

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

BILL: CS/CS/SB 1916

INTRODUCER: Budget Subcommittee on General Government Appropriations, Commerce and Tourism Committee, and Senator Detert

SUBJECT: Department of Agriculture and Consumer Services

DATE: April 13, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McCarthy	Cooper	CM	Fav/CS
2.	Blizzard	DeLoach	BGA	Fav/CS
3.			BC	
4.			RC	
5.				
6.				

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

The bill changes the name of the Division of Consumer Services within the Department of Agriculture and Consumer Services (department) to the Division of Consumer Protection. The bill deletes the authority for the department to enforce the prohibition against unconscionable prices relating to the rental or sale of essential commodities during a declared state of emergency (also known as the statutory “Price Gouging” restriction). The bill transfers department responsibilities under the Motor Vehicle Warranty Enforcement Act (or “Lemon Law”) to the Attorney General.

This bill requires applicants for certain licenses to meet the following citizenship and residency qualifications.

- Applicants for an armed security guard or firearms instructor license must be a U.S. citizen or permanent legal resident alien. An applicant who is a permanent resident alien must also provide proof that the applicant has resided in the state of residence shown on the application for at least 90 consecutive days before the date the application is submitted.

- Applicants for a security guard, private investigator, or recovery agent license must be a U.S. citizen or permanent resident alien or submit proof of current employment authorization issued by the U.S. Citizenship and Immigration Services.

The bill extends the Class “K” firearms instructor license period from two to three years.

Consistent with other licensing and registration provisions in chapter 501, Florida Statutes, this bill removes the requirement to provide a social security number for licenses and registration through the department, consistent with the restrictions imposed by the Federal Privacy Act. In lieu of a social security number, the bill requires commercial telephone sellers¹ and telemarketing salespersons,² to provide “other valid form of identification.”

This bill also deletes the requirement that the seller of a business opportunity, registered under chapter 559, Florida Statutes, provide the social security numbers of the seller’s agents to the department.

The bill makes technical and conforming changes to the current law relating to licenses for security guards, private investigators, and recovery agents.

Consolidation of the Lemon Law and Price Gouging Programs into the Department of Legal Affairs provides a recurring cost savings of \$386,415 in the General Inspection Trust Fund within the Department of Agriculture and Consumer Services. In addition, implementation of this bill provides a recurring general revenue savings of \$58,667. Recurring revenues within the General Inspection Trust Fund will be reduced by \$248,617.

This bill substantially amends the following sections of the Florida Statutes: 14.26, 20.14, 213.053, 320.275, 320.90, 366.85, 493.6105, 493.6106, 493.6107, 493.6108, 493.6111, 493.6113, 493.6115, 493.6118, 493.6121, 493.6202, 493.6203, 493.6302, 493.6303, 493.6304, 493.6401, 493.6402, 493.6406, 496.404, 496.411, 496.412, 496.419, 501.015, 501.017, 501.145, 501.160, 501.605, 501.607, 525.01, 526.06, 539.001, 559.805, 559.904, 559.928, 559.935, 570.29, 570.544, 681.102, 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.112, 681.117, and 849.0915.

II. Present Situation:

Price Gouging

Section 501.160, F.S., governs the the rental or sale of essential commodities during a declared state of emergency and provides a prohibition against unconscionable prices, also known as price gouging. As it relates to the sale of commodities, current law allows for consideration of “national and international market trends” in evaluating whether price changes are warranted. This statute requires the department, the office of the state attorney, or the Department of Legal Affairs to enforce the provisions of this section.³

¹ Section 501.605, F.S.

² Section 501.607, F.S.

³ Section 501.160(8), F.S.

Lemon Law

Section 681.10, F.S., is the Florida “Motor Vehicle Warranty Enforcement Act” (act). The intent of this act is that a good faith motor vehicle warranty complaint by a consumer be resolved by the manufacturer within a specified period of time; however, it is not the intent of the Legislature that a consumer establish the presumption of a reasonable number of attempts as to each manufacturer that provides a warranty directly to the consumer. The act provides the statutory procedures whereby a consumer may receive a replacement motor vehicle, or a full refund, for a motor vehicle which cannot be brought into conformity with the warranty provided for in this chapter.⁴

Gasoline and Oil Inspection

Section 525.01, F.S., provides for the inspection of gasoline and oil by the department. In particular, it requires that all manufacturers, wholesalers, and jobbers file with the department:

- An affidavit that they desire to do business in this state and the name and address of the manufacturer of the petroleum fuel.
- An affidavit stating that the petroleum fuel is in conformity with the standards prescribed by department rule.

