

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 501.059, F.S.;
4 authorizing consumers to bring civil actions against
5 telephone solicitors; providing for the award of
6 damages; amending s. 501.603, F.S.; providing a
7 definition; amending s. 501.604, F.S.; providing that
8 substance abuse marketing service providers are
9 subject to the Florida Telemarketing Act; amending s.
10 501.605, F.S.; conforming provisions to changes made
11 by the act; creating s. 501.6055, F.S.; providing
12 licensing requirements for substance abuse marketing
13 service providers; amending s. 501.606, F.S.;
14 requiring such providers to disclose specified
15 information; amending s. 501.608, F.S.; revising
16 provisions for claims of exemption from the Florida
17 Telemarketing Act; amending s. 501.609, F.S.;
18 requiring substance abuse marketing service providers
19 to submit new or revised material to the department
20 within a specified time; amending s. 501.612, F.S.;
21 providing grounds for departmental action against such
22 providers; amending s. 501.616, F.S.; providing
23 unlawful acts and practices for such providers;
24 amending s. 501.618, F.S.; providing general civil
25 remedies in actions against such providers; amending

26 | s. 507.01, F.S.; revising definitions; amending s.
27 | 507.03, F.S.; requiring separate registrations for
28 | each business, trade, or fictitious name used by a
29 | mover or moving broker; authorizing movers to act as
30 | moving brokers without a separate registration under
31 | certain conditions; revising the conditions for
32 | denying, refusing to renew, or revoking the
33 | registrations of movers and moving brokers; requiring
34 | movers and moving brokers to provide evidence of
35 | insurance or alternative coverages at specified times;
36 | requiring movers and moving brokers to maintain
37 | estimates and contracts for a specified time and to
38 | make such records available for inspection by the
39 | department; amending s. 507.04, F.S.; revising
40 | requirements for alternative insurance coverage and
41 | liability insurance claims; amending s. 507.06, F.S.;
42 | revising provisions authorizing movers to store
43 | household goods until payment is made; amending s.
44 | 507.07, F.S.; providing violations; amending s.
45 | 507.11, F.S.; revising criminal penalties; creating s.
46 | 507.15, F.S.; directing the department to prepare and
47 | post on its website a publication regarding shippers'
48 | rights and remedies; specifying information to be
49 | included in such publication; requiring movers to
50 | provide a copy of such publication to shippers before

51 executing a contract; amending s. 527.0201, F.S.;
52 revising master qualifier licensing requirements;
53 amending s. 616.242, F.S.; providing and revising
54 definitions; revising standards for rules adopted by
55 the department relating to amusement rides; revising
56 provisions for permanent amusement ride annual
57 permits; providing for temporary amusement ride
58 permits; revising provisions for nondestructive
59 testing and department testing of amusement rides;
60 removing the exemption from safety standards for
61 certain museums and institutions; removing the
62 limitation on the authority of the department to
63 establish exemptions from safety standards; revising
64 inspection standards for amusement rides; directing
65 the department to prescribe by rule specified signage
66 to be posted at amusement ride facilities and
67 temporary amusement ride events; requiring owners of
68 amusement rides to employ registered safety
69 technicians; providing requirements for such
70 technicians; revising requirements for compliance
71 certifications after major modifications to amusement
72 rides; revising requirements for amusement ride
73 inspections by owners, managers, and registered safety
74 technicians; revising requirements for employee
75 training; providing maintenance requirements for

76 amusement rides; providing for witnesses and evidence
77 in examinations and investigations conducted by the
78 department; revising penalties; providing an effective
79 date.

80
81 Be It Enacted by the Legislature of the State of Florida:

82
83 Section 1. Subsections (10) through (12) of section
84 501.059, Florida Statutes, are renumbered as subsections (11)
85 through (13), respectively, and a new subsection (10) is added
86 to that section to read:

87 501.059 Telephone solicitation.—

88 (10) A consumer may bring a civil action in a court of
89 competent jurisdiction against a person who has made or caused
90 to be made more than one telephonic sales call to the consumer
91 within any 12-month period in violation of this section. A
92 person who fails to comply with this section is liable for
93 actual damages and for additional statutory damages as the court
94 may allow in an amount not to exceed \$500 per violation. If the
95 court finds that any violation of this section was committed
96 willfully or knowingly, it may, in its discretion, increase the
97 amount of the additional statutory damages by an amount not to
98 exceed \$1,500 per violation. The court may also enjoin the
99 defendant from further violations of this section.

100 Section 2. Subsection (13) is added to section 501.603,

HB 1267

2019

101 Florida Statutes, to read:

102 501.603 Definitions.—As used in this part, unless the
103 context otherwise requires, the term:

104 (13) "Substance abuse marketing service provider" means
105 any entity providing substance abuse advertising or marketing
106 services to any service provider or operator of a recovery
107 residence as described in s. 397.55. The term includes, but is
108 not limited to, owners, operators, officers, directors,
109 partners, or other individuals engaged in the management
110 activities of a business entity pursuant to this part.

111 Section 3. Section 501.604, Florida Statutes, is amended
112 to read:

113 501.604 Exemptions.—~~The provisions of~~ This part, except
114 ss. 501.608 and 501.616(6) and (7), does ~~de~~ not apply to:

115 (1) A person engaging in commercial telephone solicitation
116 when ~~where~~ the solicitation is an isolated transaction and not
117 done in the course of a pattern of repeated similar transactions
118 ~~of like nature.~~

119 (2) A person soliciting for religious, charitable,
120 political, or educational purposes. A person soliciting for
121 other noncommercial purposes is exempt only if that person is
122 soliciting for a nonprofit corporation and if that corporation
123 is properly registered as such with the Secretary of State and
124 is included within the exemption of s. 501(c)(3) or (6) of the
125 Internal Revenue Code.

126 ~~(3) A person who does not make the major sales~~
127 ~~presentation during the telephone solicitation and who does not~~
128 ~~intend to, and does not actually, complete or obtain provisional~~
129 ~~acceptance of a sale during the telephone solicitation, but who~~
130 ~~makes the major sales presentation and completes the sale at a~~
131 ~~later face-to-face meeting between the seller and the~~
132 ~~prospective purchaser in accordance with the home solicitation~~
133 ~~provisions in this chapter. However, if a seller, directly~~
134 ~~following a telephone solicitation, causes an individual whose~~
135 ~~primary purpose it is to go to the prospective purchaser to~~
136 ~~collect the payment or deliver any item purchased, this~~
137 ~~exemption does not apply.~~

138 (3)~~(4)~~ A licensed securities, commodities, or investment
139 broker, dealer, or investment adviser, when soliciting within
140 the scope of his or her license, or a licensed associated person
141 of a securities, commodities, or investment broker, dealer, or
142 investment adviser, when soliciting within the scope of his or
143 her license. As used in this section, the term "licensed
144 securities, commodities, or investment broker, dealer, or
145 investment adviser" means a person subject to license or
146 registration as such by the Securities and Exchange Commission,
147 by the Financial Industry Regulatory Authority or other self-
148 regulatory organization as defined by the Securities Exchange
149 Act of 1934, 15 U.S.C. s. 781, or by an official or agency of
150 this state or of any state of the United States. As used in this

151 section, the term "licensed associated person of a securities,
152 commodities, or investment broker, dealer, or investment
153 adviser" means an associated person registered or licensed by
154 the Financial Industry Regulatory Authority or other self-
155 regulatory organization as defined by the Securities Exchange
156 Act of 1934, 15 U.S.C. s. 781, or by an official or agency of
157 this state or of any state of the United States.

158 (4)~~(5)~~ A person primarily soliciting the sale of a
159 newspaper of general circulation.

160 ~~(6) A book, video, or record club or contractual plan or~~
161 ~~arrangement:~~

162 ~~(a) Under which the seller provides the consumer with a~~
163 ~~form which the consumer may use to instruct the seller not to~~
164 ~~ship the offered merchandise.~~

165 ~~(b) Which is regulated by the Federal Trade Commission~~
166 ~~trade regulation concerning "use of negative option plans by~~
167 ~~sellers in commerce."~~

168 ~~(c) Which provides for the sale of books, records, or~~
169 ~~videos which are not covered under paragraph (a) or paragraph~~
170 ~~(b), including continuity plans, subscription arrangements,~~
171 ~~standing order arrangements, supplements, and series~~
172 ~~arrangements under which the seller periodically ships~~
173 ~~merchandise to a consumer who has consented in advance to~~
174 ~~receive such merchandise on a periodic basis.~~

175 (5)~~(7)~~ A supervised financial institution or parent,

176 subsidiary, or affiliate thereof operating within the scope of
 177 supervised activity. As used in this section, the term
 178 "supervised financial institution" means a commercial bank,
 179 trust company, savings and loan association, mutual savings
 180 bank, credit union, industrial loan company, consumer finance
 181 lender, commercial finance lender, or insurer, provided that the
 182 institution is subject to supervision by an official or agency
 183 of this state, of any state, or of the United States. For the
 184 purposes of this exemption, the term "affiliate" means a person
 185 who directly, or indirectly through one or more intermediaries,
 186 controls or is controlled by, or is under common control with, a
 187 supervised financial institution.

188 (6)~~(8)~~ Any licensed insurance broker, agent, customer
 189 representative, or solicitor when soliciting within the scope of
 190 his or her license. As used in this section, the term "licensed
 191 insurance broker, agent, customer representative, or solicitor"
 192 means any insurance broker, agent, customer representative, or
 193 solicitor licensed by an official or agency of this state or of
 194 any state of the United States.

195 (7)~~(9)~~ A person soliciting the sale of services provided
 196 by a cable television system operating under authority of a
 197 franchise or permit.

198 (8)~~(10)~~ A business-to-business sale when ~~where~~:

199 (a) The commercial telephone seller has been lawfully
 200 operating continuously for at least 3 years under the same

201 business name and has at least 50 percent of its dollar volume
202 consisting of repeat sales to existing businesses;

203 (b) The purchaser business intends to resell or offer for
204 purposes of advertisement or as a promotional item the property
205 or goods purchased; or

206 (c) The purchaser business intends to use the property or
207 goods purchased in a recycling, reuse, remanufacturing, or
208 manufacturing process.

209 ~~(11) A person who solicits sales by periodically~~
210 ~~publishing and delivering a catalog of the seller's merchandise~~
211 ~~to prospective purchasers, if the catalog:~~

212 ~~(a) Contains a written description or illustration of each~~
213 ~~item offered for sale.~~

214 ~~(b) Includes the business address or home office address~~
215 ~~of the seller.~~

216 ~~(c) Includes at least 20 pages of written material and~~
217 ~~illustrations and is distributed in more than one state.~~

218 ~~(d) Has an annual circulation by mailing of not less than~~
219 ~~150,000.~~

220 (9)~~(12)~~ A person who solicits contracts for the
221 maintenance or repair of goods previously purchased from the
222 person making the solicitation or on whose behalf the
223 solicitation is made.

224 (10)~~(13)~~ A commercial telephone seller licensed pursuant
225 to chapter 516 or part III of chapter 520. For purposes of this

226 exemption, the seller must solicit to sell a consumer good or
227 service within the scope of his or her license and the completed
228 transaction must be subject to ~~the provisions of~~ chapter 516 or
229 part III of chapter 520.

230 (11)~~(14)~~ A telephone company subject to chapter 364, or
231 affiliate thereof or its agents, or a telecommunications
232 business that is regulated by the Florida Public Service
233 Commission, or a Federal Communications Commission licensed
234 cellular telephone company or other bona fide radio
235 telecommunication services provider. For the purposes of this
236 exemption, the term "affiliate" means a person who directly, or
237 indirectly through one or more intermediaries, controls or is
238 controlled by, or is under common control with, a telephone
239 company subject to chapter 364.

240 (12)~~(15)~~ A person who is licensed pursuant to chapter 497
241 and who is soliciting within the scope of the license.

242 (13)~~(16)~~ An issuer or a subsidiary of an issuer that has a
243 class of securities which is subject to s. 12 of the Securities
244 Exchange Act of 1934, 15 U.S.C. s. 781, and which is either
245 registered or exempt from registration under paragraph (A),
246 paragraph (B), paragraph (C), paragraph (E), paragraph (F),
247 paragraph (G), or paragraph (H) of subsection (g) (2) of that
248 section.

249 ~~(17) A business soliciting exclusively the sale of~~
250 ~~telephone answering services provided that the telephone~~

251 ~~answering services will be supplied by the solicitor.~~

252 (14)~~(18)~~ A person soliciting a transaction regulated by
253 the Commodity Futures Trading Commission if the person is
254 registered or temporarily licensed for this activity with the
255 Commodity Futures Trading Commission under the Commodity
256 Exchange Act, 7 U.S.C. ss. 1 et seq., and the registration or
257 license has not expired or been suspended or revoked.

258 (15)~~(19)~~ A person soliciting the sale of food or produce
259 as defined in chapter 500 or chapter 504 if the solicitation
260 neither intends to result in, or actually results in, a sale
261 which costs the purchaser in excess of \$500.

262 (16)~~(20)~~ A person who is registered pursuant to part XI of
263 chapter 559 and who is soliciting within the scope of the
264 registration.

