

CONSUMER ISSUES

HB 37 — Consumer Report Information

by Rep. Adams and others (CS/CS/SB 656 by Banking and Insurance Committee; Commerce and Consumer Services Committee; and Senators Peaden, Haridopolos, Jones, Fasano, Baker, Crist, Lynn, and Aronberg)

This bill creates s. 501.005, F.S., to allow a consumer to place a “security freeze” on his or her credit report by making a request in writing by certified mail to a consumer credit reporting agency. The security freeze prohibits the consumer credit reporting agency from releasing the consumer’s credit report or any information contained within the report without the authorized consent of the consumer.

This bill allows a consumer credit reporting agency to charge a fee, not to exceed \$10, when a consumer elects to temporarily lift or remove a security freeze on his or her credit report. However, a consumer reporting agency is prohibited from charging a fee to a consumer age 65 or older or to a victim of identity theft for the placement or removal of a security freeze.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 37-0; House 117-0

HB 167 — Household Moving Services

by Rep. Hays and others (CS/SB 244 by Banking and Insurance Committee and Senators Lynn and Aronberg)

This bill (Chapter 2006-4, L.O.F.) defines the terms “self-contained storage unit” and “moving container” to include units down to 200 cubic feet in size. This extends the application of current Florida law that grants the owner of a self-contained storage unit lien rights against the property contained within the unit. Expansion of the definition of “self-contained storage unit” ensures that such smaller moving containers are contained within the definition of a move for purposes of ch. 507, F.S.

This bill changes the title of ch. 507, F.S., to “Household Moving Services” and expands its regulation of household moving services to include moving brokers. Moving brokers are to be regulated by the Department of Agriculture and Consumer Services (DACS) in the same way moving services are currently regulated. Moving brokers must register with DACS, post specific financial security, and pay a fee. Moving brokers must maintain a \$25,000 performance bond or certificate of deposit. The bill permits movers with two or fewer vehicles to use a performance bond or certificate of deposit in the amount of \$25,000 instead of liability insurance.

This bill also requires each mover's vehicle to display signage with a minimum letter height of 1.5 inches, and provides a county or municipality may not issue an occupational license unless the mover or broker has a current registration with DACS.

These provisions were approved by the Governor and take effect July 1, 2006.

Vote: Senate 40-0; House 119-0

CS/SB 202 — Consumer Protection

by Judiciary Committee and Senators Aronberg and Crist

This bill amends s. 501.207, F.S., to provide legal standing for a receiver appointed in an unfair trade practices proceeding to bring actions in the name of, and on behalf of, the defendant enterprise, regardless of whether wrongful acts were committed by that enterprise. Under current statutory and common law, a receiver does not have the explicit ability to assert claims against other wrongdoers that may have contributed to an unfair trade practice. In addition, the bill revises effective dates provided in statute to capture changes made in federal law since 2001, the current year provided in statute.

The bill also creates s. 501.972, F.S., to provide that the use of a creation that is not protected under federal copyright law shall not give rise to a claim or cause of action unless the parties to the claim or cause of action have executed a writing sufficient to indicate that a contract has been made between them governing such use.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 39-0; House 120-0

HB 687 — Public Records

by Rep. Adams and others (CS/SB 1162 by Commerce and Consumer Services Committee and Senators Haridopolos, Crist, Lynn, and Saunders)

This bill creates s. 790.0601, F.S., a public records exemption for personal identifying information of an individual who has applied for or received a license to carry a concealed weapon or firearm. It authorizes the release of the information under certain circumstances. The bill provides for future review and repeal of the exemption and provides a statement of public necessity.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 37-2; House 83-27

HB 6003 — Resale of Tickets

by Criminal Justice Committee, and Rep. Stargel and others (CS/CS/SB 1168 by General Government Appropriations Committee; Commerce and Consumer Services Committee; and Senators Bennett and Fasano)

The bill creates s. 817.357, F.S., to establish a Florida Deceptive and Unfair Trade Practices Act (FDUTPA) violation for anyone who knowingly buys tickets, with the intent to resell those tickets, in excess of retail caps placed on the quantity of tickets that may be purchased.

The bill, like current law, prohibits the resale of tickets for more than \$1.00 above the admissions price, but limits the application of that restriction to the following transactions:

- Tickets sold for passage or accommodation on any common carrier;
- Multi-day or multi-event tickets to a park or entertainment complex or to a concert, entertainment event, permanent exhibition, or recreational activity within such a park or complex, including an entertainment/resort complex; and
- Tickets sold through an internet website unless authorized by the original ticket seller or one that makes and posts certain guarantees and disclosures.

