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1
2 An act relating to consumer services; amending s.
3 20.14, F.S.; deleting provisions establishing the
4 Division of Standards within the Department of
5 Agriculture and Consumer Services; repealing s.
6 366.85, F.S., relating to responsibilities of the
7 department for compliance with certain federal
8 requirements related to consumer conciliatory
9 conferences and energy conservation products,
10 services, and loans; amending s. 472.005, F.S.;
11 redefining the term "license" and defining the terms
12 "consumer member" and "licensee" for purposes of
13 provisions governing surveyors and mappers; amending
14 s. 472.006, F.S.; directing the Department of
15 Agriculture and Consumer Services to work
16 cooperatively with the Department of Revenue to
17 implement an automated method of disclosing
18 information related to licensees; authorizing the
19 Department of Agriculture and Consumer Services to
20 suspend or deny the license of any licensee found not
21 to be in compliance with a support order, subpoena,
22 order to show cause, or written agreement; providing
23 for reinstatement of a denied or suspended license;
24 relieving the department of certain liability
25 associated with the denial or suspension of a license;
26 amending s. 472.011, F.S.; authorizing the department
27 to waive license renewal fees for land surveyors and
28 mappers under certain circumstances; authorizing the

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29 | collection of an existing special assessment from
30 | inactive and delinquent licensees; amending s.
31 | 472.0131, F.S., relating to examinations; making
32 | technical changes; amending s. 472.015, F.S.;
33 | authorizing the department to require land surveyors
34 | or mappers to submit their social security numbers
35 | when applying for initial licensure or license
36 | renewal; providing conditions under which an
37 | application is deemed received; providing conditions
38 | under which the department may issue a license by
39 | endorsement; requiring an applicant to provide his or
40 | her social security number as required pursuant to
41 | federal law; specifying how a social security number
42 | may be used; amending s. 472.018, F.S., relating to
43 | continuing education; making technical changes;
44 | requiring that continuing education providers
45 | electronically provide certain information to the
46 | department; providing timeframes for reporting;
47 | requiring that the department establish a system to
48 | monitor licensee compliance with continuing education
49 | requirements; defining the term "monitor"; authorizing
50 | the department to refuse to renew a license until the
51 | applicant satisfies continuing education requirements;
52 | authorizing the department or board to impose
53 | additional penalties against applicants who fail to
54 | satisfy additional requirements; amending s. 472.0202,
55 | F.S.; conforming a cross-reference; amending s.
56 | 472.0203, F.S.; providing for license renewal

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57 notification by the department to be sent
58 electronically to the licensee's last known e-mail
59 address; amending s. 472.025, F.S.; providing that a
60 professional surveyor or mapper whose license is
61 revoked or suspended must return his or her seal to
62 the executive director of the board, rather than to
63 the secretary; creating s. 472.0337, F.S.; authorizing
64 the department to administer oaths, take depositions,
65 make inspections, issue and serve subpoenas and other
66 process, and compel the attendance of witnesses and
67 production of certain documents; providing for
68 challenges to and enforcement of subpoenas and orders;
69 amending s. 472.0351, F.S.; revising grounds for
70 discipline; eliminating certain actions by a licensee
71 which are grounds for disciplinary action; specifying
72 what constitutes an action against a license in
73 another state, territory, or country; specifying that
74 the board may enter an order against a surveyor or
75 mapper who committed certain violations before
76 obtaining a license; authorizing the board to require
77 corrective action; prohibiting the department from
78 issuing to or renewing the license of a person or
79 business entity that has been assessed a fine,
80 interest, costs, or attorney fees associated with an
81 investigation or prosecution until the person pays
82 them in full or complies with or satisfies all terms
83 and conditions of the final order; amending s.
84 493.6105, F.S.; authorizing the Department of

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85 | Agriculture and Consumer Services to waive firearms
86 | training requirements for the initial licensure of
87 | private investigative, private security, or
88 | repossession services under certain circumstances;
89 | amending s. 493.6113, F.S.; authorizing the department
90 | to waive firearms training requirements for license
91 | renewal of private investigative, private security,
92 | and repossession services under certain circumstances;
93 | amending s. 493.6118, F.S.; providing for disciplinary
94 | action to be taken against certain additional license
95 | classes and schools or training facilities for private
96 | investigators and private security and repossession
97 | services; amending s. 493.6120, F.S.; providing for
98 | penalty provisions to apply to certain additional
99 | license classes and schools or training facilities for
100 | private investigators and private security and
101 | repossession services; amending s. 501.015, F.S.,
102 | relating to the regulation of health studios;
103 | substituting the term "local business tax receipt" for
104 | the term "local occupational license"; amending s.
105 | 501.017, F.S.; making technical changes; clarifying
106 | that certain notice be provided in a health studio
107 | contract in at least 10-point boldface type; amending
108 | s. 501.059, F.S.; deleting requirement that telephone
109 | subscribers pay an initial listing charge for
110 | including their telephone numbers on the state's no
111 | sales solicitation calls listing; specifying the
112 | period that a subscriber's listing remains active;

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113 requiring the department to include certain listings
114 from a national database on the state's listing;
115 authorizing the department to impose administrative
116 fines for violations; specifying that administrative
117 proceedings are subject to the Administrative
118 Procedure Act; requiring telecommunications companies
119 to inform their customers of certain telephone
120 solicitation requirements; deleting requirement that
121 the Florida Public Service Commission adopt certain
122 rules; amending s. 501.605, F.S.; providing that an
123 applicant for a commercial telephone seller license
124 may provide other valid forms of identification in
125 lieu of a valid driver license number; removing the
126 requirement that the applicant provide his or her
127 social security number on the application; amending s.
128 501.607, F.S.; providing that an applicant for a
129 telemarketing salesperson's license may provide other
130 valid forms of identification in lieu of a driver
131 license number; amending s. 501.911, F.S.; revising
132 provisions for administration of the Antifreeze Act of
133 1978, to conform; amending s. 501.913, F.S.; requiring
134 the registrant of a brand of antifreeze to assume full
135 responsibility for the registration; requiring that a
136 registrant of a brand of antifreeze not in production
137 for distribution in this state must submit a notarized
138 affidavit attesting to specified information;
139 requiring that a certain sample size of each brand of
140 antifreeze accompany the application for registration;

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141 amending s. 507.04, F.S.; requiring that the
142 Department of Agriculture and Consumer Services be
143 notified at least 10 days before any changes are made
144 in the insurance coverage of a household moving
145 service; amending s. 525.07, F.S.; revising required
146 contents of seal clasps applied by meter mechanics
147 after repair and adjustment of petroleum fuel
148 measuring devices; amending s. 526.143, F.S.;
149 authorizing the department to temporarily waive
150 certain requirements for generators at retail motor
151 fuel outlets which are used in preparation or response
152 to an emergency or major disaster in another state;
153 amending s. 526.50, F.S., relating to the sale of
154 brake fluid; defining the terms "brand" and "formula";
155 amending s. 526.51, F.S.; conforming terminology;
156 providing criteria for reregistering a previously
157 registered brand and formula combination of brake
158 fluid; providing for a fine for late submission of the
159 application for reregistration and required materials;
160 requiring a registrant to submit a notarized affidavit
161 attesting that specified conditions have been
162 satisfied if a registered brand and formula
163 combination is not in production for distribution in
164 this state; amending s. 526.52, F.S.; providing
165 alternative criteria under which a brand of brake
166 fluid may satisfy branding requirements; amending s.
167 526.53, F.S.; conforming terminology; requiring that
168 stop-sale orders be served by the department on the

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169 owner of the brand name, the distributor, or other
 170 entity responsible for selling or distributing the
 171 product; providing that the department's
 172 representative, with the consent of the department,
 173 may dispose of certain unregistered brake fluid;
 174 amending s. 526.55, F.S.; replacing criminal sanctions
 175 with administrative and monetary sanctions for
 176 violations of laws regulating the sale of brake fluid;
 177 amending s. 539.001, F.S.; eliminating the requirement
 178 that a pawnshop provide the Department of Agriculture
 179 and Consumer Services notice of a change in its
 180 location by certified or registered mail; amending s.
 181 559.805, F.S.; eliminating a requirement that sellers
 182 of business opportunities provide the department with
 183 the social security numbers of their independent
 184 agents; amending s. 559.904, F.S., relating to the
 185 regulation of motor vehicle repair shops; substituting
 186 the term "business tax receipt" for the term
 187 "occupational license"; repealing s. 559.922, F.S.,
 188 relating to the use of motor vehicle repair shop
 189 registration fees to provide financial assistance to
 190 motor vehicle repair shop employees who undertake
 191 certain technical training or courses; amending s.
 192 559.928, F.S., relating to the regulation of sellers
 193 of travel; substituting the term "business tax
 194 receipt" for the term "occupational license";
 195 eliminating a requirement that an independent travel
 196 agent provide his or her social security number to the

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197 department; amending s. 559.9285, F.S.; conforming a
 198 cross-reference; amending s. 559.935, F.S., relating
 199 to an exemption from regulation provided for certain
 200 sellers of travel; substituting the term "business tax
 201 receipt" for the term "occupational license"; amending
 202 s. 570.29, F.S., relating to departmental divisions;
 203 conforming terminology; repealing ss. 570.46 and
 204 570.47, F.S., relating to the powers and duties of the
 205 Division of Standards and the qualifications and
 206 duties of the director of the division; amending s.
 207 570.544, F.S.; revising the powers and duties of the
 208 director of the Division of Consumer Services;
 209 amending s. 616.242, F.S.; removing an obsolete
 210 reference to the Bureau of Fair Rides Inspection;
 211 providing an effective date.

