business as a seller of travel must
1146 exhibit a current registration certificate from the department
1147 before the local business tax receipt may be issued or reissued.

1148 (5) Each contract, advertisement, certificate, or travel
1149 document of a seller of travel must include the phrase "... (NAME
1150 OF FIRM)... is registered with the State of Florida as a Seller
1151 of Travel. Registration No....."

1152 ~~(6) Each advertisement of a seller of travel must include~~
1153 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

1154 (6) ~~(7)~~ A ~~No~~ registration is not ~~shall be~~ valid for any
1155 seller of travel transacting business at any place other than
1156 that designated in its application, unless the department is
1157 first notified in writing in advance of any change of location.
1158 A ~~Nor shall the~~ registration is not ~~be~~ valid for an affiliate of
1159 the seller of travel who engages in the prearranged travel and
1160 tourist business. A registration issued under this part may
1161 ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not
1162 be permitted to conduct business under more than one name except

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1163 as registered. A seller of travel desiring to change its
 1164 registered name or location or designated agent for service of
 1165 process at a time other than upon renewal of registration shall
 1166 notify the department of such change.

1167 ~~(7)(8)~~ Applications under this section are ~~shall be~~ subject
 1168 to ~~the provisions of~~ s. 120.60.

1169 ~~(8)(9)~~ The department may deny, ~~or~~ refuse to renew, or
 1170 revoke the registration of any seller of travel based upon a
 1171 determination that the seller of travel, or any of its
 1172 directors, officers, owners, or general partners while acting on
 1173 behalf of the seller of travel:

1174 (a) Has failed to meet the requirements for registration as
 1175 provided in this part;

1176 (b) Has been convicted of a crime involving fraud, theft,
 1177 embezzlement, dishonest dealing, or any other act of moral
 1178 turpitude or any other act arising out of conduct as a seller of
 1179 travel;

1180 (c) Has not satisfied a civil fine or penalty arising out
 1181 of any administrative or enforcement action brought by any
 1182 governmental agency or private person based upon conduct
 1183 involving fraud, theft, embezzlement, dishonest dealing, or any
 1184 violation of this part; or

1185 ~~(d) Has pending against her or him any criminal,~~
 1186 ~~administrative, or enforcement proceedings in any jurisdiction,~~
 1187 ~~based upon conduct involving fraud, dishonest dealing, or any~~
 1188 ~~other act of moral turpitude; or~~

1189 ~~(d)(e)~~ Has had a judgment entered against her or him in any
 1190 action brought by the department or the Department of Legal
 1191 Affairs pursuant to ss. 501.201-501.213 or this act ~~part~~.

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1192 (9) The department may deny or refuse to renew the
1193 registration of any seller of travel based upon a determination
1194 by the department that the seller of travel, or any of the
1195 seller's directors, officers, owners, or general partners has
1196 pending against him or her while acting on behalf of the seller
1197 of travel any criminal, administrative, or enforcement
1198 proceedings in any jurisdiction, based upon conduct involving
1199 fraud, theft, embezzlement, or dishonest dealing, or any other
1200 act of moral turpitude.

1201 Section 30. Section 559.9281, Florida Statutes, is created
1202 to read:

1203 559.9281 Student tour operators.—

1204 (1) The Department of Education shall provide and maintain
1205 a list of approved educational student tour operators to serve
1206 students in primary and secondary schools in all school
1207 districts within the state.

1208 (2) The Department of Education shall adopt rules to
1209 establish the application process and minimum standards for
1210 those persons wishing to be approved as student tour operators
1211 under this section. At minimum, a student tour operator must be
1212 registered and approved by the Department of Agriculture and
1213 Consumer Services as a seller of travel under s. 559.928,
1214 maintain adequate insurance coverage as determined by the
1215 Department of Education, and be current on all state and local
1216 business taxes.

1217 Section 31. Subsections (2) through (6) of section 559.929,
1218 Florida Statutes, are amended to read:

1219 559.929 Security requirements.—

1220 (2) The bond must be filed with the department on a form

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1221 adopted by department rule and must be in favor of the
1222 department for the use and benefit of a consumer ~~traveler~~ who is
1223 injured by the fraud, misrepresentation, breach of contract, or
1224 financial failure, or any other violation of this part by the
1225 seller of travel. Such liability may be enforced by proceeding
1226 in an administrative action as specified in subsection (3) or by
1227 filing a civil action. ~~However, in such civil action the bond~~
1228 ~~posted with the department shall not be amenable or subject to a~~
1229 ~~judgment or other legal process issuing out of or from such~~
1230 ~~court in connection with such civil action, but such bond shall~~
1231 ~~be amenable to and enforceable only by and through~~
1232 ~~administrative proceedings before the department. It is the~~
1233 ~~intent of the Legislature that such bond be applicable and~~
1234 ~~liable only for the payment of claims duly adjudicated by order~~
1235 ~~of the department.~~ The bond must be open to successive claims,
1236 but the aggregate amount awarded may not exceed the amount of
1237 the bond. In addition to the foregoing, a bond provided by a
1238 registrant or applicant for registration which certifies its
1239 business activities under s. 559.9285(1)(b) or (c) must be in
1240 favor of the department, with payment in the following order of
1241 priority:

1242 (a) The expenses for prosecuting the registrant or
1243 applicant in an administrative or civil action under this part,
1244 including attorney fees and fees for other professionals, court
1245 costs or other costs of the proceedings, and all other expenses
1246 incidental to the action.

1247 (b) The costs and expenses of investigation before the
1248 commencement of an administrative or civil action under this
1249 part.

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1250 (c) An unpaid administrative fine imposed by final order or
1251 an unpaid civil penalty imposed by final judgment under this
1252 part.

1253 (d) Damages or compensation for a consumer ~~traveler~~ injured
1254 as provided in this subsection.

1255 (3) A consumer ~~traveler~~ may file a claim against the bond.
1256 Such claim, which must be submitted in writing on an affidavit
1257 form adopted by department rule, must be submitted to the
1258 department within 120 days after an alleged injury has occurred
1259 or is discovered to have occurred or a judgment has been
1260 entered. The proceedings shall be conducted pursuant to chapter
1261 120. For proceedings conducted pursuant to ss. 120.569 and
1262 120.57, the agency shall act only as a nominal party.

1263 (4) A consumer who is injured by the applicant, or the
1264 department or another governmental agency acting on behalf of
1265 the injured consumer, may bring and maintain an action to
1266 recover against the bond.

1267 (5) Any indebtedness determined by final order of the
1268 department shall be paid by the seller of travel to the
1269 department within 30 days after the order is entered for
1270 disbursement to the consumer. If the seller of travel fails to
1271 make payment within 30 days, the agency shall make a demand for
1272 payment upon the surety which includes an institution issuing a
1273 letter of credit or depository on a certificate of deposit. Upon
1274 failure of a surety to comply with a demand for payment pursuant
1275 to a final order, the department may file an action in circuit
1276 court to recover payment, up to the amount of the bond or other
1277 form of security, pursuant to s. 120.69. If the department
1278 prevails, the department may recover court costs and reasonable

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1279 attorney fees.

1280 (6)~~(5)~~ If the seller of travel is currently the subject of
1281 an administrative, civil, or criminal action by the department,
1282 the Department of Legal Affairs, or the state attorney relating
1283 to compliance with this part, the right to proceed against the
1284 bond as provided in subsection (3) is suspended until any
1285 enforcement action becomes final.

1286 (7)~~(6)~~ The department may waive the bond requirement on an
1287 annual basis if the seller of travel has had 5 or more
1288 consecutive years of experience as a seller of travel in this
1289 state in compliance with this part, has not had a civil,
1290 criminal, or administrative action instituted against the seller
1291 of travel in the vacation and travel business by a governmental
1292 agency or an action involving fraud, theft, misappropriation of
1293 property, violation of a statute pertaining to business or
1294 commerce with a terrorist state, ~~or~~ moral turpitude, or other
1295 violation of this part and has a satisfactory consumer complaint
1296 history with the department, and certifies its business
1297 activities under s. 559.9285. Such waiver may be revoked if the
1298 seller of travel violates this part. A seller of travel which
1299 certifies its business activities under s. 559.9285(1)(b) or (c)
1300 is not entitled to the waiver provided in this subsection.

