

Tab 1	SB 1148 by Montford ; Self-service Gasoline Stations
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Tab 2	SB 1266 by Simpson ; (Similar to H 1131) Recovery Agencies
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Detert, Chair
Senator Thompson, Vice Chair

MEETING DATE: Monday, February 22, 2016
TIME: 2:00—3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Detert, Chair; Senator Thompson, Vice Chair; Senators Bean, Hutson, Latvala, Richter, and Ring

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 1148 Montford	Self-service Gasoline Stations; Requiring that retail self-service gasoline station pumps have printers in working order and capable of producing receipts; requiring that pumps without functioning printers be taken out of service; requiring the Department of Agriculture and Consumer Services to inspect pumps for functioning printers, etc. CM 02/22/2016 Temporarily Postponed AGG FP	Temporarily Postponed
2	SB 1266 Simpson (Similar H 1131)	Recovery Agencies; Redefining the term "recovery agency", etc. CM 02/22/2016 Fav/CS AGG FP	Fav/CS Yeas 5 Nays 1

Other Related Meeting Documents

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 Committee on Commerce and Tourism

BILL: SB 1148

INTRODUCER: Senator Montford

SUBJECT: Self-service Gasoline Stations

DATE: February 19, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	Pre-meeting
2.	_____	_____	AGG	_____
3.	_____	_____	FP	_____

I. Summary:

SB 1148 requires self-service gas station pumps to have a receipt printer that is in good working order, and capable of producing receipts. This requirement will be enforced by intermittent inspections of the self-service pumps by the Department of Agriculture and Consumer Services' (DACS), which may take a noncompliant gas pump out of service until it meets the applicable requirements.

II. Present Situation:

The DACS and Department of Financial Services' State Fire Marshal's Office investigate self-service gas stations to ensure consumer safety and protection. The Bureau of Standards within the DACS ensures the quality and quantity of gas sold to consumers by regulating and inspecting the amount and quality of liquid fuel sold at gas stations.¹ In this capacity, the DACS inspects 9,025 gas retail facilities, and inspects more than 60,000 commercial measuring devices each year.² The cost of the DACS' investigations are offset by a fee of 1/8th cent per gallon of gas that is sold by self-service gas stations.³ The State Fire Marshal's Office Inspections Section inspects over 14,000 facilities, including gas stations, per year.⁴

¹ Florida Department of Agriculture and Consumer Services, *Standards*, available at <http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Business-Services/Standards> (last visited Feb. 19, 2016). See also, ss. 526.09, and 531.42, F.S.

² Florida Department of Agriculture and Consumer Services, *supra* at note 1.

³ Section 525.09, F.S.

⁴ Florida Department of Financial Services, Division of State Fire Marshal, *Inspections Section*, available at <http://www.myfloridacfo.com/Division/SFM/BFP/Inspections/default.htm> (last visited Feb. 19, 2016).

Regulation of Self-Service Gas Stations

Generally⁵

Self-service gas stations are defined as the portions of property where motor fuels are stored and subsequently dispensed from dispensing equipment (gas pumps) into a consumer's motor vehicle fuel tank. Generally, self-service gas stations are required to:

- Ensure that a gas station attendant is within 100 feet of the gas dispensing area at all times to ensure consumers properly dispense gas;⁶
- Place an emergency control within 100 feet of gas dispensers, and proper notification of such controls; and
- Provide self-service equipment used to dispense gas that has been approved by a nationally recognized testing agency for its intended use.⁷

These duties are administered and enforced by the Department of Financial Services' State Office of the Fire Marshal.⁸

Inspections⁹

A gas station is required to report the installation or repair of any measuring device (gas pump) to the DACS to facilitate efficient inspections.¹⁰ The DACS inspects self-service gas stations and their dispensing areas to ensure that the fuel dispensed meets specific requirements,^{11,12} and that the amount dispensed is accurately reflected to the consumer.^{13,14} Additionally, the DACS inspects to ensure that proper decals, notifying of a "Call for Assistance" function for individuals with disabilities, are properly displayed.¹⁵

The DACS' inspections occur approximately every 12 to 18 months, unless the DACS has reason to believe the pump may be in noncompliance, either because of prior issues with a pump, or a consumer complaint.¹⁶ DACS personnel have the ability to take a noncompliant gas pump out of service until proper repairs have been made.¹⁷

Adoption of National Safety and Standards Regulations

Chapter 531, F.S., allows the DACS to adopt the National Institute of Standards and Technology's National Conference on Weights and Measures Handbook 44 (NIST Handbook

⁵ Section 526.141, F.S.

