

2016772e2

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

2016772e2

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

2016772e2

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

2016772e2

88 531.61, F.S.; clarifying provisions exempting certain
89 instruments or devices from specified requirements;
90 amending s. 531.62, F.S.; specifying that the
91 commercial use permit fee is based upon the number and
92 types of instruments or devices permitted; revising
93 the expiration date of the commercial use permit;
94 requiring annual and biennial commercial use permit
95 renewals to meet the same requirements; amending s.
96 531.63, F.S.; revising the commercial use permit fees
97 and fee structures; amending s. 531.65, F.S.;
98 clarifying that the department may use one or more of
99 the prescribed penalties for the unauthorized use of a
100 weights and measures instrument or device; amending s.
101 539.001, F.S.; requiring the department to waive the
102 initial pawnbroker license fee for certain veterans,
103 the spouses of such veterans, or certain business
104 entities that have a majority ownership held by such
105 veterans or spouses; amending s. 559.904, F.S.;
106 requiring the department to waive the initial motor
107 vehicle repair shop registration fee for certain
108 veterans, the spouses of such veterans, or certain
109 business entities that have a majority ownership held
110 by such veterans or spouses; amending s. 559.927,
111 F.S.; revising definitions and defining the term
112 "student tour operator"; amending s. 559.928, F.S.;
113 requiring the department to waive the initial seller
114 of travel registration fee for certain veterans, the
115 spouses of such veterans, or certain business entities
116 that have a majority ownership held by such veterans

2016772e2

117 or spouses; requiring independent agents to annually
118 file an application, rather than an affidavit;
119 requiring each advertisement, certificate, and other
120 travel documents to include a specified phrase;
121 deleting a provision requiring an advertisement to
122 include a specified phrase; revising the circumstances
123 under which the department may deny or refuse to renew
124 a registration; authorizing the department to revoke
125 the registration of a seller of travel under certain
126 circumstances; creating s. 559.9281, F.S.; requiring
127 the Department of Agriculture and Consumer Services to
128 establish a process for specified persons to apply to
129 be, and be listed as, approved student tour operators;
130 requiring the department to adopt rules to establish
131 an application process and standards for persons
132 wishing to be approved as student tour operators;
133 specifying minimum standards for such operators;
134 requiring the department to maintain a list of
135 approved operators; requiring the department to update
136 the list at least annually and to provide a current
137 version of the list to the Department of Education;
138 requiring the Department of Education to publish and
139 maintain such list on its website; amending s.
140 559.929, F.S.; revising certain security requirements;
141 amending s. 559.9295, F.S.; revising the documents
142 that certain sellers of travel are required to submit
143 and disclose to the department; deleting provisions
144 relating to the duties of the department; amending s.
145 559.932, F.S.; requiring that certain disclosures be

2016772e2

146 made in a specified type size; revising the language
147 that must be included in certain disclosures;
148 requiring the department to review copies of certain
149 certificates and contracts for compliance with
150 disclosure requirements; specifying that the
151 submission of certain materials or department response
152 does not constitute approval, recommendation,
153 endorsement, or verification; amending s. 559.933,
154 F.S.; making technical changes; amending s. 559.9335,
155 F.S.; revising violations relating to the sale of
156 travel; amending s. 559.935, F.S.; deleting a
157 provision requiring an affiliate to file an affidavit
158 of exemption in order to obtain a specified exemption;
159 adding embezzlement as a crime for which the
160 department may revoke certain exemptions; amending s.
161 559.936, F.S.; conforming cross-references; amending
162 s. 616.242, F.S.; exempting water-related amusement
163 rides operated by lodging and food service
164 establishments and membership campgrounds, amusement
165 rides at private, membership-only facilities, and
166 nonprofit permanent facilities from certain safety
167 standards; authorizing owners or managers of amusement
168 rides to use alternative forms to record ride
169 inspections and employee training; amending s.
170 713.585, F.S.; revising certain notice requirements;
171 authorizing the owner of a vehicle or a person
172 claiming an interest in the vehicle or in a lien
173 thereon to post a bond to recover possession of a
174 vehicle held by a lienor; specifying that lienholders

2016772e2

175 have standing in certain proceedings to allege
176 violations of the Florida Motor Vehicle Repair Act;
177 requiring the clerk of the court to issue a
178 certificate notifying the lienor of the posting of
179 bond; establishing procedures and requirements for a
180 vehicle owner to reclaim such vehicles recovered by a
181 lienholder; authorizing courts to award damages based
182 on claims relating to the enforcement of certain lien
183 and recovery rights; requiring courts to provide for
184 the immediate payment of proceeds and awards and
185 immediate release of bonds; amending s. 790.06, F.S.;
186 revising the requirements for issuance of a concealed
187 weapon or firearm license; requiring directions for
188 expedited processing requests in the license
189 application form; revising the initial and renewal
190 fees for a concealed weapon or firearm license;
191 providing a process for expediting applications for
192 servicemembers and veterans; requiring that notice of
193 the suspension or revocation of a concealed weapon or
194 firearm license or the suspension of the processing of
195 an application for such license be given by personal
196 delivery or first-class mail; specifying deadlines for
197 requests for a hearing for suspensions or revocations;
198 specifying standards of proof for notice of
199 suspensions or revocations; requiring concealed weapon
200 or firearm license renewals to include an affidavit
201 submitted under oath and under penalty of perjury,
202 rather than a notarized affidavit, as of a specified
203 date; amending s. 790.0625, F.S.; authorizing certain

2016772e2

204 tax collector offices, upon approval and confirmation
205 of license issuance by the department, to print and
206 deliver concealed weapon or firearm licenses; amending
207 ss. 559.9285 and 559.937, F.S.; conforming provisions;
208 providing an appropriation; providing effective dates.
209

210 Be It Enacted by the Legislature of the State of Florida:
211

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

214 472.007 Board of Professional Surveyors and Mappers.—There
215 is created in the Department of Agriculture and Consumer
216 Services the Board of Professional Surveyors and Mappers.

217 (1) The board shall consist of nine members, seven ~~six~~ of
218 whom shall be registered surveyors and mappers primarily engaged
219 in the practice of surveying and mapping, ~~one of whom shall be a~~
220 ~~registered surveyor and mapper with the designation of~~
221 ~~photogrammetrist~~, and two of whom shall be laypersons who are
222 not and have never been surveyors and mappers or members of any
223 closely related profession or occupation.

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

226 472.015 Licensure.—

227 (3) (a) Before the issuance of any license, the department
228 may charge an initial license fee as determined by rule of the
229 board. Upon receipt of the appropriate license fee, except as
230 provided in subsection (6), the department shall issue a license
231 to any person certified by the board, or its designee, as having
232 met the applicable requirements imposed by law or rule. However,

2016772e2

233 an applicant who is not otherwise qualified for licensure is not
234 entitled to licensure solely based on a passing score on a
235 required examination.

236 (b) The department shall waive the initial license fee for
237 an honorably discharged veteran of the United States Armed
238 Forces, the spouse of such a veteran, or a business entity that
239 has a majority ownership held by such a veteran or spouse if the
240 department receives an application, in a format prescribed by
241 the department, within 60 months after the date of the veteran's
242 discharge from any branch of the United States Armed Forces. To
243 qualify for the waiver, a veteran must provide to the department
244 a copy of his or her DD Form 214, as issued by the United States
245 Department of Defense, or another acceptable form of
246 identification as specified by the Department of Veterans'
247 Affairs; the spouse of a veteran must provide to the department
248 a copy of the veteran's DD Form 214, as issued by the United
249 States Department of Defense, or another acceptable form of
250 identification as specified by the Department of Veterans'
251 Affairs, and a copy of a valid marriage license or certificate
252 verifying that he or she was lawfully married to the veteran at
253 the time of discharge; or a business entity must provide to the
254 department proof that a veteran or the spouse of a veteran holds
255 a majority ownership in the business, a copy of the veteran's DD
256 Form 214, as issued by the United States Department of Defense,
257 or another acceptable form of identification as specified by the
258 Department of Veterans' Affairs, and, if applicable, a copy of a
259 valid marriage license or certificate verifying that the spouse
260 of the veteran was lawfully married to the veteran at the time
261 of discharge.

2016772e2

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

265 493.6105 Initial application for license.—

266 (1) Each individual, partner, or principal officer in a
267 corporation, shall file with the department a complete
268 application accompanied by an application fee not to exceed \$60,
269 except that the applicant for a Class "D" or Class "G" license
270 is not required to submit an application fee. The application
271 fee is not refundable.

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

282 (3) The application must contain the following information
283 concerning the individual signing the application:

284 (j) A full set of fingerprints, a fingerprint processing
285 fee, and a fingerprint retention fee. The fingerprint processing
286 and retention fees shall ~~to~~ be established by rule of the
287 department based upon costs determined by state and federal
288 agency charges and department processing costs, which must
289 include the cost of retaining the fingerprints in the statewide
290 automated biometric identification system established in s.

2016772e2

291 943.05(2)(b) and the cost of enrolling the fingerprints in the
292 national retained print arrest notification program as required
293 under s. 493.6108. An applicant who has, within the immediately
294 preceding 6 months, submitted such fingerprints and ~~fees~~ fee for
295 licensing purposes under this chapter and who still holds a
296 valid license is not required to submit another set of
297 fingerprints or another fingerprint processing fee. An applicant
298 who holds multiple licenses issued under this chapter is
299 required to pay only a single fingerprint retention fee.

300 Section 4. Paragraph (f) of subsection (1) of section
301 493.6106, Florida Statutes, is amended to read:

302 493.6106 License requirements; posting.—

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

304 (f) Be a citizen or permanent legal resident alien of the
305 United States or have appropriate authorization issued by the
306 United States Citizenship and Immigration Services of the United
307 States Department of Homeland Security.

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

316 2. An applicant for a Class "G" or Class "K" license who is
317 not a United States citizen must submit proof that she or he is
318 deemed a permanent legal resident alien by the United States
319 Citizenship and Immigration Services, ~~together with additional~~

2016772e2

320 ~~documentation establishing that she or he has resided in the~~
321 ~~state of residence shown on the application for at least 90~~
322 ~~consecutive days before the date that the application is~~
323 ~~submitted.~~

324 3. An applicant for an agency or school license who is not
325 a United States citizen or permanent legal resident alien must
326 submit documentation issued by the United States Citizenship and
327 Immigration Services stating that she or he is lawfully in the
328 United States and is authorized to own and operate the type of
329 agency or school for which she or he is applying. An employment
330 authorization card issued by the United States Citizenship and
331 Immigration Services is not sufficient documentation.

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

334 493.6107 Fees.—

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

344 Section 6. Subsections (4) and (5) are added to section
345 493.6108, Florida Statutes, to read:

346 493.6108 Investigation of applicants by Department of
347 Agriculture and Consumer Services.—

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

2016772e2

349 Enforcement shall:

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

354 (b) When the Department of Law Enforcement begins
355 participation in the Federal Bureau of Investigation's national
356 retained print arrest notification program, enroll such
357 fingerprints in the program. The fingerprints must thereafter be
358 available for arrest notifications and all purposes and uses
359 authorized for arrest fingerprint submissions entered into the
360 statewide automated biometric identification system established
361 in s. 943.05(2) (b).

362 (c) Search all arrest fingerprints against fingerprints
363 retained.

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

367 (5) If the department receives information about an arrest
368 within the state of a person who holds a valid license issued
369 under this chapter for a crime that could potentially disqualify
370 the person from holding such a license, the department must
371 provide the arrest information to the agency that employs the
372 licensee.

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

375 493.6113 Renewal application for licensure.—

376 (1) A license granted under the provisions of this chapter
377 shall be renewed biennially by the department, except for Class

2016772e2

378 "A," Class "B," Class "AB," Class "K," Class "R," and branch
379 agency licenses, which shall be renewed every 3 years.

380 (3) Each licensee is responsible for renewing his or her
381 license on or before its expiration by filing with the
382 department an application for renewal accompanied by payment of
383 the renewal fee and the fingerprint retention fee to cover the
384 cost of ongoing retention in the statewide automated biometric
385 identification system established in s. 943.05(2)(b) ~~prescribed~~
386 license fee. Upon the first renewal of a license issued under
387 this chapter before January 1, 2017, the licensee shall submit a
388 full set of fingerprints and fingerprint processing fees to
389 cover the cost of entering the fingerprints into the statewide
390 automated biometric identification system pursuant to s.
391 493.6108(4)(a) and the cost of enrollment in the Federal Bureau
392 of Investigation's national retained print arrest notification
393 program. Subsequent renewals may be completed without submission
394 of a new set of fingerprints.