Sale of Liquid Fuels & Brake Fluid

Section 526.06, F.S., relates to the mixing, blending, compounding, or adulteration of liquid fuels. This section provides flexibility to retail service stations during the transition period for the sale of ethanol gasoline in Florida.

Private Security, Private Investigative, and Recovery Services

The Division of Licensing of the Department of Agriculture and Consumer Services is responsible for the regulation of licensing of private security, private investigative and recovery services, and firearms instructors as well as the agencies and schools who provide training for these groups.⁵

A **security officer** is defined as:

any individual who, for consideration, advertises as providing or performs bodyguard services or otherwise guards persons or property; attempts to prevent theft or unlawful taking of goods, wares, and merchandise; or attempts to prevent the misappropriation or concealment of goods, wares or merchandise, money, bonds, stocks, choses in action, notes, or other documents, papers, and articles of value or procurement of the return

⁴ Section 681.101, F.S.

⁵ Chapter 493, F.S. Regulating private investigative, private security, and recovery industries was assigned to the Department of State in 1965. In 2002, the Division of Licensing of the Department of State was transferred to the Department of Agriculture and Consumer Services, including the Concealed Weapons Permit Program. See ss. 1, 3-10, ch. 2002-295, L.O.F.

thereof. The term also includes armored car personnel and those personnel engaged in the transportation of prisoners.⁶

A “**private investigator**” is defined as “any individual who, for consideration, advertises as providing or performs private investigation.”⁷ Private investigation is defined as an investigation to obtain information on any of the following matters:

- Crime or wrongs done or threatened against the United States or any state or territory of the United States, when operating under express written authority of the governmental official responsible for authorizing such investigation.
- The identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.
- The credibility of witnesses or other persons.
- The whereabouts of missing persons, owners of unclaimed property or escheated property, or heirs to estates.
- The location or recovery of lost or stolen property.
- The causes and origin of, or responsibility for, fires, libels, slanders, losses, accidents, damage, or injuries to real or personal property.
- The business of securing evidence to be used before investigating committees or boards of award or arbitration or in the trial of civil or criminal cases and the preparation therefore.⁸

A “**recovery agent**” is defined as “any individual who, for consideration, advertises as providing or performs repossessions.”⁹ “Recovery agency” is defined as “any person who, for consideration, advertises as providing or is engaged in the business of performing repossessions.”¹⁰ “Repossession” means recovery of motor vehicles, motor boats, airplanes, personal watercraft, all-terrain vehicles, farm equipment, industrial equipment, and motor homes:

“...by an individual who is authorized by the legal owner, lienholder, or lessor to recover, or to collect money payment in lieu of recovery of, that which has been sold or leased under a security agreement that contains a repossession clause.”¹¹

Certain individuals are exempt from the licensing requirements for private security and private investigative services. These include local, state, and federal law enforcement officers, licensed insurance investigators and individuals solely, exclusively, and regularly employed as unarmed investigators and security officers “in connection with the business of his or her employer, when there exists an employer-employee relationship.”¹²

Florida law establishes criteria for granting licenses for security, private investigative, and repossession services. Individuals seeking a license must clear a criminal background check as

⁶ Section 493.6101(19), F.S.

⁷ Section 493.6101(16), F.S.

⁸ Section 493.6101(17), F.S.

⁹ Section 493.6101(21), F.S.

¹⁰ Section 493.6101(20), F.S.

¹¹ Section 493.6101(22), F.S.