The bill also prohibits the resale of tickets on property where an event is taking place without the express written consent of the property owner.

The bill requires that any sales tax due for resales be remitted to the Department of Revenue.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 37-1; House 115-1

HB 7239 — Agriculture and Consumer Services

by Agriculture Committee and Rep. Poppell and others (CS/CS/SB 660 by Judiciary Committee; Commerce and Consumer Services Committee; and Senator Lynn)

This bill addresses a variety of issues relating to the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Revises education requirements for a private security license requiring Class “D” licensees to complete training within 180 days of applying for the license;
- Defines “caller identification service” and requires telephone solicitors to transmit certain identifying information to be displayed by a caller identification service;
- Preempts the regulation of refunds by retail sales establishments to the department;

- Clarifies provisions prohibiting local governments from imposing monetary penalties on owners of shopping carts under certain conditions;
- Defines the term “alternative fuel” and includes alternative fuel in the definition of petroleum fuel for purposes of inspection of petroleum fuel quality;
- Exempts persons delivering specified amounts of liquefied petroleum gas to consumers from having to meet minimum storage requirements;
- Eliminates a requirement for an agency receiving a consumer complaint from the department to file progress reports with the department; and
- Creates an exemption from insurance requirements for a governmental entity that is operating an amusement ride.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 39-0; House 116-0

WORKFORCE DEVELOPMENT

HB 219 — Labor Pools

by Rep. Troutman and others (CS/SB 1166 by Commerce and Consumer Services Committee and Senator Bennett)

This bill amends the Labor Pool Act, ch. 448, F.S., to permit a labor pool to set the amount it may charge its workers for transportation at \$1.50 each way, and to authorize labor pools to pay their workers in cash from a cash-dispensing machine, under certain conditions, for a transaction fee of up to \$1.99.

In addition, the bill specifies that an employee assigned to a client company by a labor pool or temporary employment agency (temporary help arrangement organization) that is licensed, registered or certified pursuant to law is an employee of the client company for licensure, registration or certification. The bill also specifies that an employee assigned to a client company by a labor pool or temporary employment agency shall be deemed an employee of the labor pool or temporary employment agency for purposes of workers’ compensation and unemployment compensation.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 39-0; House 119-0

CS/CS/SB 786 — State Minimum Wage/Notification

by Judiciary Committee; Commerce and Consumer Services Committee; and Senators Hill, Miller, and Crist

This bill creates s. 448.109, F.S., related to notification of the state minimum wage. The bill requires each employer who must pay an employee the Florida minimum wage to display a poster in a conspicuous and accessible place in every establishment where employees are employed.

The bill also requires AWI to create the required posters in English and in Spanish and make them available to employers on or before December 1st of each year. Each poster must contain specific language outlining the restrictions on employers, the rights of employees, and the penalties for non-compliance with Florida's minimum wage law. The bill also provides formatting, font, and size requirements for the posters.

If approved by the Governor, these provisions take effect January 1, 2007.

Vote: Senate 40-0; House 120-0

HB 7059 — Public Records/Temporary Cash Assistance OGSR

by the Governmental Operations Committee and Rep. Rivera (CS/SB 736 by Governmental Oversight and Productivity Committee and Commerce and Consumer Services Committee)

The Commerce and Consumer Services Committee performed an Open Government Sunset Review of the public records exemption in s. 414.295, F.S., and the meetings exemptions in ss. 414.106 and 445.007(9), F.S. Each exemption prevents public disclosure of personal identifying information related to recipients of temporary cash assistance, a governmental benefit provided through the Temporary Assistance to Needy Families (TANF) program. The committee recommended that the exemptions be saved from repeal.

This bill clarifies and saves from repeal the current meeting exemption described in s. 414.106, F.S., and repeals a redundant meeting exemption for the same information and entities in s. 445.007(9), F.S. Further, the bill clarifies and saves from repeal an exemption for personal identifying information in records of temporary cash assistance recipients as provided in s. 414.295, F.S.

If approved by the Governor, these provisions take effect October 1, 2006.

