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1 A bill to be entitled
2 An act relating to consumer protection; amending s.
3 20.14, F.S.; changing the name of the Division of
4 Consumer Services within the Department of Agriculture
5 and Consumer Services to the "Division of Consumer
6 Protection"; amending ss. 14.26, 213.053, 320.275, and
7 366.85, F.S.; conforming terminology; amending s.
8 472.005, F.S.; redefining the term "license" and
9 defining the terms "consumer member" and "licensee"
10 for purposes of provisions governing surveyors and
11 mappers; amending s. 472.006, F.S.; directing the
12 Department of Agriculture and Consumer Services to
13 work cooperatively with the Department of Revenue to
14 implement an automated method of disclosing
15 information related to licensees; authorizing the
16 Department of Agriculture and Consumer Services to
17 suspend or deny the license of any licensee found not
18 to be in compliance with a support order, subpoena,
19 order to show cause, or written agreement; providing
20 for reinstatement of a denied or suspended license;
21 relieving the department of certain liability
22 associated with the denial or suspension of a license;
23 amending s. 472.011, F.S.; authorizing the department
24 to waive license renewal fees for land surveyors and
25 mappers under certain circumstances; authorizing the
26 collection of an existing special assessment from
27 inactive and delinquent licensees; amending s.
28 472.0131, F.S., relating to examinations; making

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29 | technical changes; amending s. 472.015, F.S.;

30 | authorizing the department to require land surveyors

31 | or mappers to submit their social security numbers

32 | when applying for initial licensure or license

33 | renewal; providing conditions under which an

34 | application is deemed received; providing conditions

35 | under which the department may issue a license by

36 | endorsement; requiring an applicant to provide his or

37 | her social security number as required pursuant to

38 | federal law; specifying how a social security number

39 | may be used; amending s. 472.018, F.S., relating to

40 | continuing education; making technical changes;

41 | requiring that continuing education providers

42 | electronically provide certain information to the

43 | department; providing timeframes for reporting;

44 | requiring that the department establish a system to

45 | monitor licensee compliance with continuing education

46 | requirements; defining the term "monitor"; authorizing

47 | the department to refuse to renew a license until the

48 | applicant satisfies continuing education requirements;

49 | authorizing the department or board to impose

50 | additional penalties against applicants who fail to

51 | satisfy additional requirements; amending s. 472.0202,

52 | F.S.; conforming a cross-reference; amending s.

53 | 472.0203, F.S.; providing for license renewal

54 | notification by the department to be sent

55 | electronically to the licensee's last known e-mail

56 | address; amending s. 472.025, F.S.; providing that a

57 professional surveyor or mapper whose license is
58 revoked or suspended must return his or her seal to
59 the executive director of the board, rather than to
60 the secretary; creating s. 472.0337, F.S.; authorizing
61 the department to administer oaths, take depositions,
62 make inspections, issue and serve subpoenas and other
63 process, and compel the attendance of witnesses and
64 production of certain documents; providing for
65 challenges to and enforcement of subpoenas and orders;
66 amending s. 472.0351, F.S.; revising grounds for
67 discipline; eliminating certain actions by a licensee
68 which are grounds for disciplinary action; specifying
69 what constitutes an action against a license in
70 another state, territory, or country; specifying that
71 the board may enter an order against a surveyor or
72 mapper who committed certain violations before
73 obtaining a license; authorizing the board to require
74 corrective action; prohibiting the department from
75 issuing to or renewing the license of a person or
76 business entity that has been assessed a fine,
77 interest, costs, or attorney fees associated with an
78 investigation or prosecution until the person pays
79 them in full or complies with or satisfies all terms
80 and conditions of the final order; creating s.
81 472.0357, F.S.; providing penalties for knowingly
82 giving false information in the course of applying for
83 or obtaining a license; amending s. 493.6105, F.S.;

84 authorizing the Department of Agriculture and Consumer

85 Services to waive firearms training requirements for
86 the initial licensure of private investigative,
87 private security, or repossession services under
88 certain circumstances; amending s. 493.6113, F.S.;
89 authorizing the department to waive firearms training
90 requirements for license renewal of private
91 investigative, private security, and repossession
92 services under certain circumstances; amending s.
93 493.6118, F.S.; providing for disciplinary action to
94 be taken against certain additional license classes
95 and schools or training facilities for private
96 investigators and private security and repossession
97 services; amending s. 493.6120, F.S.; providing for
98 penalty provisions to apply to certain additional
99 license classes and schools or training facilities for
100 private investigators and private security and
101 repossession services; amending ss. 496.404, 496.411,
102 and 496.412, F.S.; conforming terminology; amending s.
103 501.015, F.S., relating to the regulation of health
104 studios; substituting the term "local business tax
105 receipt" for the term "local occupational license";
106 amending s. 501.017, F.S.; making technical changes;
107 clarifying that certain notice be provided in a health
108 studio contract in at least 10-point boldface type;
109 amending s. 501.605, F.S.; providing that an applicant
110 for a commercial telephone seller license may provide
111 other valid forms of identification in lieu of a valid
112 driver license number; removing the requirement that

113 | the applicant provide his or her social security
114 | number on the application; amending s. 501.607, F.S.;
115 | providing that an applicant for a telemarketing
116 | salesperson's license may provide other valid forms of
117 | identification in lieu of a driver license number;
118 | amending s. 501.911, F.S.; conforming terminology;
119 | amending s. 501.913, F.S.; requiring the registrant of
120 | a brand of antifreeze to assume full responsibility
121 | for the registration; requiring that a registrant of a
122 | brand of antifreeze not in production for distribution
123 | in this state must submit a notarized affidavit
124 | attesting to specified information; requiring that a
125 | certain sample size of each brand of antifreeze
126 | accompany the application for registration; amending
127 | s. 507.04, F.S.; requiring that the Department of
128 | Agriculture and Consumer Services be notified at least
129 | 10 days before any changes are made in the insurance
130 | coverage of a household moving service; amending s.
131 | 525.07, F.S.; prohibiting a person from removing,
132 | using, selling, offering for sale, distributing,
133 | offering for distribution, or disposing of petroleum
134 | fuel that has been placed under a stop-sale order
135 | without first receiving permission from the Department
136 | of Agriculture and Consumer Services; amending s.
137 | 526.143, F.S.; authorizing the department to
138 | temporarily waive certain requirements for generators
139 | at retail motor fuel outlets which are used in
140 | preparation or response to an emergency or major

141 disaster in another state; amending s. 526.50, F.S.,
142 relating to the sale of brake fluid; defining the
143 terms "brand" and "formula"; amending s. 526.51, F.S.;
144 conforming terminology; providing criteria for
145 reregistering a previously registered brand and
146 formula combination of brake fluid; providing for a
147 fine for late submission of the application for
148 reregistration and required materials; requiring a
149 registrant to submit a notarized affidavit attesting
150 that specified conditions have been satisfied if a
151 registered brand and formula combination is not in
152 production for distribution in this state; amending s.
153 526.52, F.S.; providing alternative criteria under
154 which a brand of brake fluid may satisfy branding
155 requirements; amending s. 526.53, F.S.; conforming
156 terminology; requiring that stop-sale orders be served
157 by the department on the owner of the brand name, the
158 distributor, or other entity responsible for selling
159 or distributing the product; providing that the
160 department's representative, with the consent of the
161 department, may dispose of certain unregistered brake
162 fluid; amending s. 526.55, F.S.; replacing criminal
163 sanctions with administrative and monetary sanctions
164 for violations of laws regulating the sale of brake
165 fluid; amending s. 539.001, F.S.; eliminating the
166 requirement that a pawnshop provide the Department of
167 Agriculture and Consumer Services notice of a change
168 in its location by certified or registered mail;

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169 amending s. 559.805, F.S.; eliminating a requirement
170 that sellers of business opportunities provide the
171 department with the social security numbers of their
172 independent agents; amending s. 559.904, F.S.,
173 relating to the regulation of motor vehicle repair
174 shops; substituting the term "business tax receipt"
175 for the term "occupational license"; amending s.
176 559.928, F.S., relating to the regulation of sellers
177 of travel; substituting the term "business tax
178 receipt" for the term "occupational license";
179 eliminating a requirement that an independent travel
180 agent provide his or her social security number to the
181 department; amending s. 559.9285, F.S.; conforming a
182 cross-reference; amending s. 559.935, F.S., relating
183 to an exemption from regulation provided for certain
184 sellers of travel; substituting the term "business tax
185 receipt" for the term "occupational license"; amending
186 s. 570.29, F.S.; conforming terminology; repealing s.
187 570.46, F.S., relating to the powers and duties of the
188 Division of Standards; repealing s. 570.47, F.S.,
189 relating to the qualifications and duties of the
190 director of the Division of Standards; amending s.
191 570.544, F.S.; conforming terminology; specifying the
192 powers and duties of the director of the Division of
193 Consumer Protection; amending s. 616.242, F.S.;
194 removing an obsolete reference to the Bureau of Fair
195 Rides Inspection; amending s. 849.0915, F.S., relating

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196 to the regulation of gambling; conforming terminology;
 197 providing an effective date.

198

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

200

201 Section 1. Subsection (4) of section 14.26, Florida
 202 Statutes, is amended to read:

203 14.26 Citizen's Assistance Office.—

204 (4) The Citizen's Assistance Office shall refer consumer-
 205 oriented complaints to the Division of Consumer Protection
 206 ~~Services~~ of the Department of Agriculture and Consumer Services.

207 Section 2. Paragraph (e) of subsection (2) of section
 208 20.14, Florida Statutes, is amended to read:

209 20.14 Department of Agriculture and Consumer Services.—
 210 There is created a Department of Agriculture and Consumer
 211 Services.