395 (a) Each Class "B" licensee shall additionally submit on a
396 form prescribed by the department a certification of insurance
397 that evidences that the licensee maintains coverage as required
398 under s. 493.6110.

399 (b) Each Class "G" licensee shall additionally submit proof
400 that he or she has received during each year of the license
401 period a minimum of 4 hours of firearms recertification training
402 taught by a Class "K" licensee and has complied with such other
403 health and training requirements that the department shall adopt
404 by rule. Proof of completion of firearms recertification
405 training shall be submitted to the department upon completion of
406 the training. If the licensee fails to complete the required 4

2016772e2

407 hours of annual training during the first year of the 2-year
408 term of the license, the license shall be automatically
409 suspended. The licensee must complete the minimum number of
410 hours of range and classroom training required at the time of
411 initial licensure and submit proof of completion of such
412 training to the department before the license may be reinstated.
413 If the licensee fails to complete the required 4 hours of annual
414 training during the second year of the 2-year term of the
415 license, the licensee must complete the minimum number of hours
416 of range and classroom training required at the time of initial
417 licensure and submit proof of completion of such training to the
418 department before the license may be renewed. The department may
419 waive the firearms training requirement if:

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

425 2. The applicant provides proof that he or she is currently
426 certified as a federal law enforcement officer and has received
427 law enforcement firearms training administered by a federal law
428 enforcement agency annually during the previous 2 years of the
429 licensure period; or

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

434 (c) Each Class "DS" or Class "RS" licensee shall
435 additionally submit the current curriculum, examination, and

2016772e2

436 list of instructors.

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

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

442 493.6202 Fees.—

443 (4) The initial license fee for a veteran, as defined in s.
444 1.01, shall be waived if he or she applies for a Class "C,"
445 Class "CC," or Class "MA" license within 24 months after being
446 discharged from any branch of the United States Armed Forces. An
447 eligible veteran must include a copy of his or her DD Form 214,
448 as issued by the United States Department of Defense, or another
449 acceptable form of identification as specified by the Department
450 of Veterans' Affairs with his or her application in order to
451 obtain a waiver.

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

454 493.6302 Fees.—

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

464 Section 10. Subsection (4) is added to section 493.6402,

2016772e2

465 Florida Statutes, to read:

466 493.6402 Fees.—

467 (4) The initial license fee for a veteran, as defined in s.
468 1.01, shall be waived if he or she applies for a Class "E,"
469 Class "EE," Class "MR," or Class "RI" license within 24 months
470 after being discharged from any branch of the United States
471 Armed Forces. An eligible veteran must include a copy of his or
472 her DD Form 214, as issued by the United States Department of
473 Defense, or another acceptable form of identification as
474 specified by the Department of Veterans' Affairs with his or her
475 application in order to obtain a waiver.

476 Section 11. Subsection (1) of section 501.0125, Florida
477 Statutes, is amended, and subsection (6) is added to that
478 section, to read:

479 501.0125 Health studios; definitions.—For purposes of ss.
480 501.012-501.019, the following terms shall have the following
481 meanings:

482 (1) "Health studio" means any person who is engaged in the
483 sale of services for instruction, training, or assistance in a
484 program of physical exercise or in the sale of services for the
485 right or privilege to use equipment or facilities in furtherance
486 of a program of physical exercise. The term does not include an
487 individual acting as a personal trainer.

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

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

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

493 (c) Who does not accept payment for services that are to be

2016772e2

494 rendered more than 30 days after the date of payment.

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

497 501.015 Health studios; registration requirements and
498 fees.—Each health studio shall:

499 (2) Remit an annual registration fee of \$300 to the
500 department at the time of registration for each of the health
501 studio's business locations. The department shall waive the
502 initial registration fee for an honorably discharged veteran of
503 the United States Armed Forces, the spouse of such a veteran, or
504 a business entity that has a majority ownership held by such a
505 veteran or spouse if the department receives an application, in
506 a format prescribed by the department, within 60 months after
507 the date of the veteran's discharge from any branch of the
508 United States Armed Forces. To qualify for the waiver, a veteran
509 must provide to the department a copy of his or her DD Form 214,
510 as issued by the United States Department of Defense, or another
511 acceptable form of identification as specified by the Department
512 of Veterans' Affairs; the spouse of a veteran must provide to
513 the department a copy of the veteran's DD Form 214, as issued by
514 the United States Department of Defense, or another acceptable
515 form of identification as specified by the Department of
516 Veterans' Affairs, and a copy of a valid marriage license or
517 certificate verifying that he or she was lawfully married to the
518 veteran at the time of discharge; or a business entity must
519 provide to the department proof that a veteran or the spouse of
520 a veteran holds a majority ownership in the business, a copy of
521 the veteran's DD Form 214, as issued by the United States
522 Department of Defense, or another acceptable form of

2016772e2

523 identification as specified by the Department of Veterans'
524 Affairs, and, if applicable, a copy of a valid marriage license
525 or certificate verifying that the spouse of the veteran was
526 lawfully married to the veteran at the time of discharge.

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

530 501.605 Licensure of commercial telephone sellers.—

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

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

539
540 The application shall be accompanied by a copy of any: Script,
541 outline, or presentation the applicant will require or suggest a
542 salesperson to use when soliciting, or, if no such document is
543 used, a statement to that effect; sales information or
544 literature to be provided by the applicant to a salesperson; and
545 sales information or literature to be provided by the applicant
546 to a purchaser in connection with any solicitation.

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

549 (b) A fee for licensing in the amount of \$1,500. The fee
550 shall be deposited into the General Inspection Trust Fund. The
551 department shall waive the initial license fee for an honorably

2016772e2

552 discharged veteran of the United States Armed Forces, the spouse
553 of such a veteran, or a business entity that has a majority
554 ownership held by such a veteran or spouse if the department
555 receives an application, in a format prescribed by the
556 department, within 60 months after the date of the veteran's
557 discharge from any branch of the United States Armed Forces. To
558 qualify for the waiver, a veteran must provide to the department
559 a copy of his or her DD Form 214, as issued by the United States
560 Department of Defense, or another acceptable form of
561 identification as specified by the Department of Veterans'
562 Affairs; the spouse of a veteran must provide to the department
563 a copy of the veteran's DD Form 214, as issued by the United
564 States Department of Defense, or another acceptable form of
565 identification as specified by the Department of Veterans'
566 Affairs, and a copy of a valid marriage license or certificate
567 verifying that he or she was lawfully married to the veteran at
568 the time of discharge; or a business entity must provide to the
569 department proof that a veteran or the spouse of a veteran holds
570 a majority ownership in the business, a copy of the veteran's DD
571 Form 214, as issued by the United States Department of Defense,
572 or another acceptable form of identification as specified by the
573 Department of Veterans' Affairs, and, if applicable, a copy of a
574 valid marriage license or certificate verifying that the spouse
575 of the veteran was lawfully married to the veteran at the time
576 of discharge.

577 Section 14. Paragraph (b) of subsection (2) of section
578 501.607, Florida Statutes, is amended to read:

579 501.607 Licensure of salespersons.—

580 (2) An application filed pursuant to this section must be

2016772e2

581 verified and be accompanied by:

582 (b) A fee for licensing in the amount of \$50 per
583 salesperson. The fee shall be deposited into the General
584 Inspection Trust Fund. The fee for licensing may be paid after
585 the application is filed, but must be paid within 14 days after
586 the applicant begins work as a salesperson. The department shall
587 waive the initial license fee for an honorably discharged
588 veteran of the United States Armed Forces, the spouse of such a
589 veteran, or a business entity that has a majority ownership held
590 by such a veteran or spouse if the department receives an
591 application, in a format prescribed by the department, within 60
592 months after the date of the veteran's discharge from any branch
593 of the United States Armed Forces. To qualify for the waiver, a
594 veteran must provide to the department a copy of his or her DD
595 Form 214, as issued by the United States Department of Defense,
596 or another acceptable form of identification as specified by the
597 Department of Veterans' Affairs; the spouse of a veteran must
598 provide to the department a copy of the veteran's DD Form 214,
599 as issued by the United States Department of Defense, or another
600 acceptable form of identification as specified by the Department
601 of Veterans' Affairs, and a copy of a valid marriage license or
602 certificate verifying that he or she was lawfully married to the
603 veteran at the time of discharge; or a business entity must
604 provide to the department proof that a veteran or the spouse of
605 a veteran holds a majority ownership in the business, a copy of
606 the veteran's DD Form 214, as issued by the United States
607 Department of Defense, or another acceptable form of
608 identification as specified by the Department of Veterans'
609 Affairs, and, if applicable, a copy of a valid marriage license

2016772e2

610 or certificate verifying that the spouse of the veteran was
611 lawfully married to the veteran at the time of discharge.

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

614 507.03 Registration.—

615 (3) (a) Registration fees shall be calculated at the rate of
616 \$300 per year per mover or moving broker. All amounts collected
617 shall be deposited by the Chief Financial Officer to the credit
618 of the General Inspection Trust Fund of the department for the
619 sole purpose of administration of this chapter.

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

2016772e2

639 a majority ownership in the business, a copy of the veteran's DD
640 Form 214, as issued by the United States Department of Defense,
641 or another acceptable form of identification as specified by the
642 Department of Veterans' Affairs, and, if applicable, a copy of a
643 valid marriage license or certificate verifying that the spouse
644 of the veteran was lawfully married to the veteran at the time
645 of discharge.

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

648 527.02 License; penalty; fees.—

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

660 (b) The department shall waive the initial license fee for
661 an honorably discharged veteran of the United States Armed
662 Forces, the spouse of such a veteran, or a business entity that
663 has a majority ownership held by such a veteran or spouse if the
664 department receives an application, in a format prescribed by
665 the department, within 60 months after the date of the veteran's
666 discharge from any branch of the United States Armed Forces. To
667 qualify for the waiver, a veteran must provide to the department

2016772e2

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

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

688 527.021 Registration of transport vehicles.-

689 ~~(4) An inspection fee of \$50 shall be assessed for each~~
690 ~~registered vehicle inspected by the department pursuant to s.~~
691 ~~527.061. All inspection fees collected in connection with this~~
692 ~~section shall be deposited in the General Inspection Trust Fund~~
693 ~~for the purpose of administering the provisions of this chapter.~~

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

696 531.37 Definitions.-As used in this chapter:

2016772e2

697 (1) "Weights and measures" means all weights and measures
 698 of every kind, instruments, and devices for weighing and
 699 measuring, and any appliance and accessories associated with any
 700 or all such instruments and devices, excluding those weights and
 701 measures used for the purpose of inspecting the accuracy of
 702 devices used in conjunction with aviation fuel.

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

705 531.415 Fees.—

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

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

714 Weight	714 Fee/Unit
715 0 - 2 lb.	715 \$6
716 3 - 10 lb.	716 \$8
717 11 - 50 lb.	717 \$12
718 51 - 500 lb.	718 \$20
719 501 - 1000 lb.	719 \$30
720 1001 - 2500 lb.	720 \$40
721 2501 - 5000 lb.	721 \$50

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

2016772e2

726	Weight	Fee/Unit
727	0 - 10 lb.	\$20
728	11 - 50 lb.	\$30
729	51 - 500 lb.	\$40
730	501 - 1000 lb.	\$50
731	1001 - 2500 lb.	\$60
732	2501 - 5000 lb.	\$75

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

736	Weight	Fee/Unit
737	0 - 20 lb.	\$40
738	21 - 50 lb.	\$50
739	51 - 1000 lb.	\$70
740	1001 - 2500 lb.	\$150
741	2501 - 5000 lb.	\$250

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

744	Vessel	Fee/Test Point
745	0 - 5 gal.	\$35
746	Over 5 gal.	Plus \$0.75 for each additional gallon

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

749 (e) ~~(f)~~ For each linear measure test ~~that is calibrated to~~
 750 ~~determine actual values, the department shall charge a fee of~~
 751 \$75 ~~not more than \$100.~~

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

2016772e2

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

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

761 (2) Each fee is payable to the department at the time the
762 testing is done, regardless of whether the item tested is
763 certified. The department may refuse to accept for testing any
764 item deemed by the department to be unsuitable for its intended
765 use or not to be in a condition ready for testing. The
766 department shall deposit all fees collected under this section
767 into the General Inspection Trust Fund.

768 Section 20. Section 531.60, Florida Statutes, is amended to
769 read:

770 531.60 Permit for commercially operated or tested weights
771 or measures instrument or devices.—

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

782 (2) If ownership of a business ~~an instrument or device~~ for
783 which a permit has been issued changes and the instruments or

2016772e2

784 devices affected by the permit instrument or device:

785 (a) Remain ~~Remains~~ in the same location, the permit
786 transfers to the new owner and remains in effect until its
787 original expiration date. Within 30 days after the change in
788 ownership, the new owner shall notify the department of the
789 change and provide the pertinent information regarding the
790 change in ownership and an updated replacement permit shall be
791 issued if needed.