Vote: Senate 40-0; House 116-0

ECONOMIC DEVELOPMENT

HB 1489 — State's Aerospace Industry

by Rep. Waters and others (CS/CS/SB 2580 by Transportation and Economic Development Appropriations Committee; Commerce and Consumer Services Committee; and Senators Fasano, King, Sebesta, Haridopolos, Crist, and Posey)

This bill amends ch. 331, F.S., to implement the recommendations of the Governor's Commission on the Future of Space and Aeronautics in Florida.

This bill consolidates the powers, duties, and assets of the Florida Space Authority (FSA), the Florida Space Research Institute (FSRI), and the Florida Aerospace Finance Corporation (FAFC) into one entity, "Space Florida." The bill provides for the powers and duties of Space Florida, and outlines the membership of its Board of Directors.

This bill requires Space Florida to enter into agreements with Enterprise Florida, Inc., the Department of Education, the Department of Transportation, and Workforce Florida, Inc., to implement the requirements of the bill.

This bill expands sales tax exemptions for machinery and equipment used by defense or space technology facilities to produce defense or space technology products, and machinery and equipment used predominately for space or defense research and development.

This bill creates the Florida Center for Mathematics and Science Research, to increase student achievement in math and science.

This bill appropriates, for FY 2006-07, \$35 million from the General Revenue Fund to the Office of Tourism, Trade and Economic Development to be used for infrastructure needs related to NASA's Crew Exploration Vehicle (CEV). This bill appropriates \$3 million from the General Revenue Fund for Space Florida's operations, which includes operational funding for FSA, FSRI, and FAFC through September 1, 2006. This bill also appropriates \$4 million from the General Revenue Fund for implementation of innovative education programs and financing assistance for aerospace business development projects.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 39-0; House 113-1

HB 1285 — Innovation Incentive Program/Public Records

by Rep. Attkisson (CS/SB 1136 by Commerce and Consumer Services Committee and Senators King and Fasano)

This bill amends the public records exemption in s. 288.1067, F.S., which protects trade secrets and other specified information from public disclosure when held by the Office of Tourism, Trade, and Economic Development (OTTED), Enterprise Florida, Inc., (EFI) or county or municipal governmental entities and their employees or agents. The bill expands the exemption to add the Florida Innovation Incentive Fund, as created by CS/CS/SB 2728 (2006), to the list of business incentive programs to which the exemption applies.

The expansion of the existing exemption to include the Florida Innovation Incentive Fund, in effect, creates a new exemption, requiring a review under the Open Government Sunset Review Act in 5 years.

If approved by the Governor, these provisions take effect July 1, 2006, if CS/CS/SB 2728 (2006) or other similar legislation is passed.

Vote: Senate 39-0; House 81-33

CS/CS/SB 2728 — Economic Development/Innovation Incentives

by Transportation and Economic Development Appropriations Committee; Commerce and Consumer Services Committee; and Senators Fasano and Lynn

Innovation Incentive Program

This bill creates the Innovation Incentive Program in s. 288.1089, F.S. The purpose of the program is to provide resources for significant economic development projects, including the location or expansion of research and development entities and innovation businesses in Florida.

This bill appropriates \$200 million from the General Revenue Fund to the Economic Development Trust Fund within the Office of Tourism, Trade, and Economic Development (OTTED) for the Innovation Incentive Program for FY 2006-2007. These funds will be placed in reserve by the Executive Office of the Governor to be released as needed to implement the program. Funds not expended in FY 2006-2007, will be subject to annual appropriation.

This bill requires Enterprise Florida, Inc. (EFI), to evaluate applications for innovation incentive funds and to recommend eligible businesses to OTTED. OTTED must certify the applicants as qualified businesses, and then recommend qualified businesses to the Governor for approval. The Governor is required to consult with the Legislature and receive approval prior to releasing innovation incentive funds to qualified businesses.

The Innovation Incentive Program expires July 1, 2011.

Quick Action Closing Fund

This bill also makes changes to the Quick Action Closing Fund (QACF) in s. 288.1088, F.S., as follows:

- Adds criteria for project eligibility for QACF awards;
- Requires that the evaluation of the QACF proposals submitted by EFI to OTTED include an evaluation of the quality and value of the company;
- Requires that the Governor provide the evaluation of projects recommended for QACF awards to the President of the Senate and the Speaker of the House of Representatives;
- Requires that contracts awarding QACF funds must provide that payments are contingent upon legislative appropriation of sufficient funds and sufficient release of funds by the Legislative Budget Commission; and
- Deletes authority of the Governor to reallocate unencumbered QACF appropriations to supplement other statutorily created economic development programs.