212 (2) The following divisions of the Department of
 213 Agriculture and Consumer Services are established:

214 (e) Consumer Protection Services.

215 Section 3. Paragraph (q) of subsection (8) of section
 216 213.053, Florida Statutes, is amended to read:

217 213.053 Confidentiality and information sharing.—

218 (8) Notwithstanding any other provision of this section,
 219 the department may provide:

220 (q) Names, addresses, and sales tax registration
 221 information to the Division of Consumer Protection Services of
 222 the Department of Agriculture and Consumer Services in the
 223 conduct of its official duties.

224
 225 Disclosure of information under this subsection shall be
 226 pursuant to a written agreement between the executive director
 227 and the agency. Such agencies, governmental or nongovernmental,
 228 shall be bound by the same requirements of confidentiality as
 229 the Department of Revenue. Breach of confidentiality is a
 230 misdemeanor of the first degree, punishable as provided by s.
 231 775.082 or s. 775.083.

232 Section 4. Paragraphs (a) and (b) of subsection (2) of
 233 section 320.275, Florida Statutes, are amended to read:

234 320.275 Automobile Dealers Industry Advisory Board.—

235 (2) MEMBERSHIP, TERMS, MEETINGS.—

236 (a) The board shall be composed of 12 members. The
 237 executive director of the Department of Highway Safety and Motor
 238 Vehicles shall appoint the members from names submitted by the
 239 entities for the designated categories the member will
 240 represent. The executive director shall appoint one
 241 representative of the Department of Highway Safety and Motor
 242 Vehicles; two representatives of the independent motor vehicle
 243 industry as recommended by the Florida Independent Automobile
 244 Dealers Association; two representatives of the franchise motor
 245 vehicle industry as recommended by the Florida Automobile
 246 Dealers Association; one representative of the auction motor
 247 vehicle industry who is from an auction chain and is recommended
 248 by a group affiliated with the National Auto Auction
 249 Association; one representative of the auction motor vehicle
 250 industry who is from an independent auction and is recommended
 251 by a group affiliated with the National Auto Auction

252 Association; one representative from the Department of Revenue;
 253 a Florida tax collector representative recommended by the
 254 Florida Tax Collectors Association; one representative from the
 255 Better Business Bureau; one representative from the Department
 256 of Agriculture and Consumer Services, who must represent the
 257 Division of Consumer Protection Services; and one representative
 258 of the insurance industry who writes motor vehicle dealer surety
 259 bonds.

260 (b)1. The executive director shall appoint the following
 261 initial members to 1-year terms: one representative from the
 262 motor vehicle auction industry who represents an auction chain,
 263 one representative from the independent motor vehicle industry,
 264 one representative from the franchise motor vehicle industry,
 265 one representative from the Department of Revenue, one Florida
 266 tax collector, and one representative from the Better Business
 267 Bureau.

268 2. The executive director shall appoint the following
 269 initial members to 2-year terms: one representative from the
 270 motor vehicle auction industry who represents an independent
 271 auction, one representative from the independent motor vehicle
 272 industry, one representative from the franchise motor vehicle
 273 industry, one representative from the Division of Consumer
 274 Protection Services, one representative from the insurance
 275 industry, and one representative from the department.

276 3. As the initial terms expire, the executive director
 277 shall appoint successors from the same designated category for
 278 terms of 2 years. If renominated, a member may succeed himself
 279 or herself.

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280 4. The board shall appoint a chair and vice chair at its
 281 initial meeting and every 2 years thereafter.

282 Section 5. Section 366.85, Florida Statutes, is amended to
 283 read:

284 366.85 Responsibilities of Division of Consumer Protection
 285 ~~Services~~.—The Division of Consumer Protection Services of the
 286 Department of Agriculture and Consumer Services is ~~shall be~~ the
 287 agency responsible for consumer conciliatory conferences, if
 288 such conferences are required pursuant to federal law. The
 289 division is ~~shall also be~~ the agency responsible for preparing
 290 lists of sources for energy conservation products or services
 291 and of financial institutions offering energy conservation
 292 loans, if the ~~such~~ lists are required pursuant to federal law.
 293 Notwithstanding any provision of federal law to the contrary,
 294 the division may ~~shall~~ not require any manufacturer's warranty
 295 exceeding 1 year in order for a source of conservation products
 296 or services to be included on the appropriate list. The lists
 297 shall be prepared for the service area of each utility and shall
 298 be furnished to each utility for distribution to its customers.
 299 The division shall update the lists on a systematic basis and
 300 shall remove from any list any person who has been disciplined
 301 by a ~~any~~ state agency or who has otherwise exhibited a pattern
 302 of unsatisfactory work and any person who requests removal from
 303 such lists. The division may ~~is authorized to~~ adopt rules to
 304 administer ~~implement the provisions of~~ this section.

305 Section 6. Subsection (7) of section 472.005, Florida
 306 Statutes, is amended, and subsections (15) and (16) are added to
 307 that section, to read:

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308 472.005 Definitions.—As used in ss. 472.001-472.037:

309 (7) The term "license" means a registration, certificate,
 310 or license issued by the department pursuant to this chapter ~~the~~
 311 ~~registration of surveyors and mappers or the certification of~~
 312 ~~businesses to practice surveying and mapping in this state.~~

313 (15) "Consumer member" means a person appointed to serve
 314 on the board who is not, and never has been, a professional
 315 surveyor or mapper in any jurisdiction or a member of any
 316 closely related profession regulated by the board.

317 (16) "Licensee" means any person or business entity that
 318 has been issued, pursuant to this chapter, a registration,
 319 certificate, or license by the department.

320 Section 7. Subsection (12) is added to section 472.006,
 321 Florida Statutes, to read:

322 472.006 Department; powers and duties.—The department
 323 shall:

324 (12) Work cooperatively with the Department of Revenue to
 325 implement an automated method for periodically disclosing
 326 information relating to current licensees to the Department of
 327 Revenue in order to further the public policy of reducing the
 328 state's financial burden as a result of family desertion and
 329 nonsupport of dependent children as provided in s. 409.2551. The
 330 department shall, if directed by the court or the Department of
 331 Revenue, pursuant to s. 409.2598, suspend or deny the license of
 332 any licensee who is found to not be in compliance with a support
 333 order, subpoena, order to show cause, or written agreement
 334 entered into by the licensee with the Department of Revenue. The
 335 department shall issue or reinstate the license without

336 additional charge to the licensee if notified by the court or
 337 the Department of Revenue that the licensee has complied with
 338 the terms of the support order. The department is not liable for
 339 any license denial or suspension resulting from the discharge of
 340 its duties under this subsection.

341 Section 8. Subsections (1) and (12) of section 472.011,
 342 Florida Statutes, are amended to read:

343 472.011 Fees.—

344 (1) The board, by rule, may establish fees to be paid for
 345 applications, examination, reexamination, licensing and renewal,
 346 inactive status application and reactivation of inactive
 347 licenses, recordmaking and recordkeeping, and applications for
 348 providers of continuing education. The board may also establish
 349 by rule a delinquency fee. The board shall establish fees that
 350 are adequate to ensure the continued operation of the board.
 351 Fees shall be based on department estimates of the revenue
 352 required to implement ss. 472.001-472.037 and the provisions of
 353 law with respect to the regulation of surveyors and mappers. If
 354 the department determines, based on estimates of available
 355 revenue collected pursuant to this section, that the General
 356 Inspection Trust Fund contains funds that exceed the amount
 357 required to cover the necessary functions of the board, the
 358 department shall, by rule, waive the license renewal fees for
 359 licensees under this chapter for a period not to exceed 2 years.

360 (12) The board may, by rule, assess and collect a special
 361 assessment ~~one-time fee~~ from each active, inactive, and
 362 delinquent ~~each voluntary inactive~~ licensee in an amount
 363 necessary to eliminate a cash deficit or, if there is not a cash

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364 deficit, in an amount sufficient to maintain the financial
 365 integrity of this profession as required in this subsection.

366 Section 9. Subsection (3) of section 472.0131, Florida
 367 Statutes, is amended to read:

368 472.0131 Examinations; development; administration.—

369 (3) Except for national examinations approved and
 370 administered pursuant to paragraph (1)(d), the department shall
 371 provide procedures for applicants who have taken and failed an
 372 examination developed by the department or a contracted vendor
 373 to review their examination questions, answers, papers, grades,
 374 and grading key for the questions the candidate answered
 375 incorrectly on his or her last examination or, if not feasible,
 376 the parts of the examination failed. Applicants shall bear the
 377 actual cost for the department to provide examination review
 378 pursuant to this subsection. An applicant may waive in writing
 379 the confidentiality of his or her examination grades.

380 Section 10. Subsection (1) and paragraph (b) of subsection
 381 (6) of section 472.015, Florida Statutes, are amended, and
 382 subsection (15) is added to that section, to read:

383 472.015 Licensure.—

384 (1) Notwithstanding any other law, the department is the
 385 sole authority for determining the contents of any documents to
 386 be submitted for initial licensure and licensure renewal. The
 387 ~~Such~~ documents may contain information including, as
 388 appropriate: demographics, social security number, education,
 389 work history, personal background, criminal history, finances,
 390 business information, complaints, inspections, investigations,
 391 discipline, bonding, signature notarization, photographs,

392 performance periods, reciprocity, local government approvals,
 393 supporting documentation, periodic reporting requirements,
 394 continuing education requirements, and ongoing education
 395 monitoring. The applicant shall supplement his or her
 396 ~~application may be supplemented~~ as needed to reflect any
 397 material change in any circumstance or condition stated in the
 398 application which takes place between the initial filing of the
 399 application and the final grant or denial of the license and
 400 which might affect the decision of the department. An
 401 application is received for the purposes of s. 120.60 upon
 402 receipt by the department of the application, submitted in the
 403 format prescribed by the department, the application fee set by
 404 the board, and any other documentation or fee required by law or
 405 rule to be submitted with the application in order for the
 406 application to be complete.