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

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

805 Section 21. Section 531.61, Florida Statutes, is amended to
806 read:

807 531.61 Exemptions from permit requirement.—Commercial
808 weights or measures instruments or devices are exempt from the
809 ~~permit~~ requirements of ss. 531.60-531.66 if:

810 (1) The device is a taximeter that is licensed, permitted,
811 or registered by a municipality, county, or other local
812 government and is tested for accuracy and compliance with state

2016772e2

813 standards by the local government in cooperation with the state
814 as authorized in s. 531.421.

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

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

820 Section 22. Subsections (1), (2), and (4) of section
821 531.62, Florida Statutes, are amended to read:

822 531.62 Permit application and renewal.—

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

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

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

841 Section 23. Paragraph (a) of subsection (1) and subsection

2016772e2

842 (2) of section 531.63, Florida Statutes, are amended to read:

843 531.63 Maximum permit fees.—The commercial use permit fees
844 established for weights or measures instruments or devices shall
845 be in an amount necessary to administer this chapter but may not
846 exceed the amounts provided in this section.

847 (1) For weighing devices, the fees must be based on the
848 manufacturer’s rated capacity or the device’s design and use and
849 whether measuring by inch or pounds or the metric equivalent:

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

854	Number of devices	
855	in a single <u>category</u> retail	
856	establishment	Maximum Fee
857	1 to 5	\$60
858	6 to 10	\$150
859	11 to 30	\$200
860	More than 30	\$300

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

863 (a) Mass flow meters having a maximum flow rate of up to
864 150 pounds per minute.....\$100.
865 This includes all mass flow meters used to dispense compressed
866 and liquefied natural gas for retail sale.

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

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

2016772e2

871 This includes all devices used to dispense diesel exhaust fluid
872 for retail sale.

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

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

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

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

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

881 (h) (i) Multiple-dimension measuring
882 devices.....\$100.

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

885 Section 24. Section 531.65, Florida Statutes, is amended to
886 read:

887 531.65 Unauthorized use; penalties.—If a weights or
888 measures instrument or device is used commercially without a
889 valid commercial use permit, the department may do one or more
890 of the following:

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

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

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

899 (4) Impose penalties as prescribed in s. 531.50 in addition

2016772e2

900 to the payment of appropriate permit fees for the commercial use
901 of a weights and measures instrument or device.

902 Section 25. Paragraph (c) of subsection (3) of section
903 539.001, Florida Statutes, is amended to read:

904 539.001 The Florida Pawnbroking Act.—

905 (3) LICENSE REQUIRED.—

906 (c) Each license is valid for a period of 1 year unless it
907 is earlier relinquished, suspended, or revoked. Each license
908 shall be renewed annually, and each licensee shall, initially
909 and annually thereafter, pay to the agency a license fee of \$300
910 for each license held. The agency shall waive the initial
911 license fee for an honorably discharged veteran of the United
912 States Armed Forces, the spouse of such a veteran, or a business
913 entity that has a majority ownership held by such a veteran or
914 spouse if the agency receives an application, in a format
915 prescribed by the agency, within 60 months after the date of the
916 veteran's discharge from any branch of the United States Armed
917 Forces. To qualify for the waiver, a veteran must provide to the
918 agency a copy of his or her DD Form 214, as issued by the United
919 States Department of Defense, or another acceptable form of
920 identification as specified by the Department of Veterans'
921 Affairs; the spouse of a veteran must provide to the agency a
922 copy of the veteran's DD Form 214, as issued by the United
923 States Department of Defense, or another acceptable form of
924 identification as specified by the Department of Veterans'
925 Affairs, and a copy of a valid marriage license or certificate
926 verifying that he or she was lawfully married to the veteran at
927 the time of discharge; or a business entity must provide to the
928 agency proof that a veteran or the spouse of a veteran holds a

2016772e2

929 majority ownership in the business, a copy of the veteran's DD
930 Form 214, as issued by the United States Department of Defense,
931 or another acceptable form of identification as specified by the
932 Department of Veterans' Affairs, and, if applicable, a copy of a
933 valid marriage license or certificate verifying that the spouse
934 of the veteran was lawfully married to the veteran at the time
935 of discharge.

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

938 559.904 Motor vehicle repair shop registration;
939 application; exemption.—

940 (3) (a) Each application for registration must be
941 accompanied by a registration fee calculated on a per-year basis
942 as follows:

- 943 1. ~~(a)~~ If the place of business has 1 to 5 employees: \$50.
944 2. ~~(b)~~ If the place of business has 6 to 10 employees: \$150.
945 3. ~~(c)~~ If the place of business has 11 or more employees:
946 \$300.

947 (b) The department shall waive the initial registration fee
948 for an honorably discharged veteran of the United States Armed
949 Forces, the spouse of such a veteran, or a business entity that
950 has a majority ownership held by such a veteran or spouse if the
951 department receives an application, in a format prescribed by
952 the department, within 60 months after the date of the veteran's
953 discharge from any branch of the United States Armed Forces. To
954 qualify for the waiver, a veteran must provide to the department
955 a copy of his or her DD Form 214, as issued by the United States
956 Department of Defense, or another acceptable form of
957 identification as specified by the Department of Veterans'

2016772e2

958 Affairs; the spouse of a veteran must provide to the department
 959 a copy of the veteran's DD Form 214, as issued by the United
 960 States Department of Defense, or another acceptable form of
 961 identification as specified by the Department of Veterans'
 962 Affairs, and a copy of a valid marriage license or certificate
 963 verifying that he or she was lawfully married to the veteran at
 964 the time of discharge; or a business entity must provide to the
 965 department proof that a veteran or the spouse of a veteran holds
 966 a majority ownership in the business, a copy of the veteran's DD
 967 Form 214, as issued by the United States Department of Defense
 968 or another acceptable form of identification as specified by the
 969 Department of Veterans' Affairs, and, if applicable, a copy of a
 970 valid marriage license or certificate verifying that the spouse
 971 of the veteran was lawfully married to the veteran at the time
 972 of discharge.

973 Section 27. Subsections (1), (7), (8), (10), and (11) and
 974 present subsection (13) of section 559.927, Florida Statutes,
 975 are amended, present subsections (12) and (13) of that section
 976 are redesignated as subsections (13) and (14), respectively, and
 977 a new subsection (12) is added to that section, to read:

978 559.927 Definitions.—For the purposes of this part, the
 979 term:

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

986 (7) "Prearranged travel or tourist-related services~~, or~~

2016772e2

987 ~~tour guide services~~" includes, but is not limited to, car
988 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other
989 such services that ~~which~~ are reasonably related to air, sea,
990 rail, motor coach, or other medium of transportation, or
991 accommodations for which a purchaser receives a premium or
992 contracts or pays before ~~prior to~~ or after departure. This term
993 ~~These terms~~ also includes ~~include~~ services for which a
994 purchaser, whose legal residence is outside the United States,
995 contracts or pays before ~~prior to~~ departure, and any arrangement
996 by which a purchaser prepays for, receives a reservation or any
997 other commitment to provide services before ~~prior to~~ departure
998 for, or otherwise arranges for travel directly to a terrorist
999 state and which originates in Florida.

1000 (8) "Purchaser" means the purchaser of, or person otherwise
1001 entitled to receive, prearranged travel or ~~or~~ tourist-related
1002 services, ~~or tour guide services~~, for a fee or commission, or
1003 who has acquired a vacation certificate for personal use.

1004 (10) "Satisfactory consumer complaint history" means no
1005 unresolved complaints regarding prearranged travel or ~~or~~ tourist-
1006 related services, ~~or tour guide services~~ are on file with the
1007 department. A complaint is unresolved when a seller of travel
1008 does not respond to the department's efforts to mediate the
1009 complaint or a complaint where the department has determined
1010 that a violation of this part has occurred and the complaint has
1011 not been satisfied by the seller of travel.

1012 (11) "Seller of travel" means any resident or nonresident
1013 person, firm, corporation, or business entity that ~~who~~ offers
1014 ~~for sale~~, directly or indirectly, ~~at wholesale or retail~~,
1015 prearranged travel or ~~or~~ tourist-related services, ~~or tour guide~~

2016772e2

1016 ~~services~~ for individuals or groups, including, but not limited
1017 to, vacation ~~or tour~~ packages, or vacation certificates in
1018 exchange for a fee, commission, or other valuable consideration.
1019 The term includes such person, firm, corporation, or business
1020 entity who sells a vacation certificate to third-party merchants
1021 for a fee, or in exchange for a commission, or who offers such
1022 certificates to consumers in exchange for attendance at sales
1023 presentations. The term also includes any business entity
1024 offering membership in a travel club or travel services for an
1025 advance fee or payment, even if no travel contracts or
1026 certificates or vacation or tour packages are sold by the
1027 business entity. The term does not include third parties who may
1028 offer prearranged travel or tourist-related services, but do not
1029 participate in travel fulfillment or vacation certificate
1030 redemption.

1031 (12) "Student tour operator" means any resident or
1032 nonresident person, firm, corporation, or business entity that
1033 offers, directly or indirectly, prearranged travel or tourist-
1034 related services for groups within the educational community,
1035 school districts, educators, and students and their families, in
1036 exchange for a fee, a commission, or any other valuable
1037 consideration.

1038 (13)~~(12)~~ "Terrorist state" means any state, country, or
1039 nation designated by the United States Department of State as a
1040 state sponsor of terrorism.

1041 (14)~~(13)~~ "Vacation certificate" means any arrangement,
1042 plan, program, ~~or~~ vacation package, or advance travel purchase
1043 that promotes, discusses, or discloses a destination or
1044 itinerary or type of travel, whereby a purchaser ~~for~~

2016772e2

1045 ~~consideration paid in advance~~ is entitled to the use of travel,
1046 accommodations, or facilities for any number of days, whether
1047 certain or uncertain, during the period in which the certificate
1048 can be exercised, and no specific date or dates for its use are
1049 designated. A vacation certificate does not include prearranged
1050 travel or, tourist-related services, ~~or tour guide services~~ when
1051 a seller of travel remits full payment for the cost of such
1052 services to the provider or supplier within 10 business days of
1053 the purchaser's initial payment to the seller of travel. The
1054 term does not include travel if exact travel dates are selected,
1055 guaranteed, and paid for at the time of the purchase.

1056 Section 28. Subsections (2) through (8) and present
1057 subsection (9) of section 559.928, Florida Statutes, are
1058 amended, and a new subsection (9) is added to that section, to
1059 read:

1060 559.928 Registration.—

1061 (2) (a) Registration fees shall be as follows:

1062 1. Three hundred dollars per year per registrant certifying
1063 its business activities under s. 559.9285(1) (a).

1064 2. One thousand dollars per year per registrant certifying
1065 its business activities under s. 559.9285(1) (b).

1066 3. Twenty-five hundred dollars per year per registrant
1067 certifying its business activities under s. 559.9285(1) (c).

1068 (b) All amounts collected shall be deposited by the Chief
1069 Financial Officer to the credit of the General Inspection Trust
1070 Fund of the Department of Agriculture and Consumer Services
1071 pursuant to s. 570.20, for the sole purpose of administration of
1072 this part.

1073 (c) The department shall waive the initial registration fee

2016772e2

1074 for an honorably discharged veteran of the United States Armed
1075 Forces, the spouse of such a veteran, or a business entity that
1076 has a majority ownership held by such a veteran or spouse if the
1077 department receives an application, in a format prescribed by
1078 the department, within 60 months after the date of the veteran's
1079 discharge from any branch of the United States Armed Forces. To
1080 qualify for the waiver, a veteran must provide to the department
1081 a copy of his or her DD Form 214, as issued by the United States
1082 Department of Defense, or another acceptable form of
1083 identification as specified by the Department of Veterans'
1084 Affairs; the spouse of a veteran must provide to the department
1085 a copy of the veteran's DD Form 214, as issued by the United
1086 States Department of Defense, or another acceptable form of
1087 identification as specified by the Department of Veterans'
1088 Affairs, and a copy of a valid marriage license or certificate
1089 verifying that he or she was lawfully married to the veteran at
1090 the time of discharge; or a business entity must provide to the
1091 department proof that a veteran or the spouse of a veteran holds
1092 a majority ownership in the business, a copy of the veteran's DD
1093 Form 214, as issued by the United States Department of Defense,
1094 or another acceptable form of identification as specified by the
1095 Department of Veterans' Affairs, and, if applicable, a copy of a
1096 valid marriage license or certificate verifying that the spouse
1097 of the veteran was lawfully married to the veteran at the time
1098 of discharge.