1301 Section 32. Subsections (2) and (17) of section 559.9295,
1302 Florida Statutes, are amended to read:

1303 559.9295 Submission of vacation certificate documents.—
1304 Sellers of travel who offer vacation certificates must submit
1305 and disclose to the department with the application for
1306 registration, and any time such document is changed, but prior
1307 to the sale of any vacation certificate, the following

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1308 materials:

1309 (2) A copy of each promotional brochure, pamphlet, form
1310 letter, registration form, or any other written material
1311 disseminated in connection with the advertising, promotion, or
1312 sale of any vacation certificate. Any such promotional materials
1313 that include terms such "free," "awarded," "prize," "absolutely
1314 without charge," and "free of charge," or similar words or
1315 groups of words, which might reasonably lead a person to believe
1316 that he or she may receive, or has been selected to receive,
1317 something of value without making full or partial compensation
1318 in any form from the recipient must:

1319 (a) Clearly and conspicuously display the following
1320 disclosure in at least 12-point type: "... (NAME OF FIRM) ... is
1321 registered with the State of Florida as a seller of travel,
1322 Registration No... THIS IS NOT A FREE OFFER. SEE TERMS AND
1323 CONDITIONS VIA WWW. (OFFER WEBSITE). COM. RESPONSE TO THIS OFFER
1324 DOES NOT GUARANTEE TRAVEL." The offer website referred to in the
1325 disclosure must include, and clearly indicate, the terms and
1326 conditions for such a vacation certificate offer.

1327 (b) Disclose the number of individuals who actually
1328 traveled pursuant to the vacation certificate, as opposed to the
1329 number of individuals who submitted or otherwise activated the
1330 vacation certificate, in the 12 months preceding issuance of the
1331 promotional material.

1332 ~~(17) Within 10 working days after receipt of any materials~~
1333 ~~submitted subsequent to filing an initial registration~~
1334 ~~application or any annual renewal thereof, the department shall~~
1335 ~~determine whether such materials are adequate to meet the~~
1336 ~~requirements of this section. The department shall notify the~~

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1337 ~~seller of travel that materials submitted are in substantial~~
1338 ~~compliance, or shall notify the seller of travel of any specific~~
1339 ~~deficiencies. If the department fails to notify the seller of~~
1340 ~~travel of its determination within the period specified in this~~
1341 ~~subsection, the materials shall be deemed in compliance;~~
1342 ~~however, the failure of the department to send notification in~~
1343 ~~either case will not relieve the seller of travel from the duty~~
1344 ~~of complying with this section.~~

1345

1346 Neither the submission of these materials nor the department's
1347 response implies approval, recommendation, or endorsement by the
1348 department or that the contents of said materials have been
1349 verified by the department.

1350 Section 33. Section 559.932, Florida Statutes, is amended
1351 to read:

1352 559.932 Vacation certificate disclosure.—

1353 (1) ~~A It shall be unlawful for any~~ seller of travel must to
1354 ~~fail to~~ provide each person solicited with a contract that
1355 includes which shall include the following information, which
1356 shall be in 12-point type, unless otherwise specified:

1357 (a) A space for the date, name, address, and signature of
1358 the purchaser.

1359 (b) The expiration date of the vacation certificate and the
1360 terms and conditions of its extension or renewal, if available.

1361 (c) The name and business address of any seller of travel
1362 who may solicit vacation certificate purchasers for further
1363 purchases, and a full and complete statement as to the nature
1364 and method of that solicitation.

1365 (d) The total financial obligation of the purchaser which

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1366 shall include the initial purchase price and any additional
1367 charges to which the purchaser may be subject, including, but
1368 not limited to, any per diem, seasonal, reservation, or
1369 recreational charge.

1370 (e) The name and street address of any person who has the
1371 right to alter, amend, or add to the charges to which the
1372 purchaser may be subject and the terms and conditions under
1373 which such charges may be imposed.

1374 (f) If any accommodation or facility which a purchaser
1375 acquires the right to use pursuant to the vacation certificate
1376 is not completed at the time the certificate is offered for
1377 sale, the date of availability of each component of the
1378 accommodation or facility.

1379 (g) By means of a section entitled "terms and conditions":

1380 1. All eligibility requirements for use of the vacation
1381 certificate, including, but not limited to, age, sex, marital
1382 status, group association, residency, or geographic limitations.

1383 2. All eligibility requirements for use of any discount or
1384 complimentary coupon or ticket.

1385 3. A statement as to whether transportation and meals are
1386 provided pursuant to use of the certificate.

1387 4. Any room deposit requirement, including all conditions
1388 for its return or refund.

1389 5. The manner in which reservation requests are to be made
1390 and the method by which they are to be confirmed.

1391 6. Any identification, credential, or other means by which
1392 a purchaser must establish her or his entitlement to the rights,
1393 benefits, or privileges of the vacation certificate.

1394 7. Any restriction or limitation upon transfer of the

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1395 vacation certificate or any right, benefit, or privilege
1396 thereunder.

1397 8. Any other term, limitation, condition, or requirement
1398 material to use of the vacation certificate or any right,
1399 benefit, or privilege thereunder.

1400 (h) In immediate proximity to the space reserved in the
1401 contract for the date and the name, address, and signature of
1402 the purchaser, the following statement in boldfaced type of a
1403 size of 10 points:

1404

1405 "YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR
1406 OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT
1407 OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER."

1408 "YOU MAY ALSO CANCEL THIS CONTRACT IF ACCOMMODATIONS OR
1409 FACILITIES ARE NOT AVAILABLE PURSUANT TO A REQUEST FOR USE AS
1410 PROVIDED IN THE CONTRACT."

1411 "TO CANCEL THIS AGREEMENT, A SIGNED AND DATED COPY OF A
1412 STATEMENT THAT YOU ARE CANCELING THE AGREEMENT SHOULD BE MAILED
1413 AND POSTMARKED, OR DELIVERED TO ... (NAME) ... AT ... (ADDRESS) ...
1414 NO LATER THAN MIDNIGHT OF (DATE)"

1415 ~~"IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN~~
1416 ~~WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE~~
1417 ~~AND SENDING NOTICE TO: ... (NAME OF SELLER) ... AT ... (SELLER'S~~
1418 ~~ADDRESS)"~~

1419 (i) In immediate proximity to the statement required in
1420 paragraph (h), the following statement in boldfaced type of a
1421 size of 12 ~~10~~ points:

1422

1423 "NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN

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1424 THOSE INCLUDED IN THIS CONTRACT.”

1425
1426 However, inclusion of this statement shall not impair any
1427 purchaser's right to bring legal action based on verbal
1428 statements.

1429 (j) In immediate proximity to the statement required in
1430 paragraph (i), the following statement:

1431 “This contract is for the purchase of a vacation
1432 certificate and puts all assignees on notice of the consumer's
1433 right to cancel under section 559.933, Florida Statutes.”

1434 (2) If a sale or agreement to purchase a vacation
1435 certificate is completed over the telephone, the seller shall
1436 inform the purchaser over the telephone that:

1437 (a) The purchaser may cancel the contract without any
1438 penalty or obligation within 30 days from the date of purchase
1439 or receipt of the vacation certificate, whichever occurs later.

1440 (b) The purchaser may also cancel the contract if
1441 accommodations or facilities are not available upon request for
1442 use as provided in the contract.

1443 (3) Upon receipt of a copy of a vacation certificate or
1444 contract required pursuant to s. 559.9295, the department shall
1445 review the certificate or contract for compliance with the
1446 disclosures required under this section. The submission of the
1447 certificate or contract, and the department's response, do not
1448 imply approval, recommendation, or endorsement by the department
1449 or that the contents of the certificate or contract have been
1450 verified by the department.

1451 Section 34. Section 559.933, Florida Statutes, is amended
1452 to read:

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1453 559.933 Vacation certificate cancellation and refund
1454 provisions.—

1455 (1) A seller of travel or assignee must honor a purchaser's request to cancel a vacation
1456 certificate if such request is made:

1458 ~~(1) To fail or refuse to honor a purchaser's vacation~~
1459 ~~certificate request to cancel if such request is made:~~

1460 (a) Within 30 days after ~~from~~ the date of purchase or
1461 receipt of the vacation certificate, whichever occurs later; or

1462 (b) At any time accommodations or facilities are not
1463 available pursuant to a request for use as provided in the
1464 contract, provided that:

1465 1. The contract may ~~shall~~ not require notice greater than
1466 60 days in advance of the date requested for use;

1467 2. If acceptable to the purchaser, comparable alternate
1468 accommodations or facilities in a city, or reservations for a
1469 date different than that requested, may be provided.