This bill appropriates \$45 million of non-recurring funds from the General Revenue Fund for the Quick Action Closing Fund for FY 2006-2007.

Capital Investment Tax Credit Program

This bill expands the Capital Investment Tax Credit Program in s. 220.191, F.S., by including a third type of project that may be eligible to receive corporate income tax credits. The project must be a new or expanded headquarters facility in Florida that locates in an enterprise zone and brownfield area. The project must create at least 1,500 jobs that pay, on average, at least 200 percent of the statewide annual private sector wage. The project must make a cumulative capital investment of at least \$250 million in Florida. This type of project may be eligible for an annual corporate income tax credit in an amount equal to the lesser of \$15 million or 5 percent of the eligible capital costs relating to the qualifying project. Tax credits may not exceed tax liability in any one year. If there is insufficient tax liability in any one year, tax credits may be carried forward for up to 20 years. The tax credit may be used by the qualifying business, or by any of its affiliated companies or related entities referenced by the bill.

Insurance Premium Tax

Currently, the insurance premium tax is applied to insurance premiums written in Florida at a rate of 1.75 percent for most types of insurance. A credit is allowed for corporate income taxes and 15 percent of the amount paid by the insurer in salaries to employees located or based in Florida. Combined corporate income tax credits and salary credits may not exceed 65 percent of insurance premium taxes due for any calendar year. (s. 624.509, F.S.)

This bill allows 25 percent of the excess salary tax credits not taken due to the 65 percent limitation to be redistributed to members of an affiliated group of corporations who can use the credits if the salaries apply to insurance company employees whose place of employment is located within an enterprise zone.

Qualified Job Training Organizations

Finally, this bill creates s. 288.1171, F.S., to require OTTED to certify “qualified job training organizations” to receive state funding. To be certified, the organization must, among other things, be accredited by the Commission for Accreditation of Rehabilitation Facilities, operate statewide and have more than 100 locations, specialize in the retail sale of donated items, and provide job training and employment services to individuals who have workplace disadvantages and disabilities.

However, the bill does not contain an appropriation to fund the program.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 39-0; House 99-14

HB 7017 — Economic Development Agency/OGSR

by Governmental Operations Committee, Rep. Rivera and others (CS/SB 734 by Governmental Oversight and Productivity Committee and Commerce and Consumer Services Committee)

This bill is a result of the Open Government Sunset Review of the public records exemption for certain business records held by economic development agencies, codified in s. 288.075, F.S.

Currently, business plans, intentions, and interests to locate or expand in Florida are confidential and exempt for 24 months. The period of confidentiality may be extended for an additional 12 months if the business demonstrates that it is continuing to consider locating or expanding in Florida. Trade secrets within such business plans are confidential and exempt for ten years.

The exemption is set to expire on October 2, 2006. This bill re-enacts the exemption. In addition, the exemption is amended to:

- Narrow the initial exemption period from 24-months to 12-months, while retaining the 12-month extension option;
- Reorganize the provision for ease of understanding; and
- Remove the review and repeal provisions required by the Open Government Sunset Review Act.

If approved by the Governor, these provisions take effect October 1, 2006.

Vote: Senate 36-0; House 110-8

HB 7055 — Enterprise Zone Incentives

by Economic Development, Trade and Banking Committee and Rep. Bilirakis and others (CS/CS/SB 1132 by Transportation and Economic Development Appropriations Committee; Commerce and Consumer Services Committee; and Senators King and Crist)

In 2005, the Florida Enterprise Zone Act (ch. 290, F.S.) was amended, re-enacted, and scheduled for repeal in 2015. This bill amends two obsolete expiration dates for related provisions, to make them consistent with the expiration of the Enterprise Zone Act. This bill clarifies that the enterprise zone building materials sales tax refund may only be used once per parcel of real property unless there is a change in ownership, a new lessor, or a new lessee of the real property. This bill also amends the definition of “new job has been created” for purposes of the enterprise zone jobs tax credit against the sales and corporate income taxes. This bill provides that, at least 90 days before changing the boundary of an enterprise zone, the governing body of the enterprise zone must provide in a public meeting notice an explanation that a boundary change will be considered and that the change may result in loss of enterprise zone eligibility for certain areas.