1099 (3) Each independent agent shall annually file an
1100 application ~~affidavit~~ with the department before ~~prior to~~
1101 engaging in business in this state. This application ~~affidavit~~
1102 must include the independent agent's full name, legal business

2016772e2

1103 or trade name, mailing address, business address, telephone
1104 number, and the name and address of each seller of travel
1105 represented by the independent agent. A letter evidencing proof
1106 of filing must be issued by the department and must be
1107 prominently displayed in the independent agent's primary place
1108 of business. Each independent agent must also submit an annual
1109 registration fee of \$50. All moneys collected pursuant to the
1110 imposition of the fee shall be deposited by the Chief Financial
1111 Officer into the General Inspection Trust Fund of the Department
1112 of Agriculture and Consumer Services for the sole purpose of
1113 administering this part. As used in this subsection, the term
1114 "independent agent" means a person who represents a seller of
1115 travel by soliciting persons on its behalf; who has a written
1116 contract with a seller of travel which is operating in
1117 compliance with this part and any rules adopted thereunder; who
1118 does not receive a fee, commission, or other valuable
1119 consideration directly from the purchaser for the seller of
1120 travel; who does not at any time have any unissued ticket stock
1121 or travel documents in his or her possession; and who does not
1122 have the ability to issue tickets, vacation certificates, or any
1123 other travel document. The term "independent agent" does not
1124 include an affiliate of the seller of travel, as that term is
1125 used in s. 559.935(3), or the employees of the seller of travel
1126 or of such affiliates.

1127 (4) A ~~Any~~ person applying for or renewing a local business
1128 tax receipt to engage in business as a seller of travel must
1129 exhibit a current registration certificate from the department
1130 before the local business tax receipt may be issued or reissued.

1131 (5) Each contract, advertisement, certificate, or travel

2016772e2

1132 document of a seller of travel must include the phrase "... (NAME
1133 OF FIRM)... is registered with the State of Florida as a Seller
1134 of Travel. Registration No....."

1135 ~~(6) Each advertisement of a seller of travel must include~~
1136 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

1137 ~~(6)~~ (7) A ~~Ne~~ registration is not ~~shall be~~ valid for any
1138 seller of travel transacting business at any place other than
1139 that designated in its application, unless the department is
1140 first notified in writing in advance of any change of location.
1141 ~~A Nor shall the~~ registration is not ~~be~~ valid for an affiliate of
1142 the seller of travel who engages in the prearranged travel and
1143 tourist business. A registration issued under this part may
1144 ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not
1145 be permitted to conduct business under more than one name except
1146 as registered. A seller of travel desiring to change its
1147 registered name or location or designated agent for service of
1148 process at a time other than upon renewal of registration shall
1149 notify the department of such change.

1150 ~~(7)~~ (8) Applications under this section are ~~shall be~~ subject
1151 to ~~the provisions of~~ s. 120.60.

1152 ~~(8)~~ (9) The department may deny, ~~or~~ refuse to renew, or
1153 revoke the registration of any seller of travel based upon a
1154 determination that the seller of travel, or any of its
1155 directors, officers, owners, or general partners while acting on
1156 behalf of the seller of travel:

1157 (a) Has failed to meet the requirements for registration as
1158 provided in this part;

1159 (b) Has been convicted of a crime involving fraud, theft,
1160 embezzlement, dishonest dealing, or any other act of moral

2016772e2

1161 turpitude or any other act arising out of conduct as a seller of
1162 travel;

1163 (c) Has not satisfied a civil fine or penalty arising out
1164 of any administrative or enforcement action brought by any
1165 governmental agency or private person based upon conduct
1166 involving fraud, theft, embezzlement, dishonest dealing, or any
1167 violation of this part; or

1168 ~~(d) Has pending against her or him any criminal,~~
1169 ~~administrative, or enforcement proceedings in any jurisdiction,~~
1170 ~~based upon conduct involving fraud, dishonest dealing, or any~~
1171 ~~other act of moral turpitude; or~~

1172 (d)(e) Has had a judgment entered against her or him in any
1173 action brought by the department or the Department of Legal
1174 Affairs pursuant to ss. 501.201-501.213 or this act part.

1175 (9) The department may deny or refuse to renew the
1176 registration of any seller of travel based upon a determination
1177 by the department that the seller of travel, or any of the
1178 seller's directors, officers, owners, or general partners has
1179 pending against him or her while acting on behalf of the seller
1180 of travel any criminal, administrative, or enforcement
1181 proceedings in any jurisdiction, based upon conduct involving
1182 fraud, theft, embezzlement, or dishonest dealing, or any other
1183 act of moral turpitude.

1184 Section 29. Section 559.9281, Florida Statutes, is created
1185 to read:

1186 559.9281 Student tour operators.-

1187 (1) The Department of Agriculture and Consumer Services
1188 shall establish a process for sellers of travel to apply to be,
1189 and be listed as, approved student tour operators to serve

2016772e2

1190 students in all primary and secondary school districts within
1191 the state.

1192 (2) The department shall adopt rules to implement this
1193 section, including the establishment of the application
1194 procedures and minimum standards for those persons wishing to be
1195 approved as student tour operators under this section. At a
1196 minimum, a student tour operator must be registered and approved
1197 by the department as a seller of travel under s. 559.928,
1198 maintain security requirements provided under s. 559.929, and be
1199 current on all state and local business taxes.

1200 (3) The department shall maintain a list of approved
1201 student tour operators to serve students in all primary and
1202 secondary school districts within the state. The department
1203 shall update this list at least annually and shall provide, as
1204 created and updated, a current version of the list to the
1205 Department of Education.

1206 (4) The Department of Education shall publish and maintain
1207 a current version of the list in a prominent location on its
1208 website.

1209 Section 30. Subsections (2) through (6) of section 559.929,
1210 Florida Statutes, are amended to read:

1211 559.929 Security requirements.—

1212 (2) The bond must be filed with the department on a form
1213 adopted by department rule and must be in favor of the
1214 department for the use and benefit of a consumer ~~traveler~~ who is
1215 injured by the fraud, misrepresentation, breach of contract, or
1216 financial failure, or any other violation of this part by the
1217 seller of travel. Such liability may be enforced by proceeding
1218 in an administrative action as specified in subsection (3) or by

2016772e2

1219 filing a civil action. ~~However, in such civil action the bond~~
1220 ~~posted with the department shall not be amenable or subject to a~~
1221 ~~judgment or other legal process issuing out of or from such~~
1222 ~~court in connection with such civil action, but such bond shall~~
1223 ~~be amenable to and enforceable only by and through~~
1224 ~~administrative proceedings before the department. It is the~~
1225 ~~intent of the Legislature that such bond be applicable and~~
1226 ~~liable only for the payment of claims duly adjudicated by order~~
1227 ~~of the department.~~ The bond must be open to successive claims,
1228 but the aggregate amount awarded may not exceed the amount of
1229 the bond. In addition to the foregoing, a bond provided by a
1230 registrant or applicant for registration which certifies its
1231 business activities under s. 559.9285(1)(b) or (c) must be in
1232 favor of the department, with payment in the following order of
1233 priority:

1234 (a) The expenses for prosecuting the registrant or
1235 applicant in an administrative or civil action under this part,
1236 including attorney fees and fees for other professionals, court
1237 costs or other costs of the proceedings, and all other expenses
1238 incidental to the action.

1239 (b) The costs and expenses of investigation before the
1240 commencement of an administrative or civil action under this
1241 part.

1242 (c) An unpaid administrative fine imposed by final order or
1243 an unpaid civil penalty imposed by final judgment under this
1244 part.

1245 (d) Damages or compensation for a consumer ~~traveler~~ injured
1246 as provided in this subsection.

1247 (3) A consumer ~~traveler~~ may file a claim against the bond.

2016772e2

1248 Such claim, which must be submitted in writing on an affidavit
1249 form adopted by department rule, must be submitted to the
1250 department within 120 days after an alleged injury has occurred
1251 or is discovered to have occurred or a judgment has been
1252 entered. The proceedings shall be conducted pursuant to chapter
1253 120. For proceedings conducted pursuant to ss. 120.569 and
1254 120.57, the agency shall act only as a nominal party.

1255 (4) A consumer who is injured by the seller of travel, or
1256 the department or another governmental agency acting on behalf
1257 of the injured consumer, may bring and maintain an action to
1258 recover against the bond.

1259 (5) Any indebtedness determined by final order of the
1260 department shall be paid by the seller of travel to the
1261 department within 30 days after the order is entered for
1262 disbursement to the consumer. If the seller of travel fails to
1263 make payment within 30 days, the agency shall make a demand for
1264 payment upon the surety which includes an institution issuing a
1265 letter of credit or depository on a certificate of deposit. Upon
1266 failure of a surety to comply with a demand for payment pursuant
1267 to a final order, the department may file an action in circuit
1268 court to recover payment, up to the amount of the bond or other
1269 form of security, pursuant to s. 120.69. If the department
1270 prevails, the department may recover court costs and reasonable
1271 attorney fees.

1272 (6)~~(5)~~ If the seller of travel is currently the subject of
1273 an administrative, civil, or criminal action by the department,
1274 the Department of Legal Affairs, or the state attorney relating
1275 to compliance with this part, the right to proceed against the
1276 bond as provided in subsection (3) is suspended until any

2016772e2

1277 enforcement action becomes final.

1278 (7)~~(6)~~ The department may waive the bond requirement on an
1279 annual basis if the seller of travel has had 5 or more
1280 consecutive years of experience as a seller of travel in this
1281 state in compliance with this part, has not had a civil,
1282 criminal, or administrative action instituted against the seller
1283 of travel in the vacation and travel business by a governmental
1284 agency or an action involving fraud, theft, misappropriation of
1285 property, violation of a statute pertaining to business or
1286 commerce with a terrorist state, ~~or~~ moral turpitude, or other
1287 violation of this part and has a satisfactory consumer complaint
1288 history with the department, and certifies its business
1289 activities under s. 559.9285. Such waiver may be revoked if the
1290 seller of travel violates this part. A seller of travel which
1291 certifies its business activities under s. 559.9285(1)(b) or (c)
1292 is not entitled to the waiver provided in this subsection.

1293 Section 31. Subsections (2) and (17) of section 559.9295,
1294 Florida Statutes, are amended to read:

1295 559.9295 Submission of vacation certificate documents.—
1296 Sellers of travel who offer vacation certificates must submit
1297 and disclose to the department with the application for
1298 registration, and any time such document is changed, but prior
1299 to the sale of any vacation certificate, the following
1300 materials:

1301 (2) A copy of each promotional brochure, pamphlet, form
1302 letter, registration form, or any other written material
1303 disseminated in connection with the advertising, promotion, or
1304 sale of any vacation certificate. Any such promotional materials
1305 that include terms such as "free," "awarded," "prize,"

2016772e2

1306 "absolutely without charge," and "free of charge," or similar
1307 words or groups of words, which might reasonably lead a person
1308 to believe that he or she may receive, or has been selected to
1309 receive, something of value without making full or partial
1310 compensation in any form from the recipient must:

1311 (a) Clearly and conspicuously display the following
1312 disclosure in at least 12-point type: "... (NAME OF FIRM) ... is
1313 registered with the State of Florida as a seller of travel,
1314 Registration No... THIS IS NOT A FREE OFFER. SEE TERMS AND
1315 CONDITIONS VIA WWW. (OFFER WEBSITE).COM. RESPONSE TO THIS OFFER
1316 DOES NOT GUARANTEE TRAVEL." The offer website referred to in the
1317 disclosure must include, and clearly indicate, the terms and
1318 conditions for such a vacation certificate offer.

1319 (b) Disclose the number of individuals who actually
1320 traveled pursuant to the vacation certificate, as opposed to the
1321 number of individuals who submitted or otherwise activated the
1322 vacation certificate, in the 12 months preceding issuance of the
1323 promotional material.

1324 ~~(17) Within 10 working days after receipt of any materials~~
1325 ~~submitted subsequent to filing an initial registration~~
1326 ~~application or any annual renewal thereof, the department shall~~
1327 ~~determine whether such materials are adequate to meet the~~
1328 ~~requirements of this section. The department shall notify the~~
1329 ~~seller of travel that materials submitted are in substantial~~
1330 ~~compliance, or shall notify the seller of travel of any specific~~
1331 ~~deficiencies. If the department fails to notify the seller of~~
1332 ~~travel of its determination within the period specified in this~~
1333 ~~subsection, the materials shall be deemed in compliance;~~
1334 ~~however, the failure of the department to send notification in~~

2016772e2

1335 ~~either case will not relieve the seller of travel from the duty~~
1336 ~~of complying with this section.~~

1337

1338 Neither the submission of these materials nor the department's
1339 response implies approval, recommendation, or endorsement by the
1340 department or that the contents of said materials have been
1341 verified by the department.