1470 (2) A seller of travel or assignee must ~~To fail to~~ refund
1471 any and all payments made by the vacation certificate purchaser
1472 within 30 days after receipt of the certificate and notice of
1473 cancellation made pursuant to this section, if the purchaser has
1474 not received any benefits pursuant to the vacation certificate.

1475 (3) A seller of travel or assignee must, if the purchaser
1476 has received any benefits pursuant to the vacation certificate,
1477 ~~to fail to~~ refund within 30 days after receipt of the
1478 certificate and notice of cancellation made pursuant to this
1479 section any and all payments made by the purchaser which exceed
1480 a pro rata portion of the total price, representing the portion
1481 of any benefits actually received by the vacation certificate

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1482 purchaser during the time preceding cancellation.

1483 (4) If ~~Where~~ any purchaser has received confirmation of
1484 reservations in advance and is refused accommodations upon
1485 arrival, a seller of travel or assignee must ~~to fail to~~ procure
1486 comparable alternate accommodations for the purchaser in the
1487 same city at no expense to the purchaser, or ~~to fail to~~ fully
1488 compensate the purchaser for the room rate incurred in securing
1489 comparable alternate accommodations himself or herself.

1490 (5) A seller of travel or assignee may not ~~To~~ collect more
1491 than the full contract price from the purchaser.

1492 (6) A seller of travel or assignee may not ~~To~~ sell, assign,
1493 or otherwise transfer any interest in a seller of travel
1494 business, or ~~to~~ sell, assign, or otherwise transfer to a third
1495 party any interest in any vacation certificate unless:

1496 (a) The third party agrees in writing to fully honor the
1497 rights of vacation certificate purchasers to cancel and to
1498 receive an appropriate refund or reimbursement as provided in
1499 this section.

1500 (b) The third party agrees in writing to comply with all
1501 other provisions of this part for as long as the third party
1502 continues the sale of vacation certificates or for the duration
1503 of the period of validity of outstanding vacation certificates,
1504 whichever is longer in time.

1505 (c) The seller of travel agrees to be liable for and fully
1506 indemnify a purchaser from any loss occasioned by the failure of
1507 the third party to honor the purchaser's right to cancel and
1508 failure to make prompt and complete refund to the purchaser of
1509 all sums paid to the third party, or occasioned by the third
1510 party's failure to comply with the provisions of this part.

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1511 (7) A seller of travel or assignee must ~~To fail to~~ fulfill
1512 the terms of a vacation certificate within 18 months after ~~of~~
1513 the initial payment of any consideration by the purchaser to a
1514 seller of travel or third party.

1515 Section 35. Section 559.9335, Florida Statutes, is amended
1516 to read:

1517 559.9335 Violations.—It is a violation of this part for any
1518 seller of travel, independent agent, assignee, or other person:

1519 (1) To conduct business as a seller of travel without
1520 registering annually with the department unless exempt pursuant
1521 to s. 559.935.

1522 (2) To conduct business as a seller of travel without an
1523 annual purchase of a performance bond in the amount set by the
1524 department unless exempt pursuant to s. 559.935.

1525 (3) Knowingly to make any false statement, representation,
1526 or certification in any application, document, or record
1527 required to be submitted or retained under this part or in any
1528 response to an inquiry or investigation conducted by the
1529 department or any other governmental agency.

1530 (4) Knowingly to sell or market any ~~number of~~ vacation
1531 certificates that exceed the number disclosed to the department
1532 pursuant to this section.

1533 (5) Knowingly to sell or market vacation certificates with
1534 an expiration date of more than 18 months from the date of
1535 issuance.

1536 ~~(6) Knowingly to require, request, encourage, or suggest,~~
1537 ~~directly or indirectly, that payment for the right to obtain a~~
1538 ~~travel contract, certificate, or vacation package must be by~~
1539 ~~credit card authorization or to otherwise announce a preference~~

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1540 ~~for that method of payment over any other when no correct and~~
1541 ~~true explanation for such preference is likewise stated.~~

1542 (6)~~(7)~~ Knowingly to state, represent, indicate, suggest, or
1543 imply, directly or indirectly, that the travel contract,
1544 certificate, or vacation package being offered by the seller of
1545 travel cannot be purchased at some later time or may not
1546 otherwise be available after the initial contact, or that
1547 callbacks by the prospective purchaser are not accepted, when no
1548 such restrictions or limitations in fact exist.

1549 (7)~~(8)~~ To misrepresent ~~in any manner~~ the purchaser's right
1550 to cancel and to receive an appropriate refund or reimbursement
1551 as provided by this part.

1552 (8)~~(9)~~ To sell any vacation certificate the duration of
1553 which exceeds the duration of any agreement between the seller
1554 and any business entity obligated thereby to provide
1555 accommodations or facilities pursuant to the vacation
1556 certificate.

1557 (9)~~(10)~~ To misrepresent or deceptively represent:

1558 (a) The amount of time or period of time accommodations or
1559 facilities will be available.

1560 (b) The location of accommodations or facilities offered.

1561 (c) The price, size, nature, extent, qualities, or
1562 characteristics of accommodations or facilities offered.

1563 (d) The nature or extent of other goods, services, or
1564 amenities offered.

1565 (e) A purchaser's rights, privileges, or benefits.

1566 (f) The conditions under which the purchaser may obtain a
1567 reservation for the use of offered accommodations or facilities.

1568 (g) That the recipient of an advertisement or promotional

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1569 materials is a winner, or has been selected, or is otherwise
1570 being involved in a select group for receipt, of a gift, award,
1571 or prize, unless this fact is the truth.

1572 (10)~~(11)~~ To fail to inform a purchaser of a nonrefundable
1573 cancellation policy before ~~prior to~~ the seller of travel
1574 accepting any fee, commission, or other valuable consideration.

1575 (11)~~(12)~~ To fail to include, when offering to sell a
1576 vacation certificate, in any advertisement or promotional
1577 material, the following statement: "This is an offer to sell
1578 travel."

1579 (12)~~(13)~~ To fail to honor and comply with all provisions of
1580 the vacation certificate regarding the purchaser's rights,
1581 benefits, and privileges thereunder.

1582 (13)~~(14)~~(a) To include in any vacation certificate or
1583 contract any provision purporting to waive or limit any right or
1584 benefit provided to purchasers under this part; or

1585 (b) To seek or solicit such waiver or acceptance of
1586 limitation from a purchaser concerning rights or benefits
1587 provided under this part.

1588 (14)~~(15)~~ To offer vacation certificates for any
1589 accommodation or facility for which there is no contract with
1590 the owner of the accommodation or facility securing the
1591 purchaser's right to occupancy and use, unless the seller is the
1592 owner.

1593 (15)~~(16)~~ To use a local mailing address, registration
1594 facility, drop box, or answering service in the promotion,
1595 advertising, solicitation, or sale of vacation certificates,
1596 unless the seller's fixed business address is clearly disclosed
1597 during any telephone solicitation and is prominently and

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1598 conspicuously disclosed on all solicitation materials and on the
1599 contract.

1600 (16)~~(17)~~ To use any registered trademark, trade name, or
1601 trade logo in any promotional, advertising, or solicitation
1602 materials without written authorization from the holder of such
1603 trademark, trade name, or trade logo.

1604 (17)~~(18)~~ To represent, directly or by implication, any
1605 affiliation with, or endorsement by, any governmental,
1606 charitable, educational, medical, religious, fraternal, or civic
1607 organization or body, or any individual, in the promotion,
1608 advertisement, solicitation, or sale of vacation certificates
1609 without express written authorization.

1610 (18)~~(19)~~ To sell a vacation certificate to any purchaser
1611 who is ineligible for its use.