265 (17)~~(21)~~ A person soliciting business from ~~prospective~~
266 consumers who have an existing business relationship with or who
267 have previously purchased from the business enterprise for which
268 the solicitor is calling, if the solicitor is operating under
269 the same exact business name.

270 ~~(22) A person who has been operating, for at least 1 year,~~
271 ~~a retail business establishment under the same name as that used~~
272 ~~in connection with telemarketing, and both of the following~~
273 ~~occur on a continuing basis:~~

274 ~~(a) Either products are displayed and offered for sale or~~
275 ~~services are offered for sale and provided at the business~~

276 establishment.

277 ~~(b) A majority of the seller's business involves the buyer~~
278 ~~obtaining such products or services at the seller's location.~~

279 (18)~~(23)~~ A person who is a registered developer or
280 exchange company pursuant to chapter 721 and who is soliciting
281 within the scope of the chapter.

282 ~~(24) Any person who has been lawfully providing~~
283 ~~telemarketing sales services continuously for at least 5 years~~
284 ~~under the same ownership and control and who derives 75 percent~~
285 ~~of its gross telemarketing sales revenues from contracts with~~
286 ~~persons exempted in this section.~~

287 (19)~~(25)~~ A person licensed pursuant to chapter 475 and who
288 is soliciting within the scope of the chapter.

289 ~~(26) A publisher, or an agent of a publisher by written~~
290 ~~agreement, who solicits the sale of his or her periodical or~~
291 ~~magazine of general, paid circulation. The term "paid~~
292 ~~circulation" shall not include magazines that are only~~
293 ~~circulated as part of a membership package or that are given as~~
294 ~~a free gift or prize from the publisher or agent of the~~
295 ~~publisher by written agreement.~~

296 (20)~~(27)~~ A person who is a licensed operator or an
297 identification cardholder as defined in chapter 482, and who is
298 soliciting within the scope of the chapter.

299 (21)~~(28)~~ A licensee, or an affiliate of a licensee,
300 regulated under chapter 560, the Money Transmitters' Code, for

301 foreign currency exchange services.

302

303 This section does not apply to substance abuse marketing service
304 providers.

305 Section 4. Section 501.605, Florida Statutes, is amended
306 to read:

307 501.605 Licensure of commercial telephone sellers ~~and~~
308 ~~entities providing substance abuse marketing services.-~~

309 (1) Before doing business in this state, a commercial
310 telephone seller ~~or an entity providing substance abuse~~
311 ~~marketing services in accordance with s. 397.55~~ shall obtain a
312 license from the department. Doing business in this state
313 includes ~~either~~ telephone solicitation from a location in
314 Florida or solicitation from other states or nations of
315 purchasers located in Florida.

316 (2) An applicant for a license as a commercial telephone
317 seller ~~or as an entity providing substance abuse marketing~~
318 ~~services~~ must submit to the department, in such form as it
319 prescribes, a written application for the license. The
320 application must state ~~set forth~~ the following information:

321 (a) The true name, date of birth, driver license number or
322 other valid form of identification, and home address of the
323 applicant, including each name under which he or she intends to
324 do business.

325 (b) Each business or occupation engaged in by the

326 applicant during the 3 years immediately preceding the date of
327 the application, and the location thereof.

328 (c) The previous experience of the applicant as a
329 commercial telephone seller or salesperson ~~or as an entity~~
330 ~~providing substance abuse marketing services.~~

331 (d) Whether the applicant has previously been arrested for
332 or, convicted of, or is under indictment or information for, a
333 felony and, if so, the nature of the felony. Conviction includes
334 a finding of guilt where adjudication has been withheld.

335 (e) Whether the applicant has previously been convicted
336 of, or is under indictment or information for, racketeering or
337 any offense involving fraud, theft, embezzlement, fraudulent
338 conversion, or misappropriation of property. Conviction includes
339 a finding of guilt where adjudication has been withheld.

340 (f) Whether there has ever been a judicial or
341 administrative finding that the applicant has previously been
342 convicted of acting as a salesperson without a license, or
343 whether such a license has previously been refused, revoked, or
344 suspended in any jurisdiction.

345 (g) Whether the applicant has worked for, or been
346 affiliated with, a company that has had entered against it an
347 injunction, a temporary restraining order, or a final judgment
348 or order, including a stipulated judgment or order, an assurance
349 of voluntary compliance, or any similar document, in any civil
350 or administrative action involving racketeering, fraud, theft,

351 embezzlement, fraudulent conversion, or misappropriation of
 352 property or the use of any untrue, deceptive, or misleading
 353 representation or the use of any unfair, unlawful, or deceptive
 354 trade practice.

355 (h) Whether the applicant has had entered against him or
 356 her an injunction, a temporary restraining order, or a final
 357 judgment or order, including a stipulated judgment or order, an
 358 assurance of voluntary compliance, or any similar document, in
 359 any civil or administrative action involving racketeering,
 360 fraud, theft, embezzlement, fraudulent conversion, or
 361 misappropriation of property or the use of any untrue,
 362 deceptive, or misleading representation or the use of any
 363 unfair, unlawful, or deceptive trade practice; and whether ~~or~~
 364 ~~not~~ there is any litigation pending against the applicant.

365 (i) The name of any parent or affiliated entity that:

- 366 1. Will engage in a business transaction with the
- 367 purchaser relating to any sale solicited by the applicant; or
- 368 2. Accepts responsibility or is otherwise held out by the
- 369 applicant as being responsible for any statement or act of the
- 370 applicant relating to any sale solicited by the applicant.

371 (j) The complete street address of each location,
 372 designating the principal location, from which the applicant
 373 will be doing business. The street address may not be a mail
 374 drop.

375 (k) A list of all telephone numbers to be used by the

376 applicant, with the address where each telephone using these
 377 numbers will be located.

378 (1) The true name, current home address, date of birth,
 379 and all other names by which known, or previously known, of
 380 each:

381 1. Principal officer, director, trustee, shareholder,
 382 owner, or partner of the applicant, and of each other person
 383 responsible for the management of the business of the applicant.

384 2. Office manager or other person principally responsible
 385 for a location from which the applicant will do business.

386 3. Salesperson or other person to be employed by the
 387 applicant.

388
 389 The application shall be accompanied by a copy of any~~+~~ script,
 390 outline, or presentation the applicant will require or suggest a
 391 salesperson to use when soliciting, or, if no such document is
 392 used, a statement to that effect; sales information or
 393 literature to be provided by the applicant to a salesperson; and
 394 sales information or literature to be provided by the applicant
 395 to a purchaser in connection with any solicitation.

396 (3) When an application states ~~sets forth~~ information
 397 regarding an applicant as described in paragraphs (2) (d)-(h),
 398 the applicant must:

399 (a) Identify the court or administrative agency rendering
 400 the conviction, judgment, or order against the applicant ~~person~~

401 or pending litigation.

402 (b) Provide the docket number of the matter; the date of
403 the conviction, judgment, or order; and the name of the
404 governmental agency, if any, that brought the action resulting
405 in the conviction, judgment, or order. The applicant must also
406 include litigation.

407 (4) If the applicant is other than a natural person, or if
408 any parent or affiliated entity is identified pursuant to
409 paragraph (2)(i), the applicant must, for itself and for any
410 such entity, identify its place of organization and:

411 (a) In the case of a partnership, provide a copy of any
412 written partnership agreement; or

413 (b) In the case of a corporation, provide a copy of its
414 articles of incorporation and bylaws.

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

417 (a) A bond, letter of credit, or certificate of deposit
418 satisfying the requirements of s. 501.611. ~~An entity providing
419 substance abuse marketing services in accordance with s. 397.55
420 is exempt from this requirement.~~

421 (b) A fee for licensing in the amount of \$1,500. The fee
422 shall be deposited into the General Inspection Trust Fund. The
423 department shall waive the initial license fee for an honorably
424 discharged veteran of the United States Armed Forces, the spouse
425 or surviving spouse of such a veteran, a current member of the

426 United States Armed Forces who has served on active duty, the
427 spouse of such a member, the surviving spouse of a member of the
428 United States Armed Forces if such member died while serving on
429 active duty, or a business entity that has a majority ownership
430 held by such a veteran or spouse or surviving spouse if the
431 department receives an application, in a format prescribed by
432 the department. The application format must include the
433 applicant's signature, under penalty of perjury, and supporting
434 documentation. To qualify for the waiver:

435 1. A veteran must provide to the department a copy of his
436 or her DD Form 214, as issued by the United States Department of
437 Defense, or another acceptable form of identification as
438 specified by the Department of Veterans' Affairs;

439 2. The spouse or surviving spouse of a veteran must
440 provide to the department a copy of the veteran's DD Form 214,
441 as issued by the United States Department of Defense, or another
442 acceptable form of identification as specified by the Department
443 of Veterans' Affairs, and a copy of a valid marriage license or
444 certificate verifying that he or she was lawfully married to the
445 veteran at the time of discharge; or

446 3. A business entity must provide to the department proof
447 that a veteran or the spouse or surviving spouse of a veteran
448 holds a majority ownership in the business, a copy of the
449 veteran's DD Form 214, as issued by the United States Department
450 of Defense, or another acceptable form of identification as

451 specified by the Department of Veterans' Affairs, and, if
 452 applicable, a copy of a valid marriage license or certificate
 453 verifying that the spouse or surviving spouse of the veteran was
 454 lawfully married to the veteran at the time of discharge.

455 (6) The department shall issue a license number to all
 456 commercial telephone sellers.

457 (7) It is a violation of this part for a commercial
 458 telephone seller ~~or an entity providing substance abuse~~
 459 ~~marketing services~~ to:

460 (a) Fail to maintain a valid license.

461 (b) Advertise that one is licensed as a commercial seller
 462 ~~or as an entity providing substance abuse marketing services~~ or
 463 represent that such licensing constitutes approval or
 464 endorsement by any government or governmental office or agency.

465 (c) Provide inaccurate or incomplete information to the
 466 department when making a license application.

467 (d) Misrepresent that one ~~a person~~ is registered or that
 468 ~~one such a person~~ has a valid license number.

469 Section 5. Section 501.6055, Florida Statutes, is created
 470 to read:

471 501.6055 Licensure of substance abuse marketing service
 472 providers.-

473 (1) Before doing business in this state, a substance abuse
 474 marketing service provider shall obtain a license from the
 475 department. Doing business in this state includes providing

476 substance abuse marketing services to entities located in
477 Florida or, with the intent to interact with a consumer
478 interested in substance abuse services, making or receiving
479 telephone calls at a location in Florida or making telephone
480 calls to a consumer located in Florida.

481 (2) An applicant for a license as a substance abuse
482 marketing service provider must submit to the department, in
483 such form as it prescribes, a written application for the
484 license. The application must state the following information:

485 (a) The true name, date of birth, driver license number or
486 other valid form of identification, and home address of the
487 applicant, including each name under which he or she intends to
488 do business.

489 (b) Each business or occupation engaged in by the
490 applicant during the 3 years immediately preceding the date of
491 the application, and the location thereof.

492 (c) The previous experience of the applicant as a
493 substance abuse marketing service provider.

494 (d) Whether the applicant has previously been arrested for
495 or convicted of, or is under indictment or information for, a
496 felony and, if so, the nature of the felony. Conviction includes
497 a finding of guilt where adjudication has been withheld.

498 (e) Whether the applicant has previously been convicted
499 of, or is under indictment or information for, racketeering or
500 any offense involving fraud, theft, embezzlement, fraudulent

501 conversion, or misappropriation of property. Conviction includes
502 a finding of guilt where adjudication has been withheld.

503 (f) Whether there has ever been a judicial or
504 administrative finding that the applicant has previously been
505 convicted of acting as a salesperson without a license, or
506 whether such a license has previously been refused, revoked, or
507 suspended in any jurisdiction.

508 (g) Whether the applicant has worked for, or been
509 affiliated with, a company that has had entered against it an
510 injunction, a temporary restraining order, or a final judgment
511 or order, including a stipulated judgment or order, an assurance
512 of voluntary compliance, or any similar document, in any civil
513 or administrative action involving racketeering, fraud, theft,
514 embezzlement, fraudulent conversion, or misappropriation of
515 property or the use of any untrue, deceptive, or misleading
516 representation or the use of any unfair, unlawful, or deceptive
517 trade practice.

518 (h) Whether the applicant has had entered against him or
519 her an injunction, a temporary restraining order, or a final
520 judgment or order, including a stipulated judgment or order, an
521 assurance of voluntary compliance, or any similar document, in
522 any civil or administrative action involving racketeering,
523 fraud, theft, embezzlement, fraudulent conversion, or
524 misappropriation of property or the use of any untrue,
525 deceptive, or misleading representation or the use of any

526 unfair, unlawful, or deceptive trade practice; and whether there
527 is any litigation pending against the applicant.

528 (i) The name of any parent or affiliated entity that:

529 1. Will engage in a business transaction with the
530 purchaser relating to any sale solicited by the applicant; or

531 2. Accepts responsibility or is otherwise held out by the
532 applicant as being responsible for any statement or act of the
533 applicant relating to any sale solicited by the applicant.

534 (j) The complete street address of each location,
535 designating the principal location, from which the applicant
536 will be doing business. The street address may not be a mail
537 drop.

538 (k) A list of all telephone numbers to be used by the
539 applicant, with the address where each telephone using these
540 numbers will be located.