¹² Section 493.6102(1)-(4), F.S.

well as meet specific training and experience requirements, which vary by the type of license. In addition, the applicant must:

- Be at least 18 years of age;
- Be of good moral character;
- Not be adjudicated incapacitated;
- Not be a chronic and habitual user of alcoholic beverages to the extent normal facilities are impaired;
- Not have been committed for abuse of controlled substances or found guilty of a crime under ch. 893, F.S.; and
- Be a citizen or legal resident alien of the U.S or have been granted authorization to seek employment in this country by the United States Bureau of Citizenship and Immigration Services.¹³

Aliens

A Permanent Resident Alien is an alien admitted to the United States as a lawful permanent resident. Permanent residents are also commonly referred to as immigrants; however, the Immigration and Nationality Act (INA) broadly defines an immigrant as any alien in the United States, except one legally admitted under specific nonimmigrant categories.¹⁴ An illegal alien who entered the United States without inspection, for example, would be strictly defined as an immigrant under the INA but is not a permanent resident alien.¹⁵

Non-permanent resident aliens are citizens of another country who reside in the U.S. under a Conditional Resident Alien Card, Temporary Resident Card, work visa, student visa or some other permit for some specified period of time.

However, there are more than 75 classifications of nonimmigrant visas – each based on the reason for entering the United States and having different terms of admission. The U. S. Citizenship and Immigration Services data further indicates that in 2004, the United States received almost 173 million nonimmigrant visits.¹⁶

License Classifications

Chapter 493, F.S., provides for the following classification of licenses issued by the Division of Licensing of the department:¹⁷

PRIVATE INVESTIGATION	
Agency	Class “A”
Private Investigator	Class “C”
Armed Private Investigator	Class “C” & Class “G”

¹³ Section 493.6106(1), F.S.

¹⁴ INA section 101(a)(15)

¹⁵ See <http://www.visaportal.com/glossary/term.asp?id=45>.

¹⁶ U.S. Citizenship and Immigration Services, Temporary Migration to the United States: Nonimmigrant Admissions Under U. S. Immigration Law, January 2006.

¹⁷ See. 5N-1.116(1), F.A.C.

Branch Office	Class "AA"
Manager	Class "C" or Class "MA" or Class "M"
Intern	Class "CC"
PRIVATE SECURITY	
Agency	Class "B"
Security Officer	Class "D"
Armed Security Officer	Class "D" & Class "G"
Branch Office	Class "BB"
Manager	Class "MB" or Class "M"
REPOSSESSION ACTIVITY	
Agency	Class "R"
Recovery Agent	Class "E"
Branch Office	Class "RR"
Manager	Class "MR" or Class "E"
Intern	Class "EE"
COMBINED PRIVATE INVESTIGATION AND SECURITY	
Agency	Class "A" & Class "B"
Branch Office	Class "AB"
Manager	Class "M"
SCHOOLS	
Security Officer School or Training Facility	Class "DS"
Security Officer Instructor	Class "DI"
Recovery Agent School or Training Facility	Class "RS"
Recovery Agent Instructor	Class "RI"
FIREARMS	
Instructor	Class "K"
Statewide Firearm License	Class "G"
MANAGERS	
Private Investigative Agency or Branch	Class "C", "MA", or "M"
Private Security Agency or Branch	Class "MB" or "M"
Recovery Agency or Branch	Class "E" or "MR"
Armed Manager	Appropriate Manager's License and Class "G"

Class G or K Licenses

In addition to the general application requirements, applicants for a Class "G" statewide firearms license or a Class "K" firearms instructor, must satisfy minimum training criteria for firearms. However, the department can waive this requirement for a Class "K" license if the applicant can show proof that he or she is an active law enforcement officer currently certified under the Criminal Justice Standards and Training Commission or has completed the training required for that certification within the last 12 months, or if the applicant submits one of the following certificates.

- The Florida Criminal Justice Standards and Training Commission Firearms Instructor's Certificate;
- The National Rifle Association Police Firearms Instructor's Certificate;
- The National Rifle Association Security Firearms Instructor's Certificate; or

- A Firearms Instructor's Certificate from a federal, state, county, or municipal police academy in this state recognized as such by the Criminal Justice Standards and Training Commission or by the Department of Education.

III. Effect of Proposed Changes:

Sections 1 through 4, 6, 24 through 26, 39, 41, and 42 change references to the Division of Consumer *Services* within the Department of Agriculture and Consumer Services to the Division of Consumer *Protection*, within the following statutes.

- Section 14.26, Citizen's Assistance Office
- Section 20.14, Department of Agriculture and Consumer Services
- Section 213.053, Confidentiality and information sharing
- Sections 320.275, Automobile Dealers Industry Advisory Board
- Section 366.85, Responsibilities of Division of Consumer Services
- Sections 496.404, 496.412, 496.411, Solicitation of Funds
- Section 570.29, 570.544, Department of Agriculture and Consumer Services
- Section 849.0915, Referral Selling

Section 5 amends s. 320.90, F.S., to delete the requirement that the department distribute, upon request and free of charge, a "motor vehicle consumer rights pamphlet" developed by the Department of Highway Safety and Motor Vehicles.