1612 (19)~~(20)~~ To sell any ~~number of~~ vacation certificates in
1613 excess of exceeding the number of available accommodations
1614 ~~disclosed pursuant to this part.~~

1615 (20)~~(21)~~ During the period of a vacation certificate's
1616 validity, in the event, for any reason whatsoever, of lapse or
1617 breach of an agreement for the provision of accommodations or
1618 facilities to purchasers, to fail to procure similar agreement
1619 for the provision of comparable alternate accommodations or
1620 facilities in the same city or surrounding area.

1621 (21)~~(22)~~ To offer to sell, at wholesale or retail,
1622 prearranged travel or, tourist-related services, ~~or tour-guide~~
1623 ~~services~~ for individuals or groups directly to any terrorist
1624 state and which originate in Florida, without disclosing such
1625 business activities in a certification filed under s.
1626 559.9285(1) (b) or (c).

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1627 ~~(22)~~~~(23)~~ To violate any state or federal law restricting or
1628 prohibiting commerce with terrorist states.

1629 ~~(23)~~~~(24)~~ To engage in ~~de~~ any other fraudulent action that
1630 ~~act which~~ constitutes fraud, misrepresentation, or failure to
1631 disclose a material fact, or to commit any other violation of,
1632 or fail to comply with, this part.

1633 ~~(24)~~~~(25)~~ To refuse or fail, or for any of its principal
1634 officers to refuse or fail, after notice, to produce any
1635 document or record or disclose any information required to be
1636 produced or disclosed.

1637 ~~(25)~~~~(26)~~ Knowingly to make a material false statement in
1638 response to any request or investigation by the department, the
1639 Department of Legal Affairs, or the state attorney.

1640 Section 36. Subsections (3) and (4) of section 559.935,
1641 Florida Statutes, are amended to read:

1642 559.935 Exemptions.—

1643 (3) Sections 559.928, 559.929, 559.9295, 559.931, and
1644 559.932 ~~shall~~ also do not apply to a seller of travel that is an
1645 affiliate of an entity exempt pursuant to subsection (2) subject
1646 to the following conditions:

1647 (a) If ~~In the event~~ the department finds the affiliate does
1648 not have a satisfactory consumer complaint history or the
1649 affiliate fails to respond to a consumer complaint within 30
1650 days, the related seller of travel exempt pursuant to subsection
1651 (2) is ~~shall be~~ liable for the actions of the affiliate, subject
1652 to the remedies provided in ss. 559.9355 and 559.936.

1653 (b) If ~~In the event~~ the department is unable to locate an
1654 affiliate, the related seller of travel exempt pursuant to
1655 subsection (2) is ~~shall be~~ fully liable for the actions of the

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1656 affiliate, subject to the remedies provided in ss. 559.9355 and
1657 559.936.

1658 ~~(c) In order to obtain an exemption under this subsection,~~
1659 ~~the affiliate shall file an affidavit of exemption on a form~~
1660 ~~prescribed by the department and shall certify its business~~
1661 ~~activities under s. 559.9285(1) (a). The affidavit of exemption~~
1662 ~~shall be executed by a person who exercises identical control~~
1663 ~~over the seller of travel exempt pursuant to subsection (2) and~~
1664 ~~the affiliate. Failure to file an affidavit of exemption or~~
1665 ~~certification under s. 559.9285(1) (a) prior to engaging in~~
1666 ~~seller of travel activities shall subject the affiliate to the~~
1667 ~~remedies provided in ss. 559.9355 and 559.936.~~

1668 (c)~~(d)~~ Revocation by the department of an exemption
1669 provided to a seller of travel under subsection (2) shall
1670 constitute automatic revocation by law of an exemption obtained
1671 by an affiliate under the subsection.

1672 (d)~~(e)~~ This subsection does ~~shall~~ not apply to:

1673 1. An affiliate that independently qualifies for another
1674 exemption under this section.

1675 2. An affiliate that sells, or offers for sale, vacation
1676 certificates.

1677 3. An affiliate that certifies its business activities
1678 under s. 559.9285(1) (b) or (c).

1679 (e)~~(f)~~ For purposes of this section, the term an
1680 "affiliate" means an entity that meets the following:

1681 1. The entity has the identical ownership as the seller of
1682 travel that is exempt under subsection (2).

1683 2. The ownership controlling the seller of travel that is
1684 exempt under subsection (2) also exercises identical control

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1685 over the entity.

1686 3. The owners of the affiliate hold the identical
1687 percentage of voting shares as they hold in the seller of travel
1688 that is exempt under subsection (2).

1689 (4) The department may revoke the exemption provided in
1690 subsection (2) or subsection (3) if the department finds that
1691 the seller of travel does not have a satisfactory consumer
1692 complaint history, has been convicted of a crime involving
1693 fraud, theft, embezzlement, misappropriation of property,
1694 deceptive or unfair trade practices, or moral turpitude, or has
1695 not complied with the terms of any order or settlement agreement
1696 arising out of an administrative or enforcement action brought
1697 by a governmental agency or private person based on conduct
1698 involving fraud, theft, embezzlement, misappropriation of
1699 property, deceptive or unfair trade practices, or moral
1700 turpitude.

1701 Section 37. Subsection (3) of section 559.936, Florida
1702 Statutes, is amended to read:

1703 559.936 Civil penalties; remedies.—

1704 (3) The department may seek a civil penalty in the Class
1705 III category pursuant to s. 570.971 for each act or omission in
1706 violation of s. 559.9335(21) or (22) ~~s. 559.9335(22) or (23)~~.

1707 Section 38. Paragraph (b) of subsection (5), paragraph (a)
1708 of subsection (10), and subsections (15) and (16) of section
1709 616.242, Florida Statutes, are amended to read:

1710 616.242 Safety standards for amusement rides.—

1711 (5) ANNUAL PERMIT.—

1712 (b) To apply for an annual permit, an owner must submit to
1713 the department a written application on a form prescribed by

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1714 rule of the department, which must include the following:

1715 1. The legal name, address, and primary place of business
1716 of the owner.

1717 2. A description, manufacturer's name, serial number, model
1718 number and, if previously assigned, the United States Amusement
1719 Identification Number of the amusement ride.

1720 3. A valid certificate of insurance ~~or bond~~ for each
1721 amusement ride.

1722 4. An affidavit of compliance that the amusement ride was
1723 inspected in person by the affiant and that the amusement ride
1724 is in general conformance with the requirements of this section
1725 and all applicable rules adopted by the department. The
1726 affidavit must be executed by a professional engineer or a
1727 qualified inspector no earlier than 60 days before, but not
1728 later than, the date of the filing of the application with the
1729 department. The owner shall request inspection and permitting of
1730 the amusement ride within 60 days of the date of filing the
1731 application with the department. The department shall inspect
1732 and permit the amusement ride within 60 days after filing the
1733 application with the department.

1734 5. If required by subsection (6), an affidavit of
1735 nondestructive testing dated and executed no earlier than 60
1736 days before ~~prior to~~, but not later than, the date of the filing
1737 of the application with the department. The owner shall request
1738 inspection and permitting of the amusement ride within 60 days
1739 of the date of filing the application with the department. The
1740 department shall inspect and permit the amusement ride within 60
1741 days after filing the application with the department.

1742 6. A request for inspection.

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1743 7. Upon request, the owner shall, at no cost to the
1744 department, provide the department a copy of the manufacturer's
1745 current recommended operating instructions in the possession of
1746 the owner, the owner's operating fact sheet, and any written
1747 bulletins in the possession of the owner concerning the safety,
1748 operation, or maintenance of the amusement ride.

1749 (10) EXEMPTIONS.—

1750 (a) This section does not apply to:

1751 1. Permanent facilities that employ at least 1,000 full-
1752 time employees and that maintain full-time, in-house safety
1753 inspectors. Furthermore, the permanent facilities must file an
1754 affidavit of the annual inspection with the department, on a
1755 form prescribed by rule of the department. Additionally, the
1756 Department of Agriculture and Consumer Services may consult
1757 annually with the permanent facilities regarding industry safety
1758 programs.

1759 2. Any playground operated by a school, local government,
1760 or business licensed under chapter 509, if the playground is an
1761 incidental amenity and the operating entity is not primarily
1762 engaged in providing amusement, pleasure, thrills, or
1763 excitement.

1764 3. Museums or other institutions principally devoted to the
1765 exhibition of products of agriculture, industry, education,
1766 science, religion, or the arts.

