

1 A bill to be entitled
2 An act relating to consumer licensing; amending s.
3 472.015, F.S.; waiving the initial land surveying and
4 mapping license fee for certain veterans of the United
5 States Armed Forces, the spouses of such veterans, or
6 a business entity that has a majority ownership held
7 by such a veteran or spouse; amending s. 493.6105,
8 F.S.; requiring that the initial license application
9 for private investigative, private security, and
10 repossession services include payment of fingerprint
11 processing and fingerprint retention fees; amending s.
12 493.6106, F.S.; deleting a requirement for additional
13 documentation establishing state residency for private
14 investigative, private security, and repossession
15 service licenses; amending s. 493.6108, F.S.;
16 directing the Department of Law Enforcement to retain
17 fingerprints submitted for private investigative,
18 private security, and repossession service licenses,
19 to enter such fingerprints into the statewide
20 automated biometric identification system and the
21 national retained print arrest notification program,
22 and to report any arrest record information to the
23 Department of Agriculture and Consumer Services;
24 directing the Department of Agriculture and Consumer
25 Services to provide information about an arrest within
26 the state to the agency that employs the licensee;

27 | amending s. 493.6113, F.S.; requiring a person holding
28 | a private investigative, private security, or
29 | repossession service license issued before a certain
30 | date to submit upon first renewal of the license a
31 | full set of fingerprints and a fingerprint processing
32 | fee to cover the cost of entering the fingerprints in
33 | the statewide automated biometric identification
34 | system; amending ss. 493.6115 and 493.6118, F.S.;
35 | conforming cross-references; amending s. 501.015,
36 | F.S.; waiving the initial health studio registration
37 | fee for certain veterans of the United States Armed
38 | Forces, the spouses of such veterans, or a business
39 | entity that has a majority ownership held by such a
40 | veteran or spouse; amending s. 501.0581, F.S.;
41 | transferring enforcement authority of the Florida
42 | Commercial Weight-Loss Practices Act from the
43 | Department of Agriculture and Consumer Services to the
44 | Department of Health; amending s. 501.0583, F.S.;
45 | transferring enforcement authority of penalties for
46 | selling, delivering, bartering, furnishing, or giving
47 | weight-loss pills to persons under the age of 18 from
48 | the Department of Agriculture and Consumer Services to
49 | the Department of Health; amending s. 501.605, F.S.;
50 | prohibiting the use of a mail drop as a street address
51 | for the principal location of a commercial telephone
52 | seller; amending s. 501.607, F.S.; waiving the initial

53 commercial telephone seller and salesperson license
54 fees for certain veterans of the United States Armed
55 Forces, the spouses of such veterans, or a business
56 entity that has a majority ownership held by such a
57 veteran or spouse; amending s. 507.03, F.S.; waiving
58 the initial registration fee for an intrastate movers
59 license for certain veterans of the United States
60 Armed Forces, the spouses of such veterans, or a
61 business entity that has a majority ownership held by
62 such a veteran or spouse; amending s. 527.02, F.S.;;
63 waiving the original liquefied petroleum gas dealer
64 fee for certain veterans of the United States Armed
65 Forces, the spouse of such veterans, or a business
66 entity that has a majority ownership held by such a
67 veteran or spouse; amending s. 539.001, F.S.;; waiving
68 the initial pawnbroker license fee for certain
69 veterans of the United States Armed Forces, the
70 spouses of such veterans, or a business entity that
71 has a majority ownership held by such a veteran or
72 spouse; amending s. 559.904, F.S.;; waiving the initial
73 motor vehicle repair shop registration fee for certain
74 veterans of the United States Armed Forces, the
75 spouses of such veterans, or a business entity that
76 has a majority ownership held by such a veteran or
77 spouse; amending s. 559.928, F.S.;; waiving the initial
78 seller of travel registration fee for certain veterans

79 | of the United States Armed Forces, the spouses of such
80 | veterans, or a business entity that has a majority
81 | ownership held by such a veteran or spouse; amending
82 | s. 616.242, F.S.; deleting an obsolete provision
83 | allowing fair owners to post a bond rather than carry
84 | a certificate of insurance; exempting water-related
85 | amusement rides operated by lodging and food service
86 | establishments and membership campgrounds, amusement
87 | rides at private, membership-only facilities, and
88 | nonprofit permanent facilities from certain safety
89 | standards; authorizing owners or managers of amusement
90 | rides to use alternate forms to record employee
91 | training and ride inspections; amending s. 790.06,
92 | F.S.; requiring firearm course instructors to maintain
93 | records attesting to the use of live fire with
94 | specified firearms and ammunition by students in his
95 | or her physical presence; requiring notice of the
96 | suspension or revocation of a concealed weapon or
97 | firearm license or the suspension of the processing of
98 | an application for such license to be given by
99 | personal delivery or e-mail; requiring concealed
100 | weapon or firearm license renewals to include an
101 | affidavit submitted under oath and under penalty of
102 | perjury; amending s. 790.0625, F.S.; authorizing
103 | certain tax collector offices, upon approval and
104 | confirmation of license issuance by the Department of