1342 Section 32. Section 559.932, Florida Statutes, is amended
1343 to read:

1344 559.932 Vacation certificate disclosure.—

1345 (1) ~~A It shall be unlawful for any~~ seller of travel must ~~to~~
1346 ~~fail to~~ provide each person solicited with a contract that
1347 includes which shall include the following information, which
1348 shall be in 12-point type, unless otherwise specified:

1349 (a) A space for the date, name, address, and signature of
1350 the purchaser.

1351 (b) The expiration date of the vacation certificate and the
1352 terms and conditions of its extension or renewal, if available.

1353 (c) The name and business address of any seller of travel
1354 who may solicit vacation certificate purchasers for further
1355 purchases, and a full and complete statement as to the nature
1356 and method of that solicitation.

1357 (d) The total financial obligation of the purchaser which
1358 shall include the initial purchase price and any additional
1359 charges to which the purchaser may be subject, including, but
1360 not limited to, any per diem, seasonal, reservation, or
1361 recreational charge.

1362 (e) The name and street address of any person who has the
1363 right to alter, amend, or add to the charges to which the

2016772e2

1364 purchaser may be subject and the terms and conditions under
1365 which such charges may be imposed.

1366 (f) If any accommodation or facility which a purchaser
1367 acquires the right to use pursuant to the vacation certificate
1368 is not completed at the time the certificate is offered for
1369 sale, the date of availability of each component of the
1370 accommodation or facility.

1371 (g) By means of a section entitled "terms and conditions":

1372 1. All eligibility requirements for use of the vacation
1373 certificate, including, but not limited to, age, sex, marital
1374 status, group association, residency, or geographic limitations.

1375 2. All eligibility requirements for use of any discount or
1376 complimentary coupon or ticket.

1377 3. A statement as to whether transportation and meals are
1378 provided pursuant to use of the certificate.

1379 4. Any room deposit requirement, including all conditions
1380 for its return or refund.

1381 5. The manner in which reservation requests are to be made
1382 and the method by which they are to be confirmed.

1383 6. Any identification, credential, or other means by which
1384 a purchaser must establish her or his entitlement to the rights,
1385 benefits, or privileges of the vacation certificate.

1386 7. Any restriction or limitation upon transfer of the
1387 vacation certificate or any right, benefit, or privilege
1388 thereunder.

1389 8. Any other term, limitation, condition, or requirement
1390 material to use of the vacation certificate or any right,
1391 benefit, or privilege thereunder.

1392 (h) In immediate proximity to the space reserved in the

2016772e2

1393 contract for the date and the name, address, and signature of
1394 the purchaser, the following statement in boldfaced type of a
1395 size of 10 points:

1396
1397 "YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR
1398 OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT
1399 OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER."

1400 "YOU MAY ALSO CANCEL THIS CONTRACT IF ACCOMMODATIONS OR
1401 FACILITIES ARE NOT AVAILABLE PURSUANT TO A REQUEST FOR USE AS
1402 PROVIDED IN THE CONTRACT."

1403 "TO CANCEL THIS AGREEMENT, A SIGNED AND DATED COPY OF A
1404 STATEMENT THAT YOU ARE CANCELING THE AGREEMENT SHOULD BE MAILED
1405 AND POSTMARKED, OR DELIVERED TO ... (NAME) ... AT ... (ADDRESS) ...
1406 NO LATER THAN MIDNIGHT OF (DATE)"

1407 ~~"IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN~~
1408 ~~WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE~~
1409 ~~AND SENDING NOTICE TO: ... (NAME OF SELLER) ... AT ... (SELLER'S~~
1410 ~~ADDRESS)"~~

1411 (i) In immediate proximity to the statement required in
1412 paragraph (h), the following statement in boldfaced type of a
1413 size of 12 ~~10~~ points:

1414
1415 "NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN
1416 THOSE INCLUDED IN THIS CONTRACT."

1417
1418 However, inclusion of this statement shall not impair any
1419 purchaser's right to bring legal action based on verbal
1420 statements.

1421 (j) In immediate proximity to the statement required in

2016772e2

1422 paragraph (i), the following statement:

1423 "This contract is for the purchase of a vacation
1424 certificate and puts all assignees on notice of the consumer's
1425 right to cancel under section 559.933, Florida Statutes."

1426 (2) If a sale or agreement to purchase a vacation
1427 certificate is completed over the telephone, the seller shall
1428 inform the purchaser over the telephone that:

1429 (a) The purchaser may cancel the contract without any
1430 penalty or obligation within 30 days from the date of purchase
1431 or receipt of the vacation certificate, whichever occurs later.

1432 (b) The purchaser may also cancel the contract if
1433 accommodations or facilities are not available upon request for
1434 use as provided in the contract.

1435 (3) Upon receipt of a copy of a vacation certificate or
1436 contract required pursuant to s. 559.9295, the department shall
1437 review the vacation certificate or contract for compliance with
1438 the disclosures required under this section. The submission of
1439 the vacation certificate or contract and the department's
1440 response do not imply approval, recommendation, or endorsement
1441 by the department or that the contents of the vacation
1442 certificate or contract have been verified by the department.

1443 Section 33. Section 559.933, Florida Statutes, is amended
1444 to read:

1445 559.933 Vacation certificate cancellation and refund
1446 provisions.—

1447 (1) A ~~It shall be unlawful for any~~ seller of travel or ~~an~~
1448 assignee ~~must honor a purchaser's request to cancel a vacation~~
1449 certificate if such request is made:

1450 ~~(1) To fail or refuse to honor a purchaser's vacation~~

2016772e2

1451 ~~certificate request to cancel if such request is made:~~

1452 (a) Within 30 days after ~~from~~ the date of purchase or
1453 receipt of the vacation certificate, whichever occurs later; or

1454 (b) At any time accommodations or facilities are not
1455 available pursuant to a request for use as provided in the
1456 contract, provided that:

1457 1. The contract may ~~shall~~ not require notice greater than
1458 60 days in advance of the date requested for use;

1459 2. If acceptable to the purchaser, comparable alternate
1460 accommodations or facilities in a city, or reservations for a
1461 date different than that requested, may be provided.

1462 (2) A seller of travel or an assignee must ~~To fail to~~
1463 refund any and all payments made by the vacation certificate
1464 purchaser within 30 days after receipt of the certificate and
1465 notice of cancellation made pursuant to this section, if the
1466 purchaser has not received any benefits pursuant to the vacation
1467 certificate.

1468 (3) A seller of travel or an assignee must, if the
1469 purchaser has received any benefits pursuant to the vacation
1470 certificate, ~~to fail to~~ refund within 30 days after receipt of
1471 the certificate and notice of cancellation made pursuant to this
1472 section any and all payments made by the purchaser which exceed
1473 a pro rata portion of the total price, representing the portion
1474 of any benefits actually received by the vacation certificate
1475 purchaser during the time preceding cancellation.

1476 (4) If ~~Where~~ any purchaser has received confirmation of
1477 reservations in advance and is refused accommodations upon
1478 arrival, a seller of travel or an assignee must ~~to fail to~~
1479 procure comparable alternate accommodations for the purchaser in

2016772e2

1480 the same city at no expense to the purchaser, or ~~to fail to~~
1481 fully compensate the purchaser for the room rate incurred in
1482 securing comparable alternate accommodations himself or herself.

1483 (5) A seller of travel or an assignee may not ~~to~~ collect
1484 more than the full contract price from the purchaser.

1485 (6) A seller of travel or an assignee may not ~~to~~ sell,
1486 assign, or otherwise transfer any interest in a seller of travel
1487 business, or ~~to~~ sell, assign, or otherwise transfer to a third
1488 party any interest in any vacation certificate unless:

1489 (a) The third party agrees in writing to fully honor the
1490 rights of vacation certificate purchasers to cancel and to
1491 receive an appropriate refund or reimbursement as provided in
1492 this section.

1493 (b) The third party agrees in writing to comply with all
1494 other provisions of this part for as long as the third party
1495 continues the sale of vacation certificates or for the duration
1496 of the period of validity of outstanding vacation certificates,
1497 whichever is longer in time.

1498 (c) The seller of travel agrees to be liable for and fully
1499 indemnify a purchaser from any loss occasioned by the failure of
1500 the third party to honor the purchaser's right to cancel and
1501 failure to make prompt and complete refund to the purchaser of
1502 all sums paid to the third party, or occasioned by the third
1503 party's failure to comply with the provisions of this part.

1504 (7) A seller of travel or an assignee must ~~To fail to~~
1505 fulfill the terms of a vacation certificate within 18 months
1506 after ~~of~~ the initial payment of any consideration by the
1507 purchaser to a seller of travel or third party.

1508 Section 34. Section 559.9335, Florida Statutes, is amended

2016772e2

1509 to read:

1510 559.9335 Violations.—It is a violation of this part for any
1511 seller of travel, independent agent, assignee, or other person:

1512 (1) To conduct business as a seller of travel without
1513 registering annually with the department unless exempt pursuant
1514 to s. 559.935.

1515 (2) To conduct business as a seller of travel without an
1516 annual purchase of a performance bond in the amount set by the
1517 department unless exempt pursuant to s. 559.935.

1518 (3) Knowingly to make any false statement, representation,
1519 or certification in any application, document, or record
1520 required to be submitted or retained under this part or in any
1521 response to an inquiry or investigation conducted by the
1522 department or any other governmental agency.

1523 (4) Knowingly to sell or market any ~~number of~~ vacation
1524 certificates that exceed the number disclosed to the department
1525 pursuant to this section.

1526 (5) Knowingly to sell or market vacation certificates with
1527 an expiration date of more than 18 months from the date of
1528 issuance.

1529 ~~(6) Knowingly to require, request, encourage, or suggest,~~
1530 ~~directly or indirectly, that payment for the right to obtain a~~
1531 ~~travel contract, certificate, or vacation package must be by~~
1532 ~~credit card authorization or to otherwise announce a preference~~
1533 ~~for that method of payment over any other when no correct and~~
1534 ~~true explanation for such preference is likewise stated.~~

1535 (6)(7) Knowingly to state, represent, indicate, suggest, or
1536 imply, directly or indirectly, that the travel contract,
1537 certificate, or vacation package being offered by the seller of

2016772e2

1538 travel cannot be purchased at some later time or may not
1539 otherwise be available after the initial contact, or that
1540 callbacks by the prospective purchaser are not accepted, when no
1541 such restrictions or limitations in fact exist.

1542 (7)~~(8)~~ To misrepresent ~~in any manner~~ the purchaser's right
1543 to cancel and to receive an appropriate refund or reimbursement
1544 as provided by this part.

1545 (8)~~(9)~~ To sell any vacation certificate the duration of
1546 which exceeds the duration of any agreement between the seller
1547 and any business entity obligated thereby to provide
1548 accommodations or facilities pursuant to the vacation
1549 certificate.

1550 (9)~~(10)~~ To misrepresent or deceptively represent:

1551 (a) The amount of time or period of time accommodations or
1552 facilities will be available.

1553 (b) The location of accommodations or facilities offered.

1554 (c) The price, size, nature, extent, qualities, or
1555 characteristics of accommodations or facilities offered.

1556 (d) The nature or extent of other goods, services, or
1557 amenities offered.

1558 (e) A purchaser's rights, privileges, or benefits.

1559 (f) The conditions under which the purchaser may obtain a
1560 reservation for the use of offered accommodations or facilities.

1561 (g) That the recipient of an advertisement or promotional
1562 materials is a winner, or has been selected, or is otherwise
1563 being involved in a select group for receipt, of a gift, award,
1564 or prize, unless this fact is the truth.

1565 (10)~~(11)~~ To fail to inform a purchaser of a nonrefundable
1566 cancellation policy before ~~prior to~~ the seller of travel

2016772e2

1567 accepting any fee, commission, or other valuable consideration.

1568 (11)~~(12)~~ To fail to include, when offering to sell a
1569 vacation certificate, in any advertisement or promotional
1570 material, the following statement: "This is an offer to sell
1571 travel."

1572 (12)~~(13)~~ To fail to honor and comply with all provisions of
1573 the vacation certificate regarding the purchaser's rights,
1574 benefits, and privileges thereunder.

1575 (13)~~(14)~~(a) To include in any vacation certificate or
1576 contract any provision purporting to waive or limit any right or
1577 benefit provided to purchasers under this part; or

1578 (b) To seek or solicit such waiver or acceptance of
1579 limitation from a purchaser concerning rights or benefits
1580 provided under this part.