541 (l) The true name, current home address, date of birth,
542 and all other names by which known, or previously known, of
543 each:

544 1. Principal officer, director, trustee, shareholder,
545 owner, or partner of the applicant, and of each other person
546 responsible for the management of the business of the applicant.

547 2. Office manager or other person principally responsible
548 for a location from which the applicant will do business.

549 3. Persons to be employed by the applicant to make or
550 answer telephone calls.

551
552 The application shall be accompanied by a copy of any script,
553 outline, or presentation the applicant will require or suggest a
554 person to use when making or answering telephone calls in the
555 conduct of business as a substance abuse marketing service
556 provider, or, if no such document is used, a statement to that
557 effect; literature to be provided by the applicant to a person
558 employed to make or answer calls on behalf of the substance
559 abuse marketing service provider; and literature to be provided
560 by the applicant to a consumer who requests assistance with
561 substance abuse services.

562 (3) When an application states information regarding an
563 applicant as described in paragraphs (2) (d)-(h), the applicant
564 must:

565 (a) Identify the court or administrative agency rendering
566 the conviction, judgment, or order against the applicant or
567 pending litigation.

568 (b) Provide the docket number of the matter; the date of
569 the conviction, judgment, or order; and the name of the
570 governmental agency, if any, that brought the action resulting
571 in the conviction, judgment, or order.

572 (4) If the applicant is other than a natural person, or if
573 any parent or affiliated entity is identified pursuant to
574 paragraph (2) (i), the applicant must, for itself and for any
575 such entity, identify its place of organization and:

576 (a) In the case of a partnership, provide a copy of any
577 written partnership agreement; or

578 (b) In the case of a corporation, provide a copy of its
579 articles of incorporation and bylaws.

580 (5) An application filed pursuant to this part must be
581 verified and accompanied by a fee for licensing in the amount of
582 \$1,500. The fee shall be deposited into the General Inspection
583 Trust Fund. The department shall waive the initial license fee
584 for an honorably discharged veteran of the United States Armed
585 Forces, the spouse or surviving spouse of such a veteran, a
586 current member of the United States Armed Forces who has served
587 on active duty, the spouse of such a member, the surviving
588 spouse of a member of the United States Armed Forces if such
589 member died while serving on active duty, or a business entity
590 that has a majority ownership held by such a veteran or spouse
591 or surviving spouse if the department receives an application,
592 in a format prescribed by the department. The application format
593 must include the applicant's signature, under penalty of
594 perjury, and supporting documentation. To qualify for the
595 waiver:

596 (a) A veteran must provide to the department a copy of his
597 or her DD Form 214, as issued by the United States Department of
598 Defense, or another acceptable form of identification as
599 specified by the Department of Veterans' Affairs;

600 (b) The spouse or surviving spouse of a veteran must

601 provide to the department a copy of the veteran's DD Form 214,
602 as issued by the United States Department of Defense, or another
603 acceptable form of identification as specified by the Department
604 of Veterans' Affairs, and a copy of a valid marriage license or
605 certificate verifying that he or she was lawfully married to the
606 veteran at the time of discharge; or

607 (c) A business entity must provide to the department proof
608 that a veteran or the spouse or surviving spouse of a veteran
609 holds a majority ownership in the business, a copy of the
610 veteran's DD Form 214, as issued by the United States Department
611 of Defense, or another acceptable form of identification as
612 specified by the Department of Veterans' Affairs, and, if
613 applicable, a copy of a valid marriage license or certificate
614 verifying that the spouse or surviving spouse of the veteran was
615 lawfully married to the veteran at the time of discharge.

616 (6) The department shall issue a license number to all
617 substance abuse marketing service providers.

618 (7) It is a violation of this part for a substance abuse
619 marketing service provider to:

620 (a) Fail to maintain a valid license.

621 (b) Advertise that one is licensed as an entity providing
622 substance abuse marketing services or represent that such
623 licensing constitutes approval or endorsement by any government
624 or governmental office or agency.

625 (c) Provide inaccurate or incomplete information to the

626 department when making a license application.

627 (d) Misrepresent that one is registered or that one has a
 628 valid license number.

629 Section 6. Subsections (1) and (3) of section 501.606,
 630 Florida Statutes, are amended to read:

631 501.606 Disclosures required of commercial telephone
 632 sellers and ~~entities providing~~ substance abuse marketing service
 633 providers services.-

634 (1) With respect to any person identified pursuant to s.
 635 501.605(2)(a), s. 501.605(2)(i), s. 501.605(2)(1), s.
 636 501.6055(2)(a), s. 501.6055(2)(i), or s. 501.6055(2)(1) s-
 637 ~~501.605~~, an applicant for a license as a commercial telephone
 638 seller or ~~as an entity providing~~ substance abuse marketing
 639 service provider services must state in his or her application
 640 the identity of any affiliated commercial seller, ~~or~~
 641 salesperson, or marketing service provider who:

642 (a) Has been convicted of, or is under indictment or
 643 information for, racketeering or any offense involving fraud,
 644 theft, embezzlement, fraudulent conversion, or misappropriation
 645 of property. Conviction includes a finding of guilt where
 646 adjudication has been withheld;

647 (b) Is involved in pending litigation or has had entered
 648 against him or her an injunction, a temporary restraining order,
 649 or a final judgment or order, including a stipulated judgment or
 650 order, an assurance of voluntary compliance, or any similar

651 document, in any civil or administrative action involving
652 racketeering, fraud, theft, embezzlement, fraudulent conversion,
653 or misappropriation of property or the use of any untrue,
654 deceptive, or misleading representation or the use of any
655 unfair, unlawful, or deceptive trade practice;

656 (c) Is, or ever has been, subject to any litigation,
657 injunction, temporary restraining order, or final judgment or
658 order, including a stipulated judgment or order, an assurance of
659 voluntary compliance, or any similar document or any restrictive
660 court order relating to a business activity as the result of any
661 action brought by a governmental agency, including any action
662 affecting any license to do business or practice an occupation
663 or trade;

664 (d) Has at any time during the previous 7 years filed for
665 bankruptcy, been adjudged bankrupt, or been reorganized because
666 of insolvency; or

667 (e) Has been a principal, director, officer, or trustee
668 of, or a general or limited partner in, or had responsibilities
669 as a manager in, any corporation, partnership, joint venture, or
670 other entity that filed for bankruptcy, was adjudged bankrupt,
671 or was reorganized because of insolvency within 1 year after the
672 person held that position. The disclosures required in paragraph
673 (d) shall be applicable insofar as they relate to the commercial
674 telephone seller or substance abuse marketing service provider
675 applicant, as well as any affiliated commercial seller,

676 ~~affiliate or salesperson, or marketing service provider.~~

677 (3) Each commercial telephone seller and substance abuse
678 marketing service provider shall disclose to the department the
679 name, address, and account number of each institution where
680 banking or similar monetary transactions are done by the
681 commercial telephone seller or substance abuse marketing service
682 provider.

683 Section 7. Section 501.608, Florida Statutes, is amended
684 to read:

685 501.608 License or claim affidavit of exemption;
686 occupational license.—

687 (1)(a) The department shall issue to each approved
688 applicant a license in such form and size as is prescribed by
689 the department and, in the case of a commercial telephone seller
690 who is not exempt under ~~the provisions of~~ s. 501.604, shall
691 issue a license for each location at which the commercial
692 telephone seller proposes to do business.

693 (b) Except for a person claiming an exemption under s.
694 501.604(1), any commercial telephone seller claiming to be
695 exempt from the act under s. 501.604 ~~s. 501.604(2), (3), (5),~~
696 ~~(6), (9), (10), (11), (12), (17), (21), (22), (24), or (26)~~ must
697 file with the department a claim ~~notarized affidavit~~ of
698 exemption. The claim affidavit of exemption must be on forms
699 prescribed by the department and must require the name of the
700 commercial telephone seller, the name of the business, ~~and~~ the

701 business address, and all telephone numbers used by the
702 commercial telephone seller or its authorized agents to make
703 outgoing commercial telephone solicitations. At the request of
704 the department, the commercial telephone seller shall provide
705 sales scripts, contracts, and other documentation as needed to
706 verify the validity of the exemption before the claim affidavit
707 of exemption is accepted for filing. A commercial telephone
708 seller maintaining more than one business may file a single
709 claim ~~notarized affidavit~~ of exemption that clearly indicates
710 the location of each place of business. If a change of ownership
711 occurs, the commercial telephone seller must notify the
712 department.

713 (c) The claim affidavit of exemption may be used for the
714 purpose of obtaining an occupational license.

715 (d) Each license issued under this part must show the name
716 and address of the person to whom it is issued, as well as the
717 license number, if any, and date of issuance.

718 (2) Each licensee or person operating under a valid and
719 properly filed exemption shall prominently display his or her
720 license or a copy of his or her receipt of filing of the claim
721 ~~affidavit~~ of exemption at each location where he or she does
722 business and shall make the license or the receipt of filing of
723 the claim affidavit of exemption available for inspection by any
724 governmental agency upon request.

725 (3) Failure to obtain or display a license or a receipt of

726 filing of a claim ~~an affidavit~~ of exemption is sufficient
727 grounds for the department to issue an immediate cease and
728 desist order, which shall act as an immediate final order under
729 s. 120.569(2)(n). The order shall remain in effect until the
730 commercial telephone seller, the ~~entity providing~~ substance
731 abuse marketing service provider ~~services~~, or a person claiming
732 to be exempt shows the authorities that he or she is properly
733 licensed or exempt. The department may order the business to
734 cease operations and shall order the phones to be shut off.
735 Failure of a commercial telephone seller or substance abuse
736 marketing service provider ~~salesperson~~ to display a license or a
737 receipt of filing of a claim ~~an affidavit~~ of exemption may
738 result in the seller or marketing service provider ~~salesperson~~
739 being summarily ordered by the department to leave the office
740 until he or she can produce a license or a receipt of filing of
741 a claim ~~an affidavit~~ of exemption for the department.

742 (4) Any person applying for or renewing a local
743 occupational license to engage in business as a commercial
744 telephone seller or ~~as an entity providing~~ substance abuse
745 marketing service provider ~~services~~ must exhibit an active
746 license or a copy of the claim ~~affidavit~~ of exemption before the
747 local occupational license may be issued or reissued.

748 (5) A claim ~~An affidavit~~ of exemption has no bearing on a
749 person's burden of proof in any civil or criminal proceeding as
750 provided in s. 501.624.

751 Section 8. Subsection (3) of section 501.609, Florida
 752 Statutes, is amended to read:

753 501.609 License renewal.—

754 (3) If any change is made to any script, outline,
 755 presentation, sales information, or literature used by a
 756 licensee in connection with any solicitation or any services
 757 provided by a substance abuse marketing service provider, the
 758 new or revised material must be submitted by the licensee to the
 759 department within 10 days after ~~of~~ the change.

760 Section 9. Subsection (1) of section 501.612, Florida
 761 Statutes, is amended to read:

762 501.612 Grounds for departmental action against licensure
 763 applicants or licensees.—

764 (1) The department may enter an order directing that one
 765 or more of the actions set forth in subsection (2) be taken if
 766 the department finds that a commercial telephone seller or
 767 ~~salesperson or an entity providing~~ substance abuse marketing
 768 service provider services, or any person applying for licensure
 769 as a commercial telephone seller or ~~salesperson or an entity~~
 770 ~~providing~~ substance abuse marketing service provider services,
 771 including, but not limited to, owners, operators, officers,
 772 directors, partners, or other individuals engaged in the
 773 management activities of a business entity:

774 (a) Has, regardless of adjudication, been convicted or
 775 found guilty of, or has entered a plea of guilty or a plea of

776 nolo contendere to, racketeering or any offense involving fraud,
777 theft, embezzlement, fraudulent conversion, or misappropriation
778 of property, or any other crime involving moral turpitude;

779 (b) Has, regardless of adjudication, been convicted or
780 found guilty of, or has entered a plea of guilty or a plea of
781 nolo contendere to, any felony;

782 (c) Has had entered against him or her or any business for
783 which he or she has worked or been affiliated, an injunction, a
784 temporary restraining order, or a final judgment or order,
785 including a stipulated judgment or order, an assurance of
786 voluntary compliance, or any similar document, in any civil or
787 administrative action involving racketeering, fraud, theft,
788 embezzlement, fraudulent conversion, or misappropriation of
789 property or the use of any untrue or misleading representation
790 in an attempt to sell or dispose of real or personal property or
791 the use of any unfair, unlawful, or deceptive trade practice;

792 (d) Is subject to or has worked or been affiliated with
793 any company which is, or ever has been, subject to any
794 injunction, temporary restraining order, or final judgment or
795 order, including a stipulated judgment or order, an assurance of
796 voluntary compliance, or any similar document, or any
797 restrictive court order relating to a business activity as the
798 result of any action brought by a governmental agency, including
799 any action affecting any license to do business or practice an
800 occupation or trade;

801 (e) Has at any time during the previous 7 years filed for
802 bankruptcy, been adjudged bankrupt, or been reorganized because
803 of insolvency;

804 (f) Has been a principal, director, officer, or trustee
805 of, or a general or limited partner in, or had responsibilities
806 as a manager in, any corporation, partnership, joint venture, or
807 other entity that filed the bankruptcy, was adjudged bankrupt,
808 or was reorganized because of insolvency within 1 year after the
809 person held that position;

810 (g) Has been previously convicted of or found to have been
811 acting as a ~~salesperson or~~ commercial telephone seller or ~~an~~
812 ~~entity providing~~ substance abuse marketing service provider
813 ~~services~~ without a license or whose licensure has previously
814 been refused, revoked, or suspended in any jurisdiction;

815 (h) Falsifies or willfully omits any material information
816 asked for in any application, document, or record required to be
817 submitted or retained under this part;

818 (i) Makes a material false statement in response to any
819 request or investigation by the department or the state
820 attorney;

821 (j) Refuses or fails, after notice, to produce any
822 document or record or disclose any information required to be
823 produced or disclosed under this part or the rules of the
824 department;

825 (k) Is not of good moral character; or

826 (1) Otherwise violates or is operating in violation of any
 827 of ~~the provisions of~~ this part or of the rules adopted or orders
 828 issued thereunder.