105 Agriculture and Consumer Services, to print and
 106 deliver concealed weapon or firearm licenses;
 107 providing an effective date.
 108

109 Be It Enacted by the Legislature of the State of Florida:
 110

111 Section 1. Subsection (3) of section 472.015, Florida
 112 Statutes, is amended to read:

113 472.015 Licensure.—

114 (3) (a) Before the issuance of any license, the department
 115 may charge an initial license fee as determined by rule of the
 116 board. Upon receipt of the appropriate license fee, except as
 117 provided in subsection (6), the department shall issue a license
 118 to any person certified by the board, or its designee, as having
 119 met the applicable requirements imposed by law or rule. However,
 120 an applicant who is not otherwise qualified for licensure is not
 121 entitled to licensure solely based on a passing score on a
 122 required examination.

123 (b) The department shall waive the initial license fee for
 124 an honorably discharged veteran of the United States Armed
 125 Forces, the spouse of such a veteran, or a business entity that
 126 has a majority ownership held by such a veteran or spouse if the
 127 department receives an application, in a format prescribed by
 128 the department, within 60 months after the date of the veteran's
 129 discharge from any branch of the United States Armed Forces. To
 130 qualify for the waiver, a veteran must provide to the department

131 a copy of his or her DD Form 214 or NGB Form 22; the spouse of a
132 veteran must provide to the department a copy of the veteran's
133 DD Form 214 or NGB Form 22 and a copy of a valid marriage
134 license or certificate verifying that he or she was lawfully
135 married to the veteran at the time of discharge; or a business
136 entity must provide to the department proof that a veteran or
137 the spouse of a veteran holds a majority ownership in the
138 business, a copy of the veteran's DD Form 214 or NGB Form 22,
139 and, if applicable, a copy of a valid marriage license or
140 certificate verifying that the spouse of the veteran was
141 lawfully married to the veteran at the time of discharge.

142 Section 2. Paragraph (j) of subsection (3) of section
143 493.6105, Florida Statutes, is amended to read:

144 493.6105 Initial application for license.—

145 (3) The application must contain the following information
146 concerning the individual signing the application:

147 (j) A full set of fingerprints, a fingerprint processing
148 fee, and a fingerprint retention fee to cover the cost of
149 retaining the fingerprints in the statewide automated biometric
150 identification system pursuant to s. 493.6108(2) (a) and the cost
151 of enrolling the fingerprints in the national retained print
152 arrest notification program when the program is operational and
153 the Department of Law Enforcement begins participation. The
154 fingerprint processing and retention fees shall ~~to~~ be
155 established by rule of the department based upon costs
156 determined by state and federal agency charges and department

157 processing costs. An applicant who has, ~~within the immediately~~
158 ~~preceding 6 months,~~ submitted such fingerprints and fees ~~fee~~ for
159 licensing purposes under this chapter and who still holds a
160 valid license is not required to submit another set of
161 fingerprints or another fingerprint processing fee. An applicant
162 who holds multiple licenses issued under this chapter is
163 required to pay only a single fingerprint retention fee.

164 Section 3. Paragraph (f) of subsection (1) of section
165 493.6106, Florida Statutes, is amended to read:

166 493.6106 License requirements; posting.—

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

168 (f) Be a citizen or permanent legal resident alien of the
169 United States or have appropriate authorization issued by the
170 United States Citizenship and Immigration Services of the United
171 States Department of Homeland Security.

172 1. An applicant for a Class "C," Class "CC," Class "D,"
173 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
174 "MB," Class "MR," or Class "RI" license who is not a United
175 States citizen must submit proof of current employment
176 authorization issued by the United States Citizenship and
177 Immigration Services or proof that she or he is deemed a
178 permanent legal resident alien by the United States Citizenship
179 and Immigration Services.

180 2. An applicant for a Class "G" or Class "K" license who
181 is not a United States citizen must submit proof that she or he
182 is deemed a permanent legal resident alien by the United States

183 | ~~Citizenship and Immigration Services, together with additional~~
 184 | ~~documentation establishing that she or he has resided in the~~
 185 | ~~state of residence shown on the application for at least 90~~
 186 | ~~consecutive days before the date that the application is~~
 187 | ~~submitted.~~

188 | 3. An applicant for an agency or school license who is not
 189 | a United States citizen or permanent legal resident alien must
 190 | submit documentation issued by the United States Citizenship and
 191 | Immigration Services stating that she or he is lawfully in the
 192 | United States and is authorized to own and operate the type of
 193 | agency or school for which she or he is applying. An employment
 194 | authorization card issued by the United States Citizenship and
 195 | Immigration Services is not sufficient documentation.