407 (6)

408 (b) The department may ~~shall~~ not issue a license by
 409 endorsement to any applicant who is under investigation in this
 410 state or any other state or any other jurisdiction ~~another state~~
 411 for any act that would constitute a violation of this ss.
 412 ~~472.001-472.037~~ or chapter 455 until ~~such time as~~ the
 413 investigation is complete and disciplinary proceedings have been
 414 terminated.

415 (15) Pursuant to the federal Personal Responsibility and
 416 Work Opportunity Reconciliation Act of 1996, each person
 417 applying for initial licensure or license renewal shall provide
 418 his or her social security number. Use of social security
 419 numbers obtained through this requirement is limited to the

420 purpose of administering the Title IV-D program for child
 421 support enforcement, use by the department, and use as otherwise
 422 provided by law.

423 Section 11. Subsection (1) of section 472.018, Florida
 424 Statutes, is amended, and subsections (13), (14), and (15) are
 425 added to that section, to read:

426 472.018 Continuing education.—The department may not renew
 427 a license until the licensee submits proof satisfactory to the
 428 board that during the 2 years prior to her or his application
 429 for renewal the licensee has completed at least 24 hours of
 430 continuing education.

431 (1) The board shall adopt rules to establish the criteria
 432 and course content for continuing education courses. The rules
 433 may provide that up to a maximum of 25 percent of the required
 434 continuing education hours may ~~can~~ be fulfilled by the
 435 performance of pro bono services to the indigent or to
 436 underserved populations or in areas of critical need within the
 437 state where the licensee practices. The board must require that
 438 any pro bono services be approved in advance in order to receive
 439 credit for continuing education under this section. The board
 440 shall use the standard for determining indigency shall be that
 441 recognized by the Federal Poverty Income Guidelines produced by
 442 the United States Department of Health and Human Services in
 443 determining indigency. The board may adopt rules that may
 444 provide ~~for approval by the board~~ that a part of the continuing
 445 education hours may ~~can~~ be fulfilled by performing research in
 446 critical need areas or for training leading to advanced
 447 professional certification. The board, ~~or the department when~~

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448 ~~there is no board,~~ may adopt ~~make~~ rules to define underserved
449 and critical need areas. The department shall adopt rules for
450 the administration of continuing education requirements adopted
451 by the board ~~or the department when there is no board.~~

452 (13) Each continuing education provider shall provide to
453 the department, in an electronic format determined by the
454 department, information regarding the continuing education
455 status of licensees which the department determines is necessary
456 to carry out its duties under this chapter. After a licensee
457 completes a course, the information must be submitted
458 electronically by the continuing education provider to the
459 department within 30 calendar days after completion. However,
460 beginning on the 30th day before the renewal deadline or before
461 the renewal date, whichever occurs sooner, the continuing
462 education provider shall electronically report such information
463 to the department within 10 business days after completion.

464 (14) The department shall establish a system to monitor
465 licensee compliance with continuing education requirements and
466 to determine the continuing education status of each licensee.
467 As used in this subsection, the term "monitor" means the act of
468 determining, for each licensee, whether the licensee is in full
469 compliance with applicable continuing education requirements as
470 of the date of the licensee's application for license renewal.

471 (15) The department may refuse to renew a license until
472 the licensee has satisfied all applicable continuing education
473 requirements. This subsection does not preclude the department
474 or board from imposing additional penalties pursuant to this
475 chapter or rules adopted pursuant this chapter.

476 Section 12. Subsection (1) of section 472.0202, Florida
 477 Statutes, is amended to read:

478 472.0202 Inactive and delinquent status.—

479 (1) A licensee may practice a profession only if the
 480 licensee has an active status license. A licensee who practices
 481 a profession without an active status license is in violation of
 482 this section and s. 472.0351 ~~472.033~~, and the board may impose
 483 discipline on the licensee.

484 Section 13. Subsection (3) is added to section 472.0203,
 485 Florida Statutes, to read:

486 472.0203 Renewal and cancellation notices.—

487 (3) Notwithstanding any other law, a licensure renewal
 488 notification required to be sent to the last known address of
 489 record may be sent by the department to the licensee by
 490 electronic means if the licensee has provided an e-mail address
 491 to the department.

492 Section 14. Subsection (2) of section 472.025, Florida
 493 Statutes, is amended to read:

494 472.025 Seals.—

495 (2) It is unlawful for a ~~any~~ person to stamp, seal, or
 496 digitally sign a ~~any~~ document with a seal or digital signature
 497 after his or her certificate of registration has expired or been
 498 revoked or suspended, unless such certificate of registration
 499 has been reinstated or reissued. When a ~~the~~ certificate of
 500 registration ~~of a registrant~~ has been revoked or suspended by
 501 the board, the registrant shall, within ~~a period of~~ 30 days
 502 after the revocation or suspension has become effective,
 503 surrender his or her seal to the executive director ~~secretary~~ of

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504 the board and confirm to the executive director ~~secretary~~ the
505 cancellation of the registrant's digital signature in accordance
506 with ss. 668.001-668.006. ~~If In the event~~ the registrant's
507 certificate has been suspended for a period of time, his or her
508 seal shall be returned to him or her upon expiration of the
509 suspension period.

510 Section 15. Section 472.0337, Florida Statutes, is created
511 to read:

512 472.0337 Power to administer oaths, take depositions, and
513 issue subpoenas.—For the purpose of an investigation or
514 proceeding conducted by the department, the department shall
515 administer oaths, take depositions, make inspections, issue
516 subpoenas which must be supported by affidavit, serve subpoenas
517 and other process, and compel the attendance of witnesses and
518 the production of books, papers, documents, and other evidence.
519 Challenges to, and enforcement of, the subpoenas and orders
520 shall be conducted as provided in s. 120.569.

521 Section 16. Section 472.0351, Florida Statutes, is amended
522 to read:

523 472.0351 Grounds for discipline; penalties; enforcement.—

524 (1) The following acts ~~shall~~ constitute grounds for which
525 the disciplinary actions specified in subsection (2) may be
526 taken:

527 (a) Violation of any provision of s. 472.031;

528 (b) Attempting to procure a license to practice surveying
529 and mapping by bribery or fraudulent misrepresentations;

530 (c) Having a license to practice surveying and mapping
531 revoked, suspended, or otherwise acted against, including the

532 denial of licensure, by the licensing authority of another
 533 state, territory, or country, for a violation that constitutes a
 534 violation under the laws of this state. The acceptance of a
 535 relinquishment of licensure, stipulation, consent order, or
 536 other settlement offered in response to or in anticipation of
 537 the filing of charges against the license by a licensing
 538 authority is an action against the license;

539 (d) Being convicted or found guilty of, or entering a plea
 540 of guilty, no contest, or nolo contendere to, regardless of
 541 adjudication, a crime in any jurisdiction which directly relates
 542 to the practice of surveying and mapping or the ability to
 543 practice surveying and mapping;

544 (e) Making or filing a report or record that the licensee
 545 knows to be false, willfully failing to file a report or record
 546 required by state or federal law, willfully impeding or
 547 obstructing such filing, or inducing another person to impede or
 548 obstruct such filing. Such reports or records ~~shall~~ include only
 549 those that are signed in the capacity of a registered surveyor
 550 and mapper;

551 (f) Advertising goods or services in a manner that is
 552 fraudulent, false, deceptive, or misleading in form or content;

553 (g) Upon proof that the licensee is guilty of fraud or
 554 deceit, or of negligence, incompetency, or misconduct, in the
 555 practice of surveying and mapping;

556 (h) Failing to perform a ~~any~~ statutory or legal obligation
 557 placed upon a licensed surveyor and mapper; violating a ~~any~~
 558 provision of this chapter, a rule of the board or department, or
 559 a lawful order of the board or department ~~previously entered in~~

560 ~~a disciplinary hearing;~~ or failing to comply with a lawfully
 561 issued subpoena of the department;

562 (i) Practicing on a revoked, suspended, inactive, or
 563 delinquent license;

564 ~~(j) Making misleading, deceptive, or fraudulent~~
 565 ~~representations in or related to the practice of the licensee's~~
 566 ~~profession;~~

567 ~~(k) Intentionally violating any rule adopted by the board~~
 568 ~~or the department, as appropriate;~~

569 ~~(l) Having a license or the authority to practice the~~
 570 ~~regulated profession revoked, suspended, or otherwise acted~~
 571 ~~against, including the denial of licensure, by the licensing~~
 572 ~~authority of any jurisdiction, including its agencies or~~
 573 ~~subdivisions, for a violation that would constitute a violation~~
 574 ~~under Florida law;~~

575 (j)~~(m)~~ Having been found liable in a civil proceeding for
 576 knowingly filing a false report or complaint with the department
 577 against another licensee;

578 (k)~~(n)~~ Failing to report to the department any person who
 579 the licensee knows is in violation of this chapter or the rules
 580 of the department or the board;

581 (l)~~(o)~~ Aiding, assisting, procuring, employing, or
 582 advising any unlicensed person or entity to practice surveying
 583 and mapping contrary to this chapter or the rules of the
 584 department or the board;

585 (m)~~(p)~~ Making deceptive, untrue, or fraudulent
 586 representations in or related to the practice of professional
 587 surveying or mapping ~~a profession~~ or employing a trick or scheme

588 in or related to the practice of professional surveying or
 589 mapping a profession;

590 (n)~~(g)~~ Exercising influence on the client for the purpose
 591 of financial gain of the licensee or a third party;

592 (o)~~(r)~~ Practicing or offering to practice beyond the scope
 593 permitted by law or accepting and performing professional
 594 responsibilities the licensee knows, or has reason to know, the
 595 licensee is not competent to perform;

596 (p)~~(s)~~ Delegating or contracting for the performance of
 597 professional responsibilities by a person when the licensee
 598 delegating or contracting for performance of such
 599 responsibilities knows, or has reason to know, such person is
 600 not qualified by training, experience, and authorization when
 601 required to perform them; or

602 ~~(t) Violating this chapter, the applicable professional~~
 603 ~~practice act, a rule of the department or the board, or a lawful~~
 604 ~~order of the department or the board, or failing to comply with~~
 605 ~~a lawfully issued subpoena of the department; or~~

606 (q)~~(u)~~ Improperly interfering with an investigation or
 607 inspection authorized by statute, or with any disciplinary
 608 proceeding.