1767 4. Conventions or trade shows for the sale or exhibit of
1768 amusement rides if there are a minimum of 15 amusement rides on
1769 display or exhibition, and if any operation of such amusement
1770 rides is limited to the registered attendees of the convention
1771 or trade show.

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1772 5. Skating rinks, arcades, laser ~~lazer~~ or paint ball war
1773 games, bowling alleys, miniature golf courses, mechanical bulls,
1774 inflatable rides, trampolines, ball crawls, exercise equipment,
1775 jet skis, paddle boats, airboats, helicopters, airplanes,
1776 parasails, hot air or helium balloons whether tethered or
1777 untethered, theatres, batting cages, stationary spring-mounted
1778 fixtures, rider-propelled merry-go-rounds, games, side shows,
1779 live animal rides, or live animal shows.

1780 6. Go-karts operated in competitive sporting events if
1781 participation is not open to the public.

1782 7. Nonmotorized playground equipment that is not required
1783 to have a manager.

1784 8. Coin-actuated amusement rides designed to be operated by
1785 depositing coins, tokens, credit cards, debit cards, bills, or
1786 other cash money and which are not required to have a manager,
1787 and which have a capacity of six persons or less.

1788 9. Facilities described in s. 549.09(1)(a) when such
1789 facilities are operating cars, trucks, or motorcycles only.

1790 10. Battery-powered cars or other vehicles that are
1791 designed to be operated by children 7 years of age or under and
1792 that cannot exceed a speed of 4 miles per hour.

1793 11. Mechanically driven vehicles that pull train cars,
1794 carts, wagons, or other similar vehicles, that are not confined
1795 to a metal track or confined to an area but are steered by an
1796 operator and do not exceed a speed of 4 miles per hour.

1797 12. A water-related amusement ride operated by a business
1798 licensed under chapter 509 if the water-related amusement ride
1799 is an incidental amenity and the operating business is not
1800 primarily engaged in providing amusement, pleasure, thrills, or

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1801 excitement and does not offer day rates.

1802 13. An amusement ride at a private, membership-only
1803 facility if the amusement ride is an incidental amenity and the
1804 facility is not open to the general public; is not primarily
1805 engaged in providing amusement, pleasure, thrills, or
1806 excitement; and does not offer day rates.

1807 14. A nonprofit permanent facility registered under chapter
1808 496 which is not open to the general public.

1809 (15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ Prior to
1810 opening on each day of operation and before ~~prior to~~ any
1811 inspection by the department, the owner or manager of an
1812 amusement ride must inspect and test the amusement ride to
1813 ensure compliance with all requirements of this section. Each
1814 inspection must be recorded on a form prescribed by rule of the
1815 department and signed by the person who conducted the
1816 inspection. In lieu of the form prescribed by rule of the
1817 department, the owner or manager may request approval of an
1818 alternative form if the alternative form includes, at a minimum,
1819 the information required on the form prescribed by rule of the
1820 department. Inspection records of the last 14 daily inspections
1821 must be kept on site by the owner or manager and made
1822 immediately available to the department upon request.

1823 (16) TRAINING OF EMPLOYEES.—The owner or manager of an ~~any~~
1824 amusement ride shall maintain a record of employee training for
1825 each employee authorized to operate, assemble, disassemble,
1826 transport, or conduct maintenance on an amusement ride, ~~on a~~
1827 form prescribed by rule of the department. In lieu of the form
1828 prescribed by rule of the department, the owner or manager may
1829 request approval of an alternative form if the alternative form

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1830 includes, at a minimum, the information required on the form
1831 prescribed by rule of the department. The training record must
1832 be kept on site by the owner or manager and made immediately
1833 available to the department upon request. Training may not be
1834 conducted when an amusement ride is open to the public unless
1835 the training is conducted under the supervision of an employee
1836 who is trained in the operation of that ride. The owner or
1837 manager shall certify that each employee is trained, as required
1838 by this section and any rules adopted thereunder, on the
1839 amusement ride for which the employee is responsible.

1840 Section 39. Subsections (1), (2), (5), (7), and (13) of
1841 section 713.585, Florida Statutes, are amended to read:

1842 713.585 Enforcement of lien by sale of motor vehicle.—A
1843 person claiming a lien under s. 713.58 for performing labor or
1844 services on a motor vehicle may enforce such lien by sale of the
1845 vehicle in accordance with the following procedures:

1846 (1) The lienor must give notice, by certified mail, return
1847 receipt requested, within 7 ~~15~~ business days, excluding Saturday
1848 and Sunday, from the beginning date of the assessment of storage
1849 charges on said motor vehicle, to the registered owner of the
1850 vehicle, to the customer as indicated on the order for repair,
1851 and to all other persons claiming an interest in or lien
1852 thereon, as disclosed by the records of the Department of
1853 Highway Safety and Motor Vehicles or as disclosed by the records
1854 of any corresponding agency of any other state in which the
1855 vehicle is identified through a records check of the National
1856 Motor Vehicle Title Information System or an equivalent
1857 commercially available system as being the current state where
1858 the vehicle is titled. Such notice must contain:

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1859 (a) A description of the vehicle, including, at minimum,
1860 its ~~(year, make, vehicle identification number,)~~ and the
1861 vehicle's ~~its~~ location.

1862 (b) The name and address of the owner of the vehicle, the
1863 customer as indicated on the order for repair, and any person
1864 claiming an interest in or lien thereon.

1865 (c) The name, address, and telephone number of the lienor.

1866 (d) Notice that the lienor claims a lien on the vehicle for
1867 labor and services performed and storage charges, if any, and
1868 the cash sum which, if paid to the lienor, would be sufficient
1869 to redeem the vehicle from the lien claimed by the lienor.

1870 (e) Notice that the lien claimed by the lienor is subject
1871 to enforcement pursuant to this section and that the vehicle may
1872 be sold to satisfy the lien.

1873 (f) If known, the date, time, and location of any proposed
1874 or scheduled sale of the vehicle. A ~~No~~ vehicle may not be sold
1875 earlier than 60 days after completion of the repair work.

1876 (g) Notice that the owner of the vehicle or any person
1877 claiming an interest in or lien thereon has a right to a hearing
1878 at any time before ~~prior to~~ the scheduled date of sale by filing
1879 a demand for hearing with the clerk of the circuit court in the
1880 county in which the vehicle is held and mailing copies of the
1881 demand for hearing to all other owners and lienors as reflected
1882 on the notice.

1883 (h) Notice that the owner of the vehicle has a right to
1884 recover possession of the vehicle without instituting judicial
1885 proceedings by posting bond in accordance with ~~the provisions of~~
1886 s. 559.917.

1887 (i) Notice that any proceeds from the sale of the vehicle

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1888 remaining after payment of the amount claimed to be due and
1889 owing to the lienor will be deposited with the clerk of the
1890 circuit court for disposition upon court order pursuant to
1891 subsection (8).

1892 (j) Notice that a lienholder, if any, has the right, as
1893 specified in subsection (5), to demand a hearing or to post a
1894 bond.

1895 (2) If attempts to locate the owner or lienholder are
1896 unsuccessful after a check of the records of the Department of
1897 Highway Safety and Motor Vehicles and any state disclosed by the
1898 check of the National Motor Vehicle Title Information System or
1899 an equivalent commercially available system, the lienor must
1900 notify the local law enforcement agency in writing by certified
1901 mail or acknowledged hand delivery that the lienor has been
1902 unable to locate the owner or lienholder, that a physical search
1903 of the vehicle has disclosed no ownership information, and that
1904 a good faith effort, including records checks of the Department
1905 of Highway Safety and Motor Vehicles database and the National
1906 Motor Vehicle Title Information System or an equivalent
1907 commercially available system, has been made. A description of
1908 the motor vehicle which includes the year, make, and
1909 identification number must be given on the notice. This
1910 notification must take place within 7 ~~15~~ business days,
1911 excluding Saturday and Sunday, from the beginning date of the
1912 assessment of storage charges on said motor vehicle. For
1913 purposes of this paragraph, the term "good faith effort" means
1914 that the following checks have been performed by the company to
1915 establish the prior state of registration and title:

1916 (a) A check of the Department of Highway Safety and Motor

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1917 Vehicles database for the owner and any lienholder;

1918 (b) A check of the federally mandated electronic National
1919 Motor Vehicle Title Information System or an equivalent
1920 commercially available system to determine the state of
1921 registration when there is not a current title or registration
1922 record for the vehicle on file with the Department of Highway
1923 Safety and Motor Vehicles;

1924 (c) A check of vehicle for any type of tag, tag record,
1925 temporary tag, or regular tag;

1926 (d) A check of vehicle for inspection sticker or other
1927 stickers and decals that could indicate the state of possible
1928 registration; and

1929 (e) A check of the interior of the vehicle for any papers
1930 that could be in the glove box, trunk, or other areas for the
1931 state of registration.