196 | Section 4. Subsections (2) and (3) of section 493.6108,
 197 | Florida Statutes, are renumbered as subsections (3) and (4),
 198 | respectively, and a new subsection (2) is added to that section,
 199 | to read:

200 | 493.6108 Investigation of applicants by Department of
 201 | Agriculture and Consumer Services.—

202 | (2) (a) The Department of Law Enforcement shall retain and
 203 | enter into the statewide automated biometric identification
 204 | system authorized under s. 943.05 all fingerprints submitted to
 205 | the department pursuant to this chapter. The Department of Law
 206 | Enforcement shall enroll such fingerprints in the national
 207 | retained print arrest notification program when the program is
 208 | operational and the Department of Law Enforcement begins

HB 995

2015

209 participation. Thereafter, the fingerprints shall be available
210 for arrest notifications required by paragraph (b) and all
211 purposes and uses authorized for arrest fingerprints entered
212 into the statewide automated biometric identification system.

213 (b) The Department of Law Enforcement shall search all
214 arrest fingerprints against fingerprints retained pursuant to
215 paragraph (a) and report any arrest record identified by the
216 Department of Law Enforcement or the Federal Bureau of
217 Investigation to the department. If the department receives
218 information about an arrest within the state of a person who
219 holds a valid license issued under this chapter for a crime that
220 could potentially disqualify the person from holding such a
221 license, the department shall provide the arrest information to
222 the agency that employs the licensee.

223 Section 5. Subsection (3) of section 493.6113, Florida
224 Statutes, is amended to read:

225 493.6113 Renewal application for licensure.—

226 (3)(a) Each licensee is responsible for renewing his or
227 her license on or before its expiration by filing with the
228 department an application for renewal accompanied by payment of
229 the renewal fee and the fingerprint retention fee to cover the
230 cost of ongoing retention in the statewide automated fingerprint
231 identification system ~~prescribed license fee.~~

232 (b) In addition to the fees specified in paragraph (a), a
233 person holding a valid license issued under this chapter before
234 January 1, 2016, must submit upon first renewal of the license a

235 full set of fingerprints and a fingerprint processing fee to
236 cover the cost of entering the fingerprints into the statewide
237 automated biometric identification system pursuant to s.
238 493.6108(2)(a). Subsequent renewals may be completed without
239 submission of a set of fingerprints.

240 (c)~~(a)~~ Each Class "B" licensee shall additionally submit
241 on a form prescribed by the department a certification of
242 insurance that evidences that the licensee maintains coverage as
243 required under s. 493.6110.

244 (d)~~(b)~~ Each Class "G" licensee shall additionally submit
245 proof that he or she has received during each year of the
246 license period a minimum of 4 hours of firearms recertification
247 training taught by a Class "K" licensee and has complied with
248 such other health and training requirements that the department
249 shall adopt by rule. Proof of completion of firearms
250 recertification training shall be submitted to the department
251 upon completion of the training. If the licensee fails to
252 complete the required 4 hours of annual training during the
253 first year of the 2-year term of the license, the license shall
254 be automatically suspended. The licensee must complete the
255 minimum number of hours of range and classroom training required
256 at the time of initial licensure and submit proof of completion
257 of such training to the department before the license may be
258 reinstated. If the licensee fails to complete the required 4
259 hours of annual training during the second year of the 2-year
260 term of the license, the licensee must complete the minimum

261 number of hours of range and classroom training required at the
262 time of initial licensure and submit proof of completion of such
263 training to the department before the license may be renewed.

264 The department may waive the firearms training requirement if:

265 1. The applicant provides proof that he or she is
266 currently certified as a law enforcement officer or correctional
267 officer under the Criminal Justice Standards and Training
268 Commission and has completed law enforcement firearms
269 requalification training annually during the previous 2 years of
270 the licensure period;

271 2. The applicant provides proof that he or she is
272 currently certified as a federal law enforcement officer and has
273 received law enforcement firearms training administered by a
274 federal law enforcement agency annually during the previous 2
275 years of the licensure period; or

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

280 (e) ~~(e)~~ Each Class "DS" or Class "RS" licensee shall
281 additionally submit the current curriculum, examination, and
282 list of instructors.

283 (f) ~~(d)~~ Each Class "K" licensee shall additionally submit
284 one of the certificates specified under s. 493.6105(6) as proof
285 that he or she remains certified to provide firearms
286 instruction.

287 Section 6. Subsection (6) of section 493.6115, Florida
 288 Statutes, is amended to read:

289 493.6115 Weapons and firearms.—

290 (6) In addition to any other firearm approved by the
 291 department, a licensee who has been issued a Class "G" license
 292 may carry a .38 caliber revolver; or a .380 caliber or 9
 293 millimeter semiautomatic pistol; or a .357 caliber revolver with
 294 .38 caliber ammunition only; or a .40 caliber handgun; or a .45
 295 ACP handgun while performing duties authorized under this
 296 chapter. A licensee may not carry more than two firearms upon
 297 her or his person when performing her or his duties. A licensee
 298 may only carry a firearm of the specific type and caliber with
 299 which she or he is qualified pursuant to the firearms training
 300 referenced in subsection (8) or s. 493.6113(3)(d)

301 ~~493.6113(3)(b).~~

302 Section 7. Paragraph (u) of subsection (1) of section
 303 493.6118, Florida Statutes, is amended to read:

304 493.6118 Grounds for disciplinary action.—

305 (1) The following constitute grounds for which
 306 disciplinary action specified in subsection (2) may be taken by
 307 the department against any licensee, agency, or applicant
 308 regulated by this chapter, or any unlicensed person engaged in
 309 activities regulated under this chapter.