1581 (14)~~(15)~~ To offer vacation certificates for any
1582 accommodation or facility for which there is no contract with
1583 the owner of the accommodation or facility securing the
1584 purchaser's right to occupancy and use, unless the seller is the
1585 owner.

1586 (15)~~(16)~~ To use a local mailing address, registration
1587 facility, drop box, or answering service in the promotion,
1588 advertising, solicitation, or sale of vacation certificates,
1589 unless the seller's fixed business address is clearly disclosed
1590 during any telephone solicitation and is prominently and
1591 conspicuously disclosed on all solicitation materials and on the
1592 contract.

1593 (16)~~(17)~~ To use any registered trademark, trade name, or
1594 trade logo in any promotional, advertising, or solicitation
1595 materials without written authorization from the holder of such

2016772e2

1596 trademark, trade name, or trade logo.

1597 (17)~~(18)~~ To represent, directly or by implication, any
1598 affiliation with, or endorsement by, any governmental,
1599 charitable, educational, medical, religious, fraternal, or civic
1600 organization or body, or any individual, in the promotion,
1601 advertisement, solicitation, or sale of vacation certificates
1602 without express written authorization.

1603 (18)~~(19)~~ To sell a vacation certificate to any purchaser
1604 who is ineligible for its use.

1605 (19)~~(20)~~ To sell any ~~number of~~ vacation certificates in
1606 excess of exceeding the number of available accommodations
1607 ~~disclosed pursuant to this part.~~

1608 (20)~~(21)~~ During the period of a vacation certificate's
1609 validity, in the event, for any reason whatsoever, of lapse or
1610 breach of an agreement for the provision of accommodations or
1611 facilities to purchasers, to fail to procure similar agreement
1612 for the provision of comparable alternate accommodations or
1613 facilities in the same city or surrounding area.

1614 (21)~~(22)~~ To offer to sell, at wholesale or retail,
1615 prearranged travel or, tourist-related services, ~~or tour guide~~
1616 ~~services~~ for individuals or groups directly to any terrorist
1617 state and which originate in Florida, without disclosing such
1618 business activities in a certification filed under s.
1619 559.9285(1) (b) or (c).

1620 (22)~~(23)~~ To violate any state or federal law restricting or
1621 prohibiting commerce with terrorist states.

1622 (23)~~(24)~~ To engage in ~~do~~ any other act that ~~act which~~
1623 constitutes fraud, misrepresentation, or failure to disclose a
1624 material fact, or to commit any other violation of, or fail to

2016772e2

1625 comply with, this part.

1626 ~~(24)~~(25) To refuse or fail, or for any of its principal
1627 officers to refuse or fail, after notice, to produce any
1628 document or record or disclose any information required to be
1629 produced or disclosed.

1630 ~~(25)~~(26) Knowingly to make a material false statement in
1631 response to any request or investigation by the department, the
1632 Department of Legal Affairs, or the state attorney.

1633 Section 35. Subsections (3) and (4) of section 559.935,
1634 Florida Statutes, are amended to read:

1635 559.935 Exemptions.—

1636 (3) Sections 559.928, 559.929, 559.9295, 559.931, and
1637 559.932 ~~shall~~ also do not apply to a seller of travel that is an
1638 affiliate of an entity exempt pursuant to subsection (2) subject
1639 to the following conditions:

1640 (a) If ~~In the event~~ the department finds the affiliate does
1641 not have a satisfactory consumer complaint history or the
1642 affiliate fails to respond to a consumer complaint within 30
1643 days, the related seller of travel exempt pursuant to subsection
1644 (2) is ~~shall be~~ liable for the actions of the affiliate, subject
1645 to the remedies provided in ss. 559.9355 and 559.936.

1646 (b) If ~~In the event~~ the department is unable to locate an
1647 affiliate, the related seller of travel exempt pursuant to
1648 subsection (2) is ~~shall be~~ fully liable for the actions of the
1649 affiliate, subject to the remedies provided in ss. 559.9355 and
1650 559.936.

1651 ~~(c) In order to obtain an exemption under this subsection,~~
1652 ~~the affiliate shall file an affidavit of exemption on a form~~
1653 ~~prescribed by the department and shall certify its business~~

2016772e2

1654 ~~activities under s. 559.9285(1) (a). The affidavit of exemption~~
1655 ~~shall be executed by a person who exercises identical control~~
1656 ~~over the seller of travel exempt pursuant to subsection (2) and~~
1657 ~~the affiliate. Failure to file an affidavit of exemption or~~
1658 ~~certification under s. 559.9285(1) (a) prior to engaging in~~
1659 ~~seller of travel activities shall subject the affiliate to the~~
1660 ~~remedies provided in ss. 559.9355 and 559.936.~~

1661 (c)~~(d)~~ Revocation by the department of an exemption
1662 provided to a seller of travel under subsection (2) shall
1663 constitute automatic revocation by law of an exemption obtained
1664 by an affiliate under the subsection.

1665 (d)~~(e)~~ This subsection does ~~shall~~ not apply to:

1666 1. An affiliate that independently qualifies for another
1667 exemption under this section.

1668 2. An affiliate that sells, or offers for sale, vacation
1669 certificates.

1670 3. An affiliate that certifies its business activities
1671 under s. 559.9285(1) (b) or (c).

1672 (e)~~(f)~~ For purposes of this section, the term ~~an~~
1673 "affiliate" means an entity that meets the following:

1674 1. The entity has the identical ownership as the seller of
1675 travel that is exempt under subsection (2).

1676 2. The ownership controlling the seller of travel that is
1677 exempt under subsection (2) also exercises identical control
1678 over the entity.

1679 3. The owners of the affiliate hold the identical
1680 percentage of voting shares as they hold in the seller of travel
1681 that is exempt under subsection (2).

1682 (4) The department may revoke the exemption provided in

2016772e2

1683 subsection (2) or subsection (3) if the department finds that
1684 the seller of travel does not have a satisfactory consumer
1685 complaint history, has been convicted of a crime involving
1686 fraud, theft, embezzlement, misappropriation of property,
1687 deceptive or unfair trade practices, or moral turpitude, or has
1688 not complied with the terms of any order or settlement agreement
1689 arising out of an administrative or enforcement action brought
1690 by a governmental agency or private person based on conduct
1691 involving fraud, theft, embezzlement, misappropriation of
1692 property, deceptive or unfair trade practices, or moral
1693 turpitude.

1694 Section 36. Subsection (3) of section 559.936, Florida
1695 Statutes, is amended to read:

1696 559.936 Civil penalties; remedies.—

1697 (3) The department may seek a civil penalty in the Class
1698 III category pursuant to s. 570.971 for each act or omission in
1699 violation of s. 559.9335(21) or (22) ~~s. 559.9335(22) or (23)~~.

1700 Section 37. Paragraph (b) of subsection (5), paragraph (a)
1701 of subsection (10), and subsections (15) and (16) of section
1702 616.242, Florida Statutes, are amended to read:

1703 616.242 Safety standards for amusement rides.—

1704 (5) ANNUAL PERMIT.—

1705 (b) To apply for an annual permit, an owner must submit to
1706 the department a written application on a form prescribed by
1707 rule of the department, which must include the following:

1708 1. The legal name, address, and primary place of business
1709 of the owner.

1710 2. A description, manufacturer's name, serial number, model
1711 number and, if previously assigned, the United States Amusement

2016772e2

1712 Identification Number of the amusement ride.

1713 3. A valid certificate of insurance ~~or bond~~ for each
1714 amusement ride.

1715 4. An affidavit of compliance that the amusement ride was
1716 inspected in person by the affiant and that the amusement ride
1717 is in general conformance with the requirements of this section
1718 and all applicable rules adopted by the department. The
1719 affidavit must be executed by a professional engineer or a
1720 qualified inspector no earlier than 60 days before, but not
1721 later than, the date of the filing of the application with the
1722 department. The owner shall request inspection and permitting of
1723 the amusement ride within 60 days of the date of filing the
1724 application with the department. The department shall inspect
1725 and permit the amusement ride within 60 days after filing the
1726 application with the department.

1727 5. If required by subsection (6), an affidavit of
1728 nondestructive testing dated and executed no earlier than 60
1729 days before ~~prior to~~, but not later than, the date of the filing
1730 of the application with the department. The owner shall request
1731 inspection and permitting of the amusement ride within 60 days
1732 of the date of filing the application with the department. The
1733 department shall inspect and permit the amusement ride within 60
1734 days after filing the application with the department.

1735 6. A request for inspection.

1736 7. Upon request, the owner shall, at no cost to the
1737 department, provide the department a copy of the manufacturer's
1738 current recommended operating instructions in the possession of
1739 the owner, the owner's operating fact sheet, and any written
1740 bulletins in the possession of the owner concerning the safety,

2016772e2

1741 operation, or maintenance of the amusement ride.

1742 (10) EXEMPTIONS.—

1743 (a) This section does not apply to:

1744 1. Permanent facilities that employ at least 1,000 full-
1745 time employees and that maintain full-time, in-house safety
1746 inspectors. Furthermore, the permanent facilities must file an
1747 affidavit of the annual inspection with the department, on a
1748 form prescribed by rule of the department. Additionally, the
1749 Department of Agriculture and Consumer Services may consult
1750 annually with the permanent facilities regarding industry safety
1751 programs.

1752 2. Any playground operated by a school, local government,
1753 or business licensed under chapter 509, if the playground is an
1754 incidental amenity and the operating entity is not primarily
1755 engaged in providing amusement, pleasure, thrills, or
1756 excitement.

1757 3. Museums or other institutions principally devoted to the
1758 exhibition of products of agriculture, industry, education,
1759 science, religion, or the arts.

1760 4. Conventions or trade shows for the sale or exhibit of
1761 amusement rides if there are a minimum of 15 amusement rides on
1762 display or exhibition, and if any operation of such amusement
1763 rides is limited to the registered attendees of the convention
1764 or trade show.

1765 5. Skating rinks, arcades, laser ~~lazer~~ or paint ball war
1766 games, bowling alleys, miniature golf courses, mechanical bulls,
1767 inflatable rides, trampolines, ball crawls, exercise equipment,
1768 jet skis, paddle boats, airboats, helicopters, airplanes,
1769 parasails, hot air or helium balloons whether tethered or

2016772e2

1770 untethered, theatres, batting cages, stationary spring-mounted
1771 fixtures, rider-propelled merry-go-rounds, games, side shows,
1772 live animal rides, or live animal shows.

1773 6. Go-karts operated in competitive sporting events if
1774 participation is not open to the public.

1775 7. Nonmotorized playground equipment that is not required
1776 to have a manager.

1777 8. Coin-actuated amusement rides designed to be operated by
1778 depositing coins, tokens, credit cards, debit cards, bills, or
1779 other cash money and which are not required to have a manager,
1780 and which have a capacity of six persons or less.

1781 9. Facilities described in s. 549.09(1)(a) when such
1782 facilities are operating cars, trucks, or motorcycles only.

1783 10. Battery-powered cars or other vehicles that are
1784 designed to be operated by children 7 years of age or under and
1785 that cannot exceed a speed of 4 miles per hour.

1786 11. Mechanically driven vehicles that pull train cars,
1787 carts, wagons, or other similar vehicles, that are not confined
1788 to a metal track or confined to an area but are steered by an
1789 operator and do not exceed a speed of 4 miles per hour.

1790 12. A water-related amusement ride operated by a business
1791 licensed under chapter 509 if the water-related amusement ride
1792 is an incidental amenity and the operating business is not
1793 primarily engaged in providing amusement, pleasure, thrills, or
1794 excitement and does not offer day rates.

1795 13. An amusement ride at a private, membership-only
1796 facility if the amusement ride is an incidental amenity and the
1797 facility is not open to the general public; is not primarily
1798 engaged in providing amusement, pleasure, thrills, or

2016772e2

1799 excitement; and does not offer day rates.

1800 14. A nonprofit permanent facility registered under chapter
1801 496 which is not open to the general public.

1802 (15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ Prior to
1803 opening on each day of operation and before ~~prior~~ to any
1804 inspection by the department, the owner or manager of an
1805 amusement ride must inspect and test the amusement ride to
1806 ensure compliance with all requirements of this section. Each
1807 inspection must be recorded on a form prescribed by rule of the
1808 department and signed by the person who conducted the
1809 inspection. In lieu of the form prescribed by rule of the
1810 department, the owner or manager may request approval of an
1811 alternative form if the alternative form includes, at a minimum,
1812 the information required on the form prescribed by rule of the
1813 department. Inspection records of the last 14 daily inspections
1814 must be kept on site by the owner or manager and made
1815 immediately available to the department upon request.