1932 (5) At any time before ~~prior to~~ the proposed or scheduled
1933 date of sale of a vehicle, the owner of the vehicle, or any
1934 person claiming an interest in the vehicle or a lien thereon,
1935 may post a bond following the procedures outlined in s. 559.917
1936 or file a demand for hearing with the clerk of the circuit court
1937 in the county in which the vehicle is held to determine whether
1938 the vehicle has been wrongfully taken or withheld from her or
1939 him. Any person who files a demand for hearing shall mail copies
1940 of the demand to all other owners and lienors as reflected on
1941 the notice required in subsection (1).

1942 (a) Upon the filing of a demand for hearing, a hearing
1943 shall be held before ~~prior to~~ the proposed or scheduled date of
1944 sale of the vehicle.

1945 (b) Upon the posting of the bond and payment of the

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1946 applicable fee set forth in s. 28.24, the clerk of the court
1947 shall issue a certificate notifying the lienor of the posting of
1948 the bond and directing the lienor to release the vehicle to the
1949 lienholder or the owner, based upon whomever posted the bond.

1950 (c) If a lienholder obtains the vehicle and the owner of
1951 the vehicle is not in default under the installment sales
1952 contract or title loan at the time the lienholder has possession
1953 of the vehicle, the lienholder must return the vehicle to the
1954 owner within 5 days after the owner repays the lienholder for
1955 the amount of the bond, or makes arrangements to repay the
1956 lienholder for the bond under terms agreeable to the lienholder.

1957 A lienholder may retain possession of the vehicle if the owner
1958 is in default until such time as the default is cured and the
1959 amount of the bond is repaid by the owner, or an arrangement
1960 agreeable to the lienholder is made with the owner.

1961 (7) At a ~~the~~ hearing on a complaint relating to the
1962 requirements of this section ~~on the complaint~~, the court shall
1963 ~~forthwith~~ issue ~~an its~~ order determining:

1964 (a) Whether the vehicle is subject to a valid lien by the
1965 lienor and the amount thereof;

1966 (b) The priority of the lien of the lienor as against any
1967 existing security interest in the vehicle;

1968 (c) The distribution of any proceeds of the sale by the
1969 clerk of the circuit court;

1970 (d) The awarding of damages, if any;

1971 (e) ~~(d)~~ The award of reasonable attorney ~~attorney's~~ fees and
1972 costs, at the court's discretion, to the prevailing party; and

1973 (f) ~~(e)~~ The reasonableness of storage charges.
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1975 A final order, by the court, must also provide for immediate
1976 payment of any proceeds or awards, and the immediate release of
1977 the bond to the posting party, if applicable.

1978 (13) A failure to make good faith efforts as defined in
1979 subsection (2) precludes the imposition of any storage charges
1980 against the vehicle. If a lienor fails to provide notice to any
1981 person claiming a lien on a vehicle under subsection (1) within
1982 7 ~~15~~ business days after the assessment of storage charges has
1983 begun, then the lienor is precluded from charging for more than
1984 7 ~~15~~ days of storage, but failure to provide timely notice does
1985 not affect charges made for repairs, adjustments, or
1986 modifications to the vehicle or the priority of liens on the
1987 vehicle.

1988 Section 40. Subsections (2), (4), (5), and (10) of section
1989 790.06, Florida Statutes, are amended, and paragraph (f) is
1990 added to subsection (6) of that section, to read:

1991 790.06 License to carry concealed weapon or firearm.—

1992 (2) The Department of Agriculture and Consumer Services
1993 shall issue a license if the applicant:

1994 (a) Is a resident of the United States and a citizen of the
1995 United States or a permanent resident alien of the United
1996 States, as determined by the United States Bureau of Citizenship
1997 and Immigration Services, or is a consular security official of
1998 a foreign government that maintains diplomatic relations and
1999 treaties of commerce, friendship, and navigation with the United
2000 States and is certified as such by the foreign government and by
2001 the appropriate embassy in this country;

2002 (b) Is 21 years of age or older;

2003 (c) Does not suffer from a physical infirmity which

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2004 prevents the safe handling of a weapon or firearm;

2005 (d) Is not ineligible to possess a firearm pursuant to s.
2006 790.23 by virtue of having been convicted of a felony;

2007 (e) Has not been committed for the abuse of a controlled
2008 substance or been found guilty of a crime under the provisions
2009 of chapter 893 or similar laws of any other state relating to
2010 controlled substances within a 3-year period immediately
2011 preceding the date on which the application is submitted;

2012 (f) Does not chronically and habitually use alcoholic
2013 beverages or other substances to the extent that his or her
2014 normal faculties are impaired. It shall be presumed that an
2015 applicant chronically and habitually uses alcoholic beverages or
2016 other substances to the extent that his or her normal faculties
2017 are impaired if the applicant has been committed under chapter
2018 397 or under the provisions of former chapter 396 or has been
2019 convicted under s. 790.151 or has been deemed a habitual
2020 offender under s. 856.011(3), or has had two or more convictions
2021 under s. 316.193 or similar laws of any other state, within the
2022 3-year period immediately preceding the date on which the
2023 application is submitted;

2024 (g) Desires a legal means to carry a concealed weapon or
2025 firearm for lawful self-defense;

2026 (h) Demonstrates competence with a firearm by any one of
2027 the following:

2028 1. Completion of any hunter education or hunter safety
2029 course approved by the Fish and Wildlife Conservation Commission
2030 or a similar agency of another state;

2031 2. Completion of any National Rifle Association firearms
2032 safety or training course;

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2033 3. Completion of any firearms safety or training course or
2034 class available to the general public offered by a law
2035 enforcement agency, junior college, college, or private or
2036 public institution or organization or firearms training school,
2037 using ~~utilizing~~ instructors certified by the National Rifle
2038 Association, Criminal Justice Standards and Training Commission,
2039 or the Department of Agriculture and Consumer Services;

2040 4. Completion of any law enforcement firearms safety or
2041 training course or class offered for security guards,
2042 investigators, special deputies, or any division or subdivision
2043 of a law enforcement agency or security enforcement;

2044 5. Presents evidence of equivalent experience with a
2045 firearm through participation in organized shooting competition
2046 or military service;

2047 6. Is licensed or has been licensed to carry a firearm in
2048 this state or a county or municipality of this state, unless
2049 such license has been revoked for cause; or

2050 7. Completion of any firearms training or safety course or
2051 class conducted by a state-certified or National Rifle
2052 Association certified firearms instructor;

2053
2054 A photocopy of a certificate of completion of any of the courses
2055 or classes; ~~or~~ an affidavit from the instructor, school, club,
2056 organization, or group that conducted or taught such ~~said~~ course
2057 or class attesting to the completion of the course or class by
2058 the applicant; or a copy of any document that ~~which~~ shows
2059 completion of the course or class or evidences participation in
2060 firearms competition shall constitute evidence of qualification
2061 under this paragraph. A; ~~any~~ person who conducts a course

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2062 pursuant to subparagraph 2., subparagraph 3., or subparagraph
2063 7., or who, as an instructor, attests to the completion of such
2064 courses, must maintain records certifying that he or she
2065 observed the student safely handle and discharge the firearm in
2066 his or her physical presence and that the discharge of the
2067 firearm included live fire using a firearm and ammunition as
2068 defined in s. 790.001;

2069 (i) Has not been adjudicated an incapacitated person under
2070 s. 744.331, or similar laws of any other state, unless 5 years
2071 have elapsed since the applicant's restoration to capacity by
2072 court order;

2073 (j) Has not been committed to a mental institution under
2074 chapter 394, or similar laws of any other state, unless the
2075 applicant produces a certificate from a licensed psychiatrist
2076 that he or she has not suffered from disability for at least 5
2077 years before ~~prior to~~ the date of submission of the application;

2078 (k) Has not had adjudication of guilt withheld or
2079 imposition of sentence suspended on any felony ~~or misdemeanor~~
2080 ~~crime of domestic violence~~ unless 3 years have elapsed since
2081 probation or any other conditions set by the court have been
2082 fulfilled, or expunction has occurred ~~the record has been sealed~~
2083 ~~or expunged;~~

2084 (l) Has not had adjudication of guilt withheld or
2085 imposition of sentence suspended on any misdemeanor crime of
2086 domestic violence unless 3 years have elapsed since probation or
2087 any other conditions set by the court have been fulfilled, or
2088 the record has been sealed or expunged;

2089 (m) ~~(l)~~ Has not been issued an injunction that is currently
2090 in force and effect and that restrains the applicant from

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2091 committing acts of domestic violence or acts of repeat violence;
2092 and

2093 (n)~~(m)~~ Is not prohibited from purchasing or possessing a
2094 firearm by any other provision of Florida or federal law.