310 (u) For a Class "G" licensee, failing to timely complete
 311 recertification training as required in s. 493.6113(3)(d)

312 ~~493.6113(3)(b).~~

313 Section 8. Subsection (2) of section 501.015, Florida
314 Statutes, is amended to read:

315 501.015 Health studios; registration requirements and
316 fees.—Each health studio shall:

317 (2) Remit an annual registration fee of \$300 to the
318 department at the time of registration for each of the health
319 studio's business locations. The department shall waive the
320 initial registration fee for an honorably discharged veteran of
321 the United States Armed Forces, the spouse of such a veteran, or
322 a business entity that has a majority ownership held by such a
323 veteran or spouse if the department receives an application, in
324 a format prescribed by the department, within 60 months after
325 the date of the veteran's discharge from any branch of the
326 United States Armed Forces. To qualify for the waiver, a veteran
327 must provide to the department a copy of his or her DD Form 214
328 or NGB Form 22; the spouse of a veteran must provide to the
329 department a copy of the veteran's DD Form 214 or NGB Form 22
330 and a copy of a valid marriage license or certificate verifying
331 that he or she was lawfully married to the veteran at the time
332 of discharge; or a business entity must provide to the
333 department proof that a veteran or the spouse of a veteran holds
334 a majority ownership in the business, a copy of the veteran's DD
335 Form 214 or NGB Form 22, and, if applicable, a copy of a valid
336 marriage license or certificate verifying that the spouse of the
337 veteran was lawfully married to the veteran at the time of
338 discharge.

339 Section 9. Subsections (1) and (2) of section 501.0581,
340 Florida Statutes, are amended to read:

341 501.0581 Commercial Weight-Loss Practices Act; civil
342 remedies.—

343 (1) The Department of Health ~~Agriculture and Consumer~~
344 ~~Services~~ may bring a civil action in circuit court for temporary
345 or permanent injunctive relief to enforce ~~the provisions of~~ this
346 act and may seek other appropriate civil relief, including a
347 civil penalty not to exceed \$5,000 for each violation, for
348 restitution and damages for injured customers, court costs, and
349 reasonable attorney ~~attorney's~~ fees.

350 (2) The Department of Health ~~Agriculture and Consumer~~
351 ~~Services~~ may terminate any investigation or action upon
352 agreement by the offender to pay a stipulated civil penalty,
353 make restitution or pay damages to customers, or satisfy any
354 other relief authorized herein and requested by the department.

355 Section 10. Subsection (3) of section 501.0583, Florida
356 Statutes, is amended to read:

357 501.0583 Selling, delivering, bartering, furnishing, or
358 giving weight-loss pills to persons under age 18; penalties;
359 defense.—

360 (3) A first violation of subsection (2) or this subsection
361 is punishable by a fine of \$100. A second violation of
362 subsection (2) or this subsection is punishable by a fine of
363 \$250. A third violation of subsection (2) or this subsection is
364 punishable by a fine of \$500. A fourth or subsequent violation

365 of subsection (2) or this subsection is punishable by a fine as
 366 determined by the Department of Health ~~Agriculture and Consumer~~
 367 ~~Services~~, not to exceed \$1,000.

368 Section 11. Paragraph (j) of subsection (2) and paragraph
 369 (b) of subsection (5) of section 501.605, Florida Statutes, are
 370 amended to read:

371 501.605 Licensure of commercial telephone sellers.—

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

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

380
 381 The application shall be accompanied by a copy of any: Script,
 382 outline, or presentation the applicant will require or suggest a
 383 salesperson to use when soliciting, or, if no such document is
 384 used, a statement to that effect; sales information or
 385 literature to be provided by the applicant to a salesperson; and
 386 sales information or literature to be provided by the applicant
 387 to a purchaser in connection with any solicitation.

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

390 (b) A fee for licensing in the amount of \$1,500. The fee

391 shall be deposited into the General Inspection Trust Fund. The
392 department shall waive the initial licensing fee for an
393 honorably discharged veteran of the United States Armed Forces,
394 the spouse of such a veteran, or a business entity that has a
395 majority ownership held by such a veteran or spouse if the
396 department receives an application, in a format prescribed by
397 the department, within 60 months after the date of the veteran's
398 discharge from any branch of the United States Armed Forces. To
399 qualify for the waiver, a veteran must provide to the department
400 a copy of his or her DD Form 214 or NGB Form 22; the spouse of a
401 veteran must provide to the department a copy of the veteran's
402 DD Form 214 or NGB Form 22 and a copy of a valid marriage
403 license or certificate verifying that he or she was lawfully
404 married to the veteran at the time of discharge; or a business
405 entity must provide to the department proof that a veteran or
406 the spouse of a veteran holds a majority ownership in the
407 business, a copy of the veteran's DD Form 214 or NGB Form 22,
408 and, if applicable, a copy of a valid marriage license or
409 certificate verifying that the spouse of the veteran was
410 lawfully married to the veteran at the time of discharge.