Section 7 amends s. 493.6105, F.S., to change application requirements for security, private investigator, or recovery licenses, and the related businesses or schools.

The section also amends current law by deleting the requirement that an application be notarized and requires that it be verified by the applicant under oath as provided in s. 92.525, F.S.

In lieu of the applicant providing his residence addresses for the 5 years immediately preceding the submission of the application, and the list of occupations over the same period, the applicant will only be required to submit their current residence address and mailing address.

Consistent with applications for other categories of licensees, this section reduces from two to one the number of photographs applicants for private investigator, private investigator intern, recovery agent, recovery agent intern, statewide firearms license (Class "C," "CC," "E," "EE," "G"), must supply with their application.

This section expands the amount of information related to previous convictions that applicants must submit for licensure. For all licenses the statement of all criminal convictions must include all criminal convictions, findings of guilt, and pleas of guilty or nolo contendere, regardless of adjudication of guilt. An applicant for a Class "G" statewide firearms license or a Class "K" firearms instructor license who is younger than 24 years of age must also include a statement regarding any finding of having committed a delinquent act in any state, territory, or country which would be a felony if committed by an adult and which is punishable by imprisonment for a term exceeding 1 year.

The section also clarifies the need for confirmation from the Florida Criminal Justice Standards and Training Commission that the applicant possesses an active firearms instructor certification if that document has been submitted by the applicant with the application.

Section 8 amends s. 493.6106, F.S., as it relates to citizenship and residency qualifications for all licenses for security guard, private investigator, and recovery agents, to include related businesses and schools, to require all applicants be either a citizen or a permanent legal resident alien of the U.S. or have appropriate authorization issued by the United States Citizenship and Immigration Services of the United States Department of Homeland Security.

A new provision is created to require individual licensees – not businesses or schools – to require applicants who are not U.S. citizens to provide proof of current employment authorization or proof that they are a permanent resident alien. These individual licenses include:

- Class “C” - Private Investigator
- Class “CC” - Private Investigator Intern
- Class “D” - Security Officer
- Class “DI” - Security Officer Instructor
- Class “E” - Recovery Agent
- Class “EE” - Recovery Agent Intern
- Class “M” - Combined Private Investigator and Security Manager
- Class “MA” - Private Investigative Agency or Branch
- Class “MB” - Private Security Manager
- Class “MR” - Manager Recovery Agency or Branch
- Class “RI” - Recovery Agent Instructor

This section also requires applicants for a Class “G” statewide firearms license or a Class “K” firearms instructor license who are not a U.S. citizen to submit proof that he or she is deemed a permanent legal resident alien together with additional documentation establishing that he or she has resided in the state shown on the application for at least 90 consecutive days before the date that the application is submitted.

In addition, an applicant for an agency or school license who is not a U.S. citizen or permanent resident alien is required to submit documentation issued by the U.S. citizenship and Immigration Services stating that he or she is lawfully in the U.S. and is authorized to own and operate the type of agency or school for which he or she is applying.

Finally, an applicant will be denied licensure for a Class “G” statewide firearms license, or Class “K” firearms instructor license, if he or she is otherwise prohibited from purchasing or possessing a firearm under federal or state law.

Section 9 amends s. 493.6107, F.S., to allow the department to accept personal checks or funds by electronic transfer in payment of application fees when the application is approved, except for applicants for Class “G” statewide firearms license and Class “M” manager license who must pay the fee when the application is made.

Section 10 amends s. 493.6108, F.S., to make technical corrections and adds the requirement that the department must investigate the mental history and current mental and emotional fitness of any Class “K” firearms instructor license application before it may issue a license. It also authorizes the department to deny a Class “K” firearms instructor license to anyone who has a history of mental illness or drug or alcohol abuse.

Section 11 amends s. 493.6111(2), F.S., to extend the license period for a Class “K” firearms instructor licensee from two to three years.

Section 12 deletes the requirement that a Class “A” or Class “R” licensee submit certification of insurance with their renewal application pursuant to s. 493.6110, F.S. This is a correction to make s. 493.6113, F.S., match the requirement in s. 493.6110, F.S.