2095 (4) The application shall be completed, under oath, on a
2096 form adopted ~~promulgated~~ by the Department of Agriculture and
2097 Consumer Services and shall include:

2098 (a) The name, address, place of birth, ~~and~~ date of birth,
2099 and race, ~~and occupation~~ of the applicant;

2100 (b) A statement that the applicant is in compliance with
2101 criteria contained within subsections (2) and (3);

2102 (c) A statement that the applicant has been furnished a
2103 copy of this chapter and is knowledgeable of its provisions;

2104 (d) A conspicuous warning that the application is executed
2105 under oath and that a false answer to any question, or the
2106 submission of any false document by the applicant, subjects the
2107 applicant to criminal prosecution under s. 837.06; ~~and~~

2108 (e) A statement that the applicant desires a concealed
2109 weapon or firearms license as a means of lawful self-defense;
2110 and.

2111 (f) Directions for an applicant who is a servicemember, as
2112 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
2113 request expedited processing of his or her application.

2114 (5) The applicant shall submit to the Department of
2115 Agriculture and Consumer Services or an approved tax collector
2116 pursuant to s. 790.0625:

2117 (a) A completed application as described in subsection (4).

2118 (b) A nonrefundable license fee of up to \$60 ~~\$70~~ if he or
2119 she has not previously been issued a statewide license or of up

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2120 to \$50 ~~\$60~~ for renewal of a statewide license. The cost of
2121 processing fingerprints as required in paragraph (c) shall be
2122 borne by the applicant. However, an individual holding an active
2123 certification from the Criminal Justice Standards and Training
2124 Commission as a law enforcement officer, correctional officer,
2125 or correctional probation officer as defined in s. 943.10(1),
2126 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
2127 requirements of this section. If such individual wishes to
2128 receive a concealed weapon ~~weapons~~ or firearm ~~firearms~~ license,
2129 he or she is exempt from the background investigation and all
2130 background investigation fees, but must pay the current license
2131 fees regularly required to be paid by nonexempt applicants.
2132 Further, a law enforcement officer, a correctional officer, or a
2133 correctional probation officer as defined in s. 943.10(1), (2),
2134 or (3) is exempt from the required fees and background
2135 investigation for ~~a period of~~ 1 year after his or her
2136 retirement.

2137 (c) A full set of fingerprints of the applicant
2138 administered by a law enforcement agency or the Division of
2139 Licensing of the Department of Agriculture and Consumer Services
2140 or an approved tax collector pursuant to s. 790.0625 together
2141 with any personal identifying information required by federal
2142 law to process fingerprints.

2143 (d) A photocopy of a certificate, affidavit, or document as
2144 described in paragraph (2)(h).

2145 (e) A full frontal view color photograph of the applicant
2146 taken within the preceding 30 days, in which the head, including
2147 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

2148 (f) For expedited processing of an application:

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2149 1. A servicemember shall submit a copy of the Common Access
2150 Card, United States Uniformed Services Identification Card, or
2151 current deployment orders.

2152 2. A veteran shall submit a copy of the DD Form 214, issued
2153 by the United States Department of Defense, or another
2154 acceptable form of identification as specified by the Department
2155 of Veterans' Affairs.

2156 (6)

2157 (f) The Department of Agriculture and Consumer Services
2158 shall, upon receipt of a completed application and the
2159 identifying information required under paragraph (5) (f),
2160 expedite the processing of a servicemember's or a veteran's
2161 concealed weapon or firearm license application.

2162 (10) A license issued under this section shall be suspended
2163 or revoked pursuant to chapter 120 if the licensee:

2164 (a) Is found to be ineligible under the criteria set forth
2165 in subsection (2);

2166 (b) Develops or sustains a physical infirmity which
2167 prevents the safe handling of a weapon or firearm;

2168 (c) Is convicted of a felony which would make the licensee
2169 ineligible to possess a firearm pursuant to s. 790.23;

2170 (d) Is found guilty of a crime under the provisions of
2171 chapter 893, or similar laws of any other state, relating to
2172 controlled substances;

2173 (e) Is committed as a substance abuser under chapter 397,
2174 or is deemed a habitual offender under s. 856.011(3), or similar
2175 laws of any other state;

2176 (f) Is convicted of a second violation of s. 316.193, or a
2177 similar law of another state, within 3 years after ~~of~~ a first

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2178 ~~previous~~ conviction of such section, or similar law of another
2179 state, even though the first violation may have occurred before
2180 ~~prior to~~ the date on which the application was submitted;

2181 (g) Is adjudicated an incapacitated person under s.
2182 744.331, or similar laws of any other state; or

2183 (h) Is committed to a mental institution under chapter 394,
2184 or similar laws of any other state.

2185

2186 Notwithstanding s. 120.60(5), service of a notice of the
2187 suspension or revocation of a concealed weapon or firearm
2188 license must be given by either certified mail, return receipt
2189 requested, to the licensee at his or her last known mailing
2190 address furnished to the Department of Agriculture and Consumer
2191 Services, or by personal service. If a notice given by certified
2192 mail is returned as undeliverable, a second attempt must be made
2193 to provide notice to the licensee at that address, by either
2194 first-class mail in an envelope, postage prepaid, addressed to
2195 the licensee at his or her last known mailing address furnished
2196 to the department, or, if the licensee has provided an e-mail
2197 address to the department, by e-mail. Such mailing by the
2198 department constitutes notice, and any failure by the licensee
2199 to receive such notice does not stay the effective date or term
2200 of the suspension or revocation. A request for hearing must be
2201 filed with the department within 21 days after notice is
2202 received by personal delivery, or within 26 days after the date
2203 the department deposits the notice in the United States mail (21
2204 days plus 5 days for mailing). The department shall document its
2205 attempts to provide notice and such documentation is admissible
2206 in the courts of this state and constitutes sufficient proof

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2207 that notice was given.

2208 Section 41. Effective upon this act becoming a law,
2209 paragraph (a) of subsection (11) of section 790.06, Florida
2210 Statutes, is amended to read:

2211 790.06 License to carry concealed weapon or firearm.—

2212 (11) (a) At least ~~No less than~~ 90 days before the expiration
2213 date of the license, the Department of Agriculture and Consumer
2214 Services shall mail to each licensee a written notice of the
2215 expiration and a renewal form prescribed by the Department of
2216 Agriculture and Consumer Services. The licensee must renew his
2217 or her license on or before the expiration date by filing with
2218 the Department of Agriculture and Consumer Services the renewal
2219 form containing an ~~a notarized~~ affidavit submitted under oath
2220 and under penalty of perjury stating that the licensee remains
2221 qualified pursuant to the criteria specified in subsections (2)
2222 and (3), a color photograph as specified in paragraph (5) (e),
2223 and the required renewal fee. Out-of-state residents must also
2224 submit a complete set of fingerprints and fingerprint processing
2225 fee. The license shall be renewed upon receipt of the completed
2226 renewal form, color photograph, appropriate payment of fees,
2227 and, if applicable, fingerprints. Additionally, a licensee who
2228 fails to file a renewal application on or before its expiration
2229 date must renew his or her license by paying a late fee of \$15.
2230 A license may not be renewed 180 days or more after its
2231 expiration date, and such a license is deemed to be permanently
2232 expired. A person whose license has been permanently expired may
2233 reapply for licensure; however, an application for licensure and
2234 fees under subsection (5) must be submitted, and a background
2235 investigation shall be conducted pursuant to this section. A

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2236 person who knowingly files false information under this
2237 subsection is subject to criminal prosecution under s. 837.06.