⁶ Fla. Admin. Code R. 69A-49.004 (2001).

⁷ Fla. Admin. Code Rule 69A-49.003, Fla. Admin. Code (2001), requires self-service gas stations to comply with the National Fire Protection Association's Life Safety Code fire safety requirements.

⁸ Section 526.141(8), F.S.

⁹ Chapter 525, F.S.

¹⁰ Section 525.07 (8),(9), F.S.

¹¹ Sections 525.035-.037, F.S.

¹² Fla. Admin. Code R. 5J-21.001 (2014).

¹³ Section 525.07, F.S.

¹⁴ Fla. Admin. Code R. 5J-21.005 (2014).

¹⁵ Section 526.141(5), F.S.

¹⁶ Karen Voyles, Ocala Star Banner, *Keeping Your Gas Pumps Accurate* (April 11, 2011), available at <http://www.ocala.com/article/20110411/ARTICLES/110419968> (last visited Feb. 19, 2016).

¹⁷ Fla. Admin. Code R. 5J-21.006 (2014).

44), and conform Florida's self-service gas station and gas pump regulations to its technical requirements. Generally, the Handbook 44 "secures uniformity of weights and measures laws and methods for inspection."¹⁸ Of note, the NIST Handbook 44 requires that all gas pump equipment, and any attached or related devices be maintained in proper operating condition, including proper representation of the value of gas provided on any printed receipt.¹⁹ The DACS interprets this requirement as currently requiring that receipt printers, and any other fixture attached to gas pumps, be in proper working order.²⁰

Section 526.141, F.S., currently requires the State Fire Marshal's Office to provide for approval of self-service equipment used to dispense gas by a nationally recognized testing agency. In this capacity, the State Fire Marshall adopted the National Fire Protection Association Life Safety Code standards.²¹ These standards generally provide safety protocols governing dispensing devices (gas pumps), and nearby areas to ensure prevention of fire hazards.²²

III. Effect of Proposed Changes:

Section 1 requires self-service gas stations to ensure that all of their gas pumps have receipt printers that are in good working order, and capable of producing receipts. The bill further requires the DACS to inspect all pumps at a self-service gas station, and take noncompliant pumps out of service until the receipt printer is repaired to good working order.

Additionally, the bill grants the DACS rulemaking authority for implementation and enforcement of the bill.

Lastly, the bill transfers authority to adopt rules providing for the approval of self-service equipment used to dispense gas by a nationally recognized testing agency from the State Fire Marshal's Office to the DACS.

Section 2 makes conforming changes to s. 320.0848, F.S.

Section 3 provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁸ U.S. Department of Commerce, National Institute of Standards and Technology, *Handbook 44, Specifications, Tolerances, and Other Technical Requirements for Weighing and Measuring Devices*, at iii (Oct. 2013), available at <http://www.nist.gov/pml/wmd/pubs/upload/hb44-2016-final2.pdf> (last visited Feb. 19, 2016).

¹⁹ U.S. Department of Commerce, National Institute of Standards and Technology, *Supra*, Note 18, Rule G-UR.4.1., "Maintenance Requirements;" Rule S.6, "Printer."

²⁰ DACS, *SB 1148 Agency Analysis*, (Jan. 12, 2016) (on file with the Committee on Commerce and Tourism).

²¹ Fla. Admin. Code R. 69A-49.003 (2001); Fla. Admin. Code R. 69A-3.012 (2014).

²² National Fire Prevention Association, *NFPA 30A: Code for Motor Fuel Dispensing Facilities and Repair Garages*, available at <http://www.nfpa.org/codes-and-standards/document-information-pages?mode=code&code=30A> (last visited Feb. 19, 2016).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Gas stations may incur costs related to retrofitting gas pumps to ensure that all gas pumps have a receipt printer affixed to them.

C. Government Sector Impact:

The DACS reports that a negative fiscal impact may occur if the bill's regulations result in an increased number of consumer complaints that must be investigated by DACS personnel.²³

VI. Technical Deficiencies:

None.