829 Section 10. Subsections (4) and (5) of section 501.616,
 830 Florida Statutes, are amended to read:

831 501.616 Unlawful acts and practices.—

832 (4) A commercial telephone seller or salesperson or
 833 substance abuse marketing service provider must be licensed.

834 (5) A salesperson or commercial telephone seller or
 835 substance abuse marketing service provider may not otherwise
 836 violate this part.

837 Section 11. Section 501.618, Florida Statutes, is amended
 838 to read:

839 501.618 General civil remedies.—The department may bring:

840 (1) An action to obtain a declaratory judgment that an act
 841 or practice violates ~~the provisions of~~ this part.

842 (2) An action to enjoin a person who has violated, is
 843 violating, or is otherwise likely to violate ~~the provisions of~~
 844 this part.

845 (3) An action on behalf of one or more purchasers for the
 846 actual damages caused by an act or practice performed in
 847 violation of ~~the provisions of~~ this part. Such an action may
 848 include, but is not limited to, an action to recover against a
 849 bond, letter of credit, or certificate of deposit as otherwise
 850 provided in this part.

851
852 Upon motion of the enforcing authority in any action brought
853 under this section, the court may make appropriate orders,
854 including appointment of a general or special magistrate or
855 receiver or sequestration of assets, to reimburse consumers
856 found to have been damaged, to carry out a consumer transaction
857 in accordance with the consumer's reasonable expectations, or to
858 grant other appropriate relief. The court may assess the
859 expenses of a general or special magistrate or receiver against
860 a commercial telephone seller or ~~an entity providing~~ substance
861 abuse marketing service provider services. Any injunctive order,
862 whether temporary or permanent, issued by the court shall be
863 effective throughout the state unless otherwise provided in the
864 order.

865 Section 12. Subsections (9) and (10) of section 507.01,
866 Florida Statutes, are amended to read:

867 507.01 Definitions.—As used in this chapter, the term:

868 (9) "Mover" means a person who, for compensation,
869 contracts for or engages in the loading, transportation or
870 shipment, or unloading of household goods as part of a household
871 move. The term includes, but is not limited to, owners,
872 operators, officers, directors, partners, or other individuals
873 engaged in the management activities of a business entity
874 subject to regulation under this chapter. The term does not
875 include a postal, courier, envelope, or package service that

876 does not advertise itself as a mover or moving service or a
877 person who is hired as a laborer to assist a shipper only in the
878 loading and unloading of the shipper's own household goods.

879 (10) "Moving broker" or "broker" means a person who, for
880 compensation, arranges for another person to load, transport or
881 ship, or unload household goods as part of a household move or
882 who, for compensation, refers a shipper to a mover by telephone,
883 postal or electronic mail, Internet website, or other means. The
884 term includes, but is not limited to, owners, operators,
885 officers, directors, partners, or other individuals engaged in
886 the management activities of a business entity subject to
887 regulation under this chapter.

888 Section 13. Subsection (1), paragraph (a) of subsection
889 (3), and subsections (7), (8), (10), and (11) of section 507.03,
890 Florida Statutes, are amended, and subsection (13) is added to
891 that section, to read:

892 507.03 Registration.—

893 (1) Each mover and moving broker must register with the
894 department, providing its legal business and trade name, mailing
895 address, and business locations; the full names, addresses, and
896 telephone numbers of its owners or corporate officers and
897 directors and the Florida agent of the corporation; a statement
898 whether it is a domestic or foreign corporation, its state and
899 date of incorporation, its charter number, and, if a foreign
900 corporation, the date it registered with the Department of

901 State; the date on which the mover or broker registered its
902 fictitious name if the mover or broker is operating under a
903 fictitious or trade name; the name of all other corporations,
904 business entities, and trade names through which each owner of
905 the mover or broker operated, was known, or did business as a
906 mover or ~~moving~~ broker within the preceding 5 years; and proof
907 of the insurance or alternative coverages required under s.
908 507.04. A mover or broker must file a separate registration for
909 each business, trade, or fictitious name under which it is
910 advertising or providing services.

911 (3) (a) Registration fees shall be calculated at the rate
912 of \$300 per year per mover or moving broker. All amounts
913 collected shall be deposited by the Chief Financial Officer to
914 the credit of the General Inspection Trust Fund of the
915 department for the sole purpose of administration of this
916 chapter. A mover may act as a broker without registering as a
917 broker if the mover is advertising and providing services under
918 a single business, trade, or fictitious name.

919 (7) A registration is not valid for any mover or moving
920 broker transacting business at any place other than that
921 designated in the mover's or broker's application, unless the
922 department is first notified in writing before any change of
923 location. A registration issued under this chapter is not
924 assignable, and the mover or broker may not provide services
925 ~~conduct business~~ under more than one name ~~except as registered~~.

926 A mover or broker desiring to change its ~~registered name or~~
927 location or designated agent for service of process at a time
928 other than upon renewal of registration must notify the
929 department of the change.

930 (8) The department may deny, refuse to renew, or revoke
931 the registration of any mover or moving broker based upon a
932 determination that the mover or ~~moving~~ broker, or any of the
933 mover's or ~~moving~~ broker's directors, officers, owners, or
934 general partners:

935 (a) Has failed to meet the requirements for registration
936 as provided in this chapter;

937 (b) Has been convicted of a crime involving fraud, theft,
938 larceny, fraudulent conversion, misappropriation of property,
939 dishonest dealing, or any other act of moral turpitude, or any
940 crime arising from conduct during a movement of household goods
941 ~~dishonest dealing, or any other act of moral turpitude;~~

942 (c) Has not satisfied a civil fine or penalty arising out
943 of any administrative or enforcement action brought by any
944 governmental agency or private person based upon conduct
945 involving fraud, dishonest dealing, or any violation of this
946 chapter;

947 (d) Has pending against him or her any criminal,
948 administrative, or enforcement proceedings in any jurisdiction,
949 based upon conduct involving fraud, theft, larceny, fraudulent
950 conversion, misappropriation of property, dishonest dealing, or

951 any other act of moral turpitude, or any crime arising from
952 conduct during a movement of household goods ~~dishonest dealing,~~
953 ~~or any other act of moral turpitude; or~~

954 (e) Has had a judgment entered against him or her in any
955 action brought by the department or the Department of Legal
956 Affairs under this chapter or ss. 501.201-501.213, the Florida
957 Deceptive and Unfair Trade Practices Act; or

958 (f) Has been a director, officer, owner, or general
959 partner, or has had responsibilities as a manager, of any
960 corporation, partnership, joint venture, or other entity that
961 has had a judgment or final order entered against it in any
962 action brought by the department or the Department of Legal
963 Affairs under this chapter or ss. 501.201-501.213, the Florida
964 Deceptive and Unfair Trade Practices Act, or in any action based
965 upon conduct involving fraud, theft, larceny, fraudulent
966 conversion, misappropriation of property, dishonest dealing, or
967 any other act of moral turpitude, or any crime arising from
968 conduct during a move of household goods.

969 (10) The department shall, upon notification and
970 subsequent written verification by a law enforcement agency, a
971 court, a state attorney, or the Department of Law Enforcement,
972 immediately suspend a registration or the processing of an
973 application for a registration if the registrant, applicant, or
974 director, officer, owner, or general partner of the registrant
975 or applicant is formally charged with a crime involving fraud,

976 theft, larceny, fraudulent conversion, misappropriation of
977 property, dishonest dealing, or any other act of moral
978 turpitude, or any crime arising from conduct during a move of
979 household goods, until final disposition of the case or removal
980 or resignation of the director, officer, owner, or general
981 partner.

982 (11)~~(10)~~ Each mover ~~and moving broker~~ shall provide
983 evidence to the department of the current and valid insurance or
984 alternative coverages required under s. 507.04 at the time of
985 registration and within 10 days after renewing or making any
986 change to the coverage.

987 (12)~~(11)~~ At the request of the department, each moving
988 broker shall provide a complete list of the movers that the
989 ~~moving~~ broker has contracted or is affiliated with, advertises
990 on behalf of, arranges moves for, or refers shippers to,
991 including each mover's complete name, address, telephone number,
992 and e-mail address and the name of each mover's owner or other
993 principal.

994 (13) Each mover and moving broker must maintain true and
995 accurate signed estimates and contracts for moving services for
996 at least 3 years. The records must be made available to the
997 department for inspection and must be furnished no later than 10
998 business days after request by the department.

999 Section 14. Subsection (1) of section 507.04, Florida
1000 Statutes, is amended to read:

1001 507.04 Required insurance coverages; liability
1002 limitations; valuation coverage.—

1003 (1) LIABILITY INSURANCE.—

1004 (a)1. Except as provided in paragraph (b), each mover
1005 operating in this state must maintain current and valid
1006 liability insurance coverage of at least \$10,000 per shipment
1007 for the loss or damage of household goods resulting from the
1008 negligence of the mover or its employees or agents.

1009 2. The mover must provide the department with evidence of
1010 liability insurance coverage before the mover is registered with
1011 the department under s. 507.03. All insurance coverage
1012 maintained by a mover must remain in effect throughout the
1013 mover's registration period. A mover's failure to maintain
1014 insurance coverage in accordance with this paragraph constitutes
1015 an immediate threat to the public health, safety, and welfare.

1016 (b) A mover that operates two or fewer vehicles, in lieu
1017 of maintaining the liability insurance coverage required under
1018 paragraph (a), may, and each moving broker that is not also
1019 registered as a mover must, maintain one of the following
1020 alternative coverages:

1021 1. A performance bond in the amount of \$25,000, for which
1022 the surety of the bond must be a surety company authorized to
1023 conduct business in this state; or

1024 2. A certificate of deposit in a Florida banking
1025 institution in the amount of \$25,000.

1026
 1027 The original bond or certificate of deposit must be filed with
 1028 the department and must designate the department as the sole
 1029 beneficiary. The department must use the bond or certificate of
 1030 deposit exclusively for the payment of claims to shippers
 1031 ~~consumers~~ who are injured by the fraud, misrepresentation,
 1032 breach of contract, misfeasance, malfeasance, or financial
 1033 failure of the mover or moving broker or by a violation of this
 1034 chapter by the mover or broker. Liability for these injuries may
 1035 be determined in an administrative proceeding of the department
 1036 or through a civil action in a court of competent jurisdiction.
 1037 However, claims against the bond or certificate of deposit must
 1038 only be paid, in amounts not to exceed the determined liability
 1039 for these injuries, by order of the department in an
 1040 administrative proceeding. The bond or certificate of deposit is
 1041 subject to successive claims, but the aggregate amount of these
 1042 claims may not exceed the amount of the bond or certificate of
 1043 deposit. Claims must be submitted in writing on an affidavit
 1044 form adopted by department rule and must be received by the
 1045 department within 120 days after an alleged injury has occurred
 1046 or is discovered to have occurred or a judgment has been
 1047 entered. The proceedings shall be conducted pursuant to chapter
 1048 120. For proceedings conducted pursuant to ss. 120.569 and
 1049 120.57, the agency shall act only as a nominal party.

1050 Section 15. Subsections (1) and (3) of section 507.06,

1051 Florida Statutes, are amended to read:

1052 507.06 Delivery and storage of household goods.—

1053 (1) A mover must relinquish household goods to a shipper
 1054 and must place the goods inside a shipper's dwelling or, if
 1055 directed by the shipper, inside a storehouse or warehouse that
 1056 is owned or rented by the shipper or the shipper's agent, unless
 1057 the shipper has not tendered payment in the amount specified in
 1058 a written contract or estimate signed and dated by the shipper
 1059 that complies with the requirements of this chapter. A mover may
 1060 not refuse to relinquish prescription medicines and goods for
 1061 use by children, including children's furniture, clothing, or
 1062 toys, under any circumstances.

1063 (3) A mover that lawfully fails to relinquish a shipper's
 1064 household goods may place the goods in storage until payment is
 1065 tendered; however, the mover must notify the shipper of the
 1066 location where the goods are stored and the amount due within 2
 1067 ~~5~~ days after receipt of a written request for that information
 1068 from the shipper, which request must include the address where
 1069 the shipper may receive the notice. A mover may not require a
 1070 prospective shipper to waive any rights or requirements under
 1071 this section.