212
 213 Be It Enacted by the Legislature of the State of Florida:

214
 215 Section 1. Paragraph (1) of subsection (2) of section
 216 20.14, Florida Statutes, is amended to read:

217 20.14 Department of Agriculture and Consumer Services.—
 218 There is created a Department of Agriculture and Consumer
 219 Services.

220 (2) The following divisions of the Department of
 221 Agriculture and Consumer Services are established:

222 ~~(1) Standards.~~

223 Section 2. Section 366.85, Florida Statutes, is repealed.

224 Section 3. Subsection (7) of section 472.005, Florida

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225 Statutes, is amended, and subsections (15) and (16) are added to
226 that section, to read:

227 472.005 Definitions.—As used in ss. 472.001-472.037:

228 (7) The term "license" means a registration, certificate,
229 or license issued by the department pursuant to this chapter ~~the~~
230 ~~registration of surveyors and mappers or the certification of~~
231 ~~businesses to practice surveying and mapping in this state.~~

232 (15) "Consumer member" means a person appointed to serve
233 on the board who is not, and never has been, a professional
234 surveyor or mapper in any jurisdiction or a member of any
235 closely related profession regulated by the board.

236 (16) "Licensee" means any person or business entity that
237 has been issued, pursuant to this chapter, a registration,
238 certificate, or license by the department.

239 Section 4. Subsection (12) is added to section 472.006,
240 Florida Statutes, to read:

241 472.006 Department; powers and duties.—The department
242 shall:

243 (12) Work cooperatively with the Department of Revenue to
244 implement an automated method for periodically disclosing
245 information relating to current licensees to the Department of
246 Revenue in order to further the public policy of reducing the
247 state's financial burden as a result of family desertion and
248 nonsupport of dependent children as provided in s. 409.2551. The
249 department shall, if directed by the court or the Department of
250 Revenue, pursuant to s. 409.2598, suspend or deny the license of
251 any licensee who is found to not be in compliance with a support
252 order, subpoena, order to show cause, or written agreement

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253 entered into by the licensee with the Department of Revenue. The
 254 department shall issue or reinstate the license without
 255 additional charge to the licensee if notified by the court or
 256 the Department of Revenue that the licensee has complied with
 257 the terms of the support order. The department is not liable for
 258 any license denial or suspension resulting from the discharge of
 259 its duties under this subsection.

260 Section 5. Subsections (1) and (12) of section 472.011,
 261 Florida Statutes, are amended to read:

262 472.011 Fees.—

263 (1) The board, by rule, may establish fees to be paid for
 264 applications, examination, reexamination, licensing and renewal,
 265 inactive status application and reactivation of inactive
 266 licenses, recordmaking and recordkeeping, and applications for
 267 providers of continuing education. The board may also establish
 268 by rule a delinquency fee. The board shall establish fees that
 269 are adequate to ensure the continued operation of the board.
 270 Fees shall be based on department estimates of the revenue
 271 required to implement ss. 472.001-472.037 and the provisions of
 272 law with respect to the regulation of surveyors and mappers. If
 273 the department determines, based on estimates of available
 274 revenue collected pursuant to this section, that the General
 275 Inspection Trust Fund contains funds that exceed the amount
 276 required to cover the necessary functions of the board, the
 277 department shall, by rule, waive the license renewal fees for
 278 licensees under this chapter for a period not to exceed 2 years.

279 (12) The board may, by rule, assess and collect a special
 280 assessment ~~one-time fee~~ from each active, inactive, and

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281 ~~delinquent each voluntary inactive~~ licensee in an amount
282 necessary to eliminate a cash deficit or, if there is not a cash
283 deficit, in an amount sufficient to maintain the financial
284 integrity of this profession as required in this subsection.

285 Section 6. Subsection (3) of section 472.0131, Florida
286 Statutes, is amended to read:

287 472.0131 Examinations; development; administration.—

288 (3) Except for national examinations approved and
289 administered pursuant to paragraph (1)(d), the department shall
290 provide procedures for applicants who have taken and failed an
291 examination developed by the department or a contracted vendor
292 to review their examination questions, answers, papers, grades,
293 and grading key for the questions the candidate answered
294 incorrectly on his or her last examination or, if not feasible,
295 the parts of the examination failed. Applicants shall bear the
296 actual cost for the department to provide examination review
297 pursuant to this subsection. An applicant may waive in writing
298 the confidentiality of his or her examination grades.

299 Section 7. Subsection (1) and paragraph (b) of subsection
300 (6) of section 472.015, Florida Statutes, are amended, and
301 subsection (15) is added to that section, to read:

302 472.015 Licensure.—

303 (1) Notwithstanding any other law, the department is the
304 sole authority for determining the contents of any documents to
305 be submitted for initial licensure and licensure renewal. The
306 ~~Such~~ documents may contain information including, as
307 appropriate: demographics, social security number, education,
308 work history, personal background, criminal history, finances,

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309 business information, complaints, inspections, investigations,
310 discipline, bonding, signature notarization, photographs,
311 performance periods, reciprocity, local government approvals,
312 supporting documentation, periodic reporting requirements,
313 continuing education requirements, and ongoing education
314 monitoring. The applicant shall supplement his or her
315 application ~~may be supplemented~~ as needed to reflect any
316 material change in any circumstance or condition stated in the
317 application which takes place between the initial filing of the
318 application and the final grant or denial of the license and
319 which might affect the decision of the department. An
320 application is received for the purposes of s. 120.60 upon
321 receipt by the department of the application, submitted in the
322 format prescribed by the department, the application fee set by
323 the board, and any other documentation or fee required by law or
324 rule to be submitted with the application in order for the
325 application to be complete.

326 (6)

327 (b) The department may ~~shall~~ not issue a license by
328 endorsement to any applicant who is under investigation in this
329 state or any other state or any other jurisdiction ~~another state~~
330 for any act that would constitute a violation of this ss.
331 ~~472.001-472.037 or chapter 455~~ until ~~such time as~~ the
332 investigation is complete and disciplinary proceedings have been
333 terminated.

334 (15) Pursuant to the federal Personal Responsibility and
335 Work Opportunity Reconciliation Act of 1996, each person
336 applying for initial licensure or license renewal shall provide

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337 his or her social security number. Use of social security
 338 numbers obtained through this requirement is limited to the
 339 purpose of administering the Title IV-D program for child
 340 support enforcement, use by the department, and use as otherwise
 341 provided by law.

342 Section 8. Subsection (1) of section 472.018, Florida
 343 Statutes, is amended, and subsections (13), (14), and (15) are
 344 added to that section, to read:

345 472.018 Continuing education.—The department may not renew
 346 a license until the licensee submits proof satisfactory to the
 347 board that during the 2 years before ~~prior to~~ her or his
 348 application for renewal the licensee has completed at least 24
 349 hours of continuing education.

350 (1) The board shall adopt rules to establish the criteria
 351 and course content for continuing education courses. The rules
 352 may provide that up to a maximum of 25 percent of the required
 353 continuing education hours may ~~can~~ be fulfilled by the
 354 performance of pro bono services to the indigent or to
 355 underserved populations or in areas of critical need within the
 356 state where the licensee practices. The board must require that
 357 any pro bono services be approved in advance in order to receive
 358 credit for continuing education under this section. The board
 359 shall use the standard for determining indigency shall be that
 360 recognized by the Federal Poverty Income Guidelines produced by
 361 the United States Department of Health and Human Services in
 362 determining indigency. The board may adopt rules that may
 363 provide for approval by the board that a part of the continuing
 364 education hours may ~~can~~ be fulfilled by performing research in

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365 critical need areas or for training leading to advanced
366 professional certification. The board, ~~or the department when~~
367 ~~there is no board,~~ may adopt ~~make~~ rules to define underserved
368 and critical need areas. The department shall adopt rules for
369 the administration of continuing education requirements adopted
370 by the board ~~or the department when there is no board.~~

371 (13) Each continuing education provider shall provide to
372 the department, in an electronic format determined by the
373 department, information regarding the continuing education
374 status of licensees which the department determines is necessary
375 to carry out its duties under this chapter. After a licensee
376 completes a course, the information must be submitted
377 electronically by the continuing education provider to the
378 department within 30 calendar days after completion. However,
379 beginning on the 30th day before the renewal deadline or before
380 the renewal date, whichever occurs sooner, the continuing
381 education provider shall electronically report such information
382 to the department within 10 business days after completion.