VII. Related Issues:

Inconsistent terminology to refer to a gas pump is used throughout s. 526.141, F.S., including "pumps used to dispense flammable and combustible liquids used as motor fuels," "dispensers," and "self-service pumps." The bill introduces an additional term, "pumps." This may result in inconsistent application of the bill.

Administrative rule defines "pump" in relation to s. 525.141(5)(b), F.S., fueling assistance for disabled provisions, but this specific definition may not apply to the bill.²⁴

It is unclear whether s. 526.141(7), F.S., of the bill intends self-service equipment used to dispense gas be approved by a nationally recognized testing agency for purposes of fire safety or consumer protection. Therefore, it is unclear whether the DACS will be able to properly adopt and enforce rules relating to this requirement.

²³ DACS, *SB 1148 Agency Analysis*, (Jan. 12, 2016) (on file with the Committee on Commerce and Tourism).

²⁴ Fla. Admin. Code R. 5J-21.007(5)(a), defines "pump" as "the face of a motor fuel dispenser or a stand-alone unit as described in paragraph (b) of this subsection."

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 526.141 and 320.0848.

IX. Additional Information:

A. **Committee Substitute – Statement of Changes:**

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

None.

B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Montford

3-01222-16

20161148__

1 A bill to be entitled
 2 An act relating to self-service gasoline stations;
 3 amending s. 526.141, F.S.; requiring that retail self-
 4 service gasoline station pumps have printers in
 5 working order and capable of producing receipts;
 6 requiring that pumps without functioning printers be
 7 taken out of service; requiring the Department of
 8 Agriculture and Consumer Services to inspect pumps for
 9 functioning printers; requiring the department to
 10 adopt rules by a specified date; amending s. 320.0848,
 11 F.S.; conforming a cross-reference; providing an
 12 effective date.

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

16 Section 1. Section 526.141, Florida Statutes, is amended to
 17 read:

18 526.141 Self-service gasoline stations; attendants, pumps,
 19 ~~and~~ regulations.-

20 (1) This section authorizes the establishment of self-
 21 service gasoline stations.

22 (2) A "self-service gasoline station" shall be that portion
 23 of property where flammable and combustible liquids used as
 24 motor fuels are stored and subsequently dispensed from fixed,
 25 approved dispensing equipment into the fuel tanks of motor
 26 vehicles by persons other than the service station attendant.

27 (3) All self-service gasoline stations shall have at least
 28 one attendant on duty while the station is open to the public.
 29 The attendant's primary function is ~~shall be~~ the proper
 30 administration, supervision, observation, and control of the
 31 dispensing of flammable and combustible liquids used as motor
 32 fuels while such liquids are actually being dispensed. It shall

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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33 be the responsibility of the attendant to prevent the dispensing
 34 of flammable and combustible liquids used as motor fuels into
 35 portable containers unless such container bears a seal of
 36 approval of a nationally recognized testing agency; to control
 37 sources of ignition; and immediately to handle accidental spills
 38 and fire extinguishers if needed. The attendant on duty shall be
 39 mentally and physically capable of performing the functions and
 40 assuming the responsibility prescribed in this subsection.

41 (4) All pumps in retail outlet self-service gasoline
 42 stations must have printers that are in good working order and
 43 capable of producing receipts. A pump not capable of producing a
 44 receipt for any reason, including mechanical problems, lack of
 45 paper or ink, or intentional disabling of the printing device,
 46 shall be taken out of service until the printer is repaired or
 47 refilled, as necessary.

48 (5)(4)(a) The "attendant control area" is that area
 49 reserved for the placing of the attendant. The attendant control
 50 area, which shall be not more than 100 feet from the dispensing
 51 area and shall contain the fire- equipment and emergency
 52 controls.

53 (b) The "dispensing area" is that area where the pumps used
 54 to dispense flammable and combustible liquids used as motor
 55 fuels are located. The dispensing area shall at all times be in
 56 clear view of the attendant, and the placing or allowing of any
 57 obstruction to vision between the dispensing area and the
 58 attendant control area is ~~shall be~~ prohibited. The attendant
 59 shall at all times be able to communicate with persons in the
 60 dispensing area. Emergency controls shall be installed at a
 61 location acceptable to the authority having jurisdiction, but

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62 controls shall not be more than 100 feet from dispensers.
 63 Operating instructions and warning signs shall be conspicuously
 64 posted in the dispensing area.