1816 (16) TRAINING OF EMPLOYEES.—The owner or manager of an ~~any~~
1817 amusement ride shall maintain a record of employee training for
1818 each employee authorized to operate, assemble, disassemble,
1819 transport, or conduct maintenance on an amusement ride, ~~on a~~
1820 form prescribed by rule of the department. In lieu of the form
1821 prescribed by rule of the department, the owner or manager may
1822 request approval of an alternative form if the alternative form
1823 includes, at a minimum, the information required on the form
1824 prescribed by rule of the department. The training record must
1825 be kept on site by the owner or manager and made immediately
1826 available to the department upon request. Training may not be
1827 conducted when an amusement ride is open to the public unless

2016772e2

1828 the training is conducted under the supervision of an employee
1829 who is trained in the operation of that ride. The owner or
1830 manager shall certify that each employee is trained, as required
1831 by this section and any rules adopted thereunder, on the
1832 amusement ride for which the employee is responsible.

1833 Section 38. Subsections (1), (2), (5), (7), and (13) of
1834 section 713.585, Florida Statutes, are amended to read:

1835 713.585 Enforcement of lien by sale of motor vehicle.—A
1836 person claiming a lien under s. 713.58 for performing labor or
1837 services on a motor vehicle may enforce such lien by sale of the
1838 vehicle in accordance with the following procedures:

1839 (1) The lienor must give notice, by certified mail, return
1840 receipt requested, within 7 ~~15~~ business days, excluding Saturday
1841 and Sunday, from the beginning date of the assessment of storage
1842 charges on said motor vehicle, to the registered owner of the
1843 vehicle, to the customer as indicated on the order for repair,
1844 and to all other persons claiming an interest in or lien
1845 thereon, as disclosed by the records of the Department of
1846 Highway Safety and Motor Vehicles or as disclosed by the records
1847 of any corresponding agency of any other state in which the
1848 vehicle is identified through a records check of the National
1849 Motor Vehicle Title Information System or an equivalent
1850 commercially available system as being the current state where
1851 the vehicle is titled. Such notice must contain:

1852 (a) A description of the vehicle, including, at minimum,
1853 its ~~(year, make, vehicle identification number,)~~ and the
1854 vehicle's ~~its~~ location.

1855 (b) The name and address of the owner of the vehicle, the
1856 customer as indicated on the order for repair, and any person

2016772e2

1857 claiming an interest in or lien thereon.

1858 (c) The name, address, and telephone number of the lienor.

1859 (d) Notice that the lienor claims a lien on the vehicle for
1860 labor and services performed and storage charges, if any, and
1861 the cash sum which, if paid to the lienor, would be sufficient
1862 to redeem the vehicle from the lien claimed by the lienor.

1863 (e) Notice that the lien claimed by the lienor is subject
1864 to enforcement pursuant to this section and that the vehicle may
1865 be sold to satisfy the lien.

1866 (f) If known, the date, time, and location of any proposed
1867 or scheduled sale of the vehicle. A ~~No~~ vehicle may not be sold
1868 earlier than 60 days after completion of the repair work.

1869 (g) Notice that the owner of the vehicle or any person
1870 claiming an interest in or lien thereon has a right to a hearing
1871 at any time before ~~prior to~~ the scheduled date of sale by filing
1872 a demand for hearing with the clerk of the circuit court in the
1873 county in which the vehicle is held and mailing copies of the
1874 demand for hearing to all other owners and lienors as reflected
1875 on the notice.

1876 (h) Notice that the owner of the vehicle has a right to
1877 recover possession of the vehicle without instituting judicial
1878 proceedings by posting bond in accordance with ~~the provisions of~~
1879 s. 559.917.

1880 (i) Notice that any proceeds from the sale of the vehicle
1881 remaining after payment of the amount claimed to be due and
1882 owing to the lienor will be deposited with the clerk of the
1883 circuit court for disposition upon court order pursuant to
1884 subsection (8).

1885 (j) Notice that a lienholder, if any, has the right, as

2016772e2

1886 specified in subsection (5), to demand a hearing or to post a
1887 bond.

1888 (2) If attempts to locate the owner or lienholder are
1889 unsuccessful after a check of the records of the Department of
1890 Highway Safety and Motor Vehicles and any state disclosed by the
1891 check of the National Motor Vehicle Title Information System or
1892 an equivalent commercially available system, the lienor must
1893 notify the local law enforcement agency in writing by certified
1894 mail or acknowledged hand delivery that the lienor has been
1895 unable to locate the owner or lienholder, that a physical search
1896 of the vehicle has disclosed no ownership information, and that
1897 a good faith effort, including records checks of the Department
1898 of Highway Safety and Motor Vehicles database and the National
1899 Motor Vehicle Title Information System or an equivalent
1900 commercially available system, has been made. A description of
1901 the motor vehicle which includes the year, make, and
1902 identification number must be given on the notice. This
1903 notification must take place within 7 ~~15~~ business days,
1904 excluding Saturday and Sunday, from the beginning date of the
1905 assessment of storage charges on said motor vehicle. For
1906 purposes of this paragraph, the term "good faith effort" means
1907 that the following checks have been performed by the company to
1908 establish the prior state of registration and title:

1909 (a) A check of the Department of Highway Safety and Motor
1910 Vehicles database for the owner and any lienholder;

1911 (b) A check of the federally mandated electronic National
1912 Motor Vehicle Title Information System or an equivalent
1913 commercially available system to determine the state of
1914 registration when there is not a current title or registration

2016772e2

1915 record for the vehicle on file with the Department of Highway
1916 Safety and Motor Vehicles;

1917 (c) A check of vehicle for any type of tag, tag record,
1918 temporary tag, or regular tag;

1919 (d) A check of vehicle for inspection sticker or other
1920 stickers and decals that could indicate the state of possible
1921 registration; and

1922 (e) A check of the interior of the vehicle for any papers
1923 that could be in the glove box, trunk, or other areas for the
1924 state of registration.

1925 (5) At any time before ~~prior to~~ the proposed or scheduled
1926 date of sale of a vehicle, the owner of the vehicle, or any
1927 person claiming an interest in the vehicle or a lien thereon,
1928 may post a bond following the procedures outlined in s. 559.917
1929 or file a demand for hearing with the clerk of the circuit court
1930 in the county in which the vehicle is held to determine whether
1931 the vehicle has been wrongfully taken or withheld from her or
1932 him. A lienholder has standing to allege any violation of part
1933 IX of chapter 559 in a proceeding instituted pursuant to this
1934 subsection. Any person who files a demand for hearing shall mail
1935 copies of the demand to all other owners and lienors as
1936 reflected on the notice required in subsection (1).

1937 (a) Upon the filing of a demand for hearing, a hearing
1938 shall be held before ~~prior to~~ the proposed or scheduled date of
1939 sale of the vehicle.

1940 (b) Upon the posting of the bond and payment of the
1941 applicable fee set forth in s. 28.24, the clerk of the court
1942 shall issue a certificate notifying the lienor of the posting of
1943 the bond and directing the lienor to release the vehicle to the

2016772e2

1944 lienholder or the owner, based upon whomever posted the bond.

1945 (c) If a lienholder obtains the vehicle and the owner of
1946 the vehicle is not in default under the installment sales
1947 contract or title loan at the time the lienholder has possession
1948 of the vehicle, the lienholder must return the vehicle to the
1949 owner within 5 days after the owner repays the lienholder for
1950 the amount of the bond, or makes arrangements to repay the
1951 lienholder for the bond under terms agreeable to the lienholder.

1952 A lienholder may retain possession of the vehicle if the owner
1953 is in default until such time as the default is cured and the
1954 amount of the bond is repaid by the owner, or an arrangement
1955 agreeable to the lienholder is made with the owner.

1956 (7) At a ~~the~~ hearing on a complaint relating to the
1957 requirements of this section ~~on the complaint~~, the court shall
1958 ~~forthwith~~ issue ~~an its~~ order determining:

1959 (a) Whether the vehicle is subject to a valid lien by the
1960 lienor and the amount thereof;

1961 (b) The priority of the lien of the lienor as against any
1962 existing security interest in the vehicle;

1963 (c) The distribution of any proceeds of the sale by the
1964 clerk of the circuit court;

1965 (d) The awarding of damages, if any;

1966 (e) ~~(d)~~ The award of reasonable attorney ~~attorney's~~ fees and
1967 costs, at the court's discretion, to the prevailing party; and

1968 (f) ~~(e)~~ The reasonableness of storage charges.

1969
1970 A final order, by the court, must also provide for immediate
1971 payment of any proceeds or awards, and the immediate release of
1972 the bond to the posting party, if applicable.

2016772e2

1973 (13) A failure to make good faith efforts as defined in
1974 subsection (2) precludes the imposition of any storage charges
1975 against the vehicle. If a lienor fails to provide notice to any
1976 person claiming a lien on a vehicle under subsection (1) within
1977 7 ~~15~~ business days after the assessment of storage charges has
1978 begun, then the lienor is precluded from charging for more than
1979 7 ~~15~~ days of storage, but failure to provide timely notice does
1980 not affect charges made for repairs, adjustments, or
1981 modifications to the vehicle or the priority of liens on the
1982 vehicle.

1983 Section 39. Subsections (2), (4), (5), and (10) of section
1984 790.06, Florida Statutes, are amended, and paragraph (f) is
1985 added to subsection (6) of that section, to read:

1986 790.06 License to carry concealed weapon or firearm.—

1987 (2) The Department of Agriculture and Consumer Services
1988 shall issue a license if the applicant:

1989 (a) Is a resident of the United States and a citizen of the
1990 United States or a permanent resident alien of the United
1991 States, as determined by the United States Bureau of Citizenship
1992 and Immigration Services, or is a consular security official of
1993 a foreign government that maintains diplomatic relations and
1994 treaties of commerce, friendship, and navigation with the United
1995 States and is certified as such by the foreign government and by
1996 the appropriate embassy in this country;

1997 (b) Is 21 years of age or older;

1998 (c) Does not suffer from a physical infirmity which
1999 prevents the safe handling of a weapon or firearm;

2000 (d) Is not ineligible to possess a firearm pursuant to s.
2001 790.23 by virtue of having been convicted of a felony;

2016772e2

2002 (e) Has not been committed for the abuse of a controlled
2003 substance or been found guilty of a crime under the provisions
2004 of chapter 893 or similar laws of any other state relating to
2005 controlled substances within a 3-year period immediately
2006 preceding the date on which the application is submitted;

2007 (f) Does not chronically and habitually use alcoholic
2008 beverages or other substances to the extent that his or her
2009 normal faculties are impaired. It shall be presumed that an
2010 applicant chronically and habitually uses alcoholic beverages or
2011 other substances to the extent that his or her normal faculties
2012 are impaired if the applicant has been committed under chapter
2013 397 or under the provisions of former chapter 396 or has been
2014 convicted under s. 790.151 or has been deemed a habitual
2015 offender under s. 856.011(3), or has had two or more convictions
2016 under s. 316.193 or similar laws of any other state, within the
2017 3-year period immediately preceding the date on which the
2018 application is submitted;

2019 (g) Desires a legal means to carry a concealed weapon or
2020 firearm for lawful self-defense;

2021 (h) Demonstrates competence with a firearm by any one of
2022 the following:

2023 1. Completion of any hunter education or hunter safety
2024 course approved by the Fish and Wildlife Conservation Commission
2025 or a similar agency of another state;

2026 2. Completion of any National Rifle Association firearms
2027 safety or training course;

2028 3. Completion of any firearms safety or training course or
2029 class available to the general public offered by a law
2030 enforcement agency, junior college, college, or private or

2016772e2

2031 public institution or organization or firearms training school,
2032 using ~~utilizing~~ instructors certified by the National Rifle
2033 Association, Criminal Justice Standards and Training Commission,
2034 or the Department of Agriculture and Consumer Services;

2035 4. Completion of any law enforcement firearms safety or
2036 training course or class offered for security guards,
2037 investigators, special deputies, or any division or subdivision
2038 of a law enforcement agency or security enforcement;

2039 5. Presents evidence of equivalent experience with a
2040 firearm through participation in organized shooting competition
2041 or military service;

2042 6. Is licensed or has been licensed to carry a firearm in
2043 this state or a county or municipality of this state, unless
2044 such license has been revoked for cause; or

2045 7. Completion of any firearms training or safety course or
2046 class conducted by a state-certified or National Rifle
2047 Association certified firearms instructor;

2048
2049 A photocopy of a certificate of completion of any of the courses
2050 or classes; ~~or~~ an affidavit from the instructor, school, club,
2051 organization, or group that conducted or taught such ~~said~~ course
2052 or class attesting to the completion of the course or class by
2053 the applicant; or a copy of any document that ~~which~~ shows
2054 completion of the course or class or evidences participation in
2055 firearms competition shall constitute evidence of qualification
2056 under this paragraph. A, ~~any~~ person who conducts a course
2057 pursuant to subparagraph 2., subparagraph 3., or subparagraph
2058 7., or who, as an instructor, attests to the completion of such
2059 courses, must maintain records certifying that he or she

2016772e2

2060 observed the student safely handle and discharge the firearm in
2061 his or her physical presence and that the discharge of the
2062 firearm included live fire using a firearm and ammunition as
2063 defined in s. 790.001;

2064 (i) Has not been adjudicated an incapacitated person under
2065 s. 744.331, or similar laws of any other state, unless 5 years
2066 have elapsed since the applicant's restoration to capacity by
2067 court order;

2068 (j) Has not been committed to a mental institution under
2069 chapter 394, or similar laws of any other state, unless the
2070 applicant produces a certificate from a licensed psychiatrist
2071 that he or she has not suffered from disability for at least 5
2072 years before ~~prior to~~ the date of submission of the application;

2073 (k) Has not had adjudication of guilt withheld or
2074 imposition of sentence suspended on any felony ~~or misdemeanor~~
2075 ~~crime of domestic violence~~ unless 3 years have elapsed since
2076 probation or any other conditions set by the court have been
2077 fulfilled, or expunction has occurred ~~the record has been sealed~~
2078 ~~or expunged;~~

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

2084 (m) ~~(l)~~ Has not been issued an injunction that is currently
2085 in force and effect and that restrains the applicant from
2086 committing acts of domestic violence or acts of repeat violence;
2087 and

2088 (n) ~~(m)~~ Is not prohibited from purchasing or possessing a

2016772e2

2089 firearm by any other provision of Florida or federal law.