2238 Section 42. Subsection (8) is added to section 790.0625,
2239 Florida Statutes, to read:

2240 790.0625 Appointment of tax collectors to accept
2241 applications for a concealed weapon or firearm license; fees;
2242 penalties.—

2243 (8) Upon receipt of a completed renewal application, a new
2244 color photograph, and appropriate payment of fees, a tax
2245 collector authorized to accept renewal applications for
2246 concealed weapon or firearm licenses under this section may,
2247 upon approval and confirmation of license issuance by the
2248 department, print and deliver a concealed weapon or firearm
2249 license to a licensee renewing his or her license at the tax
2250 collector's office.

2251 Section 43. Subsections (1) through (4) of section 559.917,
2252 Florida Statutes, are amended to read:

2253 559.917 Bond to release possessory lien claimed by motor
2254 vehicle repair shop.—

2255 (1) As used in this section, the term:

2256 (a) "Lienholder" means a person claiming an interest in or
2257 a lien on a vehicle pursuant to s. 713.585(5).

2258 (b) "Lienor" means a person claiming a lien for motor
2259 vehicle repair shop work under part II of chapter 713.

2260 (2) ~~(1)~~ (a) A lienholder or Any customer may obtain the
2261 release of a ~~her or his~~ motor vehicle for which the lienholder
2262 or customer has a lien or ownership rights, respectively, from
2263 any lien claimed under part II of chapter 713 by a motor vehicle
2264 repair shop for repair work performed under a written repair

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2265 estimate by filing with the clerk of the court in the circuit in
2266 which the disputed transaction occurred a cash or surety bond,
2267 payable to the person claiming the lien and conditioned for the
2268 payment of any judgment which may be entered on the lien. The
2269 bond shall be in the amount stated on the invoice required by s.
2270 559.911, plus accrued storage charges, if any, less any amount
2271 paid to the motor vehicle repair shop as indicated on the
2272 invoice. The lienholder or customer shall not be required to
2273 institute judicial proceedings in order to post the bond in the
2274 registry of the court, nor shall the lienholder or customer be
2275 required to use a particular form for posting the bond, unless
2276 the clerk provides ~~shall provide~~ such form to the lienholder or
2277 customer for filing. Upon the posting of such bond, the clerk of
2278 the court shall automatically issue a certificate notifying the
2279 lienor of the posting of the bond and directing the lienor to
2280 release the lienholder's or customer's motor vehicle.

2281 (b) The lienor shall have 60 days to file suit to recover
2282 the bond. The prevailing party in that action may be entitled to
2283 damages plus court costs and reasonable attorney ~~attorney's~~
2284 fees. If the lienor fails to file suit within 60 days after the
2285 posting of such bond, the bond shall be discharged.

2286 (3) ~~(2)~~ The failure of a lienor to release or return to the
2287 lienholder or customer the motor vehicle upon which any lien is
2288 claimed, upon receiving a copy of a certificate giving notice of
2289 the posting of the bond and directing release of the motor
2290 vehicle, shall subject the lienor to judicial proceedings which
2291 may be brought by the lienholder or customer to compel
2292 compliance with the certificate. If ~~Whenever~~ a lienholder
2293 pursuant to s. 713.585 or customer brings an action to compel

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2294 compliance with the certificate, the lienholder or customer need
2295 only establish that:

2296 (a) Bond in the amount of the invoice, plus accrued storage
2297 charges, if any, less any amount paid to the motor vehicle
2298 repair shop as indicated on the invoice, was posted;

2299 (b) A certificate was issued pursuant to this section;

2300 (c) The motor vehicle repair shop, or any employee or agent
2301 thereof who is authorized to release the motor vehicle, received
2302 a copy of a certificate issued pursuant to this section; and

2303 (d) The motor vehicle repair shop or employee authorized to
2304 release the motor vehicle failed to release the motor vehicle.

2305

2306 The lienholder or customer, upon a judgment in her or his favor
2307 in an action brought under this subsection, may be entitled to
2308 damages plus court costs and reasonable attorney ~~attorney's~~ fees
2309 sustained by her or him by reason of such wrongful detention or
2310 retention. Upon a judgment in favor of the motor vehicle repair
2311 shop, the shop may be entitled to reasonable attorney ~~attorney's~~
2312 fees.

2313 ~~(4)~~⁽³⁾ Any motor vehicle repair shop that ~~which~~, or any
2314 employee or agent thereof who is authorized to release the motor
2315 vehicle who, upon receiving a copy of a certificate giving
2316 notice of the posting of the bond in the required amount and
2317 directing release of the motor vehicle, fails to release or
2318 return the property to the lienholder or customer pursuant to
2319 this section commits ~~is guilty of~~ a misdemeanor of the second
2320 degree, punishable as provided in s. 775.082 or s. 775.083.

2321 ~~(5)~~⁽⁴⁾ Any lienholder or customer who stops payment on a
2322 credit card charge or a check drawn in favor of a motor vehicle

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2323 repair shop on account of an invoice, l or who fails to post a
2324 cash or surety bond pursuant to this section, l shall be
2325 prohibited from any recourse under this section with respect to
2326 the motor vehicle repair shop.

2327 Section 44. Subsection (1) and paragraph (d) of subsection
2328 (3) of section 559.9285, Florida Statutes, are amended to read:
2329 559.9285 Certification of business activities.—

2330 (1) Each certifying party, as defined in s. 559.927(2):

2331 (a) Which does not offer for sale, at wholesale or retail,
2332 prearranged travel or, ~~tourist-related services, or tour-guide~~
2333 ~~services~~ for individuals or groups directly to any terrorist
2334 state and which originate in Florida;

2335 (b) Which offers for sale, at wholesale or retail, only
2336 prearranged travel or, ~~tourist-related services, or tour-guide~~
2337 ~~services~~ for individuals or groups directly to any terrorist
2338 state and which originate in Florida, but engages in no other
2339 business dealings or commerce with any terrorist state; or

2340 (c) Which offers for sale, at wholesale or retail,
2341 prearranged travel or, ~~tourist-related services, or tour-guide~~
2342 ~~services~~ for individuals or groups directly to any terrorist
2343 state and which originate in Florida, and also engages in any
2344 other business dealings or commerce with any terrorist state,

2345
2346 shall annually certify its business activities by filing a
2347 disclosure statement with the department which accurately
2348 represents the scope of the seller's business activities
2349 according to the criteria provided in paragraph (a), paragraph
2350 (b), or paragraph (c).

2351 (3) The department shall specify by rule the form of each

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2352 certification under this section which shall include the
2353 following information:

2354 (d) The type of all prearranged travel or, tourist-related
2355 services, ~~or tour guide services~~ that the certifying party
2356 offers for sale to individuals or groups traveling directly to
2357 any terrorist state and that originate in Florida, and the
2358 frequency with which such services are offered.

2359 Section 45. Subsection (2) of section 559.937, Florida
2360 Statutes, is amended to read:

2361 559.937 Criminal penalties.—Any person or business that
2362 violates this part:

2363 (2) Which violation directly or indirectly pertains to an
2364 offer to sell, at wholesale or retail, prearranged travel or
2365 tourist-related services, ~~or tour guide services~~ for individuals
2366 or groups directly to any terrorist state and which originate in
2367 Florida, commits a felony of the third degree, punishable as
2368 provided in s. 775.082 or s. 775.083.

2369 Section 46. For the 2016-2017 fiscal year, the sum of
2370 \$1,305,097 in nonrecurring funds from the Division of Licensing
2371 Trust Fund is appropriated to the Department of Agriculture and
2372 Consumer Services for the purpose of implementing s. 493.6108,
2373 Florida Statutes, regarding the collection and subsequent
2374 payment of fingerprint retention and processing fees to the
2375 Florida Department of Law Enforcement.

2376 Section 47. Except as otherwise expressly provided in this
2377 act, this act shall take effect July 1, 2016.