65 ~~(6)(5)~~(a) Every full-service gasoline station offering
 66 self-service at a lesser cost shall require an attendant
 67 employed by the station to dispense gasoline from the self-
 68 service portion of the station to any motor vehicle properly
 69 displaying an exemption parking permit as provided in s.
 70 316.1958 or s. 320.0848 or a license plate issued pursuant to s.
 71 320.084, s. 320.0842, s. 320.0843, or s. 320.0845 when the
 72 person to whom such permit has been issued is the operator of
 73 the vehicle and such service is requested. Such stations shall
 74 prominently display a decal no larger than 8 square inches on
 75 the front of all self-service pumps clearly stating the
 76 requirements of this subsection and the penalties applicable to
 77 violations of this subsection. The Department of Agriculture and
 78 Consumer Services shall enforce this requirement.

79 (b)1. When inspecting a self-service gasoline station, the
 80 Department of Agriculture and Consumer Services shall confirm
 81 that a decal is affixed to each pump. The decal must be blue, at
 82 least 15 square inches, and clearly display the international
 83 symbol of accessibility shown in s. 320.0842, the telephone
 84 number of the station, and the words "Call for Assistance." The
 85 Department of Agriculture and Consumer Services shall adopt
 86 rules to implement and enforce this paragraph and shall confirm
 87 that the decals conform with this paragraph and are in place by
 88 July 1, 2016.

89 2. This paragraph does not bar a county or municipality
 90 from adopting an ordinance, or enforcing an existing ordinance,

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91 that expands the accessibility, safety, or availability of
 92 fueling assistance to a motor vehicle operator described in
 93 paragraph (a).

94 (c) Violation of paragraph (a) is a misdemeanor of the
 95 second degree, punishable as provided in s. 775.082 or s.
 96 775.083.

97 ~~(7)(a)(6)~~ All self-service equipment used to dispense
 98 gasoline shall be approved by a nationally recognized testing
 99 agency for its intended use.

100 (b) When inspecting a retail outlet with a self-service
 101 gasoline station, the Department of Agriculture and Consumer
 102 Services shall confirm that all pumps at the self-service
 103 gasoline station are in compliance with the requirements of
 104 subsection (4).

105 (c) The department shall adopt rules for the implementation
 106 and enforcement of subsection (4) and this subsection by July 1,
 107 2017.

108 ~~(8)(7)~~ A refiner, terminal supplier, wholesaler, or
 109 retailer is not liable for damages resulting from the use of
 110 incompatible motor fuel dispensed at a retail site if:

111 (a) The incompatible fuel meets the requirements and
 112 standards adopted under s. 525.14;

113 (b) The incompatible fuel was selected by the purchaser;
 114 and

115 (c) The retail dispenser that dispensed the incompatible
 116 fuel was properly labeled according to the labeling requirements
 117 adopted under s. 525.14.

118 ~~(9)(8)~~ The Chief Financial Officer, under her or his
 119 powers, duties, and functions as State Fire Marshal, shall adopt

3-01222-16

20161148__

120 rules for the administration and enforcement of this section,
121 except for subsections (4), (6), and (7) ~~subsection (5)~~ which
122 shall be administered and enforced by the Department of
123 Agriculture and Consumer Services.

124 Section 2. Paragraph (b) of subsection (2) of section
125 320.0848, Florida Statutes, is amended to read:

126 320.0848 Persons who have disabilities; issuance of
127 disabled parking permits; temporary permits; permits for certain
128 providers of transportation services to persons who have
129 disabilities.—

130 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
131 MOBILITY PROBLEMS.—

132 (b) License plates issued under ss. 320.084, 320.0842,
133 320.0843, and 320.0845 are valid for the same parking privileges
134 and other privileges provided under ss. 316.1955, 316.1964, and
135 526.141(6)(a) ~~526.141(5)(a)~~.

136 Section 3. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Chair*
Appropriations Subcommittee on Education, *Vice Chair*
Appropriations
Banking and Insurance
Education Pre-K - 12
Rules

SENATOR BILL MONTFORD

3rd District

February 9, 2016

Senator Nancy Detert, Chair
Senate Commerce & Tourism Committee
416 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Detert:

I respectfully request that SB 1148 be scheduled for a hearing before the Senate Commerce & Tourism Committee. SB 1148 would require self-service gasoline stations to ensure their pumps have printers in working order and capable of producing receipts.