411 Section 12. Paragraph (b) of subsection (2) of section
412 501.607, Florida Statutes, is amended to read:

413 501.607 Licensure of salespersons.—

414 (2) An application filed pursuant to this section must be
415 verified and be accompanied by:

416 (b) A fee for licensing in the amount of \$50 per

417 salesperson. The fee shall be deposited into the General
418 Inspection Trust Fund. The fee for licensing may be paid after
419 the application is filed, but must be paid within 14 days after
420 the applicant begins work as a salesperson. The department shall
421 waive the initial licensing fee for an honorably discharged
422 veteran of the United States Armed Forces, the spouse of such a
423 veteran, or a business entity that has a majority ownership held
424 by such a veteran or spouse if the department receives an
425 application, in a format prescribed by the department, within 60
426 months after the date of the veteran's discharge from any branch
427 of the United States Armed Forces. To qualify for the waiver, a
428 veteran must provide to the department a copy of his or her DD
429 Form 214 or NGB Form 22; the spouse of a veteran must provide to
430 the department a copy of the veteran's DD Form 214 or NGB Form
431 22 and a copy of a valid marriage license or certificate
432 verifying that he or she was lawfully married to the veteran at
433 the time of discharge; or a business entity must provide to the
434 department proof that a veteran or the spouse of a veteran holds
435 a majority ownership in the business, a copy of the veteran's DD
436 Form 214 or NGB Form 22, and, if applicable, a copy of a valid
437 marriage license or certificate verifying that the spouse of the
438 veteran was lawfully married to the veteran at the time of
439 discharge.

440 Section 13. Subsection (3) of section 507.03, Florida
441 Statutes, is amended to read:

442 507.03 Registration.—

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

449 (b) The department shall waive the initial registration
450 fee for an honorably discharged veteran of the United States
451 Armed Forces, the spouse of such a veteran, or a business entity
452 that has a majority ownership held by such a veteran or spouse
453 if the department receives an application, in a format
454 prescribed by the department, within 60 months after the date of
455 the veteran's discharge from any branch of the United States
456 Armed Forces. To qualify for the waiver, a veteran must provide
457 to the department a copy of his or her DD Form 214 or NGB Form
458 22; the spouse of a veteran must provide to the department a
459 copy of the veteran's DD Form 214 or NGB Form 22 and a copy of a
460 valid marriage license or certificate verifying that he or she
461 was lawfully married to the veteran at the time of discharge; or
462 a business entity must provide to the department proof that a
463 veteran or the spouse of a veteran holds a majority ownership in
464 the business, a copy of the veteran's DD Form 214 or NGB Form
465 22, and, if applicable, a copy of a valid marriage license or
466 certificate verifying that the spouse of the veteran was
467 lawfully married to the veteran at the time of discharge.

468 Section 14. Subsection (3) of section 527.02, Florida

469 Statutes, is amended to read:

470 527.02 License; penalty; fees.—

471 (3) (a) An ~~Any~~ applicant for an original license who
472 submits an ~~whose~~ application ~~is submitted~~ during the last 6
473 months of the license year may have the original license fee
474 reduced by one-half for the 6-month period. This provision
475 applies ~~shall apply~~ only to those companies applying for an
476 original license and may ~~shall~~ not be applied to licensees who
477 held a license during the previous license year and failed to
478 renew the license. The department may refuse to issue an initial
479 license to an ~~any~~ applicant who is under investigation in any
480 jurisdiction for an action that would constitute a violation of
481 this chapter until such time as the investigation is complete.

482 (b) The department shall waive the original license fee
483 for an honorably discharged veteran of the United States Armed
484 Forces, the spouse of such a veteran, or a business entity that
485 has a majority ownership held by such a veteran or spouse if the
486 department receives an application, in a format prescribed by
487 the department, within 60 months after the date of the veteran's
488 discharge from any branch of the United States Armed Forces. To
489 qualify for the waiver, a veteran must provide to the department
490 a copy of his or her DD Form 214 or NGB Form 22; the spouse of a
491 veteran must provide to the department a copy of the veteran's
492 DD Form 214 or NGB Form 22 and a copy of a valid marriage
493 license or certificate verifying that he or she was lawfully
494 married to the veteran at the time of discharge; or a business

495 entity must provide to the department proof that a veteran or
496 the spouse of a veteran holds a majority ownership in the
497 business, a copy of the veteran's DD Form 214 or NGB Form 22,
498 and, if applicable, a copy of a valid marriage license or
499 certificate verifying that the spouse of the veteran was
500 lawfully married to the veteran at the time of discharge.