1072 Section 16. Subsections (10) through (13) are added to
 1073 section 507.07, Florida Statutes, to read:

1074 507.07 Violations.—It is a violation of this chapter:

1075 (10) To place a shipper's goods in a self-service storage

HB 1267

2019

1076 unit or self-contained storage unit owned by anyone other than
1077 the mover unless those goods are stored in the name of the
1078 shipper and the shipper contracts directly with the owner of the
1079 self-service storage unit or self-contained storage unit.

1080 (11) To operate in violation of or fail to comply with any
1081 requirement of this chapter.

1082 (12) To increase the cost of the move above the cost
1083 listed on the written estimate unless the shipper has requested
1084 that the mover perform additional services not listed on the
1085 original estimate. The mover may not increase the cost of the
1086 move if the mover failed to perform an onsite inspection before
1087 signing the estimate.

1088 (13) To require a cash payment.

1089 Section 17. Subsection (1) of section 507.11, Florida
1090 Statutes, is amended to read:

1091 507.11 Criminal penalties.—

1092 (1) The refusal of a mover or a mover's employee, agent,
1093 or contractor to comply with an order from a law enforcement
1094 officer to relinquish a shipper's household goods after the
1095 officer determines that the shipper has tendered payment of the
1096 amount of a written estimate or contract, or after the officer
1097 determines that the mover did not produce a signed estimate or
1098 contract that complies with the requirements of this chapter
1099 upon which demand is being made for payment or failed to comply
1100 with s. 507.06 or s. 507.07(12) or (13), is a felony of the

HB 1267

2019

1101 third degree, punishable as provided in s. 775.082, s. 775.083,
1102 or s. 775.084. A mover's compliance with an order from a law
1103 enforcement officer to relinquish goods to a shipper is not a
1104 waiver or finding of fact regarding any right to seek further
1105 payment from the shipper.

1106 Section 18. Section 507.15, Florida Statutes, is created
1107 to read:

1108 507.15 Shippers' bill of rights.-

1109 (1) The department shall prepare a publication that
1110 includes a summary of the rights and remedies available to
1111 shippers and the responsibilities of movers under this chapter.

1112 The publication must include a notice stating:

1113 (a)1. That a mover's failure to relinquish household goods
1114 as required by this chapter or failure to comply with s. 507.06
1115 or s. 507.07(12) or (13) constitutes a felony of the third
1116 degree, punishable as provided in s. 775.082, s. 775.083, or s.
1117 775.084.

1118 2. That any other violation of this chapter constitutes a
1119 misdemeanor of the first degree, punishable as provided in s.
1120 775.082 or s. 775.083.

1121 3. That any violation of this chapter constitutes a
1122 violation of the Florida Deceptive and Unfair Trade Practices
1123 Act.

1124 (b) The potential risks of shipping sentimental items or
1125 family heirlooms.

1126 (c) The requirement that a mover must provide valuation
 1127 coverage.

1128 (d) The methods of contacting the department for more
 1129 information or to file a complaint.

1130
 1131 The department shall make its publication available to the
 1132 public on its website.

1133 (2) A mover may customize the color, design, and
 1134 dimensions of the front and back covers of the standard
 1135 department publication. If the mover customizes the publication,
 1136 the customized publication must include the content specified in
 1137 subsection (1) and the font size used must be at least 10
 1138 points, with the exception that the following must appear
 1139 prominently on the front cover in at least 12-point boldface
 1140 type:

1141 Your Rights and Responsibilities When You Move.
 1142 Furnished by Your Mover, as Required by Florida Law.

1143 (3) Before executing a contract for a household move, a
 1144 mover must provide an electronic or hard copy of the
 1145 department's publication to a prospective shipper and obtain the
 1146 shipper's acknowledged receipt of such publication by written or
 1147 electronic signature in the contract.

1148 Section 19. Paragraph (a) of subsection (5) of section
 1149 527.0201, Florida Statutes, is amended to read:

1150 527.0201 Qualifiers; master qualifiers; examinations.—

1151 (5) In addition to all other licensing requirements, each
1152 category I and category V licensee must, at the time of
1153 application for licensure, identify to the department one master
1154 qualifier who is a full-time employee at the licensed location.
1155 This person shall be a manager, owner, or otherwise primarily
1156 responsible for overseeing the operations of the licensed
1157 location and must provide documentation to the department as
1158 provided by rule. The master qualifier requirement shall be in
1159 addition to the requirements of subsection (1).

1160 (a) In order to apply for certification as a master
1161 qualifier, each applicant must have at least ~~been a registered~~
1162 ~~qualifier for a minimum of 3 years~~ of verifiable LP gas
1163 experience as a registered qualifier or hold a professional
1164 certification by an LP gas equipment manufacturer as adopted by
1165 department rule ~~immediately preceding submission of the~~
1166 ~~application~~, must be employed by a licensed category I or
1167 category V licensee, or an applicant for such license, and must
1168 pass a master qualifier competency examination. Master qualifier
1169 examinations shall be based on Florida's laws, rules, and
1170 adopted codes governing liquefied petroleum gas safety, general
1171 industry safety standards, and administrative procedures. The
1172 applicant must successfully pass the examination with a grade of
1173 70 percent or above. Each applicant for master qualifier
1174 registration must submit to the department a nonrefundable \$30
1175 examination fee before the examination.

1176 Section 20. Section 616.242, Florida Statutes, is amended
 1177 to read:

1178 616.242 Safety standards for amusement rides.—

1179 (1) OWNER RESPONSIBILITY.—The owner of an amusement ride,
 1180 and each amusement ride, must meet at all times the requirements
 1181 of this section and any rules adopted hereunder ~~thereunder~~.

1182 (2) SCOPE.—This section applies to all amusement rides
 1183 within this state unless exempt under subsection (11) ~~(10)~~.

1184 (3) DEFINITIONS.—As used in this section, the term:

1185 (a) "Amusement ride" means any building, structure, or
 1186 mechanical device or combination thereof through which a patron
 1187 moves, walks, or is carried or conveyed on, along, around, over,
 1188 or through a fixed or restricted course or within a defined area
 1189 for the purpose of giving its patrons amusement, pleasure,
 1190 thrills, or excitement.

1191 (b) "Amusement ride event" means an amusement ride or
 1192 rides operated by an owner at a specific location and date as
 1193 listed on an annual permit application or a temporary amusement
 1194 ride permit application.

1195 (c) ~~(b)~~ "Annual permit" means the United States Amusement
 1196 Identification Number and the numbered and dated decal issued by
 1197 the department, which signify that the permanent amusement ride
 1198 has been permitted by the department.

1199 (d) ~~(e)~~ "Bungy operation" means an amusement ride which
 1200 uses ~~utilizes~~ as a component a bungy cord which is an elastic

1201 rope made of rubber, latex, or other elastic type materials
1202 whether natural or synthetic.

1203 ~~(c) "Inspection certificate" means the document issued by~~
1204 ~~the department, which indicates that the amusement ride has~~
1205 ~~undergone a recurring inspection by the department as required~~
1206 ~~by this section.~~

1207 (e) ~~(d)~~ "Go-kart" means an amusement ride vehicle
1208 controlled or driven by patrons specifically designed for and
1209 run on a fixed course.

1210 (f) "Kiddie ride" means an amusement ride designed
1211 primarily for use by patrons up to 12 years of age.

1212 (g) "Kiddie train" means a train designed as a kiddie ride
1213 which is operated on a flat surface or flat track, carries no
1214 more than 14 patrons, and does not exceed a speed of 3 miles per
1215 hour.

1216 (h) "Major modification" means any change in ~~either~~ the
1217 structural or operational characteristics of an ~~the~~ amusement
1218 ride which will alter its performance from that specified in the
1219 manufacturer's design criteria.

1220 (i) "Manager" means a person having possession, custody,
1221 or managerial control of an amusement ride, whether as owner,
1222 lessee, agent, operator, attendant, or otherwise.

1223 (j) "Nondestructive testing" is the development and
1224 application of technical methods, including, but not limited to,
1225 radiographic, magnetic particle, ultrasonic, liquid penetrant,

1226 | electromagnetic, neutron radiographic, acoustic emission,
1227 | visual, and leak testing to examine materials or components in
1228 | ways that do not impair their future usefulness and
1229 | serviceability in order to detect, locate, measure, and evaluate
1230 | discontinuities, defects, and other imperfections; to assess
1231 | integrity, properties, and composition; and to measure
1232 | geometrical characters.

1233 | (k) "Owner" means the person exercising ultimate dominion
1234 | and control over an amusement ride.

1235 | (l) "Patron" means any person who is in the immediate
1236 | vicinity of an amusement ride, getting on or off, or entering or
1237 | exiting an amusement ride, or using an amusement ride. The term
1238 | does not include employees, agents, or servants of the owner
1239 | while they are engaged in the duties of their employment.

1240 | (m) "Permanent amusement ride" means an amusement ride
1241 | that is not regularly relocated.

1242 | (n) "Permanent facility" means a location or place from
1243 | which amusement rides are not regularly relocated and at which
1244 | such rides operate as a lasting part of the premises.

1245 | (o) "Private event" means an event that is not open to the
1246 | general public and for which ~~where no~~ admission is not charged.

1247 | (p) "Professional engineer" means a person who holds a
1248 | valid license as a professional engineer issued by the
1249 | Department of Business and Professional Regulation or by an
1250 | equivalent licensing body in another state.

1251 (q) "Qualified inspector" means an employee or agent of an
1252 insurance underwriter of an amusement ride who documents to the
1253 department in a manner established by rule of the department the
1254 following qualifications:

1255 1. A minimum of 5 years' ~~years~~ experience in the amusement
1256 ride field, at least 2 years of which were involved in actual
1257 amusement ride inspection with a manufacturer, government
1258 agency, park, carnival, or insurance underwriter;

1259 2. The completion of 32 hours per year of continuing
1260 education at a school approved by rule of the department, which
1261 includes inservice industry or manufacturer updates and
1262 seminars; and

1263 3. At least 80 hours of formal education during the past 5
1264 years from a school approved by rule of the department for
1265 amusement ride safety. Nondestructive-testing training, as
1266 determined by rule of the department, may be substituted for up
1267 to one-half of the 80 hours of education.

1268 (r) "Simulator" means any amusement ride that is a self-
1269 contained unit requiring little or no assembly and that uses a
1270 motion picture simulation, along with a mechanical movement, to
1271 simulate activities that provide amusement or excitement for the
1272 patron.

1273 (s) "Temporary amusement ride" means an amusement ride
1274 that is regularly relocated, with or without disassembly.

1275 (t) "Temporary amusement ride permit" means the United

1276 States Amusement Identification Number and the decal issued by
 1277 the department, which signify that the temporary amusement ride
 1278 has been permitted by the department.

1279 (u)~~(t)~~ "Water park" means a permanent facility with one or
 1280 more amusement rides that totally or partially immerse a patron
 1281 in water.

1282 (4) ADOPTION OF STANDARDS; RULES.—

1283 (a) The department shall adopt by rule standards for
 1284 amusement rides which are the same as or similar to the
 1285 following national standards:

1286 1. ASTM International ~~American Society for Testing and~~
 1287 ~~Materials~~ Committee F-24 Standards on Amusement Rides and
 1288 Devices.

1289 2. National Electric Code Handbook, ~~Article 525.~~

1290 3. National Fire Protection Association standards ~~Code 101~~
 1291 ~~(chapters 8-4.6 and 9-4.6).~~

1292 4. ~~ASTM Standards: E543 Practice for Determining the~~
 1293 ~~Qualification of Nondestructive Testing Agencies.~~

1294 5. ~~ASNT Document Recommended Practice SNT-TC-1A Personnel~~
 1295 ~~Qualification and Certification in Nondestructive Testing.~~

1296 (b) The department may adopt rules necessary to effectuate
 1297 the statutory duties of the department in the interest of public
 1298 health, safety, and welfare and to promote patron safety in the
 1299 design, construction, assembly, disassembly, maintenance, and
 1300 operation of amusement rides in this state.

1301 (c) The Legislature finds that go-karts, amusement rides
1302 at water parks, and bungy operations are amusement rides that,
1303 because of their unique nature, pose safety risks to patrons
1304 distinct from other amusement rides. Therefore, the department
1305 shall adopt rules regulating their safe use and operation and
1306 establish safety standards and inspection requirements in
1307 addition to those required by this section or other rule of the
1308 department.

1309 (d) The Legislature finds that, as a result of accidents
1310 or other unforeseen events, circumstances may arise requiring
1311 additional safety standards for the protection of patrons of
1312 amusement rides. ~~and~~ Therefore the department may adopt rules
1313 to address the circumstances that may arise following an
1314 accident or unforeseen event.

1315 (5) PERMANENT AMUSEMENT RIDE ANNUAL PERMIT.—

1316 (a) A permanent ~~An~~ amusement ride may not be operated
1317 without a current annual permit.

1318 (b) To apply for an annual permit, an owner must submit to
1319 the department a written application on a form prescribed by
1320 rule of the department, which must include the following:

1321 1. The legal name, address, and primary place of business
1322 of the owner.

1323 2. A description, manufacturer's name, serial number,
1324 model number and, if previously assigned, the United States
1325 Amusement Identification Number of the amusement ride.

1326 3. A valid certificate of insurance for each amusement
1327 ride.