Your assistance and favorable consideration of my request is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William "Bill" Montford, III
State Senator, District 3

cc: Todd McKay, Staff Director

BJM/mam

REPLY TO:

- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 Committee on Commerce and Tourism

BILL: CS/SB 1266

INTRODUCER: Commerce and Tourism Committee and Senator Simpson

SUBJECT: Recovery Agencies

DATE: February 22, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Little	McKay	CM	Fav/CS
2.			AGG	
3.			FP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1266 amends the definition of “recovery agency” to exclude a person who does not directly perform repossession services, but who contracts with a licensed recovery agency for repossession services on behalf of a licensed bank, bank holding company, credit union, or small loan company. Consequently, any forwarder who operates as a middleman in the repossession industry will not be required to obtain a recovery agency license from the Department of Agriculture and Consumer Services.

The bill takes effect upon becoming law.

II. Present Situation:

Repossession is the legal process by which a lender takes back property or assets when a borrower is in default.¹ The Division of Licensing, within the Department of Agriculture and Consumer Services (DACS), regulates and licenses persons providing repossession services, among other services, in order to ensure public protection from unethical business practices.²

An individual who is authorized by the legal owner, lienholder, or lessor may recover an item, or collect money payment in lieu of recovery, if the item has been sold or leased under a security

¹ *Repossession*, *Black’s Law Dictionary*, available at <http://thelawdictionary.org/repossession/> (last visited Feb. 17, 2016).

² Chapter 493, F.S.

agreement containing a repossession clause.³ Repossession is considered complete when a licensed recovery agent is in the control, custody, and possession of the property.⁴ Examples of items that can be repossessed include a motor vehicle, mobile home, motorboat, aircraft, watercraft, all-terrain vehicle, farm equipment, and industrial equipment.⁵

Pursuant to part IV of ch. 493, F.S., recovery agencies and recovery agents are required to be licensed in order to perform repossession services. A recovery agency is any person who, for consideration, advertises as providing or is engaged in the business of performing repossessions.⁶ A recovery agent is any individual who, for consideration, advertises as providing or performs repossession services.⁷ Advertising refers to, “the submission of bids, contracting, or making known by any public notice or solicitation of business, directly or indirectly, that services regulated under [ch. 493, F.S.] are available for consideration.”⁸

Banks, bank holding companies, credit unions, or small loan companies that operate pursuant to chs. 516 and 520, F.S.; any consumer credit reporting agency regulated by 15 USC 1681; or any collection agency not engaged in repossessions are specifically excluded from the regulations of ch. 493, F.S.⁹ As of January 31, 2016, there were 893 licensed recovery agents and 335 licensed recovery agencies in Florida.¹⁰

Forwarder Services

Traditionally, a lender directly hired an individual or company to assist in the collection of debts owed.¹¹ However, in recent years middlemen, known as forwarders, began to operate as intermediaries.¹² In terms of repossession services, lenders are now able to contract with forwarders to locate and recover a secured interest. Forwarders do not directly perform repossessions, but instead contract with a licensed recovery agency if repossession is necessary to recover the secured interest.¹³ Under current practices, forwarder services are not administratively regulated by DACS.¹⁴

III. Effect of Proposed Changes:

The bill amends s. 493.6101(20), F.S., to exclude a person who contracts with a licensed recovery agency for repossession services on behalf of a licensed bank, bank holding company,

³ Section 493.6101(22), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ Section 493.6101(20), F.S.

⁷ Section 493.6101(21), F.S.

⁸ Section 493.6101(6), F.S.

⁹ Section 493.6102(7), F.S.; Florida DACS, Recovery Agent Handbook at 4, *available at* https://licensing.freshfromflorida.com/forms/P-00094_RecoveryAgentHandbook.pdf. (last accessed Feb. 17, 2016).

¹⁰ Florida Department of Agriculture and Consumer Services, Division of Licensing, *Number of Licensees by Type*, (Jan. 31, 2015). Available at http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf (last accessed Feb. 17, 2016).

¹¹ *Badeed v. Par, Inc.*, 853 N.W.2d 303, 304 (Mich. 2014).