501 Section 15. Paragraph (c) of subsection (3) of section
502 539.001, Florida Statutes, is amended to read:

503 539.001 The Florida Pawnbroking Act.—

504 (3) LICENSE REQUIRED.—

505 (c) Each license is valid for a period of 1 year unless it
506 is earlier relinquished, suspended, or revoked. Each license
507 shall be renewed annually, and each licensee shall, initially
508 and annually thereafter, pay to the agency a license fee of \$300
509 for each license held. The department shall waive the initial
510 license fee for an honorably discharged veteran of the United
511 States Armed Forces, the spouse of such a veteran, or a business
512 entity that has a majority ownership held by such a veteran or
513 spouse if the department receives an application, in a format
514 prescribed by the department, within 60 months after the date of
515 the veteran's discharge from any branch of the United States
516 Armed Forces. To qualify for the waiver, a veteran must provide
517 to the department a copy of his or her DD Form 214 or NGB Form
518 22; the spouse of a veteran must provide to the department a
519 copy of the veteran's DD Form 214 or NGB Form 22 and a copy of a
520 valid marriage license or certificate verifying that he or she

HB 995

2015

521 was lawfully married to the veteran at the time of discharge; or
522 a business entity must provide to the department proof that a
523 veteran or the spouse of a veteran holds a majority ownership in
524 the business, a copy of the veteran's DD Form 214 or NGB Form
525 22, and, if applicable, a copy of a valid marriage license or
526 certificate verifying that the spouse of the veteran was
527 lawfully married to the veteran at the time of discharge.

528 Section 16. Subsection (3) of section 559.904, Florida
529 Statutes, is amended to read:

530 559.904 Motor vehicle repair shop registration;
531 application; exemption.—

532 (3) (a) Each application for registration must be
533 accompanied by a registration fee calculated on a per-year basis
534 as follows:

535 1. ~~(a)~~ If the place of business has 1 to 5 employees: \$50.

536 2. ~~(b)~~ If the place of business has 6 to 10 employees:
537 \$150.

538 3. ~~(c)~~ If the place of business has 11 or more employees:
539 \$300.

540 (b) The department shall waive the initial registration
541 fee for an honorably discharged veteran of the United States
542 Armed Forces, the spouse of such a veteran, or a business entity
543 that has a majority ownership held by such a veteran or spouse
544 if the department receives an application, in a format
545 prescribed by the department, within 60 months after the date of
546 the veteran's discharge from any branch of the United States

547 Armed Forces. To qualify for the waiver, a veteran must provide
548 to the department a copy of his or her DD Form 214 or NGB Form
549 22; the spouse of a veteran must provide to the department a
550 copy of the veteran's DD Form 214 or NGB Form 22 and a copy of a
551 valid marriage license or certificate verifying that he or she
552 was lawfully married to the veteran at the time of discharge; or
553 a business entity must provide to the department proof that a
554 veteran or the spouse of a veteran holds a majority ownership in
555 the business, a copy of the veteran's DD Form 214 or NGB Form
556 22, and, if applicable, a copy of a valid marriage license or
557 certificate verifying that the spouse of the veteran was
558 lawfully married to the veteran at the time of discharge.

559 Section 17. Paragraph (c) is added to subsection (2) of
560 section 559.928, Florida Statutes, to read:

561 559.928 Registration.—

562 (2)

563 (c) The department shall waive the initial registration
564 fee for an honorably discharged veteran of the United States
565 Armed Forces, the spouse of such a veteran, or a business entity
566 that has a majority ownership held by such a veteran or spouse
567 if the department receives an application, in a format
568 prescribed by the department, within 60 months after the date of
569 the veteran's discharge from any branch of the United States
570 Armed Forces. To qualify for the waiver, a veteran must provide
571 to the department a copy of his or her DD Form 214 or NGB Form
572 22; the spouse of a veteran must provide to the department a

573 copy of the veteran's DD Form 214 or NGB Form 22 and a copy of a
574 valid marriage license or certificate verifying that he or she
575 was lawfully married to the veteran at the time of discharge; or
576 the business entity must provide to the department proof that a
577 veteran or the spouse of a veteran holds a majority ownership in
578 the business, a copy of the veteran's DD Form 214 or NGB Form
579 22, and, if applicable, a copy of a valid marriage license or
580 certificate verifying that the spouse of the veteran was
581 lawfully married to the veteran at the time of discharge.

582 Section 18. Paragraph (b) of subsection (5), paragraph (a)
583 of subsection (10), and subsections (15) and (16) of section
584 616.242, Florida Statutes, are amended to read:

585 616.242 Safety standards for amusement rides.—

586 (5) ANNUAL PERMIT.—

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

590 1. The legal name, address, and primary place of business
591 of the owner.

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

595 3. A valid certificate of insurance ~~or bond~~ for each
596 amusement ride.

597 4. An affidavit of compliance that the amusement ride was
598 inspected in person by the affiant and that the amusement ride

599 is in general conformance with the requirements of this section
600 and all applicable rules adopted by the department. The
601 affidavit must be executed by a professional engineer or a
602 qualified inspector at least ~~no earlier than~~ 60 days before, but
603 not later than, the date ~~of the filing of~~ the application is
604 filed with the department. The owner shall request inspection
605 and permitting of the amusement ride within 60 days after ~~of~~ the
606 date ~~of filing~~ the application is filed with the department. The
607 department shall inspect and permit the amusement ride within 60
608 days after the date ~~filing~~ the application is filed with the
609 department.