1328 4. If required under subsection (7), an annual affidavit
1329 of compliance and nondestructive testing certifying that the
1330 amusement ride was inspected in person by the affiant and that
1331 the amusement ride is in general conformance with the
1332 requirements of this section and all applicable rules adopted by
1333 the department. The affidavit must be executed by a professional
1334 engineer or a qualified inspector ~~no earlier than 60 days~~
1335 ~~before, but not later than, the date of the filing of the~~
1336 ~~application with the department. The owner shall request~~
1337 ~~inspection and permitting of the amusement ride within 60 days~~
1338 ~~of the date of filing the application with the department. The~~
1339 ~~department shall inspect and permit the amusement ride within 60~~
1340 ~~days after filing the application with the department.~~

1341 ~~5. If required by subsection (6), an affidavit of~~
1342 ~~nondestructive testing dated and executed no earlier than 60~~
1343 ~~days before, but not later than, the date of the filing of the~~
1344 ~~application with the department. The owner shall request~~
1345 ~~inspection and permitting of the amusement ride within 60 days~~
1346 ~~of the date of filing the application with the department. The~~
1347 ~~department shall inspect and permit the amusement ride within 60~~
1348 ~~days after filing the application with the department.~~

1349 6. A request for inspection.

1350 5.7. ~~Upon request,~~ The owner shall, at no cost to the

1351 department, provide the department an electronic ~~a~~ copy of the
1352 manufacturer's current recommended operating instructions ~~in the~~
1353 ~~possession of the owner~~, the owner's operating fact sheet, and
1354 any written bulletins ~~in the possession of the owner~~ concerning
1355 the safety, operation, or maintenance of the amusement ride.

1356 (c) An annual permit application must be received by the
1357 department at least 15 days before the owner's planned opening
1358 date. If an application is received less than 15 days before the
1359 owner's planned opening date or less than 15 days before the
1360 expiration of the previous permit, the department may inspect
1361 the amusement ride and charge a late fee as set by rule of the
1362 department.

1363 (d)~~(e)~~ An annual permit must be issued by the department
1364 to the owner of an amusement ride when a completed application
1365 has been received, the amusement ride has passed the
1366 department's inspection, and all applicable fees, as set by rule
1367 of the department, have been paid.

1368 (e)~~(d)~~ The annual permit is valid for 1 year after ~~from~~
1369 the date of issue and is not transferable.

1370 (f)~~(e)~~ The annual permit must be displayed in an
1371 accessible location on the amusement ride ~~in a place visible to~~
1372 ~~patrons of the amusement ride.~~

1373 (g)~~(f)~~ Each go-kart track at the same permanent facility
1374 is considered a separate amusement ride.

1375 (h)~~(g)~~ Amusement rides at water parks which operate from

1376 the same deck or level are considered one amusement ride.

1377 (6) TEMPORARY AMUSEMENT RIDE PERMIT.-

1378 (a) A temporary amusement ride may not be operated without
1379 a current permit.

1380 (b) To apply for a permit, an owner must submit to the
1381 department a written application on a form prescribed by rule of
1382 the department, which must include the following:

1383 1. The legal name, address, and primary place of business
1384 of the owner.

1385 2. A description, manufacturer's name, serial number,
1386 model number and, if previously assigned, the United States
1387 Amusement Identification Number of the amusement ride.

1388 3. A valid certificate of insurance for each amusement
1389 ride.

1390 4. If required under subsection (7), an affidavit of
1391 compliance and nondestructive testing certifying that the
1392 amusement ride was inspected in person by the affiant and that
1393 the amusement ride is in general conformance with the
1394 requirements of this section and all applicable rules adopted by
1395 the department. The affidavit must be executed by a professional
1396 engineer or a qualified inspector.

1397 5. The owner shall, at no cost to the department, provide
1398 the department an electronic copy of the manufacturer's current
1399 recommended operating instructions, the owner's operating fact
1400 sheet, and any written bulletins concerning the safety,

1401 operation, or maintenance of the amusement ride.

1402 (c) A temporary amusement ride permit application must be
1403 received by the department each time the amusement ride is
1404 relocated with or without assembly at least 14 days before the
1405 date of the ride's first intended use at the new location. If
1406 the permit application is received less than 14 days before the
1407 date of the ride's first intended use at the new location, the
1408 department may inspect the amusement ride and charge a late fee,
1409 as set by rule of the department.

1410 (d) A permit must be issued by the department to the owner
1411 of an amusement ride when a completed application has been
1412 received, the amusement ride has passed the department's
1413 inspection, and all applicable fees, as set by rule of the
1414 department, have been paid.

1415 (e) The permit is valid for 6 months after the date of
1416 issue or until the ride is relocated with or without disassembly
1417 and is not transferable.

1418 (f) The permit must be displayed in an accessible location
1419 on the amusement ride.

1420 (7)~~(6)~~ NONDESTRUCTIVE TESTING; ANNUAL AFFIDAVIT;
1421 EXEMPTIONS.-

1422 (a) Except as provided in paragraph (d), an owner may not
1423 operate an amusement ride unless the owner has at all times a
1424 current affidavit of nondestructive testing from a professional
1425 engineer or qualified inspector that the amusement ride has

HB 1267

2019

1426 undergone nondestructive testing for metal fatigue at least
1427 annually. The nondestructive testing for metal fatigue must be
1428 conducted more often than annually~~7~~, if required by any rule
1429 adopted under this section, by the manufacturer of the amusement
1430 ride~~,~~ or by the professional engineer or qualified inspector
1431 executing the affidavit of nondestructive testing. The
1432 nondestructive testing for metal fatigue must consist at least
1433 of visual nondestructive testing as well as~~in addition~~,
1434 nonvisual nondestructive testing for metal fatigue which must be
1435 conducted on the components of the amusement ride as required by
1436 any rule adopted under this section, by the manufacturer of the
1437 amusement ride, or by the professional engineer or qualified
1438 inspector executing the affidavit of nondestructive testing.

1439 (b) Nondestructive testings must be performed by a
1440 technician who meets the requirements prescribed by rule of the
1441 department ~~of subparagraphs (4)(a)4. and 5.~~

1442 (c) An affidavit of nondestructive testing must state:

1443 1. That the amusement ride was inspected in person by the
1444 affiant.

1445 2. That all nondestructive testing requirements are
1446 current.

1447 3. That the nondestructive testing was performed by a
1448 qualified nondestructive testing technician.

1449 4. The components of the amusement ride for which the
1450 manufacturer has recommended or required nondestructive testing.

1451 5. The type of nondestructive testing required or
 1452 recommended by the manufacturer.

1453 6. The frequency of the nondestructive testing required or
 1454 recommended by the manufacturer.

1455 7. The components of the amusement ride for which the
 1456 affiant has recommended or required nondestructive testing.

1457 8. The type of nondestructive testing required or
 1458 recommended by the affiant.

1459 9. The frequency of the nondestructive testing as required
 1460 or recommended by the affiant.

1461 10. That visual nondestructive testing is adequate for the
 1462 amusement ride to be in general conformance with the
 1463 requirements of this section~~7~~ and all applicable rules only~~7~~ if
 1464 ~~only~~ visual nondestructive testing is required or recommended by
 1465 ~~either~~ the manufacturer or the affiant.

1466 (d) Nondestructive testing is not required for fun houses,
 1467 houses of mirrors, haunted houses, mazes, wave pools, wave-
 1468 making devices, kiddie pools, slides that are fully supported by
 1469 an earthen mound, nonmotorized playground equipment that
 1470 requires a manager, or lazy-river-type nonmotorized floating
 1471 carriers propelled by water.

1472 (8)~~(7)~~ DEPARTMENT INSPECTIONS.—

1473 (a) In order to obtain an annual or a temporary amusement
 1474 ride permit, an amusement ride must be inspected by the
 1475 department ~~in accordance with subsection (11) and receive an~~

1476 ~~inspection certificate. In addition, each permanent amusement~~
1477 ~~ride must be inspected semiannually by the department in~~
1478 ~~accordance with subsection (11) and receive an inspection~~
1479 ~~certificate, and each temporary amusement ride must be inspected~~
1480 ~~by the department in accordance with subsection (11), and must~~
1481 ~~receive an inspection certificate each time the ride is set up~~
1482 ~~or moved to a new location in this state unless the temporary~~
1483 ~~amusement ride is:~~

- 1484 1. Is used at a private event;
- 1485 2. Is a simulator, the capacity of which does not exceed
1486 16 persons; ~~or~~
- 1487 3. Is a kiddie ride used at a public event, provided that
1488 ~~not there are no~~ more than three amusement rides are at the
1489 event, ~~none of~~ the kiddie rides at the event do not exceed
1490 ~~exceeds~~ a capacity of 12 persons, and the kiddie ride was
1491 inspected by the department ~~has an inspection certificate that~~
1492 ~~was issued~~ within the preceding 6 months. The capacity of a
1493 kiddie ride shall be determined by rule of the department,
1494 unless the capacity of the ride has been determined and
1495 specified by the manufacturer. Any owner of a kiddie ride
1496 operating under this exemption is responsible for ensuring that
1497 not no more than three amusement rides are operated at the
1498 event; or
- 1499 4. Was inspected and certified by an accredited trade
1500 organization as defined by department rule.

1501 ~~(b) To obtain a department inspection for an amusement~~
1502 ~~ride, the owner must submit to the department on a form~~
1503 ~~prescribed by rule of the department a written Request for~~
1504 ~~Inspection. The owner must provide the following information to~~
1505 ~~the department:~~

1506 ~~1. The legal name, address, and primary place of business~~
1507 ~~of the owner.~~

1508 ~~2. A description, manufacturer's name, serial number,~~
1509 ~~model number, and the United States Amusement Identification~~
1510 ~~Number, if previously assigned, of the amusement ride.~~

1511 ~~3. For a temporary amusement ride, for each time the~~
1512 ~~amusement ride is set up or moved to a new location, the date of~~
1513 ~~first intended use at the new location and the address or a~~
1514 ~~description of the new location.~~

1515 ~~(c) For permanent amusement rides, the request for~~
1516 ~~inspection must be received by the department at least 15 days~~
1517 ~~before the owner's planned opening date or at least 15 days~~
1518 ~~before the expiration of the prior inspection certificate. If~~
1519 ~~the request for inspection is received less than 15 days before~~
1520 ~~the owner's planned opening date or less than 15 days before the~~
1521 ~~expiration of the prior inspection certificate, the department~~
1522 ~~may nevertheless inspect the amusement ride and charge a late~~
1523 ~~fee, as set by rule of the department.~~

1524 ~~(d) For temporary amusement rides, the request for~~
1525 ~~inspection must be received by the department for each time the~~

1526 ~~amusement ride is set up or moved to a new location at least 14~~
1527 ~~days before the date of first intended use at the new location.~~
1528 ~~If the request for inspection is received less than 14 days~~
1529 ~~before the date of first intended use at the new location, the~~
1530 ~~department may nevertheless inspect the amusement ride and~~
1531 ~~charge a late fee, as set by rule of the department.~~

1532 (b) ~~(e)~~ Inspections will be assigned on a first come, first
1533 served basis, and overflow requests will be scheduled on the
1534 closest date to the date for which the inspection was requested.

1535 (c) ~~(f)~~ Upon failure of an amusement ride to pass any
1536 department inspection, the owner may request reinspection which
1537 shall be submitted in writing to the department on a form
1538 prescribed by rule of the department. The department shall
1539 reinspect the amusement ride as soon as practical after
1540 ~~following~~ receipt of the written request for reinspection and
1541 any applicable reinspection fees set by rule of the department.
1542 Inspections will be assigned on a first come, first served
1543 basis, and the overflow requests will be scheduled on the
1544 closest date to the date for which the inspection was requested.

1545 ~~(g) If the amusement ride passes inspection and the owner~~
1546 ~~pays the applicable fee set by rule of the department, the~~
1547 ~~department shall issue an inspection certificate on a form~~
1548 ~~prescribed by rule of the department.~~

1549 ~~(h) The inspection certificate must contain the date of~~
1550 ~~inspection, the site of the inspection, and the name of the~~

1551 ~~inspector.~~

1552 ~~(i) The inspection certificate is valid only for the site~~
1553 ~~stated on the inspection certificate. The inspection certificate~~
1554 ~~is valid for a period of not more than 6 months from the date of~~
1555 ~~issuance, and is not transferable.~~

1556 ~~(j) The inspection certificate must be displayed on the~~
1557 ~~amusement ride at a place readily visible to patrons of the~~
1558 ~~amusement ride.~~

1559 (d) ~~(k)~~ If the owner fails to timely cancel a scheduled
1560 ~~Request for~~ inspection, requests holiday or weekend inspections,
1561 or is required to have a replacement USAID plate issued by the
1562 department, the owner may be charged an appropriate fee to be
1563 set by rule of the department.

1564 (9) ~~(8)~~ FEES.—

1565 (a) The department shall by rule establish fees to cover
1566 the costs and expenditures associated with the fair rides
1567 inspection program, including all direct and indirect costs. If
1568 there is not sufficient general revenue appropriated by the
1569 Legislature, the industry shall pay for the remaining cost of
1570 the program. The fees must be deposited in the General
1571 Inspection Trust Fund.

