

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/HB 7209 — Consumer Services Functions/DOACS

by Economic Affairs Committee; Business and Consumer Affairs Subcommittee; and Rep. Crisafulli (CS/CS/SB 1916 Budget Subcommittee on General Government Appropriations; Commerce and Tourism Committee; and Senator Detert)

This bill addresses a number of issues regarding the Department of Agriculture and Consumer Services (department) responsibilities related to consumer services, professional licenses, and inspection of oil and gas operations.

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); and
- Bring actions for injunctive relief under the Bedding Act.

The bill transfers department responsibilities under the Motor Vehicle Warranty Enforcement Act (or “Lemon Law”) to the Attorney General.

The bill creates a regulatory system for Cottage Food Operations, to exempt from permitting by the department a cottage food operation that sells less than \$15,000 annually, and provides for labeling requirements of cottage food products.

As to department responsibilities relating to the inspection of oil and gas, and consistent with requirements imposed by the Department of Revenue, this bill adds terminal suppliers and importers to the list of those who must supply the affidavits currently required of manufacturers and wholesalers.

The bill also deletes obsolete provisions relating to the transition to the sale of ethanol gasoline.

The 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; and
- 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.

As to other issues relating to licensees, the bill:

- Extends the Class “K” firearms instructor license period from 2 to 3 years.

- Amends current law effective January 1, 2012, to require applicants for a security guard or private investigator intern licenses to have completed 40 hours of professional training before they apply for their license;
- Provides that an armed security officer or firearms instructor is subject to discipline if he is prohibited from purchasing or possessing a firearm by state or federal law;
- Deletes 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.;
- Allows for payment of application fees by electronic funds transfer and removes the option to pay by certified check;
- Provides for a more thorough review of an applicant's criminal history; and
- Streamlines current processes, and makes technical and conforming changes to current law.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 35-0; House 113-0