This bill also authorizes the City of Winter Haven to apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone, the area of which is not to exceed 5 square miles.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 38-0; House 117-0

HB 7089 — Retained Spring Training Franchises

by Rep. Detert and others (CS/SB 1886 by Commerce and Consumer Services Committee and Senator Fasano)

This bill amends s. 288.1162, F.S., to authorize the Office of Tourism, Trade, and Economic Development (OTTED) to certify up to five additional spring training facilities, provides evaluation criteria for certification, and increases the aggregate monthly expenditure cap for statewide spring training facilities. Each certified spring training franchise is eligible for \$500,000 a year for up to 30 years, or a total of \$15 million.

This bill creates s. 218.64(3), F.S., to allow counties to use up to \$2 million of their local option half-cent sales tax revenues annually to fund facilities for new or retained professional sports franchises, facilities for retained spring training franchises, or motorsports entertainment complexes. (The facilities must be certified by OTTED pursuant to ss. 288.1162 or 288.1171,

F.S.) The funds may only be used for this purpose if approved by ordinance enacted by a majority of the members of the county and city governing authority.

This bill creates s. 288.1171, F.S., relating to motorsports entertainment complexes. It defines “motorsports entertainment complex” as a closed-course racing facility. In order to be certified as a motorsports entertainment complex, the complex, or the land on which the complex is located, must be owned by a unit of local government; and the municipality or county in which the complex is located has certified by resolution after a public hearing that the applicant serves a public purpose.

OTTED must evaluate applications and certify an applicant as a motorsports entertainment complex. Funds distributed to a certified motorsports entertainment complex may only be used to fund capital improvements and advertising and promotion of, or related to, the motorsports entertainment complex, or the municipality or county in which the complex is located.

Currently, OTTED is authorized to certify up to eight facilities for new or retained professional sports franchises to be eligible for sales tax distributions. A certified facility is eligible to receive \$2 million annually for 30 years. To date, OTTED has certified seven of the eight facilities. This bill amends s. 288.1162, F.S., to reserve the eighth certification for an NBA franchise that has been in Florida since 1987 and has not been previously certified. The only professional sports franchise that meets these criteria is the Orlando Magic.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 37-2; House 114-2

SALES TAX ISSUES

HB 69 — Commerce/Sales Tax Exemptions

by Rep. Meadows and others (CS/SB 1206 by General Government Appropriations Committee and Senators Atwater, Wise, King, Baker, Klein, Crist, Aronberg, Wilson, Posey, Bennett, Jones, Alexander, Diaz de la Portilla, Lynn, and Sebesta)

This bill expands, from partial to full, the sales tax exemptions for:

- Machinery and equipment used to increase productive output in spaceport and manufacturing facilities; and
- Machinery and equipment used by businesses producing tangible personal property pursuant to federal procurement regulation.

This bill also provides that machinery and equipment used for phosphate mining is exempt from sales tax rather than the tax on production of oil, gas, and other minerals; and removes provisions

that businesses meet certain job creation requirements in order to be eligible for this tax exemption.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 38-0; House 118-0

HB 415 — Sales Tax/Research and Development

by Rep. Quinones and others (CS/SB 962 by Government Efficiency Appropriations Committee and Senators Fasano and King)

This bill amends ch. 212, F.S., to exempt machinery and equipment used predominately for research and development activities from the state sales tax.

This bill also increases the sales and use tax exemption for industrial machinery and equipment used for the production of space or defense technology products from 25 percent to 100 percent. It expands this machinery and equipment exemption to include the *design or assembly* of space or defense technology products and it amends the definition of space technology products by adding space flight vehicles and components of any of the items covered by the definition. This bill also provides that a business eligible for the sales tax exemptions for certain machinery and equipment may be certified as eligible for such exemptions for a period of two years, rather than one year, and that a business' certification may be renewed at the end of the two-year period.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 36-1; House 115-0

HB 421 — Sales and Use Tax

by Rep. Reagan and others (SB 952 by Senator Margolis)

This bill amends ch. 212, F.S., to save from repeal several sales tax exemptions for certain leases, services, admissions and fees associated with events at certain facilities, including convention halls, exhibition halls, auditoriums, stadiums, theaters, arenas, civic centers, performing arts centers, or publicly owned recreational facilities.

The sales tax exemptions are scheduled to repeal on July 1, 2006. This bill extends the exemptions through July 1, 2009.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 40-0; House 118-1

HB 1079 — Sales Tax Exemptions: Advertising, Small Aircraft

by Rep. Altman and others (CS/SB 832 by Government Efficiency Appropriations Committee and Senators Haridopolos and Crist)

This bill amends ch. 212, F.S., to provide a sales tax exemption for advertising materials that are distributed for free by mail in an envelope to at least ten people on a regular basis.