2090 (4) The application shall be completed, under oath, on a
2091 form adopted ~~promulgated~~ by the Department of Agriculture and
2092 Consumer Services and shall include:

2093 (a) The name, address, place of birth, ~~and~~ date of birth,
2094 and race, ~~and occupation~~ of the applicant;

2095 (b) A statement that the applicant is in compliance with
2096 criteria contained within subsections (2) and (3);

2097 (c) A statement that the applicant has been furnished a
2098 copy of this chapter and is knowledgeable of its provisions;

2099 (d) A conspicuous warning that the application is executed
2100 under oath and that a false answer to any question, or the
2101 submission of any false document by the applicant, subjects the
2102 applicant to criminal prosecution under s. 837.06; ~~and~~

2103 (e) A statement that the applicant desires a concealed
2104 weapon or firearms license as a means of lawful self-defense;
2105 and-

2106 (f) Directions for an applicant who is a servicemember, as
2107 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
2108 request expedited processing of his or her application.

2109 (5) The applicant shall submit to the Department of
2110 Agriculture and Consumer Services or an approved tax collector
2111 pursuant to s. 790.0625:

2112 (a) A completed application as described in subsection (4).

2113 (b) A nonrefundable license fee of up to \$60 ~~\$70~~ if he or
2114 she has not previously been issued a statewide license or of up
2115 to \$50 ~~\$60~~ for renewal of a statewide license. The cost of
2116 processing fingerprints as required in paragraph (c) shall be
2117 borne by the applicant. However, an individual holding an active

2016772e2

2118 certification from the Criminal Justice Standards and Training
2119 Commission as a law enforcement officer, correctional officer,
2120 or correctional probation officer as defined in s. 943.10(1),
2121 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
2122 requirements of this section. If such individual wishes to
2123 receive a concealed weapon ~~weapons~~ or firearm ~~firearms~~ license,
2124 he or she is exempt from the background investigation and all
2125 background investigation fees, but must pay the current license
2126 fees regularly required to be paid by nonexempt applicants.
2127 Further, a law enforcement officer, a correctional officer, or a
2128 correctional probation officer as defined in s. 943.10(1), (2),
2129 or (3) is exempt from the required fees and background
2130 investigation for ~~a period of~~ 1 year after his or her
2131 retirement.

2132 (c) A full set of fingerprints of the applicant
2133 administered by a law enforcement agency or the Division of
2134 Licensing of the Department of Agriculture and Consumer Services
2135 or an approved tax collector pursuant to s. 790.0625 together
2136 with any personal identifying information required by federal
2137 law to process fingerprints.

2138 (d) A photocopy of a certificate, affidavit, or document as
2139 described in paragraph (2)(h).

2140 (e) A full frontal view color photograph of the applicant
2141 taken within the preceding 30 days, in which the head, including
2142 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

2143 (f) For expedited processing of an application:

2144 1. A servicemember shall submit a copy of the Common Access
2145 Card, United States Uniformed Services Identification Card, or
2146 current deployment orders.

2016772e2

2147 2. A veteran shall submit a copy of the DD Form 214, issued
2148 by the United States Department of Defense, or another
2149 acceptable form of identification as specified by the Department
2150 of Veterans' Affairs.

2151 (6)

2152 (f) The Department of Agriculture and Consumer Services
2153 shall, upon receipt of a completed application and the
2154 identifying information required under paragraph (5) (f),
2155 expedite the processing of a servicemember's or a veteran's
2156 concealed weapon or firearm license application.

2157 (10) A license issued under this section shall be suspended
2158 or revoked pursuant to chapter 120 if the licensee:

2159 (a) Is found to be ineligible under the criteria set forth
2160 in subsection (2);

2161 (b) Develops or sustains a physical infirmity which
2162 prevents the safe handling of a weapon or firearm;

2163 (c) Is convicted of a felony which would make the licensee
2164 ineligible to possess a firearm pursuant to s. 790.23;

2165 (d) Is found guilty of a crime under the provisions of
2166 chapter 893, or similar laws of any other state, relating to
2167 controlled substances;

2168 (e) Is committed as a substance abuser under chapter 397,
2169 or is deemed a habitual offender under s. 856.011(3), or similar
2170 laws of any other state;

2171 (f) Is convicted of a second violation of s. 316.193, or a
2172 similar law of another state, within 3 years after ~~of~~ a first
2173 ~~previous~~ conviction of such section, or similar law of another
2174 state, even though the first violation may have occurred before
2175 ~~prior to~~ the date on which the application was submitted;

2016772e2

2176 (g) Is adjudicated an incapacitated person under s.
2177 744.331, or similar laws of any other state; or

2178 (h) Is committed to a mental institution under chapter 394,
2179 or similar laws of any other state.

2180
2181 Notwithstanding s. 120.60(5), service of a notice of the
2182 suspension or revocation of a concealed weapon or firearm
2183 license must be given by either certified mail, return receipt
2184 requested, to the licensee at his or her last known mailing
2185 address furnished to the Department of Agriculture and Consumer
2186 Services, or by personal service. If a notice given by certified
2187 mail is returned as undeliverable, a second attempt must be made
2188 to provide notice to the licensee at that address, by either
2189 first-class mail in an envelope, postage prepaid, addressed to
2190 the licensee at his or her last known mailing address furnished
2191 to the department, or, if the licensee has provided an e-mail
2192 address to the department, by e-mail. Such mailing by the
2193 department constitutes notice, and any failure by the licensee
2194 to receive such notice does not stay the effective date or term
2195 of the suspension or revocation. A request for hearing must be
2196 filed with the department within 21 days after notice is
2197 received by personal delivery, or within 26 days after the date
2198 the department deposits the notice in the United States mail (21
2199 days plus 5 days for mailing). The department shall document its
2200 attempts to provide notice and such documentation is admissible
2201 in the courts of this state and constitutes sufficient proof
2202 that notice was given.

2203 Section 40. Effective upon this act becoming a law,
2204 paragraph (a) of subsection (11) of section 790.06, Florida

2016772e2

2205 Statutes, is amended to read:

2206 790.06 License to carry concealed weapon or firearm.—

2207 (11) (a) At least ~~No less than~~ 90 days before the expiration
2208 date of the license, the Department of Agriculture and Consumer
2209 Services shall mail to each licensee a written notice of the
2210 expiration and a renewal form prescribed by the Department of
2211 Agriculture and Consumer Services. The licensee must renew his
2212 or her license on or before the expiration date by filing with
2213 the Department of Agriculture and Consumer Services the renewal
2214 form containing an a-notarized affidavit submitted under oath
2215 and under penalty of perjury stating that the licensee remains
2216 qualified pursuant to the criteria specified in subsections (2)
2217 and (3), a color photograph as specified in paragraph (5) (e),
2218 and the required renewal fee. Out-of-state residents must also
2219 submit a complete set of fingerprints and fingerprint processing
2220 fee. The license shall be renewed upon receipt of the completed
2221 renewal form, color photograph, appropriate payment of fees,
2222 and, if applicable, fingerprints. Additionally, a licensee who
2223 fails to file a renewal application on or before its expiration
2224 date must renew his or her license by paying a late fee of \$15.
2225 A license may not be renewed 180 days or more after its
2226 expiration date, and such a license is deemed to be permanently
2227 expired. A person whose license has been permanently expired may
2228 reapply for licensure; however, an application for licensure and
2229 fees under subsection (5) must be submitted, and a background
2230 investigation shall be conducted pursuant to this section. A
2231 person who knowingly files false information under this
2232 subsection is subject to criminal prosecution under s. 837.06.

2233 Section 41. Subsection (8) is added to section 790.0625,

2016772e2

2234 Florida Statutes, to read:

2235 790.0625 Appointment of tax collectors to accept
2236 applications for a concealed weapon or firearm license; fees;
2237 penalties.—

2238 (8) Upon receipt of a completed renewal application, a new
2239 color photograph, and appropriate payment of fees, a tax
2240 collector authorized to accept renewal applications for
2241 concealed weapon or firearm licenses under this section may,
2242 upon approval and confirmation of license issuance by the
2243 department, print and deliver a concealed weapon or firearm
2244 license to a licensee renewing his or her license at the tax
2245 collector's office.

2246 Section 42. Subsection (1) and paragraph (d) of subsection
2247 (3) of section 559.9285, Florida Statutes, are amended to read:
2248 559.9285 Certification of business activities.—

2249 (1) Each certifying party, as defined in s. 559.927(2):

2250 (a) Which does not offer for sale, at wholesale or retail,
2251 prearranged travel or ~~tourist-related services, or tour-guide~~
2252 ~~services~~ for individuals or groups directly to any terrorist
2253 state and which originate in Florida;

2254 (b) Which offers for sale, at wholesale or retail, only
2255 prearranged travel or ~~tourist-related services, or tour-guide~~
2256 ~~services~~ for individuals or groups directly to any terrorist
2257 state and which originate in Florida, but engages in no other
2258 business dealings or commerce with any terrorist state; or

2259 (c) Which offers for sale, at wholesale or retail,
2260 prearranged travel or ~~tourist-related services, or tour-guide~~
2261 ~~services~~ for individuals or groups directly to any terrorist
2262 state and which originate in Florida, and also engages in any

2016772e2

2263 other business dealings or commerce with any terrorist state,
2264
2265 shall annually certify its business activities by filing a
2266 disclosure statement with the department which accurately
2267 represents the scope of the seller's business activities
2268 according to the criteria provided in paragraph (a), paragraph
2269 (b), or paragraph (c).

2270 (3) The department shall specify by rule the form of each
2271 certification under this section which shall include the
2272 following information:

2273 (d) The type of all prearranged travel or tourist-related
2274 services, ~~or tour-guide services~~ that the certifying party
2275 offers for sale to individuals or groups traveling directly to
2276 any terrorist state and that originate in Florida, and the
2277 frequency with which such services are offered.

2278 Section 43. Subsection (2) of section 559.937, Florida
2279 Statutes, is amended to read:

2280 559.937 Criminal penalties.—Any person or business that
2281 violates this part:

2282 (2) Which violation directly or indirectly pertains to an
2283 offer to sell, at wholesale or retail, prearranged travel or,
2284 tourist-related services, ~~or tour-guide services~~ for individuals
2285 or groups directly to any terrorist state and which originate in
2286 Florida, commits a felony of the third degree, punishable as
2287 provided in s. 775.082 or s. 775.083.

2288 Section 44. For the 2016-2017 fiscal year, the sum of
2289 \$1,305,097 in nonrecurring funds from the Division of Licensing
2290 Trust Fund is appropriated to the Department of Agriculture and
2291 Consumer Services for the purpose of implementing s. 493.6108,

2016772e2

2292 Florida Statutes, regarding the collection and subsequent
2293 payment of fingerprint retention and processing fees to the
2294 Florida Department of Law Enforcement.

2295 Section 45. Except as otherwise expressly provided in this
2296 act and except for this section, which shall take effect upon
2297 becoming law, this act shall take effect July 1, 2016.