1572 (b) Any owner of an amusement ride who has not paid all
1573 the fees required under this section or who has any unpaid fine
1574 outstanding under this section may not operate any amusement
1575 ride in this state until the fees and fines have been paid to

1576 the department.

1577 (10)~~(9)~~ INSURANCE REQUIREMENTS.—

1578 (a) An owner may not operate an amusement ride unless the
 1579 owner has in effect at all times of operation an insurance
 1580 policy in an amount of at least \$1 million per occurrence, \$1
 1581 million in the aggregate, which insures the owner of the
 1582 amusement ride against liability for injury to persons arising
 1583 out of the use of the amusement ride.

1584 (b) The policy must be procured from an insurer that is
 1585 licensed to transact business in this state or that is approved
 1586 as a surplus lines insurer.

1587 (c) ~~The insurance requirements imposed under~~ This
 1588 subsection does ~~de~~ not apply to a governmental entity that is
 1589 covered under ~~by the provisions of~~ s. 768.28(16).

1590 (11)~~(10)~~ EXEMPTIONS.—

1591 (a) This section does not apply to:

1592 1. Permanent facilities that employ at least 1,000 full-
 1593 time employees and that maintain full-time, in-house safety
 1594 inspectors. ~~Furthermore,~~ The permanent facilities must file an
 1595 affidavit of the annual inspection with the department, on a
 1596 form prescribed by rule of the department. ~~Additionally,~~ The
 1597 Department of Agriculture and Consumer Services may consult
 1598 annually with the permanent facilities regarding industry safety
 1599 programs.

1600 2. Any playground operated by a school, local government,

1601 or business licensed under chapter 509~~7~~ if the playground is an
1602 incidental amenity and the operating entity is not primarily
1603 engaged in providing amusement, pleasure, thrills, or
1604 excitement.

1605 ~~3. Museums or other institutions principally devoted to~~
1606 ~~the exhibition of products of agriculture, industry, education,~~
1607 ~~science, religion, or the arts.~~

1608 3.4. Conventions or trade shows for the sale or exhibit of
1609 amusement rides if there are a minimum of 15 amusement rides on
1610 display or exhibition~~7~~ and if any operation of such amusement
1611 rides is limited to the registered attendees of the convention
1612 or trade show.

1613 ~~4.5.~~ Skating rinks, arcades, laser or paint ball war
1614 games, bowling alleys, miniature golf courses, mechanical bulls,
1615 inflatable rides, trampolines, ball crawls, exercise equipment,
1616 jet skis, paddle boats, airboats, helicopters, airplanes,
1617 parasails, hot air or helium balloons whether tethered or
1618 untethered, theatres, batting cages, stationary spring-mounted
1619 fixtures, rider-propelled merry-go-rounds, games, side shows,
1620 live animal rides, or live animal shows.

1621 5.6. Go-karts operated in competitive sporting events if
1622 participation is not open to the public.

1623 ~~6.7.~~ Nonmotorized playground equipment that is not
1624 required to have a manager.

1625 ~~7.8.~~ Coin-actuated amusement rides designed to be operated

1626 by depositing coins, tokens, credit cards, debit cards, bills,
1627 or other cash money and which are not required to have a
1628 manager, and which have a capacity of six persons or less.

1629 8.9. Facilities described in s. 549.09(1)(a) when such
1630 facilities are operating cars, trucks, or motorcycles only.

1631 9.10. Battery-powered cars or other vehicles that are
1632 designed to be operated by children 7 years of age or under and
1633 that cannot exceed a speed of 4 miles per hour.

1634 10.11. Mechanically driven vehicles that pull train cars,
1635 carts, wagons, or other similar vehicles, that are not confined
1636 to a metal track or confined to an area but are steered by an
1637 operator and cannot ~~do not~~ exceed a speed of 4 miles per hour.

1638 11.12. A water-related amusement ride operated by a
1639 business licensed under chapter 509 if the water-related
1640 amusement ride is an incidental amenity and the operating
1641 business is not primarily engaged in providing amusement,
1642 pleasure, thrills, or excitement and does not offer day rates.

1643 12.13. An amusement ride at a private, membership-only
1644 facility if the amusement ride is an incidental amenity and the
1645 facility is not open to the general public; is not primarily
1646 engaged in providing amusement, pleasure, thrills, or
1647 excitement; and does not offer day rates.

1648 13.14. A nonprofit permanent facility registered under
1649 chapter 496 which is not open to the general public.

1650 (b) The department may, by rule, establish exemptions from

1651 | this section ~~for nonmotorized or human-powered amusement rides~~
1652 | ~~or coin-actuated amusement rides.~~

1653 | (12)~~(11)~~ INSPECTION STANDARDS.—An amusement ride must
1654 | conform to ~~and must be inspected by the department in accordance~~
1655 | ~~with~~ the following standards:

1656 | (a) All mechanical, structural, and electrical components
1657 | that affect patron safety must be in good working order.

1658 | (b) All control devices, speed-limiting devices, brakes,
1659 | and safety equipment designated by the manufacturer must be in
1660 | good working order.

1661 | (c) Parts must be properly aligned, and they may not be
1662 | bent, distorted, cut, or otherwise injured to force a fit. Parts
1663 | requiring lubrication must be lubricated in the course of
1664 | assembly. Fastening and locking devices must be installed when
1665 | ~~where~~ required for safe operation.

1666 | (d) ~~Before being used by the public,~~ An amusement ride
1667 | must be placed or secured with blocking, cribbing, outriggers,
1668 | guys, or other means so as to be stable under all operating
1669 | conditions.

1670 | (e) Areas in which patrons may be endangered by the
1671 | operation of an amusement ride must be fenced, barricaded, or
1672 | otherwise effectively guarded against inadvertent contact.

1673 | (f) Machinery used in or with an amusement ride must be
1674 | enclosed, barricaded, or otherwise effectively guarded against
1675 | inadvertent contact.

1676 (g) An amusement ride powered so as to be capable of
1677 exceeding its maximum safe operating speed must be provided with
1678 a maximum-speed-limiting device.

1679 (h) The interior and exterior parts of all patron-carrying
1680 amusement rides with which a patron may come in contact must be
1681 smooth and rounded and free from sharp, rough, or splintered
1682 edges and corners, without ~~with no~~ projecting studs, bolts,
1683 screws, or other projections which might cause injury.

1684 (i) Signs that advise or warn patrons of age restrictions,
1685 size restrictions, health restrictions, weight limitations, or
1686 any other special consideration or use restrictions required or
1687 recommended for the amusement ride by the manufacturer shall be
1688 prominently displayed at the patron entrance of each amusement
1689 ride.

1690 (j) All amusement rides presented for inspection as ready
1691 for operation or in operation must comply with this section and
1692 the rules adopted hereunder.

1693 (k) Signs containing the toll-free number of the
1694 department and informing patrons that they may contact the
1695 department with complaints or concerns regarding the operation
1696 of amusement rides must be posted in a manner conspicuous to the
1697 public at each entrance of a permanent amusement ride facility
1698 and temporary amusement ride event, unless such facility or
1699 event is exempt under subsection (11). Specifications for such
1700 signs shall be prescribed by rule of the department.

- 1701 (13) REGISTERED SAFETY TECHNICIAN.-
- 1702 (a) In addition to the requirements of subsections (5) and
1703 (6), an owner applying for a permit to operate an amusement ride
1704 must employ a registered safety technician.
- 1705 (b) An owner must employ one registered safety technician
1706 for each amusement ride event.
- 1707 (c) A registered safety technician must certify that
1708 amusement rides meet the requirements of subsection (12) and are
1709 ready for operation before inspection.
- 1710 (d) A registered safety technician must be present during
1711 inspection by the department and the hours of operation at each
1712 amusement ride event.
- 1713 (e) A registered safety technician must demonstrate
1714 competency by:
- 1715 1. Holding a valid National Association of Amusement Ride
1716 Safety Officials (NAARSO) Level II or Level III certification,
1717 or a valid Amusement Industry Manufacturers and Suppliers (AIMS)
1718 International certification, or certification from another
1719 professional organization that meets or exceeds the
1720 certification requirements set forth in this subparagraph.
- 1721 2. Passing a written examination administered by the
1722 department or its agent with a grade of at least 70 percent. The
1723 department shall by rule specify the general areas of competency
1724 to be covered by each examination.
- 1725 (f) Registration shall expire 2 years after the date of

1726 issuance.

1727 (g) The department shall establish by rule timeframes

1728 during which an owner may operate an amusement ride event if the

1729 registered safety technician employed by the owner leaves

1730 employment.

1731 (h) Application for registration shall be on a form

1732 provided by the department. Application may be made by an

1733 individual or by an owner, a partner, or any person employed by

1734 the permit applicant. Upon successful completion of the

1735 requirements in paragraph (e), the department shall issue a

1736 registration.

1737 (i) The department may deny, refuse to renew, suspend, or

1738 revoke a registration for:

1739 1. Violation of any provision of this chapter or any rule

1740 or order of the department; or

1741 2. Falsification of records.

1742 (j) All examinations are confidential and exempt from s.

1743 119.07(1).

1744 (14)~~(12)~~ MAJOR MODIFICATION.—After an amusement ride has

1745 undergone a major modification, and before ~~prior to~~ the time it

1746 is placed in operation, a professional engineer licensed by the

1747 state in which the certification is performed must certify that

1748 the amusement ride is in compliance with this section and all

1749 rules adopted pursuant thereto. The owner of the amusement ride

1750 must provide a copy of the required certification and all

1751 evidence used by the professional engineer to prepare the
 1752 certification to the department upon request.

1753 (15)-(13) ENTRY FOR INSPECTION OR INVESTIGATION.—Upon
 1754 presentation of identification, an authorized employee of the
 1755 department may enter unannounced and inspect amusement rides at
 1756 any time and in a reasonable manner and has the right to
 1757 question any owner or manager; to inspect, investigate,
 1758 photograph, and sample all pertinent places, areas, and devices;
 1759 and to conduct or have conducted all appropriate tests including
 1760 nondestructive testing. The department may impose fees for
 1761 unannounced inspections and recover the cost of tests authorized
 1762 by this subsection.

1763 (16)-(14) REPORTING AND INVESTIGATION OF ACCIDENTS AND
 1764 DEFECTS; IMPOUNDMENTS.—

1765 (a) Any accident of which the owner or manager has
 1766 knowledge or, through the exercise of reasonable diligence
 1767 should have knowledge, and for which a patron is transported to
 1768 a hospital, as defined in chapter 395, must be reported by the
 1769 owner or manager to the department by telephone within 4 hours
 1770 after the occurrence of the accident and must be followed up by
 1771 a written report to the department within 24 hours after the
 1772 occurrence of the accident.

1773 (b) Any mechanical, structural, or electrical defects
 1774 affecting patron safety for which an amusement ride is closed to
 1775 patron use for more than 4 hours must be reported by the owner

1776 or manager to the department by telephone or facsimile within 8
 1777 hours after the closing of the ride. A written report of the
 1778 closing of the ride, on a form prescribed by rule of the
 1779 department, must be filed by the owner or manager with the
 1780 department within 24 hours after the closing of the amusement
 1781 ride.

1782 (c) The department may impound an amusement ride involved
 1783 in an accident for which a patron is transported to a hospital
 1784 as defined in chapter 395 or which has a mechanical, structural,
 1785 or electrical defect affecting patron safety, and may impound
 1786 any other amusement ride of a similar make and model, and may
 1787 perform all necessary tests to determine the cause of the
 1788 accident or the mechanical, structural, or electrical defect, or
 1789 to determine the safety of the amusement ride and any other
 1790 amusement ride of a similar make and model. The cost of
 1791 impounding the amusement ride and performing the necessary tests
 1792 must be borne by the owner of the amusement ride.

1793 (17)-(15) INSPECTION BY OWNER, OR MANAGER, OR REGISTERED
 1794 SAFETY TECHNICIAN. ~~— Before opening on each day of operation and~~
 1795 ~~before any inspection by the department, The owner, or manager,~~
 1796 or registered safety technician of an amusement ride must:

1797 (a) Implement and document procedures for performing
 1798 documented and signed preopening inspections. The preopening
 1799 inspection shall include, but is not limited to, ASTM
 1800 International standards, as adopted by department rule.

1801 (b) Before opening on each day of operation and before any
 1802 scheduled inspection by the department, inspect each and test
 1803 ~~the~~ amusement ride to ensure compliance with all requirements of
 1804 this section. Each inspection must be recorded on a form
 1805 prescribed by rule of the department and signed by the person
 1806 who conducted the inspection and be reviewed by a registered
 1807 safety technician if the registered safety technician did not
 1808 conduct the inspection. In lieu of the form prescribed by rule
 1809 of the department, the owner or manager may request approval of
 1810 an alternative form if the alternative form includes, at a
 1811 minimum, the information required on the form prescribed by rule
 1812 of the department. Inspection records of the last 14 daily
 1813 inspections must be kept on site by the owner or manager and
 1814 made immediately available to the department upon request.

1815 (c) Implement and document procedures to be followed in
 1816 the event of any unscheduled cessation of operation of the ride.
 1817 The procedures shall require that when an unscheduled cessation
 1818 of operation of the ride that is potentially due to mechanical
 1819 failure occurs, the ride may not be operated again with patrons
 1820 on board until an inspection or test operation of the ride has
 1821 demonstrated that the ride is functioning properly.