This bill also provides a sales tax exemption for:

- The sale or lease of a qualified aircraft;
- Labor charges for the repair and maintenance of qualified aircraft; and
- Equipment used in repair or maintenance of qualified aircraft.

This bill defines “qualified aircraft” as, in part, “any aircraft having a maximum certified takeoff weight of less than 10,000 pounds that is used by a business operating as an on-demand air carrier.....” The bill also provides that, in order to be eligible for the sales tax exemption, the purchaser or lessee of a qualified aircraft must offer to participate in a flight training and research program at two or more universities in Florida with graduate programs in aerospace engineering.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 39-0; House 114-6

OTHER TAX ISSUES

HB 209 — Intangible Personal Property Tax

by Rep. Brummer and others (SB 714 by Senators Atwater, Clary, Fasano, Crist, Lynn, Posey, King, Pruitt, Jones, Peaden, Garcia, Sebesta, Wise, Baker, Constantine, Bennett, Haridopolos, Alexander, Dockery, and Webster)

Chapter 199, F.S., imposes two different taxes on intangible personal property: an annual (or recurring) tax is imposed at the rate of 0.5 mill on the value of stocks, bonds, notes, and other intangible personal property; and a non-recurring tax is imposed on obligations secured by liens on Florida realty at the rate of 2 mills. Individuals and businesses are currently obligated to pay an annual (recurring) tax on stocks, bonds, notes, governmental leaseholds, and interests in limited partnerships registered with the Securities and Exchange Commission (SEC). Current law exempts from the annual (recurring) tax \$250,000 for each natural person and \$500,000 for each natural person and spouse filing a joint return. The law also provides a \$250,000 exemption for corporations and other legal entities.

This bill repeals the 0.5 mill annual (recurring) tax imposed on stocks, bonds, notes, and other intangible property. No change is made to the 2 mills non-recurring tax imposed upon obligations secured by liens on Florida property.

If approved by the Governor, these provisions take effect January 1, 2007.

Vote: Senate 31-9; House 100-20

OTHER ISSUES

HB 1031 — Pawnbroking

by Rep. Kyle (CS/SB 1870 by Community Affairs Committee and Senator Baker)

This bill amends the Florida Pawnbroking Act (ch. 539, F.S.) to prohibit counties or municipalities from enacting ordinances requiring the payment of any fee or tax related to a pawn transaction or purchase unless otherwise authorized by the Legislature.

If approved by the Governor, these provisions take effect July 1, 2006.

Vote: Senate 40-0; House 116-0

HB 7107 — Trademarks

by Economic Development, Trade and Banking Committee and Rep. Bilirakis and others (CS/CS/CS/SB 2186 by Transportation and Economic Development Appropriations Committee; Judiciary Committee; Commerce and Consumer Services Committee; and Senator Campbell)

This bill makes several changes to Florida's trademark law, ch. 495, F.S., which was originally drafted in accordance with the International Trademark Association's 1964 Model State Trademark Bill (MSTB), as amended over time. The changes in this bill conforms Florida's law to current federal law regarding trademarks, known as the Lanham Act, and the revised MSTB, where appropriate. The bill does the following:

- Provides a popular name for the trademark chapter;
- Revises the definitions to make them consistent with federal law;
- Revises which marks may be registered to be generally consistent with federal law;
- Repeals the provision related to the reservation of marks;
- Codifies the application review process used by the Department of State (department);
- Provides a right to an administrative hearing for affected parties;
- Reduces the renewal period of a registered mark from 10 to 5 years;

- Permits a person to file a change of name with the department and specifies recording requirements for such a change;
- Clarifies that security interests in a mark may be created and perfected under the Uniform Commercial Code;
- Conforms the Florida classification system for goods and services to the International Trademark Classification System;
- Authorizes an award of attorney's fees to a prevailing party according to the circumstances of a case where ownership of a mark is disputed;
- Revises provisions allowing the owner of a famous mark to prevent the dilution of the mark by enjoining the use of the mark by another person or seeking additional remedies in the case of willful use of the mark by another person;
- Combines all fees applicable to trademark registrations and related activities into one section of law; and
- Repeals obsolete sections of ch. 495, F.S.

If approved by the Governor, these provisions take effect January 1, 2007.

Vote: Senate 40-0; House 120-0