609 (2) If ~~When~~ the board finds a ~~any~~ surveyor or mapper
 610 guilty of any of the grounds set forth in subsection (1) or a
 611 violation of this chapter which occurred before obtaining a
 612 license, the board ~~it~~ may enter an order imposing one or more of
 613 the following penalties:

614 (a) Denial of an application for licensure, or approval of
 615 an application for licensure with restrictions.

616 (b) Revocation or suspension of a license.

617 (c) Imposition of an administrative fine not to exceed

618 \$1,000 for each count or separate offense.

619 (d) Issuance of a reprimand.

620 (e) Placement of the surveyor or mapper on probation for a

621 period of time and subject to such conditions as the board may

622 specify. Those conditions may include, but are not limited to,

623 requiring the licensee to undergo treatment, attend continuing

624 education courses, submit to be reexamined, work under the

625 supervision of another licensee, or satisfy any terms which are

626 reasonably tailored to the violations found.

627 (f) Restriction of the authorized scope of practice by the

628 surveyor or mapper.

629 (g) Corrective action.

630 (3) The department shall reissue the license of a

631 disciplined surveyor or mapper upon certification by the board

632 that he or she has complied with all of the terms and conditions

633 set forth in the final order.

634 (4) (a) In addition to any other discipline imposed

635 pursuant to this section, the board may assess costs and

636 attorney ~~attorneys~~ fees related to the investigation and

637 prosecution of the case.

638 (b) In any case where the board or the department imposes

639 a fine or assessment and the fine or assessment is not paid

640 within a reasonable time, which may ~~such reasonable time to~~ be

641 prescribed in the rules of the board or in the order assessing

642 such fines or costs, the department or the Department of Legal

643 Affairs may contract for the collection of, or bring a civil

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644 action to recover, the fine or assessment.

645 (c) The department may not issue to or renew the license
646 of any person or business entity against which the board has
647 assessed a fine, interest, costs, or attorney fees associated
648 with an investigation and prosecution until the person or
649 business entity has paid the full amount due or complies with or
650 satisfies all terms and conditions of the final order.

651 ~~(5) In addition to, or in lieu of, any other remedy or~~
652 ~~criminal prosecution, the department may file a proceeding in~~
653 ~~the name of the state seeking issuance of an injunction or a~~
654 ~~writ of mandamus against any person who violates any of the~~
655 ~~provisions of this chapter, or any provision of law with respect~~
656 ~~to professions regulated by the department, or any board~~
657 ~~therein, or the rules adopted pursuant thereto.~~

658 (5)(6) If the board determines that revocation of a
659 license is the appropriate penalty, the revocation shall be
660 permanent. However, the board may establish, by rule,
661 requirements for reapplication by applicants whose licenses have
662 been permanently revoked. Such requirements may include, but are
663 ~~shall not be~~ limited to, satisfying current requirements for an
664 initial license.

665 Section 17. Section 472.0357, Florida Statutes, is created
666 to read:

667 472.0357 Penalty for giving false information.—In addition
668 to, or in lieu of, any other disciplinary action imposed
669 pursuant to s. 472.0351, a person who knowingly gives false
670 information in the course of applying for or obtaining a license
671 from the department or the board, or who attempts to obtain or

672 obtains a license from the department or the board by knowingly
 673 providing misleading statements or misrepresentations commits a
 674 felony of the third degree, punishable as provided in s.
 675 775.082, s. 775.083, or s. 775.084.

676 Section 18. Subsection (5) of section 493.6105, Florida
 677 Statutes, is amended to read:

678 493.6105 Initial application for license.—

679 (5) In addition to the requirements outlined in subsection
 680 (3), an applicant for a Class "G" license must satisfy minimum
 681 training criteria for firearms established by rule of the
 682 department, which training criteria includes, but is not limited
 683 to, 28 hours of range and classroom training taught and
 684 administered by a Class "K" licensee; however, no more than 8
 685 hours of such training shall consist of range training. The
 686 department may waive the foregoing firearms training requirement
 687 if:

688 (a) The applicant provides proof that he or she is
 689 currently certified as a law enforcement officer or correctional
 690 officer pursuant to the requirements of the Criminal Justice
 691 Standards and Training Commission or has successfully completed
 692 the training required for certification within the last 12
 693 months.

694 (b) The applicant provides proof that he or she is
 695 currently certified as a federal law enforcement officer and has
 696 received law enforcement firearms training administered by a
 697 federal law enforcement agency.

698 (c) The applicant submits a valid firearm certificate
 699 among those specified in paragraph (6) (a). ~~If the applicant~~

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700 ~~submits proof that he or she is an active law enforcement~~
701 ~~officer currently certified under the Criminal Justice Standards~~
702 ~~and Training Commission or has completed the training required~~
703 ~~for that certification within the last 12 months, or if the~~
704 ~~applicant submits one of the certificates specified in paragraph~~
705 ~~(6)(a), the department may waive the foregoing firearms training~~
706 ~~requirement.~~

707 Section 19. Paragraph (b) of subsection (3) of section
708 493.6113, Florida Statutes, is amended to read:

709 493.6113 Renewal application for licensure.—

710 (3) Each licensee is responsible for renewing his or her
711 license on or before its expiration by filing with the
712 department an application for renewal accompanied by payment of
713 the prescribed license fee.

714 (b) Each Class "G" licensee shall additionally submit
715 proof that he or she has received during each year of the
716 license period a minimum of 4 hours of firearms recertification
717 training taught by a Class "K" licensee and has complied with
718 such other health and training requirements which the department
719 may adopt by rule. If proof of a minimum of 4 hours of annual
720 firearms recertification training cannot be provided, the
721 renewal applicant shall complete the minimum number of hours of
722 range and classroom training required at the time of initial
723 licensure. The department may waive the foregoing firearms
724 training requirement if:

725 1. The applicant provides proof that he or she is
726 currently certified as a law enforcement officer or correctional
727 officer under the Criminal Justice Standards and Training

728 Commission and has completed law enforcement firearms
 729 requalification training annually during the preceding 2 years
 730 of the licensure period.

731 2. The applicant provides proof that he or she is
 732 currently certified as a federal law enforcement officer and has
 733 received law enforcement firearms training administered by a
 734 federal law enforcement agency annually during the preceding 2
 735 years of the licensure period.

736 3. The applicant submits a valid firearm certificate among
 737 those specified in s. 493.6105(6) (a) and provides proof of
 738 having completed requalification training during the preceding 2
 739 years of the licensure period.

740 Section 20. Subsection (6) of section 493.6118, Florida
 741 Statutes, is amended to read:

742 493.6118 Grounds for disciplinary action.—

743 (6) The agency or Class "DS" or "RS" license and the
 744 approval or license of each officer, partner, or owner of the
 745 agency, school, or training facility are automatically suspended
 746 upon entry of a final order imposing an administrative fine
 747 against the agency, school, or training facility, until the fine
 748 is paid, if 30 calendar days have elapsed since the entry of the
 749 final order. All owners and corporate or agency officers or
 750 partners are jointly and severally liable for ~~agency~~ fines
 751 levied against the agency, school, or training facility. ~~Neither~~
 752 The agency or Class "DS" or "RS" license or the approval or
 753 license of any officer, partner, or owner of the agency, school,
 754 or training facility may not be renewed, and nor may an
 755 application may not be approved, if the owner, licensee, or

756 applicant is liable for an outstanding administrative fine
 757 imposed under this chapter. An individual's approval or license
 758 becomes automatically suspended if a fine imposed against the
 759 individual or his or her agency is not paid within 30 days after
 760 the date of the final order, and remains suspended until the
 761 fine is paid. Notwithstanding the provisions of this subsection,
 762 an individual's approval or license may not be suspended and ~~nor~~
 763 ~~may~~ an application may not be denied if ~~when~~ the licensee or the
 764 applicant has an appeal from a final order pending in any
 765 appellate court.

766 Section 21. Subsection (4) of section 493.6120, Florida
 767 Statutes, is amended to read:

768 493.6120 Violations; penalty.—

769 (4) A ~~Any~~ person who was an owner, officer, partner, or
 770 manager of a licensed agency or a Class "DS" or "RS" school or
 771 training facility at the time of any activity that is the basis
 772 for revocation of the agency or branch office license or the
 773 school or training facility license and who knew or should have
 774 known of the activity, shall have his or her personal licenses
 775 or approval suspended for 3 years and may not have any financial
 776 interest in or be employed in any capacity by a licensed agency
 777 or a school or training facility during the period of
 778 suspension.

779 Section 22. Subsection (7) of section 496.404, Florida
 780 Statutes, is amended to read:

781 496.404 Definitions.—As used in ss. 496.401-496.424:

782 (7) "Division" means the Division of Consumer Protection
 783 ~~Services~~ of the Department of Agriculture and Consumer Services.