383 (14) The department shall establish a system to monitor
384 licensee compliance with continuing education requirements and
385 to determine the continuing education status of each licensee.
386 As used in this subsection, the term "monitor" means the act of
387 determining, for each licensee, whether the licensee is in full
388 compliance with applicable continuing education requirements as
389 of the date of the licensee's application for license renewal.

390 (15) The department may refuse to renew a license until
391 the licensee has satisfied all applicable continuing education
392 requirements. This subsection does not preclude the department

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393 or board from imposing additional penalties pursuant to this
394 chapter or rules adopted pursuant this chapter.

395 Section 9. Subsection (1) of section 472.0202, Florida
396 Statutes, is amended to read:

397 472.0202 Inactive and delinquent status.—

398 (1) A licensee may practice a profession only if the
399 licensee has an active status license. A licensee who practices
400 a profession without an active status license is in violation of
401 this section and s. 472.0351 ~~472.033~~, and the board may impose
402 discipline on the licensee.

403 Section 10. Subsection (3) is added to section 472.0203,
404 Florida Statutes, to read:

405 472.0203 Renewal and cancellation notices.—

406 (3) Notwithstanding any other law, a licensure renewal
407 notification required to be sent to the last known address of
408 record may be sent by the department to the licensee by
409 electronic means if the licensee has provided an e-mail address
410 to the department.

411 Section 11. Subsection (2) of section 472.025, Florida
412 Statutes, is amended to read:

413 472.025 Seals.—

414 (2) It is unlawful for a ~~any~~ person to stamp, seal, or
415 digitally sign a ~~any~~ document with a seal or digital signature
416 after his or her certificate of registration has expired or been
417 revoked or suspended, unless such certificate of registration
418 has been reinstated or reissued. When a ~~the~~ certificate of
419 registration ~~of a registrant~~ has been revoked or suspended by
420 the board, the registrant shall, within ~~a period of~~ 30 days

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421 after the revocation or suspension has become effective,
422 surrender his or her seal to the executive director ~~secretary~~ of
423 the board and confirm to the executive director ~~secretary~~ the
424 cancellation of the registrant's digital signature in accordance
425 with ss. 668.001-668.006. ~~If In the event~~ the registrant's
426 certificate has been suspended for a period of time, his or her
427 seal shall be returned to him or her upon expiration of the
428 suspension period.

429 Section 12. Section 472.0337, Florida Statutes, is created
430 to read:

431 472.0337 Power to administer oaths, take depositions, and
432 issue subpoenas.-For the purpose of an investigation or
433 proceeding conducted by the department, the department shall
434 administer oaths, take depositions, make inspections, issue
435 subpoenas which must be supported by affidavit, serve subpoenas
436 and other process, and compel the attendance of witnesses and
437 the production of books, papers, documents, and other evidence.
438 Challenges to, and enforcement of, the subpoenas and orders
439 shall be conducted as provided in s. 120.569.

440 Section 13. Section 472.0351, Florida Statutes, is amended
441 to read:

442 472.0351 Grounds for discipline; penalties; enforcement.-

443 (1) The following acts ~~shall~~ constitute grounds for which
444 the disciplinary actions specified in subsection (2) may be
445 taken:

446 (a) Violation of any provision of s. 472.031;

447 (b) Attempting to procure a license to practice surveying
448 and mapping by bribery or fraudulent misrepresentations;

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449 (c) Having a license to practice surveying and mapping
450 revoked, suspended, or otherwise acted against, including the
451 denial of licensure, by the licensing authority of another
452 state, territory, or country, for a violation that constitutes a
453 violation under the laws of this state. The acceptance of a
454 relinquishment of licensure, stipulation, consent order, or
455 other settlement offered in response to or in anticipation of
456 the filing of charges against the license by a licensing
457 authority is an action against the license;

458 (d) Being convicted or found guilty of, or entering a plea
459 of guilty, no contest, or nolo contendere to, regardless of
460 adjudication, a crime in any jurisdiction which directly relates
461 to the practice of surveying and mapping or the ability to
462 practice surveying and mapping;

463 (e) Making or filing a report or record that the licensee
464 knows to be false, willfully failing to file a report or record
465 required by state or federal law, willfully impeding or
466 obstructing such filing, or inducing another person to impede or
467 obstruct such filing. Such reports or records ~~shall~~ include only
468 those that are signed in the capacity of a registered surveyor
469 and mapper;

470 (f) Advertising goods or services in a manner that is
471 fraudulent, false, deceptive, or misleading in form or content;

472 (g) Upon proof that the licensee is guilty of fraud or
473 deceit, or of negligence, incompetency, or misconduct, in the
474 practice of surveying and mapping;

475 (h) Failing to perform a ~~any~~ statutory or legal obligation
476 placed upon a licensed surveyor and mapper; violating a ~~any~~

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477 provision of this chapter, a rule of the board or department, or
478 a lawful order of the board or department ~~previously entered in~~
479 ~~a disciplinary hearing~~; or failing to comply with a lawfully
480 issued subpoena of the department;

481 (i) Practicing on a revoked, suspended, inactive, or
482 delinquent license;

483 ~~(j) Making misleading, deceptive, or fraudulent~~
484 ~~representations in or related to the practice of the licensee's~~
485 ~~profession;~~

486 ~~(k) Intentionally violating any rule adopted by the board~~
487 ~~or the department, as appropriate;~~

488 ~~(l) Having a license or the authority to practice the~~
489 ~~regulated profession revoked, suspended, or otherwise acted~~
490 ~~against, including the denial of licensure, by the licensing~~
491 ~~authority of any jurisdiction, including its agencies or~~
492 ~~subdivisions, for a violation that would constitute a violation~~
493 ~~under Florida law;~~

494 (j) ~~(m)~~ Having been found liable in a civil proceeding for
495 knowingly filing a false report or complaint with the department
496 against another licensee;

497 (k) ~~(n)~~ Failing to report to the department any person who
498 the licensee knows is in violation of this chapter or the rules
499 of the department or the board;

500 (l) ~~(o)~~ Aiding, assisting, procuring, employing, or
501 advising any unlicensed person or entity to practice surveying
502 and mapping contrary to this chapter or the rules of the
503 department or the board;

504 (m) ~~(p)~~ Making deceptive, untrue, or fraudulent

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505 | representations in or related to the practice of professional
506 | surveying or mapping ~~a profession~~ or employing a trick or scheme
507 | in or related to the practice of professional surveying or
508 | mapping ~~a profession~~;

509 | (n) ~~(q)~~ Exercising influence on the client for the purpose
510 | of financial gain of the licensee or a third party;

511 | (o) ~~(r)~~ Practicing or offering to practice beyond the scope
512 | permitted by law or accepting and performing professional
513 | responsibilities the licensee knows, or has reason to know, the
514 | licensee is not competent to perform;

515 | (p) ~~(s)~~ Delegating or contracting for the performance of
516 | professional responsibilities by a person when the licensee
517 | delegating or contracting for performance of such
518 | responsibilities knows, or has reason to know, such person is
519 | not qualified by training, experience, and authorization when
520 | required to perform them; or

521 | ~~(t) Violating this chapter, the applicable professional~~
522 | ~~practice act, a rule of the department or the board, or a lawful~~
523 | ~~order of the department or the board, or failing to comply with~~
524 | ~~a lawfully issued subpoena of the department; or~~

525 | (q) ~~(u)~~ Improperly interfering with an investigation or
526 | inspection authorized by statute, or with any disciplinary
527 | proceeding.

528 | (2) If ~~When~~ the board finds a ~~any~~ surveyor or mapper
529 | guilty of any of the grounds set forth in subsection (1) or a
530 | violation of this chapter which occurred before obtaining a
531 | license, the board ~~it~~ may enter an order imposing one or more of
532 | the following penalties:

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533 (a) Denial of an application for licensure, or approval of
534 an application for licensure with restrictions.

535 (b) Revocation or suspension of a license.

536 (c) Imposition of an administrative fine not to exceed
537 \$1,000 for each count or separate offense.

538 (d) Issuance of a reprimand.

539 (e) Placement of the surveyor or mapper on probation for a
540 period of time and subject to such conditions as the board may
541 specify. Those conditions may include, but are not limited to,
542 requiring the licensee to undergo treatment, attend continuing
543 education courses, submit to be reexamined, work under the
544 supervision of another licensee, or satisfy any terms which are
545 reasonably tailored to the violations found.

546 (f) Restriction of the authorized scope of practice by the
547 surveyor or mapper.

548 (g) Corrective action.

549 (3) The department shall reissue the license of a
550 disciplined surveyor or mapper upon certification by the board
551 that he or she has complied with all of the terms and conditions
552 set forth in the final order.

553 (4) (a) In addition to any other discipline imposed
554 pursuant to this section, the board may assess costs and
555 attorney ~~attorneys~~ fees related to the investigation and
556 prosecution of the case.