1822 (18)-(16) TRAINING OF EMPLOYEES.—The owner or manager of an
 1823 amusement ride shall:

1824 (a) Implement and document a program of training to be
 1825 provided to all employees performing operations or maintenance.

1826 The training program shall conform to the specifications of ASTM
1827 International standards as adopted by department rule, include a
1828 manual containing the training subject matter, and specify the
1829 length of initial and refresher training as well as the
1830 frequency of refresher training.

1831 (b) Maintain a record of employee training for each
1832 employee authorized to operate, assemble, disassemble,
1833 transport, or conduct maintenance on an amusement ride on a form
1834 prescribed by rule of the department. In lieu of the form
1835 prescribed by rule of the department, the owner or manager may
1836 request approval of an alternative form if the alternative form
1837 includes, at a minimum, the information required on the form
1838 prescribed by rule of the department. The training record must
1839 be kept on site by the owner or manager and made immediately
1840 available to the department upon request. Training may not be
1841 conducted when an amusement ride is open to the public unless
1842 the training is conducted under the supervision of an employee
1843 who is trained in the operation of that ride. The owner or
1844 manager shall certify that each employee is trained, as required
1845 by this section and any rules adopted thereunder, on the
1846 amusement ride for which the employee is responsible.

1847 (19) MAINTENANCE.-

1848 (a) The owner of an amusement ride shall implement a
1849 comprehensive program of maintenance, testing, and inspection
1850 based on the amusement ride manufacturer's recommendations which

1851 provides for the duties and responsibilities necessary to care
1852 for the ride. Maintenance procedures shall conform with
1853 specifications in ASTM F770 and ASTM F2291 as adopted by
1854 department rule.

1855 (b) Maintenance must be conducted in the presence of or
1856 approved by a registered safety technician.

1857 (c) If documentation meeting the requirements of paragraph
1858 (a) does not exist or is not available, maintenance procedures
1859 shall conform to manufacturer-originated maintenance
1860 instructions and shall include, but not be limited to, the
1861 following:

1862 1. A description of the ride operation, including the
1863 function and operation of its major components.

1864 2. A description of the motions the ride is designed to
1865 undergo while in operation.

1866 3. Lubrication procedures, including types of lubricants
1867 and frequency of lubrication, and a lubrication drawing, chart,
1868 or other effective means of demonstrating lubrication point
1869 locations.

1870 4. A description, including a schedule, of all
1871 maintenance, testing, and inspections to be performed on the
1872 ride.

1873 5. Maintenance procedures for electrical components, as
1874 well as schematics of electrical power, lighting, and controls.

1875 6. Maintenance procedures and schematics for hydraulic and

1876 pneumatic systems on or used to control the ride, including
1877 component locations; location charts; fluid, pressure, line, and
1878 fitting specifications; and troubleshooting guidelines.

1879 7. Specifications for the use of replacement fasteners
1880 and, when applicable, torque requirements for fasteners.

1881 8. A checklist to be made available to each person
1882 performing the regularly scheduled maintenance on each ride.

1883 9. Additional requirements as prescribed by rule of the
1884 department.

1885 (d) Upon request, the owner shall, at no cost to the
1886 department, provide the department a copy of the manufacturer's
1887 current maintenance manual and documentation confirming a
1888 comprehensive maintenance program is being followed.

1889 (e) The owner shall keep a record of the assembly and
1890 disassembly of, and all maintenance and repair performed on,
1891 each amusement ride. When such work is performed by a party
1892 other than the owner, the owner shall obtain a summary of work
1893 performed from the party as a record. Such records shall be
1894 retained and available for review by the department for at least
1895 3 years or until the maintenance action is repeated or suspended
1896 according to the manufacturer.

1897 (20) ~~(17)~~ PROHIBITIONS RELATED TO BUNGY OPERATIONS.—The
1898 following bungee operations are prohibited:

1899 (a) A bungee operation conducted with balloons, blimps,
1900 helicopters, or other aircraft.

1901 (b) Sand bagging, which is the practice of holding onto
 1902 any object, including another person, while bungy jumping, for
 1903 the purpose of exerting more force on the bungy cord to stretch
 1904 it further, and then releasing the object during the jump
 1905 causing the jumper to rebound with more force than could be
 1906 created by the jumper's weight alone.

1907 (c) Tandem or multiple bungy jumping.

1908 (d) Bungy jumping from any bridge, overpass, or any other
 1909 structure not specifically designed as an amusement ride.

1910 (e) The practice of bungy catapulting or reverse bungy
 1911 jumping.

1912 (21)~~(18)~~ IMMEDIATE FINAL ORDERS.—

1913 (a) An amusement ride that fails to meet the requirements
 1914 of this section or pass the inspections required by this
 1915 section, or an amusement ride that is involved in an accident
 1916 for which a patron is transported to a hospital as defined in
 1917 chapter 395, or an amusement ride that has a mechanical,
 1918 structural, or electrical defect that affects patron safety may
 1919 be considered an immediate serious danger to public health,
 1920 safety, and welfare and, upon issuance of an immediate final
 1921 order prohibiting patron use of the ride, may not be operated
 1922 for patron use until it has passed a subsequent inspection by or
 1923 at the direction of the department.

1924 (b) An amusement ride of a similar make and model to an
 1925 amusement ride described in paragraph (a) may be considered an

1926 immediate serious danger to the public health, safety, and
1927 welfare and, upon issuance of an immediate final order
1928 prohibiting patron use of the ride, may not be operated for
1929 patron use until it has passed a subsequent inspection by or at
1930 the direction of the department.

1931 (22) WITNESSES AND EVIDENCE.-

1932 (a) In any examination or investigation conducted by the
1933 department or by an examiner appointed by the department, the
1934 department may administer oaths, examine and cross-examine
1935 witnesses, receive oral and documentary evidence, subpoena
1936 witnesses, compel witness attendance and testimony, and require
1937 by subpoena the production of documents or other evidence which
1938 it deems relevant to the inquiry.

1939 (b) If any person refuses to comply with such subpoena or
1940 to testify as to any relevant matter, the Circuit Court of Leon
1941 County, or the circuit court of the county in which such
1942 examination or investigation is being conducted or the county in
1943 which such person resides pursuant to an application filed with
1944 the department, may issue an order requiring such person to
1945 comply with the subpoena and to testify. Any failure to obey
1946 such an order of the court may be punished by the court as a
1947 contempt thereof.

1948 (c) Subpoenas shall be served and proof of such service
1949 made in the same manner as if issued by a circuit court. Witness
1950 fees and mileage, if claimed, shall be allowed the same as for

1951 testimony in a circuit court.

1952 (d) Any person willfully testifying falsely under oath as
1953 to any matter material to any such examination, investigation,
1954 or hearing shall, upon conviction thereof, be guilty of perjury
1955 and shall be punished accordingly.

1956 (e) If any person asks to be excused from attending or
1957 testifying or from producing any documents or other evidence in
1958 connection with any examination, hearing, or investigation being
1959 conducted on the ground that the testimony or evidence required
1960 may tend to incriminate him or her or subject him or her to a
1961 penalty or forfeiture and shall notwithstanding be directed to
1962 give such testimony or produce such evidence, he or she shall,
1963 if so directed by the department and the Department of Legal
1964 Affairs, nonetheless comply with such direction. The person
1965 shall not thereafter be prosecuted or subjected to any penalty
1966 or forfeiture for or on account of any transaction, matter, or
1967 thing concerning which he or she may have testified or produced
1968 evidence, and no testimony given or evidence produced shall be
1969 received against him or her in any criminal action,
1970 investigation, or proceeding. However, a person so testifying
1971 shall not be exempt from prosecution or punishment for any
1972 perjury committed by him or her in such testimony, and the
1973 testimony or evidence given or produced shall be admissible
1974 against him or her in any criminal action, investigation, or
1975 proceeding concerning such perjury; and the person shall not be

1976 exempt from the refusal, suspension, or revocation of any
 1977 license, permission, or authority conferred or to be conferred
 1978 pursuant to this chapter.

1979 (f) Any such individual may execute, acknowledge, and file
 1980 in the office of the department a statement expressly waiving
 1981 such immunity or privilege in respect to any transaction,
 1982 matter, or thing specified in such statement; and thereupon the
 1983 testimony of such individual or such evidence in relation to
 1984 such transaction, matter, or thing may be received or produced
 1985 before any judge or justice, court, tribunal, grand jury, or
 1986 otherwise; and, if so received or produced, such individual
 1987 shall not be entitled to any immunity or privileges on account
 1988 of any testimony he or she may so give or evidence so produced.

1989 (g) Any person who refuses or fails without lawful cause
 1990 to testify relative to the affairs of any person, when
 1991 subpoenaed and requested by the department to so testify, is
 1992 guilty of a misdemeanor of the second degree, punishable as
 1993 provided in s. 775.083.

1994 (23)(19) ENFORCEMENT AND PENALTIES.-

1995 (a) The department may deny, suspend for a period not to
 1996 exceed 1 year, or revoke any permit ~~or inspection certificate~~.
 1997 In addition to denial, suspension, or revocation, the department
 1998 may impose an administrative fine in the Class III ~~Class II~~
 1999 category pursuant to s. 570.971 not to exceed \$10,000 ~~\$2,500~~ for
 2000 each violation, for each day the violation exists, against the

2001 owner of the amusement ride if it finds that:

2002 1. An amusement ride has operated or is operating:

2003 a. With a mechanical, structural, or electrical defect

2004 that affects patron safety, of which the owner, ~~or~~ manager, or

2005 registered safety technician has knowledge, or, through the

2006 exercise of reasonable diligence, should have knowledge;

2007 b. In a manner or circumstance that presents a risk of

2008 serious injury to patrons;

2009 c. At a speed in excess of its maximum safe operating

2010 speed;

2011 d. In violation of this section or any rule adopted under

2012 this section; or

2013 e. In violation of an order of the department or order of

2014 any court; ~~or~~

2015 2. An owner, a manager, or registered safety technician in

2016 the course of his or her duties is under the influence of drugs

2017 or alcohol; or

2018 3. An amusement ride was presented for inspection as ready

2019 for operation with a mechanical, structural, or electrical

2020 defect that affects patron safety, of which the owner, manager,

2021 or registered safety technician has knowledge or, through the

2022 exercise of reasonable diligence, should have knowledge.

2023 (b) In addition to the penalty provided in paragraph (a),

2024 the department may impose an administrative fine in the Class IV

2025 category pursuant to s. 570.971 of \$10,000 or more if a

2026 | violation resulted in serious injury or death to a patron.

2027 | (c)~~(b)~~ The department shall, in its order suspending a
 2028 | permit ~~or inspection certificate~~, specify the period during
 2029 | which the suspension is effective; but such period may not
 2030 | exceed 1 year. The permit ~~or inspection certificate~~ shall remain
 2031 | suspended during the period so specified, subject, however, to
 2032 | any rescission or modification of the order by the department,
 2033 | or modification or reversal thereof by the court, before ~~prior~~
 2034 | ~~to~~ expiration of the suspension period.

2035 | (d)~~(e)~~ The owner or manager of an amusement ride, if the
 2036 | permit ~~or inspection certificate~~ for the amusement ride has been
 2037 | revoked by the department, may not apply for another permit ~~or~~
 2038 | ~~inspection certificate~~ for the amusement ride within 2 years
 2039 | after the date of such revocation. If judicial review is sought
 2040 | and a stay of the revocation is obtained, the owner may not
 2041 | apply for another permit ~~or inspection certificate~~ within 2
 2042 | years after the final order of the court sustaining the
 2043 | revocation.

2044 | (e)~~(d)~~ During the period of suspension or revocation of a
 2045 | permit ~~or inspection certificate~~, the owner may not engage in or
 2046 | attempt to engage in any operation of the amusement ride for
 2047 | which a permit ~~or inspection certificate~~ is required under this
 2048 | section.

2049 | (f)~~(e)~~ When a suspension period imposed by the department
 2050 | has expired, an owner whose annual permit ~~or inspection~~

2051 ~~certificate~~ has expired may reapply for a new permit ~~or~~
2052 ~~inspection certificate~~ by submitting a complete application to
2053 the department.

2054 (g)~~(f)~~ In addition to the remedies provided in this
2055 section, and notwithstanding the existence of any adequate
2056 remedy at law, the department may bring an action to enjoin the
2057 violation of any provision of this section, or rules adopted
2058 under this section, in the circuit court of the county in which
2059 the violation occurs or is about to occur. Upon competent and
2060 substantial evidence presented by the department to the court of
2061 the violation or threatened violation, the court must
2062 immediately issue the temporary or permanent injunction sought
2063 by the department. The injunction must be issued without bond.

2064 (h)~~(g)~~ In addition to the penalties authorized to be
2065 imposed for any violation of this section or any rule adopted
2066 under this section, the department may issue a letter of warning
2067 to the owner of the amusement ride specifying the violation and
2068 directing the owner to immediately correct the violation.

2069 (i)~~(h)~~ Any person who knowingly violates any provision of
2070 this section commits a misdemeanor of the second degree,
2071 punishable as provided in s. 775.082 or s. 775.083.

2072 Section 21. This act shall take effect July 1, 2019.