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784 Section 23. Subsection (3) of section 496.411, Florida
 785 Statutes, is amended to read:

786 496.411 Disclosure requirements and duties of charitable
 787 organizations and sponsors.—

788 (3) Every charitable organization or sponsor that ~~which~~ is
 789 required to register under s. 496.405 must conspicuously display
 790 in capital letters the following statement on every printed
 791 solicitation, written confirmation, receipt, or reminder of a
 792 contribution:

793

794 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
 795 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
 796 CONSUMER PROTECTION SERVICES ~~SERVICES~~ BY CALLING TOLL-FREE
 797 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
 798 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
 799 STATE."

800

801 The statement must include a toll-free number for the division
 802 which ~~that~~ can be used to obtain the registration information.

803 When the solicitation consists of more than one piece, the
 804 statement must be displayed prominently in the solicitation
 805 materials.

806 Section 24. Paragraph (c) of subsection (1) of section
 807 496.412, Florida Statutes, is amended to read:

808 496.412 Disclosure requirements and duties of professional
 809 solicitors.—

810 (1) A professional solicitor must comply with and be
 811 responsible for complying or causing compliance with the

812 following disclosures:

813 (c) In addition to the information required by paragraph
 814 (a), any written confirmation, receipt, or reminder of
 815 contribution made pursuant to an oral solicitation and any
 816 written solicitation shall conspicuously state in capital
 817 letters:

818
 819 "A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL
 820 INFORMATION MAY BE OBTAINED FROM THE DIVISION OF
 821 CONSUMER PROTECTION SERVICES BY CALLING TOLL-FREE
 822 WITHIN THE STATE. REGISTRATION DOES NOT IMPLY
 823 ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE
 824 STATE."

825
 826 The statement must include a toll-free number for the division
 827 which that can be used to obtain the registration information.
 828 When the solicitation consists of more than one piece, the
 829 statement must be displayed prominently in the solicitation
 830 materials.

831 Section 25. Subsection (7) of section 501.015, Florida
 832 Statutes, is amended to read:

833 501.015 Health studios; registration requirements and
 834 fees.—Each health studio shall:

835 (7) A ~~Any~~ person applying for or renewing a local business
 836 tax receipt ~~occupational license~~ to engage in business as a
 837 health studio must exhibit an active registration certificate
 838 from the Department of Agriculture and Consumer Services before
 839 the local business tax receipt ~~occupational license~~ may be

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840 issued or reissued.

841 Section 26. Subsection (1) of section 501.017, Florida
842 Statutes, is amended to read:

843 501.017 Health studios; contracts.—

844 (1) Each ~~Every~~ contract for the sale of future health
845 studio services which is paid for in advance or which the buyer
846 agrees to pay for in future installment payments shall be in
847 writing and shall contain, contractual provisions to the
848 contrary notwithstanding, in immediate proximity to the space
849 reserved in the contract for the signature of the buyer, and in
850 at least 10-point boldfaced type, language substantially
851 equivalent to the following:

852 (a) A provision for the penalty-free cancellation of the
853 contract within 3 days, exclusive of holidays and weekends, of
854 its making, upon the mailing or delivery of written notice to
855 the health studio, and refund upon such notice of all moneys
856 paid under the contract, except that the health studio may
857 retain an amount computed by dividing the number of complete
858 days in the contract term or, if appropriate, the number of
859 occasions health studio services are to be rendered into the
860 total contract price and multiplying the result by the number of
861 complete days that have passed since the making of the contract
862 or, if appropriate, by the number of occasions that health
863 studio services have been rendered. A refund shall be issued
864 within 30 days after receipt of the notice of cancellation made
865 within the 3-day provision.

866 (b)1. A provision for the cancellation and refund of the
867 contract if the contracting business location of the health

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868 studio goes out of business, or moves its facilities more than 5
 869 driving miles from the business location designated in the ~~such~~
 870 contract and fails to provide, within 30 days, a facility of
 871 equal quality located within 5 driving miles of the business
 872 location designated in the ~~such~~ contract at no additional cost
 873 to the buyer.

874 2. A provision that notice of intent to cancel by the
 875 buyer shall be given in writing to the health studio. The ~~Such~~
 876 notice of cancellation from the consumer terminates ~~shall also~~
 877 ~~terminate~~ automatically the consumer's obligation to any entity
 878 to whom the health studio has subrogated or assigned the
 879 consumer's contract. If the health studio wishes to enforce the
 880 ~~such~~ contract after receipt of the notice ~~such showing~~, it may
 881 request the department to determine the sufficiency of the
 882 notice ~~showing~~.

883 3. A provision that if the department determines that a
 884 refund is due the buyer, the refund shall be an amount computed
 885 by dividing the contract price by the number of weeks in the
 886 contract term and multiplying the result by the number of weeks
 887 remaining in the contract term. The business location of a
 888 health studio may ~~shall~~ not be deemed out of business when
 889 temporarily closed for repair and renovation of the premises:

- 890 a. Upon sale, for not more than 14 consecutive days; or
- 891 b. During ownership, for not more than 7 consecutive days
- 892 and not more than two periods of 7 consecutive days in any
- 893 calendar year.

894

895 A refund shall be issued within 30 days after receipt of the

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896 notice of cancellation made pursuant to this paragraph.

897 (c) A provision in the disclosure statement advising the
898 buyer to contact the department for information within 60 days
899 should the health studio go out of business.

900 (d) A provision for the cancellation of the contract if
901 the buyer dies or becomes physically unable to avail himself or
902 herself of a substantial portion of those services which he or
903 she used from the commencement of the contract until the time of
904 disability, with refund of funds paid or accepted in payment of
905 the contract in an amount computed by dividing the contract
906 price by the number of weeks in the contract term and
907 multiplying the result by the number of weeks remaining in the
908 contract term. The contract may require a buyer or the buyer's
909 estate seeking relief under this paragraph to provide proof of
910 disability or death. A physical disability sufficient to warrant
911 cancellation of the contract by the buyer is ~~shall be~~
912 established if the buyer furnishes to the health studio a
913 certification of such disability by a physician licensed under
914 chapter 458, chapter 459, chapter 460, or chapter 461 to the
915 extent the diagnosis or treatment of the disability is within
916 the physician's scope of practice. A refund shall be issued
917 within 30 days after receipt of the notice of cancellation made
918 pursuant to this paragraph.

919 (e) A provision that the initial contract will not be for
920 a period in excess of 36 months, and thereafter shall only be
921 renewable annually. A ~~Such~~ renewal contract ~~contracts~~ may not be
922 executed and the fee therefor paid until 60 days or less before
923 the preceding contract expires.

924 (f) A provision that if the health studio requires a buyer
 925 to furnish identification upon entry to the facility and as a
 926 condition of using the services of the health studio, the health
 927 studio shall provide the buyer with the means of such
 928 identification.

929 Section 27. Paragraphs (a) and (1) of subsection (2) of
 930 section 501.605, Florida Statutes, are amended to read:

931 501.605 Licensure of commercial telephone sellers.—

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

936 (a) The true name, date of birth, driver ~~driver's~~ license
 937 number or other valid form of identification, ~~social security~~
 938 ~~number~~, and home address of the applicant, including each name
 939 under which he or she intends to do business.

940 (1) The true name, current home address, date of birth,
 941 ~~social security number~~, and all other names by which known, or
 942 previously known, of each:

943 1. Principal officer, director, trustee, shareholder,
 944 owner, or partner of the applicant, and of each other person
 945 responsible for the management of the business of the applicant.

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

948 3. Salesperson or other person to be employed by the
 949 applicant.

950

951 The application shall be accompanied by a copy of any: Script,

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952 outline, or presentation the applicant will require or suggest a
 953 salesperson to use when soliciting, or, if no such document is
 954 used, a statement to that effect; sales information or
 955 literature to be provided by the applicant to a salesperson; and
 956 sales information or literature to be provided by the applicant
 957 to a purchaser in connection with any solicitation.

958 Section 28. Paragraph (a) of subsection (1) of section
 959 501.607, Florida Statutes, is amended to read:

960 501.607 Licensure of salespersons.—

961 (1) An applicant for a license as a salesperson must
 962 submit to the department, in such form as it prescribes, a
 963 written application for a license. The application must set
 964 forth the following information:

965 (a) The true name, date of birth, driver ~~driver's~~ license
 966 number or other valid form of identification, ~~social security~~
 967 ~~number~~, and home address of the applicant.

968 Section 29. Section 501.911, Florida Statutes, is amended
 969 to read:

970 501.911 Administration of act.—Sections 501.91-501.923
 971 shall be administered by the Division of Consumer Protection
 972 ~~Standards~~ of the Department of Agriculture and Consumer
 973 Services.

974 Section 30. Subsections (1) and (2) of section 501.913,
 975 Florida Statutes, are amended to read:

976 501.913 Registration.—

977 (1) Each brand of antifreeze to be distributed in this
 978 state shall be registered with the department before ~~prior to~~
 979 distribution. The person whose name appears on the label, the

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980 manufacturer, or the packager shall make application to the
981 department on forms provided by the department no later than
982 July 1 of each year. The registrant assumes, by application to
983 register the brand, full responsibility for the registration,
984 quality, and quantity of the product sold, offered, or exposed
985 for sale in this state. If a registered brand is not in
986 production for distribution in this state and to ensure any
987 remaining product that is still available for sale in the state
988 is properly registered, the registrant must submit a notarized
989 affidavit on company letterhead to the department certifying
990 that:

991 (a) The stated brand is no longer in production;

992 (b) The stated brand will not be distributed in this
993 state; and

994 (c) All existing product of the stated brand will be
995 removed by the registrant from the state within 30 days after
996 expiration of the registration or the registrant will reregister
997 the brand for two subsequent registration periods.