557 (b) In any case where the board or the department imposes
558 a fine or assessment and the fine or assessment is not paid
559 within a reasonable time, which may ~~such reasonable time to be~~
560 prescribed in the rules of the board or in the order assessing

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561 such fines or costs, the department or the Department of Legal
562 Affairs may contract for the collection of, or bring a civil
563 action to recover, the fine or assessment.

564 (c) The department may not issue to or renew the license
565 of any person or business entity against which the board has
566 assessed a fine, interest, costs, or attorney fees associated
567 with an investigation and prosecution until the person or
568 business entity has paid the full amount due or complies with or
569 satisfies all terms and conditions of the final order.

570 ~~(5) In addition to, or in lieu of, any other remedy or~~
571 ~~criminal prosecution, the department may file a proceeding in~~
572 ~~the name of the state seeking issuance of an injunction or a~~
573 ~~writ of mandamus against any person who violates any of the~~
574 ~~provisions of this chapter, or any provision of law with respect~~
575 ~~to professions regulated by the department, or any board~~
576 ~~therein, or the rules adopted pursuant thereto.~~

577 (5)(6) If the board determines that revocation of a
578 license is the appropriate penalty, the revocation shall be
579 permanent. However, the board may establish, by rule,
580 requirements for reapplication by applicants whose licenses have
581 been permanently revoked. Such requirements may include, but are
582 ~~shall not be~~ limited to, satisfying current requirements for an
583 initial license.

584 Section 14. Subsection (5) of section 493.6105, Florida
585 Statutes, is amended to read:

586 493.6105 Initial application for license.-

587 (5) In addition to the requirements outlined in subsection
588 (3), an applicant for a Class "G" license must satisfy minimum

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589 training criteria for firearms established by rule of the
590 department, which training criteria includes, but is not limited
591 to, 28 hours of range and classroom training taught and
592 administered by a Class "K" licensee; however, no more than 8
593 hours of such training shall consist of range training. The
594 department may waive the foregoing firearms training requirement
595 if:

596 (a) The applicant provides proof that he or she is
597 currently certified as a law enforcement officer or correctional
598 officer pursuant to the requirements of the Criminal Justice
599 Standards and Training Commission or has successfully completed
600 the training required for certification within the last 12
601 months.

602 (b) The applicant provides proof that he or she is
603 currently certified as a federal law enforcement officer and has
604 received law enforcement firearms training administered by a
605 federal law enforcement agency.

606 (c) The applicant submits a valid firearm certificate
607 among those specified in paragraph (6) (a). ~~If the applicant~~
608 ~~submits proof that he or she is an active law enforcement~~
609 ~~officer currently certified under the Criminal Justice Standards~~
610 ~~and Training Commission or has completed the training required~~
611 ~~for that certification within the last 12 months, or if the~~
612 ~~applicant submits one of the certificates specified in paragraph~~
613 ~~(6) (a), the department may waive the foregoing firearms training~~
614 ~~requirement.~~

615 Section 15. Paragraph (b) of subsection (3) of section
616 493.6113, Florida Statutes, is amended to read:

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617 493.6113 Renewal application for licensure.—

618 (3) Each licensee is responsible for renewing his or her
619 license on or before its expiration by filing with the
620 department an application for renewal accompanied by payment of
621 the prescribed license fee.

622 (b) Each Class "G" licensee shall additionally submit
623 proof that he or she has received during each year of the
624 license period a minimum of 4 hours of firearms recertification
625 training taught by a Class "K" licensee and has complied with
626 such other health and training requirements which the department
627 may adopt by rule. If proof of a minimum of 4 hours of annual
628 firearms recertification training cannot be provided, the
629 renewal applicant shall complete the minimum number of hours of
630 range and classroom training required at the time of initial
631 licensure. The department may waive the foregoing firearms
632 training requirement if:

633 1. The applicant provides proof that he or she is
634 currently certified as a law enforcement officer or correctional
635 officer under the Criminal Justice Standards and Training
636 Commission and has completed law enforcement firearms
637 requalification training annually during the previous 2 years of
638 the licensure period.

639 2. The applicant provides proof that he or she is
640 currently certified as a federal law enforcement officer and has
641 received law enforcement firearms training administered by a
642 federal law enforcement agency annually during the previous 2
643 years of the licensure period.

644 3. The applicant submits a valid firearm certificate among

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645 those specified in s. 493.6105(6) (a) and provides proof of
 646 having completed requalification training during the previous 2
 647 years of the licensure period.

648 Section 16. Subsection (6) of section 493.6118, Florida
 649 Statutes, is amended to read:

650 493.6118 Grounds for disciplinary action.—

651 (6) The agency or Class "DS" or "RS" license and the
 652 approval or license of each officer, partner, or owner of the
 653 agency, school, or training facility are automatically suspended
 654 upon entry of a final order imposing an administrative fine
 655 against the agency, school, or training facility, until the fine
 656 is paid, if 30 calendar days have elapsed since the entry of the
 657 final order. All owners and corporate or agency officers or
 658 partners are jointly and severally liable for ~~agency~~ fines
 659 levied against the agency, school, or training facility. ~~Neither~~
 660 The agency or Class "DS" or "RS" license or the approval or
 661 license of any officer, partner, or owner of the agency, school,
 662 or training facility may not be renewed, and ~~nor may~~ an
 663 application may not be approved, if the owner, licensee, or
 664 applicant is liable for an outstanding administrative fine
 665 imposed under this chapter. An individual's approval or license
 666 becomes automatically suspended if a fine imposed against the
 667 individual or his or her agency is not paid within 30 days after
 668 the date of the final order, and remains suspended until the
 669 fine is paid. Notwithstanding the provisions of this subsection,
 670 an individual's approval or license may not be suspended and ~~nor~~
 671 ~~may~~ an application may not be denied if ~~when~~ the licensee or the
 672 applicant has an appeal from a final order pending in any

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673 | appellate court.

674 | Section 17. Subsection (4) of section 493.6120, Florida
675 | Statutes, is amended to read:

676 | 493.6120 Violations; penalty.—

677 | (4) A ~~Any~~ person who was an owner, officer, partner, or
678 | manager of a licensed agency or a Class "DS" or "RS" school or
679 | training facility at the time of any activity that is the basis
680 | for revocation of the agency or branch office license or the
681 | school or training facility license and who knew or should have
682 | known of the activity, shall have his or her personal licenses
683 | or approval suspended for 3 years and may not have any financial
684 | interest in or be employed in any capacity by a licensed agency
685 | or a school or training facility during the period of
686 | suspension.

687 | Section 18. Subsection (7) of section 501.015, Florida
688 | Statutes, is amended to read:

689 | 501.015 Health studios; registration requirements and
690 | fees.—Each health studio shall:

691 | (7) A ~~Any~~ person applying for or renewing a local business
692 | tax receipt ~~occupational license~~ to engage in business as a
693 | health studio must exhibit an active registration certificate
694 | from the Department of Agriculture and Consumer Services before
695 | the local business tax receipt ~~occupational license~~ may be
696 | issued or reissued.

697 | Section 19. Subsection (1) of section 501.017, Florida
698 | Statutes, is amended to read:

699 | 501.017 Health studios; contracts.—

700 | (1) Each ~~Every~~ contract for the sale of future health

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701 studio services which is paid for in advance or which the buyer
702 agrees to pay for in future installment payments shall be in
703 writing and shall contain, contractual provisions to the
704 contrary notwithstanding, in immediate proximity to the space
705 reserved in the contract for the signature of the buyer, and in
706 at least 10-point boldfaced type, language substantially
707 equivalent to the following:

708 (a) A provision for the penalty-free cancellation of the
709 contract within 3 days, exclusive of holidays and weekends, of
710 its making, upon the mailing or delivery of written notice to
711 the health studio, and refund upon such notice of all moneys
712 paid under the contract, except that the health studio may
713 retain an amount computed by dividing the number of complete
714 days in the contract term or, if appropriate, the number of
715 occasions health studio services are to be rendered into the
716 total contract price and multiplying the result by the number of
717 complete days that have passed since the making of the contract
718 or, if appropriate, by the number of occasions that health
719 studio services have been rendered. A refund shall be issued
720 within 30 days after receipt of the notice of cancellation made
721 within the 3-day provision.

722 (b)1. A provision for the cancellation and refund of the
723 contract if the contracting business location of the health
724 studio goes out of business, or moves its facilities more than 5
725 driving miles from the business location designated in the ~~such~~
726 contract and fails to provide, within 30 days, a facility of
727 equal quality located within 5 driving miles of the business
728 location designated in the ~~such~~ contract at no additional cost

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729 to the buyer.

730 2. A provision that notice of intent to cancel by the
731 buyer shall be given in writing to the health studio. ~~The Such a~~
732 notice of cancellation from the consumer terminates ~~shall also~~
733 ~~terminate~~ automatically the consumer's obligation to any entity
734 to whom the health studio has subrogated or assigned the
735 consumer's contract. If the health studio wishes to enforce the
736 ~~such~~ contract after receipt of the notice ~~such showing~~, it may
737 request the department to determine the sufficiency of the
738 notice ~~showing~~.

