

Committee on Commerce and Tourism

CS/CS/HB 7023 — Department of Agriculture and Consumer Services

by Regulatory Affairs Committee; Agriculture and Natural Resources Appropriations Subcommittee; Business and Professional Regulation Subcommittee; and Rep. Cummings (CS/CS/SB 1040 by Appropriations Committee; Commerce and Tourism Committee; and Senator Stargel)

The bill modifies a number of regulatory activities under the jurisdiction of the Florida Department of Agriculture and Consumer Services (DACS). Specifically, the bill makes the following changes to DACS' regulatory activities:

Recovery Agents and Private Investigators

- Revises the definition of repossession to specify when a recovery agent has active possession and command of a recovered vehicle or other equipment, i.e., when the repossession is complete.
- Clarifies that proof of annual firearms training for class "G" and "K" licensees be submitted to DACS upon completion, provides suspension or non-renewal for non-compliance, and creates a third-degree felony for issuing a fraudulent training certificate as part of an application for licensure.
- Removes the 50-mile radius limitation on private investigator and recovery agent internships.

Charitable Organizations and Professional Solicitors

- Updates the requirements for filing financial reports for charitable organizations, and provides that charitable organization and sponsor renewal statements must be issued by DACS 30 days prior to expiration and may be sent via electronic mail. In addition, removes notary requirements for registration packages, increases the application and renewal processing time from 10 to 15 days, and clarifies criminal reporting requirements for charitable organizations and sponsors.
- Updates the annual registration requirement for professional solicitors and fundraising consultants so that registration renewal is based on the date of issuance.
- Exempts charities that have total revenue of less than \$25,000, have no employees or members compensated to do fundraising, and that do not use a professional solicitor, from the \$10 annual registration fee.
- Reduces the time for professional solicitors to file financial documentation for campaigns lasting less than 1 year and extends the due date for financial reporting on campaigns lasting more than 1 year.
- Eliminates the requirement that charitable organizations and sponsors place a statement on all printed material stating the percentage of each contribution retained by a professional solicitor and the percentage of each contribution received by the organization or sponsor.
- Makes it unlawful for solicitors of contributions to provide false, misleading, or inaccurate information and authorizes the issuance of cease and desist orders for certain prohibited acts committed by charitable organizations.

Health Studios

- Reduces the required security for certain health studios from \$50,000 to \$25,000.

Telemarketers

- Amends the Florida Do Not Call statute to prohibit telephone solicitors seeking donations on behalf of charities from contacting individuals who have previously communicated to the solicitor that he or she does not wish to receive telephone solicitations from that charitable organization.
- Eliminates the requirement that telemarketing salespersons provide a 3-year work history, and requires a telemarketing business to keep its bond or other security in force as long as the business is open and operating. Authorizes onsite inspection by investigators and provides notice to telemarketers engaged in timeshare sales that they must comply with DACS and the Department of Business and Professional Regulation licensing requirements.

Moving Brokers

- Requires moving brokers to supply a list of affiliated movers, and requires moving brokers only contract with properly registered movers.

Fuels

- Transfers petroleum inspection fee collections from DACS to the Department of Revenue, exempts certain measuring devices from permitting fees, and exempts devices used for measuring aviation fuel from permitting requirements.
- Amends the definition of alternative fuel to provide for adopting fuel quality standards that cover new blended fuels.
- Requires entities that sell or distribute petroleum or alternative fuels to meet fuel standards adopted by DACS.
- Provides that terminal suppliers, wholesalers, or blenders licensed under ch. 206, F.S., are not liable for injuries or damage resulting from the subsequent blending of petroleum or alternative fuels if the petroleum or alternative fuels met the standards adopted by DACS while under ownership of the terminal suppliers, wholesale, or blender.
- Provides that terminal suppliers, wholesalers, or retailers are not liable for damages caused by the incompatible use of motor fuels under certain circumstances.

LP Gas Licenses

- Staggers the license expiration dates for Liquefied Petroleum gas licensees, requires applicants taking the license examination pass each area of the examination with a score of at least 75 percent, and increases the minimum number of hours of continuing education from 12 to 16 hours.

Weighing and Measuring Devices

- Extends the sunset repeal provision from July 1, 2014, to July 1, 2020, relating to permitting fees for weighing and measuring devices.

Pawnshops

- Allows pawnshop owners to have their fingerprints taken at a fingerprinting service provider authorized by the Florida Department of Law Enforcement.

Business Opportunities

- Authorizes DACS to create a form allowing franchises to file a notice of exemption from the business opportunity regulation statute and eliminates the required disclosure statements and mandatory filing requirements applicable to the seller of a business opportunity. In addition, eliminates the required \$300 annual fee and the \$50 filing update fee due from the seller of a business opportunity, and eliminates DACS' enforcement authority on unlawful acts committed by a seller of a business opportunity.

Motor Vehicle Repair Council

- Decreases the size of the Motor Vehicle Repair Council from eleven to nine members.

Amusement Rides

- Eliminates the option of obtaining a bond for operators of amusement rides.

The bill contains a severability clause.

If approved by the Governor, these provisions take effect July 1, 2013.

Vote: Senate 38-0; House 114-0