998
999 If production resumes, the brand must be reregistered before it
1000 is distributed in this state.

1001 (2) The completed application shall be accompanied by:

1002 (a) Specimens or facsimiles of the label for each brand of
1003 antifreeze;

1004 (b) An application fee of \$200 for each brand; and

1005 (c) A properly labeled sample of between 1 and 2 gallons
1006 for each brand of antifreeze.

1007 Section 31. Subsection (3) of section 507.04, Florida

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1008 Statutes, is amended to read:

1009 507.04 Required insurance coverages; liability
1010 limitations; valuation coverage.—

1011 (3) INSURANCE COVERAGES.—The insurance coverages required
1012 under paragraph (1)(a) and subsection (2) must be issued by an
1013 insurance company or carrier licensed to transact business in
1014 this state under the Florida Insurance Code as designated in s.
1015 624.01. The department shall require a mover to present a
1016 certificate of insurance of the required coverages before
1017 issuance or renewal of a registration certificate under s.
1018 507.03. The department shall be named as a certificateholder in
1019 the certificate and must be notified at least 10 ~~30~~ days before
1020 cancellation of any changes in insurance coverage.

1021 Section 32. Subsection (7) of section 525.07, Florida
1022 Statutes, is amended, and subsection (10) is added to that
1023 section, to read:

1024 525.07 Powers and duties of department; inspections;
1025 unlawful acts.—

1026 (7) It is unlawful for any person to break, cut, or remove
1027 any seal applied by the department to a petroleum fuel measuring
1028 device or container. If ~~When~~ it becomes necessary to repair and
1029 adjust a petroleum fuel measuring device during the absence of
1030 an inspector of the department, the seal on the meter adjustment
1031 may be broken by a person who is registered with the department
1032 as a meter mechanic. After repairs and adjustments have been
1033 made, the adjusting mechanism must immediately be resealed by
1034 the registered meter mechanic with a seal clasp bearing at least
1035 ~~the name of the company or~~ the name or initials of the

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1036 registered mechanic. The registered mechanic shall immediately
 1037 notify the department of this action.

1038 (10) It is unlawful for any person to remove, use, sell,
 1039 offer for sale, distribute, offer for distribution, or dispose
 1040 of in any way petroleum fuel that has been placed under a stop-
 1041 sale order without first receiving permission in writing from
 1042 the department.

1043 Section 33. Subsection (5) of section 526.143, Florida
 1044 Statutes, is amended to read:

1045 526.143 Alternate generated power capacity for motor fuel
 1046 dispensing facilities.—

1047 (5) (a) Each corporation or other entity that owns 10 or
 1048 more motor fuel retail outlets located within a single county
 1049 shall maintain at least one portable generator that is capable
 1050 of providing an alternate generated power source as required
 1051 under subsection (2) for every 10 outlets. If an entity owns
 1052 more than 10 outlets or a multiple of 10 outlets plus an
 1053 additional 6 outlets, the entity must provide one additional
 1054 generator to accommodate such additional outlets. Each portable
 1055 generator must be stored within this state, or may be stored in
 1056 another state if located within 250 miles of this state, and
 1057 must be available for use in an affected location within 24
 1058 hours after a disaster.

1059 (b) Each corporation or other entity that owns 10 or more
 1060 motor fuel retail outlets located within a single domestic
 1061 security region, as determined pursuant to s. 943.0312(1), and
 1062 that does not own additional outlets located outside the
 1063 domestic security region shall maintain a written document of

1064 agreement with one or more similarly equipped entities for the
 1065 use of portable generators that may be used to meet the
 1066 requirements of paragraph (a) and that are located within this
 1067 state but outside the affected domestic security region. The
 1068 agreement may be reciprocal, may allow for payment for services
 1069 rendered by the providing entity, and must guarantee the
 1070 availability of the portable generators to an affected location
 1071 within 24 hours after a disaster.

1072 (c) Upon written request, the department may temporarily
 1073 waive the requirements in paragraphs (a) and (b) if the
 1074 generators are used in preparation for or response to an
 1075 emergency or major disaster in another state. The waiver shall
 1076 be in writing and include a beginning and ending date. The
 1077 waiver may provide additional conditions as deemed necessary by
 1078 the department. The waiver may be modified or terminated by the
 1079 department if the Governor of this state declares an emergency.

1080 (d) ~~(e)~~ For purposes of this section, ownership of a motor
 1081 fuel retail outlet is ~~shall be~~ the owner of record of the fuel
 1082 storage systems operating at the location, as identified in the
 1083 Department of Environmental Protection underground storage
 1084 facilities registry pursuant to s. 376.303(1).

1085 Section 34. Subsections (8) and (9) are added to section
 1086 526.50, Florida Statutes, to read:

1087 526.50 Definition of terms.—As used in this part:

1088 (8) "Brand" means the product name appearing on the label
 1089 of a container of brake fluid.

1090 (9) "Formula" means the name of the chemical mixture or
 1091 composition of the brake fluid product.

1092 Section 35. Subsections (1) and (3) of section 526.51,
 1093 Florida Statutes, are amended to read:

1094 526.51 Registration; renewal and fees; departmental
 1095 expenses; cancellation or refusal to issue or renew.—

1096 (1)(a) Application for registration of each brand of brake
 1097 fluid shall be made on forms ~~to be~~ supplied by the department.
 1098 The applicant shall give his or her name and address and the
 1099 brand name of the brake fluid, state that he or she owns the
 1100 brand name and has complete control over the product sold
 1101 thereunder in this state ~~Florida~~, and provide the name and
 1102 address of the resident agent in this state ~~Florida~~. If the
 1103 applicant does not own the brand name but wishes to register the
 1104 product with the department, a notarized affidavit that gives
 1105 the applicant full authorization to register the brand name and
 1106 that is signed by the owner of the brand name must accompany the
 1107 application for registration. The affidavit must include all
 1108 affected brand names, the owner's company or corporate name and
 1109 address, the applicant's company or corporate name and address,
 1110 and a statement from the owner authorizing the applicant to
 1111 register the product with the department. The owner of the brand
 1112 name shall maintain complete control over each product sold
 1113 under that brand name in this state. All first-time ~~new product~~
 1114 applications for a brand and formula combination must be
 1115 accompanied by a certified report from an independent testing
 1116 laboratory, setting forth the analysis of the brake fluid which
 1117 shows ~~shall show~~ its quality to be not less than the
 1118 specifications established by the department for brake fluids. A
 1119 sample of not less than 24 fluid ounces of brake fluid shall be

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1120 submitted, in a container or containers, with labels
1121 representing exactly how the containers of brake fluid will be
1122 labeled when sold, and the sample and container shall be
1123 analyzed and inspected by the Division of Consumer Protection
1124 ~~Standards~~ in order that compliance with the department's
1125 specifications and labeling requirements may be verified. Upon
1126 approval of the application, the department shall register the
1127 brand name of the brake fluid and issue to the applicant a
1128 permit authorizing the registrant to sell the brake fluid in
1129 this state during the permit year specified in the permit.

1130 (b) Each applicant shall pay a fee of \$100 with each
1131 application. A permit may be renewed by application to the
1132 department, accompanied by a renewal fee of \$50 on or before the
1133 last day of the permit year immediately preceding the permit
1134 year for which application is made for renewal of registration.
1135 To reregister a previously registered brand and formula
1136 combination, an applicant must submit a completed application
1137 and all materials as required in this section to the department
1138 before the first day of the permit year. A brand and formula
1139 combination for which a completed application and all materials
1140 required in this section are not received before the first day
1141 of the permit year may not be registered with the department
1142 until a completed application and all materials required in this
1143 section have been received and approved. If the brand and
1144 formula combination was previously registered with the
1145 department and a fee, application, or materials required in this
1146 section are received after the first day of the permit year, ~~To~~
1147 any fee not paid when due, there shall accrue a penalty of \$25

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1148 accrues, which shall be added to the ~~renewal~~ fee. Renewals shall
1149 ~~will~~ be accepted only on brake fluids that have no change in
1150 formula, composition, or brand name. Any change in formula,
1151 composition, or brand name of any brake fluid constitutes a new
1152 product that must be registered in accordance with this part.

1153 (c) In order to ensure that any remaining product still
1154 available for sale in this state is properly registered, if a
1155 registered brand and formula combination is no longer in
1156 production for distribution in this state, the registrant must
1157 submit a notarized affidavit on company letterhead to the
1158 department certifying that:

1159 1. The stated brand and formula combination is no longer
1160 in production;

1161 2. The stated brand and formula combination will not be
1162 distributed in this state; and

1163 3. All existing product of the stated brand and formula
1164 combination will be removed by the registrant from the state
1165 within 30 days after the expiration of the registration or that
1166 the registrant will reregister the brand and formula combination
1167 for two subsequent registration periods.

1168
1169 If production resumes, the brand and formula combination must be
1170 reregistered before it is again distributed in this state.

1171 (3) The department may cancel or ~~refuse to issue or~~
1172 ~~refuse to renew~~ any registration and permit after due notice and
1173 opportunity to be heard if it finds that the brake fluid is
1174 adulterated or misbranded or that the registrant has failed to
1175 comply with the provisions of this part or the rules adopted

1176 pursuant to this section and ~~regulations promulgated thereunder.~~

1177 Section 36. Paragraph (a) of subsection (3) of section
1178 526.52, Florida Statutes, is amended to read:

1179 526.52 Specifications; adulteration and misbranding.—

1180 (3) Brake fluid is deemed to be misbranded:

1181 (a) If its container does not bear on its side or top a
1182 label on which is printed the name and place of business of the
1183 registrant of the product, the words "brake fluid," and a
1184 statement that the product therein equals or exceeds the minimum
1185 specification of the Society of Automotive Engineers for brake
1186 fluid, heavy-duty-type, the United States Department of
1187 Transportation Motor Vehicle Safety Standard No. 116, or other
1188 specified standard identified in department rule. ~~By regulation~~
1189 The department may require by rule that the duty-type
1190 classification appear on the label.