739 3. A provision that if the department determines that a
740 refund is due the buyer, the refund shall be an amount computed
741 by dividing the contract price by the number of weeks in the
742 contract term and multiplying the result by the number of weeks
743 remaining in the contract term. The business location of a
744 health studio may ~~shall~~ not be deemed out of business when
745 temporarily closed for repair and renovation of the premises:

- 746 a. Upon sale, for not more than 14 consecutive days; or
- 747 b. During ownership, for not more than 7 consecutive days
- 748 and not more than two periods of 7 consecutive days in any
- 749 calendar year.

750
751 A refund shall be issued within 30 days after receipt of the
752 notice of cancellation made pursuant to this paragraph.

753 (c) A provision in the disclosure statement advising the
754 buyer to contact the department for information within 60 days
755 should the health studio go out of business.

756 (d) A provision for the cancellation of the contract if

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757 | the buyer dies or becomes physically unable to avail himself or
 758 | herself of a substantial portion of those services which he or
 759 | she used from the commencement of the contract until the time of
 760 | disability, with refund of funds paid or accepted in payment of
 761 | the contract in an amount computed by dividing the contract
 762 | price by the number of weeks in the contract term and
 763 | multiplying the result by the number of weeks remaining in the
 764 | contract term. The contract may require a buyer or the buyer's
 765 | estate seeking relief under this paragraph to provide proof of
 766 | disability or death. A physical disability sufficient to warrant
 767 | cancellation of the contract by the buyer is ~~shall be~~
 768 | established if the buyer furnishes to the health studio a
 769 | certification of such disability by a physician licensed under
 770 | chapter 458, chapter 459, chapter 460, or chapter 461 to the
 771 | extent the diagnosis or treatment of the disability is within
 772 | the physician's scope of practice. A refund shall be issued
 773 | within 30 days after receipt of the notice of cancellation made
 774 | pursuant to this paragraph.

775 | (e) A provision that the initial contract will not be for
 776 | a period in excess of 36 months, and thereafter shall only be
 777 | renewable annually. A ~~Such~~ renewal contract ~~contracts~~ may not be
 778 | executed and the fee therefor paid until 60 days or less before
 779 | the previous ~~preceding~~ contract expires.

780 | (f) A provision that if the health studio requires a buyer
 781 | to furnish identification upon entry to the facility and as a
 782 | condition of using the services of the health studio, the health
 783 | studio shall provide the buyer with the means of such
 784 | identification.

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785 Section 20. Paragraphs (e) through (i) of subsection (1)
786 of section 501.059, Florida Statutes, are redesignated as
787 paragraphs (d) through (h), respectively, and present paragraph
788 (d) of subsection (1) and subsections (3), (8), and (10) of that
789 section are amended to read:

790 501.059 Telephone solicitation.—

791 (1) As used in this section:

792 ~~(d) "Commission" means the Florida Public Service~~
793 ~~Commission.~~

794 (3) (a) If any residential, mobile, or telephonic paging
795 device telephone subscriber notifies the department of his or
796 her desire ~~desiring~~ to be placed on a "no sales solicitation
797 calls" listing indicating that the subscriber does not wish to
798 receive unsolicited telephonic sales calls, ~~may notify~~ the
799 department shall place the subscriber ~~and be placed~~ on that
800 listing for 5 years ~~upon receipt by the department of a \$10~~
801 ~~initial listing charge. This listing shall be renewed by the~~
802 ~~department annually for each consumer upon receipt of a renewal~~
803 ~~notice and a \$5 assessment.~~

804 (b) The department shall update its "no sales solicitation
805 calls" listing upon receipt of initial consumer subscriptions or
806 renewals and provide this listing for a fee to telephone
807 solicitors upon request.

808 (c) All fees imposed pursuant to this section shall be
809 deposited in the General Inspection Trust Fund for the
810 administration of this section.

811 (d) If the Federal Trade Commission, pursuant to 15 U.S.C.
812 s. 6102(a), establishes a national database that lists the

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813 telephone numbers of subscribers who object to receiving
814 telephone solicitations, the department shall include those
815 listings from the national database which relate to Florida in
816 the listing established under this section.

817 (8) (a) The department shall investigate any complaints
818 received concerning violations of this section. If, after
819 investigating any complaint, the department finds that there has
820 been a violation of this section, the department or the
821 Department of Legal Affairs may bring an action to impose a
822 civil penalty and to seek other relief, including injunctive
823 relief, as the court deems appropriate against the telephone
824 solicitor. The civil penalty may ~~shall~~ not exceed \$10,000 per
825 violation and shall be deposited in the General Inspection Trust
826 Fund if the action or proceeding was brought by the department,
827 or the Legal Affairs Revolving Trust Fund if the action or
828 proceeding was brought by the Department of Legal Affairs. This
829 civil penalty may be recovered in any action brought under this
830 part by the department, or the department may terminate any
831 investigation or action upon agreement by the person to pay a
832 stipulated civil penalty. The department or the court may waive
833 any civil penalty if the person has previously made full
834 restitution or reimbursement or has paid actual damages to the
835 consumers who have been injured by the violation.

836 (b) The department may, as an alternative to the civil
837 penalties provided in paragraph (a), impose an administrative
838 fine not to exceed \$1,000 for each act or omission that
839 constitutes a violation of this section. An administrative
840 proceeding that could result in the entry of an order imposing

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841 an administrative penalty must be conducted in accordance with
842 chapter 120.

843 (10) ~~The commission shall by rule ensure that~~
844 Telecommunications companies shall inform their customers of the
845 provisions of this section. The notification may be made by:

846 (a) Annual inserts in the billing statements mailed to
847 customers; and

848 (b) Conspicuous publication of the notice in the consumer
849 information pages of the local telephone directories.

850 Section 21. Paragraphs (a) and (1) of subsection (2) of
851 section 501.605, Florida Statutes, are amended to read:

852 501.605 Licensure of commercial telephone sellers.—

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

857 (a) The true name, date of birth, driver ~~driver's~~ license
858 number or other valid form of identification, ~~social security~~
859 ~~number~~, and home address of the applicant, including each name
860 under which he or she intends to do business.

861 (1) The true name, current home address, date of birth,
862 ~~social security number~~, and all other names by which known, or
863 previously known, of each:

864 1. Principal officer, director, trustee, shareholder,
865 owner, or partner of the applicant, and of each other person
866 responsible for the management of the business of the applicant.

867 2. Office manager or other person principally responsible
868 for a location from which the applicant will do business.

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869 3. Salesperson or other person to be employed by the
870 applicant.

871
872 The application shall be accompanied by a copy of any: Script,
873 outline, or presentation the applicant will require or suggest a
874 salesperson to use when soliciting, or, if no such document is
875 used, a statement to that effect; sales information or
876 literature to be provided by the applicant to a salesperson; and
877 sales information or literature to be provided by the applicant
878 to a purchaser in connection with any solicitation.

879 Section 22. Paragraph (a) of subsection (1) of section
880 501.607, Florida Statutes, is amended to read:

881 501.607 Licensure of salespersons.—

882 (1) An applicant for a license as a salesperson must
883 submit to the department, in such form as it prescribes, a
884 written application for a license. The application must set
885 forth the following information:

886 (a) The true name, date of birth, driver ~~driver's~~ license
887 number or other valid form of identification, ~~social security~~
888 ~~number~~, and home address of the applicant.

889 Section 23. Section 501.911, Florida Statutes, is amended
890 to read:

891 501.911 Administration of act.—Sections 501.91-501.923
892 shall be administered by ~~the Division of Standards of the~~
893 Department of Agriculture and Consumer Services.

894 Section 24. Subsections (1) and (2) of section 501.913,
895 Florida Statutes, are amended to read:

896 501.913 Registration.—

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897 (1) Each brand of antifreeze to be distributed in this
898 state shall be registered with the department before ~~prior to~~
899 distribution. The person whose name appears on the label, the
900 manufacturer, or the packager shall make application to the
901 department on forms provided by the department no later than
902 July 1 of each year. The registrant assumes, by application to
903 register the brand, full responsibility for the registration,
904 quality, and quantity of the product sold, offered, or exposed
905 for sale in this state. If a registered brand is not in
906 production for distribution in this state and to ensure any
907 remaining product that is still available for sale in the state
908 is properly registered, the registrant must submit a notarized
909 affidavit on company letterhead to the department certifying
910 that:

911 (a) The stated brand is no longer in production;

912 (b) The stated brand will not be distributed in this
913 state; and

914 (c) All existing product of the stated brand will be
915 removed by the registrant from the state within 30 days after
916 expiration of the registration or the registrant will reregister
917 the brand for two subsequent registration periods.

918
919 If production resumes, the brand must be reregistered before it
920 is distributed in this state.