610 5. If required by subsection (6), an affidavit of
611 nondestructive testing dated and executed at least ~~no earlier~~
612 ~~than~~ 60 days before ~~prior to~~, but not later than, the date ~~of~~
613 ~~the filing of~~ the application is filed with the department. The
614 owner shall request inspection and permitting of the amusement
615 ride within 60 days after ~~of~~ the date ~~of filing~~ the application
616 is filed with the department. The department shall inspect and
617 permit the amusement ride within 60 days after the date ~~filing~~
618 the application is filed with the department.

619 6. A request for inspection.

620 7. Upon request, the owner shall, at no cost to the
621 department, provide the department a copy of the manufacturer's
622 current recommended operating instructions in the possession of
623 the owner, the owner's operating fact sheet, and any written
624 bulletins in the possession of the owner concerning the safety,

625 operation, or maintenance of the amusement ride.

626 (10) EXEMPTIONS.—

627 (a) This section does not apply to:

628 1. Permanent facilities that employ at least 1,000 full-
629 time employees and that maintain full-time, in-house safety
630 inspectors. Furthermore, the permanent facilities must file an
631 affidavit of the annual inspection with the department, on a
632 form prescribed by rule of the department. Additionally, the
633 Department of Agriculture and Consumer Services may consult
634 annually with the permanent facilities regarding industry safety
635 programs.

636 2. Any playground operated by a school, local government,
637 or business licensed under chapter 509, if the playground is an
638 incidental amenity and the operating entity is not primarily
639 engaged in providing amusement, pleasure, thrills, or
640 excitement.

641 3. Museums or other institutions principally devoted to
642 the exhibition of products of agriculture, industry, education,
643 science, religion, or the arts.

644 4. Conventions or trade shows for the sale or exhibit of
645 amusement rides if there are a minimum of 15 amusement rides on
646 display or exhibition, and if any operation of such amusement
647 rides is limited to the registered attendees of the convention
648 or trade show.

649 5. Skating rinks, arcades, laser ~~lazer~~ or paint ball war
650 games, bowling alleys, miniature golf courses, mechanical bulls,

651 inflatable rides, trampolines, ball crawls, exercise equipment,
652 jet skis, paddle boats, airboats, helicopters, airplanes,
653 parasails, hot air or helium balloons whether tethered or
654 untethered, theatres, batting cages, stationary spring-mounted
655 fixtures, rider-propelled merry-go-rounds, games, side shows,
656 live animal rides, or live animal shows.

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

659 7. Nonmotorized playground equipment that is not required
660 to have a manager.

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

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

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

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

674 12. A water-related amusement ride operated by a business
675 licensed under chapter 509 if the water-related amusement ride
676 is an incidental amenity and the operating business is not

677 primarily engaged in providing amusement, pleasure, thrills, or
678 excitement and does not offer day rates.

679 13. An amusement ride at a private, membership-only
680 facility if the amusement ride is an incidental amenity and the
681 facility is not open to the general public, is not primarily
682 engaged in providing amusement, pleasure, thrills, or
683 excitement, and does not offer day rates.

684 14. A nonprofit permanent facility registered under
685 chapter 496 that is not open to the general public.

686 (15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ Prior to
687 opening on each day of operation and before ~~prior to~~ any
688 inspection by the department, the owner or manager of an
689 amusement ride must inspect and test the amusement ride to
690 ensure compliance with all requirements of this section. Each
691 inspection must be recorded on a form prescribed by rule of the
692 department and signed by the person who conducted the
693 inspection. In lieu of the form prescribed by rule of the
694 department, the owner or manager may request approval of an
695 alternate form if the alternate form includes, at a minimum, the
696 information required on the form prescribed by rule of the
697 department. Inspection records of the last 14 daily inspections
698 must be kept on site by the owner or manager and made
699 immediately available to the department upon request.

700 (16) TRAINING OF EMPLOYEES.—The owner or manager of an ~~any~~
701 amusement ride shall maintain a record of employee training for
702 each employee authorized to operate, assemble, disassemble,

703 transport, or conduct maintenance on an amusement ride~~7~~ on a
704 form prescribed by rule of the department. In lieu of the form
705 prescribed by rule of the department, the owner or manager may
706 request approval of an alternate form if the alternate form
707 includes, at a minimum, the information required on the form
708 prescribed by rule of the department. The training record must
709 be kept on site by the owner or manager and made immediately
710 available to the department upon request. Training may not be
711 conducted when an amusement ride is open to the public unless
712 the training is conducted under the supervision of an employee
713 who is trained in the operation of that ride. The owner or
714 manager shall certify that each employee is trained, as required
715 by this section and any rules adopted thereunder, on the
716 amusement ride for which the employee is responsible.