This section also provides that each Class “K” firearms instructor licensee renewing his license must provide proof that he remains certified to provide firearms instruction.

Section 13 corrects a cross-reference in s. 493.6115, F.S., necessitated by changes made in Section 7 of the bill.

Section 14 amends s. 493.6118(1), F.S., to establish grounds for disciplinary action for a Class “G” statewide firearms licensee or a Class “K” firearms instructor licensee who is prohibited from purchasing or possessing a firearm by state or federal law.

Section 15 deletes s. 493.6121(6), F.S., which is a reference to an obsolete program operated by Florida Department of Law Enforcement for providing criminal history record information.

Section 16 amends s. 493.6202, F.S., to allow the department to accept personal checks and electronic funds transfers for application fees at the time the application is approved except that the application for a Class “G” statewide firearms license, Class “C” Private Investigator, Class “CC” Private Investigator Intern, Class “M” manager, or Class “MA” manager license must pay the license fee at the time the application is made.

Section 17 amends s. 493.6203, F.S., to specify that experience in performing bodyguard services is not creditable toward the requirements to become a private investigator.

This section also requires that all professional training required for a Class “CC” Private Investigator Intern license be completed before submission of an application to the department, effective January 1, 2012. In addition, it makes provisions for those applicants who apply between the effective date of this bill and of this section.

Section 18 amends s. 493.6302, F.S., to allow for payment of application fees by personal check or electronic funds transfer at the time the application is approved except that the applicant of a Class “D” Security Officer, Class “G” statewide firearms license, Class “M,” or Class “MB” Private Security Agency or Branch license must pay the license fee at the time the application is made.

Section 19 amends s. 493.6303, F.S., to require that all professional training required for a Class “D” Security Officer license be completed before submission of an application to the department, effective January 1, 2012. In addition, it makes provisions for those applicants who apply between the effective date of this bill and of this section.

Section 20 amends s. 493.6304, F.S., to delete the requirement that an application for the security officer school be notarized and instead require that it be verified by the applicant under oath as provided in s. 92.525, F.S.

Section 21 amends s. 493.6401, F.S., to replace the term “repossessor” with “recovery agent” school or training facility, consistent with other provisions in the chapter.

Section 22 amends s. 493.6402, F.S., to replace the term “license reposessor” with “license-recovery agent,” consistent with other provisions in this section. The section is also amended to allow the department to accept personal checks and electronic funds transfers for applications when they are approved except for a Class “E” Recovery Agent, Class “EE,” or Class “MR,” license that must pay at the time application is made.

Section 23 amends s. 493.6406, F.S., to replace the term “repossessor services” with “recovery agent services,” consistent with other provisions in the chapter. This section also deletes the requirement that an application for a recovery agent be notarized and instead requires that the application be verified by the applicant under oath as provided in s. 92.525, F.S.

Section 27 amends s. 496.419, F.S., to change the action of the department from “canceling” to “revoking” an exemption granted under s. 496.406, F.S., for registration relating to the solicitation of funds. This change reflects the nomenclature preferred by the department.

Section 28 amends s. 501.015, F.S., to replace the obsolete reference to “occupational license” with “business tax receipt.”

Section 29 amends s. 501.017, F.S., relating to health studios, to clarify the size of the type to be used in the contract.

Section 30 amends s. 501.145, F.S., relating to the Bedding Label Act, to delete an unnecessary definition for “department,” which is not used in the act.

Section 31 amends s. 501.160, F.S., to delete authority for the department to enforce the prohibition against unconscionable prices relating to the rental or sale of essential commodities during a declared state of emergency (also known as the statutory “Price Gouging” restriction). This section clarifies that, in addition to national and international market trends, “regional market trends” may be used when substantiating price changes on needed commodities during declared emergencies.

Section 32 amends s. 501.605, F.S., to delete a requirement that commercial telephone sellers provide their social security number to the department as part of the application and requires instead that another valid form of identification be provided. This is consistent with other licensing and registration provisions in ch. 501, F.S.

Section 33 amends s. 501.607, F.S., to delete a requirement that a salesperson submit, as part of their application for a license, their social security number, and requires instead that another valid form of identification be provided. This is consistent with other licensing and registration provisions in ch. 501, F.S.