921 (2) The completed application shall be accompanied by:

922 (a) Specimens or facsimiles of the label for each brand of
923 antifreeze;

924 (b) An application fee of \$200 for each brand; and

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925 (c) A properly labeled sample of between 1 and 2 gallons
926 for each brand of antifreeze.

927 Section 25. Subsection (3) of section 507.04, Florida
928 Statutes, is amended to read:

929 507.04 Required insurance coverages; liability
930 limitations; valuation coverage.—

931 (3) INSURANCE COVERAGES.—The insurance coverages required
932 under paragraph (1)(a) and subsection (2) must be issued by an
933 insurance company or carrier licensed to transact business in
934 this state under the Florida Insurance Code as designated in s.
935 624.01. The department shall require a mover to present a
936 certificate of insurance of the required coverages before
937 issuance or renewal of a registration certificate under s.
938 507.03. The department shall be named as a certificateholder in
939 the certificate and must be notified at least 10 ~~30~~ days before
940 cancellation of any changes in insurance coverage.

941 Section 26. Subsection (7) of section 525.07, Florida
942 Statutes, is amended to read:

943 525.07 Powers and duties of department; inspections;
944 unlawful acts.—

945 (7) It is unlawful for any person to break, cut, or remove
946 any seal applied by the department to a petroleum fuel measuring
947 device or container. If ~~When~~ it becomes necessary to repair and
948 adjust a petroleum fuel measuring device during the absence of
949 an inspector of the department, the seal on the meter adjustment
950 may be broken by a person who is registered with the department
951 as a meter mechanic. After repairs and adjustments have been
952 made, the adjusting mechanism must immediately be resealed by

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953 | the registered meter mechanic with a seal clasp bearing at least
954 | ~~the name of the company or~~ the name or initials of the
955 | registered mechanic. The registered mechanic shall immediately
956 | notify the department of this action.

957 | Section 27. Subsection (5) of section 526.143, Florida
958 | Statutes, is amended to read:

959 | 526.143 Alternate generated power capacity for motor fuel
960 | dispensing facilities.—

961 | (5) (a) Each corporation or other entity that owns 10 or
962 | more motor fuel retail outlets located within a single county
963 | shall maintain at least one portable generator that is capable
964 | of providing an alternate generated power source as required
965 | under subsection (2) for every 10 outlets. If an entity owns
966 | more than 10 outlets or a multiple of 10 outlets plus an
967 | additional 6 outlets, the entity must provide one additional
968 | generator to accommodate such additional outlets. Each portable
969 | generator must be stored within this state, or may be stored in
970 | another state if located within 250 miles of this state, and
971 | must be available for use in an affected location within 24
972 | hours after a disaster.

973 | (b) Each corporation or other entity that owns 10 or more
974 | motor fuel retail outlets located within a single domestic
975 | security region, as determined pursuant to s. 943.0312(1), and
976 | that does not own additional outlets located outside the
977 | domestic security region shall maintain a written document of
978 | agreement with one or more similarly equipped entities for the
979 | use of portable generators that may be used to meet the
980 | requirements of paragraph (a) and that are located within this

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981 state but outside the affected domestic security region. The
982 agreement may be reciprocal, may allow for payment for services
983 rendered by the providing entity, and must guarantee the
984 availability of the portable generators to an affected location
985 within 24 hours after a disaster.

986 (c) Upon written request, the department may temporarily
987 waive the requirements in paragraphs (a) and (b) if the
988 generators are used in preparation for or response to an
989 emergency or major disaster in another state. The waiver shall
990 be in writing and include a beginning and ending date. The
991 waiver may provide additional conditions as deemed necessary by
992 the department. The waiver may be modified or terminated by the
993 department if the Governor declares an emergency.

994 (d) ~~(e)~~ For purposes of this section, ownership of a motor
995 fuel retail outlet is ~~shall be~~ the owner of record of the fuel
996 storage systems operating at the location, as identified in the
997 Department of Environmental Protection underground storage
998 facilities registry pursuant to s. 376.303(1).

999 Section 28. Subsections (8) and (9) are added to section
1000 526.50, Florida Statutes, to read:

1001 526.50 Definition of terms.—As used in this part:

1002 (8) "Brand" means the product name appearing on the label
1003 of a container of brake fluid.

1004 (9) "Formula" means the name of the chemical mixture or
1005 composition of the brake fluid product.

1006 Section 29. Subsections (1) and (3) of section 526.51,
1007 Florida Statutes, are amended to read:

1008 526.51 Registration; renewal and fees; departmental

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1009 expenses; cancellation or refusal to issue or renew.-
1010 (1)(a) Application for registration of each brand of brake
1011 fluid shall be made on forms ~~to be~~ supplied by the department.
1012 The applicant shall give his or her name and address and the
1013 brand name of the brake fluid, state that he or she owns the
1014 brand name and has complete control over the product sold
1015 thereunder in this state Florida, and provide the name and
1016 address of the resident agent in this state Florida. If the
1017 applicant does not own the brand name but wishes to register the
1018 product with the department, a notarized affidavit that gives
1019 the applicant full authorization to register the brand name and
1020 that is signed by the owner of the brand name must accompany the
1021 application for registration. The affidavit must include all
1022 affected brand names, the owner's company or corporate name and
1023 address, the applicant's company or corporate name and address,
1024 and a statement from the owner authorizing the applicant to
1025 register the product with the department. The owner of the brand
1026 name shall maintain complete control over each product sold
1027 under that brand name in this state. All first-time ~~new product~~
1028 applications for a brand and formula combination must be
1029 accompanied by a certified report from an independent testing
1030 laboratory, setting forth the analysis of the brake fluid which
1031 shows ~~shall show~~ its quality to be not less than the
1032 specifications established by the department for brake fluids. A
1033 sample of not less than 24 fluid ounces of brake fluid shall be
1034 submitted, in a container or containers, with labels
1035 representing exactly how the containers of brake fluid will be
1036 labeled when sold, and the sample and container shall be

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

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1037 analyzed and inspected by the department ~~Division of Standards~~
 1038 in order that compliance with the department's specifications
 1039 and labeling requirements may be verified. Upon approval of the
 1040 application, the department shall register the brand name of the
 1041 brake fluid and issue to the applicant a permit authorizing the
 1042 registrant to sell the brake fluid in this state during the
 1043 permit year specified in the permit.

1044 (b) Each applicant shall pay a fee of \$100 with each
 1045 application. A permit may be renewed by application to the
 1046 department, accompanied by a renewal fee of \$50 on or before the
 1047 last day of the permit year immediately preceding the permit
 1048 year for which application is made for renewal of registration.
 1049 To reregister a previously registered brand and formula
 1050 combination, an applicant must submit a completed application
 1051 and all materials as required in this section to the department
 1052 before the first day of the permit year. A brand and formula
 1053 combination for which a completed application and all materials
 1054 required in this section are not received before the first day
 1055 of the permit year may not be registered with the department
 1056 until a completed application and all materials required in this
 1057 section have been received and approved. If the brand and
 1058 formula combination was previously registered with the
 1059 department and a fee, application, or materials required in this
 1060 section are received after the first day of the permit year, ~~To~~
 1061 any fee not paid when due, there shall accrue a penalty of \$25
 1062 accrues, which shall be added to the ~~renewal~~ fee. Renewals shall
 1063 ~~will~~ be accepted only on brake fluids that have no change in
 1064 formula, composition, or brand name. Any change in formula,

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1065 composition, or brand name of any brake fluid constitutes a new
1066 product that must be registered in accordance with this part.

1067 (c) In order to ensure that any remaining product still
1068 available for sale in this state is properly registered, if a
1069 registered brand and formula combination is no longer in
1070 production for distribution in this state, the registrant must
1071 submit a notarized affidavit on company letterhead to the
1072 department certifying that:

1073 1. The stated brand and formula combination is no longer
1074 in production;

1075 2. The stated brand and formula combination will not be
1076 distributed in this state; and

1077 3. All existing product of the stated brand and formula
1078 combination will be removed by the registrant from the state
1079 within 30 days after the expiration of the registration or that
1080 the registrant will reregister the brand and formula combination
1081 for two subsequent registration periods.

1082
1083 If production resumes, the brand and formula combination must be
1084 reregistered before it is again distributed in this state.

1085 (3) The department may cancel ~~or~~ refuse to issue ~~or~~
1086 ~~refuse to renew~~ any registration and permit after due notice and
1087 opportunity to be heard if it finds that the brake fluid is
1088 adulterated or misbranded or that the registrant has failed to
1089 comply with the provisions of this part or the rules adopted
1090 pursuant to this section and regulations promulgated thereunder.