1191 Section 37. Subsections (1) and (2) of section 526.53,
1192 Florida Statutes, are amended to read:

1193 526.53 Enforcement; inspection and analysis, stop-sale and
1194 disposition, regulations.—

1195 (1) The department shall enforce the provisions of this
1196 part through the Division of Consumer Protection Standards, and
1197 may sample, inspect, analyze, and test any brake fluid
1198 manufactured, packed, or sold within this state. The department
1199 shall have free access during business hours to all premises,
1200 buildings, vehicles, cars, or vessels used in the manufacture,
1201 packing, storage, sale, or transportation of brake fluid, and
1202 may open any box, carton, parcel, or container of brake fluid
1203 and take samples for inspection and analysis or for evidence.

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1204 (2) (a) ~~If~~ When any brake fluid is sold in violation of any
 1205 of the provisions of this part, all such brake fluid of the same
 1206 brand name ~~on the same premises on which the violation occurred~~
 1207 shall be placed under a stop-sale order by the department by
 1208 servicing the owner of the brand name, the distributor, or other
 1209 entity responsible for selling or distributing the product in
 1210 this state with the stop-sale order. The department shall
 1211 withdraw its stop-sale order upon the removal of the violation
 1212 or upon voluntary destruction of the product, or other disposal
 1213 approved by the department, under the supervision of the
 1214 department.

1215 (b) In addition to being subject to the stop-sale
 1216 procedures ~~above~~, unregistered brake fluid shall be held by the
 1217 department or its representative, at a place to be designated in
 1218 the stop-sale order, until properly registered and released in
 1219 writing by the department or its representative. If application
 1220 has not been made for registration of such product within 30
 1221 days after issue of the stop-sale order, the department or, with
 1222 the consent of the department, the representative may give the
 1223 product that meets legal specifications ~~such product shall be~~
 1224 ~~disposed of by the department~~ to any tax-supported institution
 1225 or agency of the state. If application has not been made for
 1226 registration of the product within 30 days after issuance of the
 1227 stop-order sale and the product fails to meet legal
 1228 specifications, the product may be disposed of as if the brake
 1229 ~~fluid meets legal specifications or by other disposal~~ authorized
 1230 by rule of the department ~~if it fails to meet legal~~
 1231 specifications.

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1232 Section 38. Section 526.55, Florida Statutes, is amended
 1233 to read:

1234 526.55 Violation and penalties.—

1235 (1) It is unlawful:

1236 (a)~~(1)~~ To sell any brake fluid that is adulterated or
 1237 misbranded, not registered or on which a permit has not been
 1238 issued.

1239 (b)~~(2)~~ For anyone to remove any stop-sale order placed on
 1240 a product by the department, or any product upon which a stop-
 1241 sale order has been placed.

1242 (2) If the department finds that a person has violated or
 1243 is operating in violation of ss. 526.50-526.56 or the rules or
 1244 orders adopted thereunder, the department may, by order:

1245 (a) Issue a notice of noncompliance pursuant to s.
 1246 120.695;

1247 (b) Impose an administrative fine not to exceed \$5,000 for
 1248 each violation;

1249 (c) Direct that the person cease and desist specified
 1250 activities;

1251 (d) Revoke or suspend a registration, or refuse to
 1252 register a product; or

1253 (e) Place the registrant on probation for a period of
 1254 time, subject to conditions as the department may specify.

1255 (3) The administrative proceedings seeking entry of an
 1256 order imposing any of the penalties specified in subsection (2)
 1257 are governed by chapter 120.

1258 (4) If a registrant is found to be in violation of ss.
 1259 526.50-526.56 and fails to pay a fine within 30 days after

1260 imposition of the fine, the department may suspend all
 1261 registrations issued to the registrant by the department until
 1262 the fine is paid.

1263 (5) All fines collected by the department under this
 1264 section shall be deposited into the General Inspection Trust
 1265 Fund.

1266 ~~(3) Any person who violates any of the provisions of this~~
 1267 ~~part or any rule or regulation promulgated thereunder shall, for~~
 1268 ~~the first offense, be guilty of a misdemeanor of the second~~
 1269 ~~degree, punishable as provided in s. 775.082 or s. 775.083, and,~~
 1270 ~~for a second or subsequent offense, shall be guilty of a~~
 1271 ~~misdemeanor of the first degree, punishable as provided in s.~~
 1272 ~~775.082 or s. 775.083.~~

1273 Section 39. Paragraph (b) of subsection (3) of section
 1274 539.001, Florida Statutes, is amended to read:

1275 539.001 The Florida Pawnbroking Act.—

1276 (3) LICENSE REQUIRED.—

1277 (b) A licensee who seeks to move a pawnshop to another
 1278 location must give written notice 30 days' ~~prior written notice~~
 1279 ~~to the agency at least 30 days before the move by certified or~~
 1280 ~~registered mail, return receipt requested,~~ and the agency must
 1281 ~~then~~ amend the license to indicate the new location. The
 1282 licensee must also give such written notice to the appropriate
 1283 law enforcement official.

1284 Section 40. Subsection (1) of section 559.805, Florida
 1285 Statutes, is amended to read:

1286 559.805 Filings with the department; disclosure of
 1287 advertisement identification number.—

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1288 (1) Every seller of a business opportunity shall annually
 1289 file with the department a copy of the disclosure statement
 1290 required by s. 559.803 before ~~prior to~~ placing an advertisement
 1291 or making any other representation designed to offer to, sell
 1292 to, or solicit an offer to buy a business opportunity from a
 1293 prospective purchaser in this state and shall update this filing
 1294 by reporting any material change in the required information
 1295 within 30 days after the material change occurs. An
 1296 advertisement is not placed in the state merely because the
 1297 publisher circulates, or there is circulated on his or her
 1298 behalf in the state, any bona fide newspaper or other
 1299 publication of general, regular, and paid circulation which has
 1300 had more than two-thirds of its circulation during the past 12
 1301 months outside the state or because a radio or television
 1302 program originating outside the state is received in the state.
 1303 If the seller is required by s. 559.807 to provide a bond or
 1304 establish a trust account or guaranteed letter of credit, he or
 1305 she shall contemporaneously file with the department a copy of
 1306 the bond, a copy of the formal notification by the depository
 1307 that the trust account is established, or a copy of the
 1308 guaranteed letter of credit. Every seller of a business
 1309 opportunity shall file with the department a list of independent
 1310 agents who will engage in the offer or sale of business
 1311 opportunities on behalf of the seller in this state. This list
 1312 must be kept current and shall include the following
 1313 information: name, home and business address, telephone number,
 1314 present employer, ~~social security number,~~ and birth date. A ~~No~~
 1315 person may not ~~shall be allowed to~~ offer or sell business

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1316 opportunities unless the required information has been provided
 1317 to the department.

1318 Section 41. Subsection (7) of section 559.904, Florida
 1319 Statutes, is amended to read:

1320 559.904 Motor vehicle repair shop registration;
 1321 application; exemption.—

1322 (7) Any person applying for or renewing a local business
 1323 tax receipt ~~occupational license on or after October 1, 1993,~~ to
 1324 engage in business as a motor vehicle repair shop must exhibit
 1325 an active registration certificate from the department before
 1326 the local business tax receipt ~~occupational license~~ may be
 1327 issued or renewed.

1328 Section 42. Subsections (1), (3), and (4) of section
 1329 559.928, Florida Statutes, are amended to read:

1330 559.928 Registration.—

1331 (1) Each seller of travel shall annually register with the
 1332 department, providing: its legal business or trade name, mailing
 1333 address, and business locations; the full names, addresses, and
 1334 telephone numbers of its owners or corporate officers and
 1335 directors and the Florida agent of the corporation; a statement
 1336 whether it is a domestic or foreign corporation, its state and
 1337 date of incorporation, its charter number, and, if a foreign
 1338 corporation, the date it registered with this state ~~the State of~~
 1339 ~~Florida,~~ and business tax receipt ~~occupational license~~ where
 1340 applicable; the date on which a seller of travel registered its
 1341 fictitious name if the seller of travel is operating under a
 1342 fictitious or trade name; the name of all other corporations,
 1343 business entities, and trade names through which each owner of

1344 the seller of travel operated, was known, or did business as a
 1345 seller of travel within the preceding 5 years; a list of all
 1346 authorized independent agents, including the agent's trade name,
 1347 full name, mailing address, business address, and telephone
 1348 numbers; the business location and address of each branch office
 1349 and full name and address of the manager or supervisor; the
 1350 certification required under s. 559.9285; and proof of purchase
 1351 of adequate bond as required in this part. A certificate
 1352 evidencing proof of registration shall be issued by the
 1353 department and must be prominently displayed in the seller of
 1354 travel's primary place of business.