¹² *Id.* (describing how forwarders’ business practices changed the traditional process of debt collection).

¹³ Department of Agriculture and Consumer Services, *SB 1266 Agency Analysis*, (Jan. 15, 2016), on file with the Committee on Commerce and Tourism.

¹⁴ *Id.*

credit union, or small loan company from the definition of “recovery agency.” To be excluded from the definition, the person cannot directly perform the repossession and the person must include a disclaimer in all advertisements that appear in Florida that states the person does not directly perform any repossessions but contracts with licensed recovery agencies.

As a result of the amendment of the definition, forwarders will not be subject to the licensure requirements of part IV of ch. 493, F.S., which is consistent with DACS’ current administrative regulation of forwarder services.¹⁵

The bill takes effect upon becoming law.

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:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁵ *Id.*

VIII. Statutes Affected:

This bill substantially amends section 493.6101 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Commerce and Tourism on February 22, 2016:

The bill is amended to clarify the term “recovery agency” does not include a person who contracts with a recovery agency for repossession services pursuant to a contract with a licensed bank, bank holding company, credit union, or small loan company. The bill takes effect upon becoming law.

- B. **Amendments:**

None.



907086

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/23/2016	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 11 - 23

and insert:

(20) "Recovery agency" means a ~~any~~ person who, for consideration, advertises as providing or is engaged in the business of performing repossessions. The term does not include a person who does not directly perform repossessions and who, pursuant to a contract with a licensed bank, bank holding company, credit union, or small loan company, contracts with a



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11 licensed recovery agency for the performance of repossessions by
12 such agency, if the person includes a disclaimer in all
13 advertisements appearing in this state which discloses that the
14 person does not directly perform any repossessions but contracts
15 with licensed recovery agencies.

16 Section 2. This act shall take effect upon becoming a law.

17
18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete line 3

21 and insert:

22 493.6101, F.S.; revising the definition of the term

23 "recovery agency";

By Senator Simpson

18-01363-16

20161266__

1 A bill to be entitled
2 An act relating to recovery agencies; amending s.
3 493.6101, F.S.; redefining the term "recovery agency";
4 providing an effective date.
5
6 Be It Enacted by the Legislature of the State of Florida:
7
8 Section 1. Subsection (20) of section 493.6101, Florida
9 Statutes, is amended to read:
10 493.6101 Definitions.—
11 (20) "Recovery agency" means any person who, for
12 consideration, advertises as providing or is engaged in the
13 business of performing repossessions. The term does not include
14 a person who does not directly perform repossessions and who,
15 pursuant to a contract with a licensed bank, bank holding
16 company, credit union, or small loan company, contracts with a
17 licensed recovery agent or agency for the performance of
18 repossessions by such agent or agency if such person includes a
19 disclaimer in all advertisements appearing in this state which
20 states that the person does not directly perform any
21 repossessions but contracts with licensed recovery agents or
22 agencies.
23 Section 2. This act shall take effect July 1, 2016.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

January 12, 2016

The Honorable Nancy Detert
Senate Committee on Commerce & Tourism, Chair
3rd Floor, Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Detert:

I respectfully request that Senate Bill 1266, relating to *Recovery Agencies*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson, State Senator, 18th District

CC: Jennifer Hrdlicka, Staff Director

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Community Affairs, *Chair*
Environmental Preservation and Conservation,
Vice Chair
Appropriations Subcommittee on General Government
Finance and Tax
Judiciary
Transportation

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR WILTON SIMPSON

18th District

February 19, 2016

The Honorable Nancy Detert
Senate Commerce Committee, Chair
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Detert:

Please allow my Chief Legislative Assistant Rachel Perrin Rogers to present Senate Bill 1266 on Monday. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Wilton Simpson".