Section 34 amends s. 525.01, F.S., relating to gasoline and oil inspections by the department, to add terminal suppliers and importers to the list of those who must supply the affidavits currently required of manufacturers and wholesalers. This section deletes “jobbers” from the list.

Section 35 amends s. 526.06, F.S., to delete an obsolete provision relating to the transition to the sale of ethanol gasoline.

Section 36 amends s. 539.001, F.S., to replace the obsolete reference to “occupational license” with “business tax receipt.”

Section 37 amends s. 559.805, F.S., to clarify provisions relating to advertisements by sellers of travel, and to delete the requirement that the social security number of the registered agents of a seller of a business opportunity be on file with the department.

Section 38 amends s. 559.904, F.S., to replace the obsolete reference to “occupational license” with “business tax receipt.”

Section 39 amends s. 559.928, F.S., to replace the obsolete reference to “occupational license” with “business tax receipt.”

Section 40 amends s. 559.935, F.S., to replace the obsolete reference to “occupational license” with “business tax receipt.”

Sections 41 and 42 amend ss. 570.29 and 570.544, F.S., renaming the Division of Consumer Services as the Division of Consumer Protection.

Sections 43 through 51 transfer the department responsibilities for enforcement of the Motor Vehicle Warranty Enforcement Act (or Lemon Law) to the Attorney General. The following sections of the statutes are amended to effect this change: 681.102, 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.112, and 681.117 F.S.

Section 51 amends s. 849.0915., F.S., relating to referral selling, to rename the Division of Consumer Services as the Division of Consumer Protection.

Section 52 provides an effective date of July 1, 2011.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The extension of the license period from two to three years for a Class “K” firearms instructor license will reduce the fees generated by the department by approximately \$5,200 in the Division of Licensing Trust Fund in fiscal year 2011-2012.¹⁸

The current consumer fee of \$2 collected from motor vehicle dealers for administration of the Lemon Law will continue to be deposited into the Motor Vehicle Warranty Trust Fund within the DLA. One-fourth of this fee will no longer be transferred from the Motor Vehicle Warranty Trust Fund within the DLA to the General Inspection Trust Fund within the DACS for services performed to carry out the Lemon Law.

B. Private Sector Impact:

The bill reduces the renewal costs to licensees by extending the class “K” firearms instructor license period from two to three years.

C. Government Sector Impact:

Lemon Law and Price Gouging

Consolidation of the Lemon Law and Price Gouging Programs into the Department of Legal Affairs provides a recurring cost savings of \$386,415 in the General Inspection Trust Fund within the DACS. In addition, implementation of this bill provides a recurring general revenue savings of \$58,667. Recurring revenues within the General Inspection Trust Fund will be reduced by \$248,617.

Private Security, Investigative and Recover Services

The department will incur fewer administrative costs with respect to changes made to ch. 493, F.S., in that applicants will have to complete their training before they apply for a license. This eliminates the processing of numerous suspensions that took effect by operation of law due to licensees not meeting their training requirements, as specified under current law.

¹⁸ DACS analysis dated March 22, 2011, on file with the Senate Commerce and Tourism Committee.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS/CS by General Government Appropriations on April 13, 2011:

This committee substitute provides for the following.

- Allows “regional market trends” be used when substantiating price changes on needed commodities during declared emergencies.
- Adds terminal suppliers and importers to the list of those who must supply the affidavits currently required of manufacturers and wholesaler. Jobbers are deleted from the list.
- Deletes an obsolete provision relating to the transition to ethanol gasoline.

CS by Commerce and Tourism Committee on March 29, 2011:

The CS amends:

- s. 320.90, F.S., to delete the requirement that the Department of Agriculture and Consumer Services (DACS) distribute, upon request and free of charge, a “motor vehicle consumer rights pamphlet” developed by the Department of Highway Safety and Motor Vehicles;
- s. 559.928, F.S. to replace the obsolete reference to “occupational license” with “business tax receipt,” and to delete the requirement that the social security number of the registered sellers of travel be submitted to DACS on the required annual affidavit;
- s. 559.935, F.S., to replace the obsolete reference to “occupational license” with “business tax receipt”; and
- s. 570.29, F.S., to change references to the Division of Consumer *Services* to the Division of Consumer *Protection*.

B. Amendments:

None.