1091 Section 30. Paragraph (a) of subsection (3) of section
1092 526.52, Florida Statutes, is amended to read:

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1093 526.52 Specifications; adulteration and misbranding.—
1094 (3) Brake fluid is deemed to be misbranded:
1095 (a) If its container does not bear on its side or top a
1096 label on which is printed the name and place of business of the
1097 registrant of the product, the words "brake fluid," and a
1098 statement that the product therein equals or exceeds the minimum
1099 specification of the Society of Automotive Engineers for brake
1100 fluid, heavy-duty-type, the United States Department of
1101 Transportation Motor Vehicle Safety Standard No. 116, or other
1102 specified standard identified in department rule. ~~By regulation~~
1103 The department may require by rule that the duty-type
1104 classification appear on the label.

1105 Section 31. Subsections (1) and (2) of section 526.53,
1106 Florida Statutes, are amended to read:

1107 526.53 Enforcement; inspection and analysis, stop-sale and
1108 disposition, regulations.—

1109 (1) The department shall enforce the provisions of this
1110 part through the department ~~Division of Standards~~, and may
1111 sample, inspect, analyze, and test any brake fluid manufactured,
1112 packed, or sold within this state. The department shall have
1113 free access during business hours to all premises, buildings,
1114 vehicles, cars, or vessels used in the manufacture, packing,
1115 storage, sale, or transportation of brake fluid, and may open
1116 any box, carton, parcel, or container of brake fluid and take
1117 samples for inspection and analysis or for evidence.

1118 (2) (a) If ~~When~~ any brake fluid is sold in violation of any
1119 of the provisions of this part, all such brake fluid of the same
1120 brand name ~~on the same premises on which the violation occurred~~

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1121 shall be placed under a stop-sale order by the department by
 1122 servicing the owner of the brand name, the distributor, or other
 1123 entity responsible for selling or distributing the product in
 1124 this state with the stop-sale order. The department shall
 1125 withdraw its stop-sale order upon the removal of the violation
 1126 or upon voluntary destruction of the product, or other disposal
 1127 approved by the department, under the supervision of the
 1128 department.

1129 (b) In addition to being subject to the stop-sale
 1130 procedures ~~above~~, unregistered brake fluid shall be held by the
 1131 department or its representative, at a place to be designated in
 1132 the stop-sale order, until properly registered and released in
 1133 writing by the department or its representative. If application
 1134 has not been made for registration of such product within 30
 1135 days after issue of the stop-sale order, the department or, with
 1136 the consent of the department, the representative may give the
 1137 product that meets legal specifications ~~such product shall be~~
 1138 ~~disposed of by the department~~ to any tax-supported institution
 1139 or agency of the state. If application has not been made for
 1140 registration of the product within 30 days after issuance of the
 1141 stop-order sale and the product fails to meet legal
 1142 specifications, the product may be disposed of as if the brake
 1143 ~~fluid meets legal specifications or by other disposal~~ authorized
 1144 by rule of the department ~~if it fails to meet legal~~
 1145 specifications.

1146 Section 32. Section 526.55, Florida Statutes, is amended
 1147 to read:

1148 526.55 Violation and penalties.—

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1149 (1) It is unlawful:

1150 ~~(a)(1)~~ To sell any brake fluid that is adulterated or

1151 misbranded, not registered or on which a permit has not been

1152 issued.

1153 ~~(b)(2)~~ For anyone to remove any stop-sale order placed on

1154 a product by the department, or any product upon which a stop-

1155 sale order has been placed.

1156 (2) If the department finds that a person has violated or

1157 is operating in violation of ss. 526.50-526.56 or the rules or

1158 orders adopted thereunder, the department may, by order:

1159 (a) Issue a notice of noncompliance pursuant to s.

1160 120.695;

1161 (b) Impose an administrative fine not to exceed \$5,000 for

1162 each violation;

1163 (c) Direct that the person cease and desist specified

1164 activities;

1165 (d) Revoke or suspend a registration, or refuse to

1166 register a product; or

1167 (e) Place the registrant on probation for a period of

1168 time, subject to conditions as the department may specify.

1169 (3) The administrative proceedings seeking entry of an

1170 order imposing any of the penalties specified in subsection (2)

1171 are governed by chapter 120.

1172 (4) If a registrant is found to be in violation of ss.

1173 526.50-526.56 and fails to pay a fine within 30 days after

1174 imposition of the fine, the department may suspend all

1175 registrations issued to the registrant by the department until

1176 the fine is paid.

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1177 (5) All fines collected by the department under this
1178 section shall be deposited into the General Inspection Trust
1179 Fund.

1180 ~~(3) Any person who violates any of the provisions of this~~
1181 ~~part or any rule or regulation promulgated thereunder shall, for~~
1182 ~~the first offense, be guilty of a misdemeanor of the second~~
1183 ~~degree, punishable as provided in s. 775.082 or s. 775.083, and,~~
1184 ~~for a second or subsequent offense, shall be guilty of a~~
1185 ~~misdemeanor of the first degree, punishable as provided in s.~~
1186 ~~775.082 or s. 775.083.~~

1187 Section 33. Paragraph (b) of subsection (3) of section
1188 539.001, Florida Statutes, is amended to read:

1189 539.001 The Florida Pawnbroking Act.—

1190 (3) LICENSE REQUIRED.—

1191 (b) A licensee who seeks to move a pawnshop to another
1192 location must give written notice 30 days' ~~prior written notice~~
1193 to the agency at least 30 days before the move ~~by certified or~~
1194 ~~registered mail, return receipt requested,~~ and the agency must
1195 ~~then~~ amend the license to indicate the new location. The
1196 licensee must also give such written notice to the appropriate
1197 law enforcement official.

1198 Section 34. Subsection (1) of section 559.805, Florida
1199 Statutes, is amended to read:

1200 559.805 Filings with the department; disclosure of
1201 advertisement identification number.—

1202 (1) Every seller of a business opportunity shall annually
1203 file with the department a copy of the disclosure statement
1204 required by s. 559.803 before ~~prior to~~ placing an advertisement

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1205 or making any other representation designed to offer to, sell
 1206 to, or solicit an offer to buy a business opportunity from a
 1207 prospective purchaser in this state and shall update this filing
 1208 by reporting any material change in the required information
 1209 within 30 days after the material change occurs. An
 1210 advertisement is not placed in the state merely because the
 1211 publisher circulates, or there is circulated on his or her
 1212 behalf in the state, any bona fide newspaper or other
 1213 publication of general, regular, and paid circulation which has
 1214 had more than two-thirds of its circulation during the past 12
 1215 months outside the state or because a radio or television
 1216 program originating outside the state is received in the state.
 1217 If the seller is required by s. 559.807 to provide a bond or
 1218 establish a trust account or guaranteed letter of credit, he or
 1219 she shall contemporaneously file with the department a copy of
 1220 the bond, a copy of the formal notification by the depository
 1221 that the trust account is established, or a copy of the
 1222 guaranteed letter of credit. Every seller of a business
 1223 opportunity shall file with the department a list of independent
 1224 agents who will engage in the offer or sale of business
 1225 opportunities on behalf of the seller in this state. This list
 1226 must be kept current and shall include the following
 1227 information: name, home and business address, telephone number,
 1228 present employer, ~~social security number~~, and birth date. A ~~No~~
 1229 person may not ~~shall be allowed to~~ offer or sell business
 1230 opportunities unless the required information has been provided
 1231 to the department.

1232 Section 35. Subsection (7) of section 559.904, Florida

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1233 Statutes, is amended to read:

1234 559.904 Motor vehicle repair shop registration;
1235 application; exemption.—

1236 (7) Any person applying for or renewing a local business
1237 tax receipt ~~occupational license on or after October 1, 1993,~~ to
1238 engage in business as a motor vehicle repair shop must exhibit
1239 an active registration certificate from the department before
1240 the local business tax receipt ~~occupational license~~ may be
1241 issued or renewed.

1242 Section 36. Section 559.922, Florida Statutes, is
1243 repealed.

1244 Section 37. Subsections (1), (3), and (4) of section
1245 559.928, Florida Statutes, are amended to read:

1246 559.928 Registration.—

1247 (1) Each seller of travel shall annually register with the
1248 department, providing: its legal business or trade name, mailing
1249 address, and business locations; the full names, addresses, and
1250 telephone numbers of its owners or corporate officers and
1251 directors and the Florida agent of the corporation; a statement
1252 whether it is a domestic or foreign corporation, its state and
1253 date of incorporation, its charter number, and, if a foreign
1254 corporation, the date it registered with this state ~~the State of~~
1255 ~~Florida,~~ and business tax receipt ~~occupational license~~ where
1256 applicable; the date on which a seller of travel registered its
1257 fictitious name if the seller of travel is operating under a
1258 fictitious or trade name; the name of all other corporations,
1259 business entities, and trade names through which each owner of
1260 the seller of travel operated, was known, or did business as a

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1261 seller of travel within the preceding 5 years; a list of all
 1262 authorized independent agents, including the agent's trade name,
 1263 full name, mailing address, business address, and telephone
 1264 numbers; the business location and address of each branch office
 1265 and full name and address of the manager or supervisor; the
 1266 certification required under s. 559.9285; and proof of purchase
 1267 of adequate bond as required in this part. A certificate
 1268 evidencing proof of registration shall be issued by the
 1269 department and must be prominently displayed in the seller of
 1270 travel's primary place of business.