Wilton Simpson, State Senator, 18th District

CC: Todd McKay, Staff Director
Patty Blackburn, Administrative Assistant

REPLY TO:

- 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018
- Post Office Box 938, Brooksville, Florida 34605
- Post Office Box 787, New Port Richey, Florida 34656-0787 (727) 816-1120 FAX: (888) 263-4821

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/22/16
Meeting Date

1266
Bill Number (if applicable)

Topic Recovery Agencies

Amendment Barcode (if applicable)

Name Kenneth Pratt

Job Title Senior VP of Governmental Relations

Address 1001 Thomasville Rd Ste 201

Phone 850-509-8020

Street

Tallahassee FL 32312

City

State

Zip

Email kpratt@floridabankers.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Bankers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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2/22/14
Meeting Date

1266
Bill Number (if applicable)

Topic Recovery Agency

Amendment Barcode (if applicable)

Name Cynthia Henderson

Job Title

Address 108 E. Jefferson St. Suite A

Phone 850 559 0855

Tallahassee FL 32303
City State Zip

Email cyhenderson@me.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FLACARS + Fla Security Officers Assoc

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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THE FLORIDA SENATE
APPEARANCE RECORD

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1266
Bill Number (if applicable)

Amendment Barcode (if applicable)

Meeting Date

Topic Recovery Definitions

Name Eduardo Wolmers

Job Title President of FLACARS

Address 10460 SW 187 Ter

Phone 786-444-3033

Street

Miami

FL

33157

Email JTDAGroupe@gmail.com

City

State

Zip

Speaking: For Against Information

~~Waive Speaking: In Support Against~~

~~(The Chair will read this information into the record.)~~

Representing FLACARS + Council of Presidents (under 493)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE
APPEARANCE RECORD

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2/22/16

Meeting Date

9131266

Bill Number (if applicable)

Topic Forwarding Companies

Amendment Barcode (if applicable)

Name Fred Baggett

Job Title _____

Address 101 E. College Ave.
Street

Phone 425 8512

Tall. Fl. 32301
City State Zip

Email BaggettF@GTLaw.Com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing PAR North America

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

SENATOR JACK LATVALA

20th District

February 23, 2016

The Honorable Nancy Detert, Chair
Senate Commerce and Tourism Committee
404 S. Monroe Street, 310 Knott
Tallahassee, FL 32399-1100

Dear Chair Detert:

Please excuse my absence from the Senate Commerce and Tourism Committee meeting on February 22, 2016.

Thank you for your consideration.

Sincerely,



Jack Latvala
Senator, District 20

Cc: Todd McKay, Staff Director; Patty Blackburn, Administrative Assistant

REPLY TO:

- 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

CourtSmart Tag Report

Room: EL 110

Case No.:

Type:

Caption: Senate Commerce and Tourism Committee

Judge:

Started: 2/22/2016 2:00:58 PM

Ends: 2/22/2016 2:26:29 PM

Length: 00:25:32

2:00:56 PM Order
2:01:01 PM Roll Call
2:01:05 PM Quorum Present
2:01:19 PM SB 1148
2:01:23 PM Senator Montford
2:03:05 PM Questions
2:03:09 PM Senator Thompson
2:03:57 PM Senator Montford
2:04:04 PM Senator Richter
2:05:12 PM Senator Montford moves to TP
2:05:21 PM SB 1148 TP'd
2:05:27 PM SB 1266
2:05:31 PM Senator Simpson's LA Rachel Perrin Rogers
2:06:02 PM Amendment Senator Bean
2:06:05 PM Amendment 907086
2:06:12 PM Rachel Perrin Rogers
2:06:19 PM Questions
2:06:22 PM Appearance
2:06:27 PM Debate
2:06:32 PM Amendment Adopted
2:06:41 PM Back on Bill as Amended
2:06:44 PM Questions
2:06:46 PM Senator Thompson
2:06:57 PM Rachel Perrin Rogers
2:07:10 PM Senator Thompson
2:07:16 PM Senator Richter
2:07:36 PM Rachel Perrin Rogers
2:08:20 PM Senator Richter
2:08:55 PM Appearance
2:08:57 PM Fred Baggett - PAR Worth America
2:12:31 PM Eduardo Wolmers - President of FLACars and Council of Presidents (under 493)
2:18:09 PM Cynthia Henderson - FLA Cars and FLA Security Officers Assoc.
2:21:04 PM Senator Hutson
2:22:02 PM Kenneth Pratt - FL Bankers Assoc.
2:22:11 PM Questions
2:22:21 PM Debate
2:22:23 PM Close
2:22:27 PM Rachel Perrin Rogers
2:22:59 PM Roll SB 1266 as a Committee Substitute
2:23:09 PM SB 1266 Reported Favorably
2:25:24 PM Meeting Adjourned