1355 (3) Each independent agent shall annually file an
 1356 affidavit with the department prior to engaging in business in
 1357 this state. This affidavit must include the independent agent's
 1358 full name, legal business or trade name, mailing address,
 1359 business address, telephone number, ~~social security number,~~ and
 1360 the name ~~or names~~ and address ~~addresses~~ of each seller of travel
 1361 represented by the independent agent. A letter evidencing proof
 1362 of filing must be issued by the department and must be
 1363 prominently displayed in the independent agent's primary place
 1364 of business. Each independent agent must also submit an annual
 1365 registration fee of \$50. All moneys collected pursuant to the
 1366 imposition of the fee shall be deposited by the Chief Financial
 1367 Officer into the General Inspection Trust Fund of the Department
 1368 of Agriculture and Consumer Services for the sole purpose of
 1369 administrating this part. As used in this subsection, the term
 1370 "independent agent" means a person who represents a seller of
 1371 travel by soliciting persons on its behalf; who has a written

1372 contract with a seller of travel which is operating in
 1373 compliance with this part and any rules adopted thereunder; who
 1374 does not receive a fee, commission, or other valuable
 1375 consideration directly from the purchaser for the seller of
 1376 travel; who does not at any time have any unissued ticket stock
 1377 or travel documents in his or her possession; and who does not
 1378 have the ability to issue tickets, vacation certificates, or any
 1379 other travel document. The term "independent agent" does not
 1380 include an affiliate of the seller of travel, as that term is
 1381 used in s. 559.935(3), or the employees of the seller of travel
 1382 or of such affiliates.

1383 (4) Any person applying for or renewing a local business
 1384 tax receipt ~~occupational license~~ to engage in business as a
 1385 seller of travel must exhibit a current registration certificate
 1386 from the department before the local business tax receipt
 1387 ~~occupational license~~ may be issued or reissued.

1388 Section 43. Paragraph (c) of subsection (3) of section
 1389 559.9285, Florida Statutes, is amended to read:

1390 559.9285 Certification of business activities.—

1391 (3) The department shall specify by rule the form of each
 1392 certification under this section which shall include the
 1393 following information:

1394 (c) The legal name, any trade names or fictitious names,
 1395 mailing address, physical address, telephone number or numbers,
 1396 facsimile number or numbers, and all Internet and electronic
 1397 contact information of every other commercial entity with which
 1398 the certifying party engages in business or commerce that is
 1399 related in any way to the certifying party's business or

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1400 commerce with any terrorist state. The information disclosed
 1401 pursuant to this paragraph does not constitute customer lists,
 1402 customer names, or trade secrets protected under s. 570.544(8)
 1403 ~~570.544(7)~~.

1404 Section 44. Subsection (6) of section 559.935, Florida
 1405 Statutes, is amended to read:

1406 559.935 Exemptions.—

1407 (6) The department shall request from the Airlines
 1408 Reporting Corporation any information necessary to implement the
 1409 provisions of subsection (2). Persons claiming an exemption
 1410 under subsection (2) or subsection (3) must show a letter of
 1411 exemption from the department before a local business tax
 1412 receipt ~~occupational license~~ to engage in business as a seller
 1413 of travel may be issued or reissued. If the department fails to
 1414 issue a letter of exemption on a timely basis, the seller of
 1415 travel shall submit to the department, through certified mail,
 1416 an affidavit containing her or his name and address and an
 1417 explanation of the exemption sought. Such affidavit may be used
 1418 in lieu of a letter of exemption for the purpose of obtaining an
 1419 business tax receipt ~~occupational license~~. In any civil or
 1420 criminal proceeding, the burden of proving an exemption under
 1421 this section is ~~shall be~~ on the person claiming such exemption.
 1422 A letter of exemption issued by the department may ~~shall~~ not be
 1423 used in, and has ~~shall have~~ no bearing on, such proceedings.

1424 Section 45. Subsection (5) of section 570.29, Florida
 1425 Statutes, is amended to read:

1426 570.29 Departmental divisions.—The department shall
 1427 include the following divisions:

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1428 (5) Consumer Protection Services.

1429 Section 46. Section 570.46, Florida Statutes, is repealed.

1430 Section 47. Section 570.47, Florida Statutes, is repealed.

1431 Section 48. Section 570.544, Florida Statutes, is amended

1432 to read:

1433 570.544 Division of Consumer Protection Services;

1434 director; powers; processing of complaints; records.—

1435 (1) The director of the Division of Consumer Protection

1436 ~~Services~~ shall be appointed by and serve at the pleasure of the

1437 commissioner.

1438 (2) The director shall supervise, direct, and coordinate

1439 the activities of the division and shall, under the direction of

1440 the department, enforce the provisions of chapters 472, 496,

1441 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849.

1442 (3)~~(2)~~ The Division of Consumer Protection Services may:

1443 (a) Conduct studies and make analyses of matters affecting

1444 the interests of consumers.

1445 (b) Study the operation of laws for consumer protection.

1446 (c) Advise and make recommendations to the various state

1447 agencies concerned with matters affecting consumers.

1448 (d) Assist, advise, and cooperate with local, state, or

1449 federal agencies and officials in order to promote the interests

1450 of consumers.

1451 (e) Make use of the testing and laboratory facilities of

1452 the department for the detection of consumer fraud.

1453 (f) Report to the appropriate law enforcement officers any

1454 information concerning violation of consumer protection laws.

1455 (g) Assist, develop, and conduct programs of consumer

1456 education and consumer information through publications and
 1457 other informational and educational material prepared for
 1458 dissemination to the public, in order to increase the competence
 1459 of consumers.

1460 (h) Organize and hold conferences on problems affecting
 1461 consumers.

1462 (i) Recommend programs to encourage business and industry
 1463 to maintain high standards of honesty, fair business practices,
 1464 and public responsibility in the production, promotion, and sale
 1465 of consumer goods and services.

1466 (4)~~(3)~~ In addition to the powers, duties, and
 1467 responsibilities authorized by this or any other chapter, the
 1468 Division of Consumer Protection Services shall serve as a
 1469 clearinghouse for matters relating to consumer protection,
 1470 consumer information, and consumer services generally. It shall
 1471 receive complaints and grievances from consumers and promptly
 1472 transmit them to the ~~that~~ agency most directly concerned in
 1473 order that the complaint or grievance may be expeditiously
 1474 handled in the best interests of the complaining consumer. If no
 1475 agency exists, the Division of Consumer Protection Services
 1476 shall seek a settlement of the complaint using formal or
 1477 informal methods of mediation and conciliation and may seek any
 1478 other resolution of the matter in accordance with its
 1479 jurisdiction.

1480 (5)~~(4)~~ If any complaint received by the Division of
 1481 Consumer Protection Services concerns matters that ~~which~~ involve
 1482 concurrent jurisdiction in more than one agency, duplicate
 1483 copies of the complaint shall be referred to those offices

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1484 deemed to have concurrent jurisdiction.

1485 (6)~~(5)~~(a) Any agency, office, bureau, division, or board
 1486 of state government receiving a complaint that ~~which~~ deals with
 1487 consumer fraud or consumer protection and that ~~which~~ is not
 1488 within the jurisdiction of the receiving agency, office, bureau,
 1489 division, or board originally receiving it, shall immediately
 1490 refer the complaint to the Division of Consumer Protection
 1491 ~~Services~~.

1492 (b) Upon receipt of such a complaint, the Division of
 1493 Consumer Protection ~~Services~~ shall make a determination of the
 1494 proper jurisdiction to which the complaint relates and shall
 1495 immediately refer the complaint to the agency, office, bureau,
 1496 division, or board that ~~which~~ does have the proper regulatory or
 1497 enforcement authority to deal with it.

1498 (7)~~(6)~~ The office or agency to which a complaint has been
 1499 referred shall within 30 days acknowledge receipt of the
 1500 complaint. If an office or agency receiving a complaint
 1501 determines that the matter presents a prima facie case for
 1502 criminal prosecution or if the complaint cannot be settled at
 1503 the administrative level, the complaint together with all
 1504 supporting evidence shall be transmitted to the Department of
 1505 Legal Affairs or other appropriate enforcement agency with a
 1506 recommendation for civil or criminal action warranted by the
 1507 evidence.

1508 (8)~~(7)~~ The records of the Division of Consumer Protection
 1509 ~~Services~~ are public records. However, customer lists, customer
 1510 names, and trade secrets are confidential and exempt from the
 1511 provisions of s. 119.07(1). Disclosure necessary to enforcement

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1512 | procedures does ~~shall~~ not violate ~~be construed as violative of~~
 1513 | this prohibition.

1514 | ~~(9)-(8) It shall be the duty of~~ The Division of Consumer
 1515 | Protection shall Services to maintain records and compile
 1516 | summaries and analyses of consumer complaints and their eventual
 1517 | disposition, which data may serve as a basis for recommendations
 1518 | to the Legislature and to state regulatory agencies.

1519 | Section 49. Paragraph (a) of subsection (8) of section
 1520 | 616.242, Florida Statutes, is amended to read:

1521 | 616.242 Safety standards for amusement rides.—

1522 | (8) FEES.—

1523 | (a) The department shall by rule establish fees to cover
 1524 | the costs and expenditures associated with the fair rides
 1525 | inspection program ~~Bureau of Fair Rides Inspection~~, including
 1526 | all direct and indirect costs. If there is not sufficient
 1527 | general revenue appropriated by the Legislature, the industry
 1528 | shall pay for the remaining cost of the program. The fees must
 1529 | be deposited in the General Inspection Trust Fund.

1530 | Section 50. Subsection (3) of section 849.0915, Florida
 1531 | Statutes, is amended to read:

1532 | 849.0915 Referral selling.—

1533 | (3) In addition to the penalty provided in this section
 1534 | ~~herein~~, the Attorney General and her or his assistants, the
 1535 | state attorneys and their assistants, and the Division of
 1536 | Consumer Protection ~~Services~~ of the Department of Agriculture
 1537 | and Consumer Services may ~~are authorized to~~ apply to the circuit
 1538 | court within their respective jurisdictions, and the ~~such~~ court
 1539 | has ~~shall have~~ jurisdiction, upon hearing and for cause shown,

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1540 | to grant a temporary or permanent injunction restraining any
1541 | person from violating the provisions of this section, whether or
1542 | not there exists an adequate remedy at law, and such injunction
1543 | shall issue without bond.

1544 | Section 51. This act shall take effect July 1, 2012.