717 Section 19. Paragraph (h) of subsection (2), subsection
718 (10), and paragraph (a) of subsection (11) of section 790.06,
719 Florida Statutes, are amended to read:

720 790.06 License to carry concealed weapon or firearm.—

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

723 (h) Demonstrates competence with a firearm by any one of
724 the following:

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

728 2. Completion of any National Rifle Association firearms

729 safety or training course;

730 3. Completion of any firearms safety or training course or
 731 class available to the general public offered by a law
 732 enforcement, junior college, college, or private or public
 733 institution or organization or firearms training school,
 734 utilizing instructors certified by the National Rifle
 735 Association, Criminal Justice Standards and Training Commission,
 736 or the Department of Agriculture and Consumer Services;

737 4. Completion of any law enforcement firearms safety or
 738 training course or class offered for security guards,
 739 investigators, special deputies, or any division or subdivision
 740 of law enforcement or security enforcement;

741 5. Presents evidence of equivalent experience with a
 742 firearm through participation in organized shooting competition
 743 or military service;

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

747 7. Completion of any firearms training or safety course or
 748 class conducted by a state-certified or National Rifle
 749 Association certified firearms instructor;

750
 751 A photocopy of a certificate of completion of any of the courses
 752 or classes; ~~or~~ an affidavit from the instructor, school, club,
 753 organization, or group that conducted or taught such ~~said~~ course
 754 or class attesting to the completion of the course or class by

755 the applicant; or a copy of any document that ~~which~~ shows
756 completion of the course or class or evidences participation in
757 firearms competition shall constitute evidence of qualification
758 under this paragraph. ~~A;~~ any person who conducts a course
759 pursuant to subparagraph 2., subparagraph 3., or subparagraph
760 7., or who, as an instructor, attests to the completion of such
761 courses, must maintain records certifying that he or she
762 observed the student safely handle and discharge the firearm in
763 his or her physical presence and that the discharge of the
764 firearm included live fire using a firearm and ammunition as
765 defined in s. 790.001;

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

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

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

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

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

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

780 (f) Is convicted of a second violation of s. 316.193, or a

781 similar law of another state, within 3 years after ~~of~~ a first
 782 ~~previous~~ conviction of such section~~7~~, or similar law of another
 783 state, even though the first violation may have occurred before
 784 ~~prior to~~ the date on which the application was submitted;

785 (g) Is adjudicated an incapacitated person under s.
 786 744.331, or similar laws of any other state; or

787 (h) Is committed to a mental institution under chapter
 788 394, or similar laws of any other state.

789
 790 Notwithstanding s. 120.60(5), notice of the suspension or
 791 revocation of a concealed weapon or firearm license or the
 792 suspension of the processing of an application for such license
 793 shall be given by personal delivery to the licensee, by first-
 794 class mail in an envelope, postage prepaid, addressed to the
 795 licensee at his or her last known mailing address furnished to
 796 the department, or by e-mail if the licensee has provided an e-
 797 mail address to the department. Such mailing or sending of e-
 798 mail by the department constitutes notification, and any failure
 799 by the person to receive the mailed or e-mailed notice does not
 800 stay the effective date or term of the suspension or revocation.
 801 The giving of notice by mail is complete upon expiration of 20
 802 days after deposit in the United States mail. Proof of the
 803 giving of notice shall be made by entry in the records of the
 804 department that such notice was given. The entry is admissible
 805 in the courts of this state and constitutes sufficient proof
 806 that such notice was given.

807 (11) (a) At least ~~No less than~~ 90 days before the
808 expiration date of the license, the Department of Agriculture
809 and Consumer Services shall mail to each licensee a written
810 notice of the expiration and a renewal form prescribed by the
811 Department of Agriculture and Consumer Services. The licensee
812 must renew his or her license on or before the expiration date
813 by filing with the Department of Agriculture and Consumer
814 Services the renewal form containing an ~~a notarized~~ affidavit
815 submitted under oath and under penalty of perjury stating that
816 the licensee remains qualified pursuant to the criteria
817 specified in subsections (2) and (3), a color photograph as
818 specified in paragraph (5)(e), and the required renewal fee.
819 Out-of-state residents must also submit a complete set of
820 fingerprints and fingerprint processing fee. The license shall
821 be renewed upon receipt of the completed renewal form, color
822 photograph, appropriate payment of fees, and, if applicable,
823 fingerprints. Additionally, a licensee who fails to file a
824 renewal application on or before its expiration date must renew
825 his or her license by paying a late fee of \$15. A license may
826 not be renewed 180 days or more after its expiration date, and
827 such a license is deemed to be permanently expired. A person
828 whose license has been permanently expired may reapply for
829 licensure; however, an application for licensure and fees under
830 subsection (5) must be submitted, and a background investigation
831 shall be conducted pursuant to this section. A person who
832 knowingly files false information under this subsection is

HB 995

2015

833 subject to criminal prosecution under s. 837.06.

834 Section 20. Subsection (8) is added to section 790.0625,
835 Florida Statutes, to read:

836 790.0625 Appointment of tax collectors to accept
837 applications for a concealed weapon or firearm license; fees;
838 penalties.—

839 (8) Upon submission of a completed renewal application, a
840 new color photograph, and appropriate payment of fees, a tax
841 collector authorized to accept renewal applications for
842 concealed weapon or firearm licenses under this section may,
843 upon approval and confirmation of license issuance by the
844 department, print and deliver a concealed weapon or firearm
845 license to a licensee renewing his or her license at the tax
846 collector's office.

847 Section 21. This act shall take effect July 1, 2015.