1271 (3) Each independent agent shall annually file an
 1272 affidavit with the department prior to engaging in business in
 1273 this state. This affidavit must include the independent agent's
 1274 full name, legal business or trade name, mailing address,
 1275 business address, telephone number, ~~social security number,~~ and
 1276 the name ~~or names~~ and address ~~addresses~~ of each seller of travel
 1277 represented by the independent agent. A letter evidencing proof
 1278 of filing must be issued by the department and must be
 1279 prominently displayed in the independent agent's primary place
 1280 of business. Each independent agent must also submit an annual
 1281 registration fee of \$50. All moneys collected pursuant to the
 1282 imposition of the fee shall be deposited by the Chief Financial
 1283 Officer into the General Inspection Trust Fund of the Department
 1284 of Agriculture and Consumer Services for the sole purpose of
 1285 administrating this part. As used in this subsection, the term
 1286 "independent agent" means a person who represents a seller of
 1287 travel by soliciting persons on its behalf; who has a written
 1288 contract with a seller of travel which is operating in

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1289 compliance with this part and any rules adopted thereunder; who
 1290 does not receive a fee, commission, or other valuable
 1291 consideration directly from the purchaser for the seller of
 1292 travel; who does not at any time have any unissued ticket stock
 1293 or travel documents in his or her possession; and who does not
 1294 have the ability to issue tickets, vacation certificates, or any
 1295 other travel document. The term "independent agent" does not
 1296 include an affiliate of the seller of travel, as that term is
 1297 used in s. 559.935(3), or the employees of the seller of travel
 1298 or of such affiliates.

1299 (4) Any person applying for or renewing a local business
 1300 tax receipt ~~occupational license~~ to engage in business as a
 1301 seller of travel must exhibit a current registration certificate
 1302 from the department before the local business tax receipt
 1303 ~~occupational license~~ may be issued or reissued.

1304 Section 38. Paragraph (c) of subsection (3) of section
 1305 559.9285, Florida Statutes, is amended to read:

1306 559.9285 Certification of business activities.—

1307 (3) The department shall specify by rule the form of each
 1308 certification under this section which shall include the
 1309 following information:

1310 (c) The legal name, any trade names or fictitious names,
 1311 mailing address, physical address, telephone number or numbers,
 1312 facsimile number or numbers, and all Internet and electronic
 1313 contact information of every other commercial entity with which
 1314 the certifying party engages in business or commerce that is
 1315 related in any way to the certifying party's business or
 1316 commerce with any terrorist state. The information disclosed

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1317 pursuant to this paragraph does not constitute customer lists,
1318 customer names, or trade secrets protected under s. 570.544(8)
1319 ~~570.544(7)~~.

1320 Section 39. Subsection (6) of section 559.935, Florida
1321 Statutes, is amended to read:

1322 559.935 Exemptions.—

1323 (6) The department shall request from the Airlines
1324 Reporting Corporation any information necessary to implement the
1325 provisions of subsection (2). Persons claiming an exemption
1326 under subsection (2) or subsection (3) must show a letter of
1327 exemption from the department before a local business tax
1328 receipt ~~occupational license~~ to engage in business as a seller
1329 of travel may be issued or reissued. If the department fails to
1330 issue a letter of exemption on a timely basis, the seller of
1331 travel shall submit to the department, through certified mail,
1332 an affidavit containing her or his name and address and an
1333 explanation of the exemption sought. Such affidavit may be used
1334 in lieu of a letter of exemption for the purpose of obtaining a
1335 business tax receipt ~~an occupational license~~. In any civil or
1336 criminal proceeding, the burden of proving an exemption under
1337 this section is ~~shall be~~ on the person claiming such exemption.
1338 A letter of exemption issued by the department may ~~shall~~ not be
1339 used in, and has ~~shall have~~ no bearing on, such proceedings.

1340 Section 40. Subsection (12) of section 570.29, Florida
1341 Statutes, is amended to read:

1342 570.29 Departmental divisions.—The department shall
1343 include the following divisions:

1344 ~~(12) Standards.~~

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1345 Section 41. Sections 570.46 and 570.47, Florida Statutes,
1346 are repealed.

1347 Section 42. Section 570.544, Florida Statutes, is amended
1348 to read:

1349 570.544 Division of Consumer Services; director; powers;
1350 processing of complaints; records.—

1351 (1) The director of the Division of Consumer Services
1352 shall be appointed by and serve at the pleasure of the
1353 commissioner.

1354 (2) The director shall supervise, direct, and coordinate
1355 the activities of the division and shall, under the direction of
1356 the department, enforce the provisions of chapters 472, 496,
1357 501, 507, 525, 526, 527, 531, 539, 559, 616, and 849.

1358 ~~(3)~~(2) The Division of Consumer Services may:

1359 (a) Conduct studies and make analyses of matters affecting
1360 the interests of consumers.

1361 (b) Study the operation of laws for consumer protection.

1362 (c) Advise and make recommendations to the various state
1363 agencies concerned with matters affecting consumers.

1364 (d) Assist, advise, and cooperate with local, state, or
1365 federal agencies and officials in order to promote the interests
1366 of consumers.

1367 (e) Make use of the testing and laboratory facilities of
1368 the department for the detection of consumer fraud.

1369 (f) Report to the appropriate law enforcement officers any
1370 information concerning violation of consumer protection laws.

1371 (g) Assist, develop, and conduct programs of consumer
1372 education and consumer information through publications and

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1373 other informational and educational material prepared for
1374 dissemination to the public, in order to increase the competence
1375 of consumers.

1376 (h) Organize and hold conferences on problems affecting
1377 consumers.

1378 (i) Recommend programs to encourage business and industry
1379 to maintain high standards of honesty, fair business practices,
1380 and public responsibility in the production, promotion, and sale
1381 of consumer goods and services.

1382 (4)~~(3)~~ In addition to the powers, duties, and
1383 responsibilities authorized by this or any other chapter, the
1384 Division of Consumer Services shall serve as a clearinghouse for
1385 matters relating to consumer protection, consumer information,
1386 and consumer services generally. It shall receive complaints and
1387 grievances from consumers and promptly transmit them to the ~~that~~
1388 agency most directly concerned in order that the complaint or
1389 grievance may be expeditiously handled in the best interests of
1390 the complaining consumer. If no agency exists, the Division of
1391 Consumer Services shall seek a settlement of the complaint using
1392 formal or informal methods of mediation and conciliation and may
1393 seek any other resolution of the matter in accordance with its
1394 jurisdiction.

1395 (5)~~(4)~~ If any complaint received by the Division of
1396 Consumer Services concerns matters that ~~which~~ involve concurrent
1397 jurisdiction in more than one agency, duplicate copies of the
1398 complaint shall be referred to those offices deemed to have
1399 concurrent jurisdiction.

1400 (6)~~(5)~~ (a) Any agency, office, bureau, division, or board

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1401 of state government receiving a complaint that ~~which~~ deals with
 1402 consumer fraud or consumer protection and that ~~which~~ is not
 1403 within the jurisdiction of the receiving agency, office, bureau,
 1404 division, or board originally receiving it, shall immediately
 1405 refer the complaint to the Division of Consumer Services.

1406 (b) Upon receipt of such a complaint, the Division of
 1407 Consumer Services shall make a determination of the proper
 1408 jurisdiction to which the complaint relates and shall
 1409 immediately refer the complaint to the agency, office, bureau,
 1410 division, or board that ~~which~~ does have the proper regulatory or
 1411 enforcement authority to deal with it.

1412 (7)~~(6)~~ The office or agency to which a complaint has been
 1413 referred shall within 30 days acknowledge receipt of the
 1414 complaint. If an office or agency receiving a complaint
 1415 determines that the matter presents a prima facie case for
 1416 criminal prosecution or if the complaint cannot be settled at
 1417 the administrative level, the complaint together with all
 1418 supporting evidence shall be transmitted to the Department of
 1419 Legal Affairs or other appropriate enforcement agency with a
 1420 recommendation for civil or criminal action warranted by the
 1421 evidence.

1422 (8)~~(7)~~ The records of the Division of Consumer Services
 1423 are public records. However, customer lists, customer names, and
 1424 trade secrets are confidential and exempt from the provisions of
 1425 s. 119.07(1). Disclosure necessary to enforcement procedures
 1426 does shall not violate ~~be construed as violative of~~ this
 1427 prohibition.

1428 (9)~~(8)~~ ~~It shall be the duty of~~ The Division of Consumer

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1429 Services shall ~~to~~ maintain records and compile summaries and
1430 analyses of consumer complaints and their eventual disposition,
1431 which data may serve as a basis for recommendations to the
1432 Legislature and to state regulatory agencies.

1433 Section 43. Paragraph (a) of subsection (8) of section
1434 616.242, Florida Statutes, is amended to read:

1435 616.242 Safety standards for amusement rides.—

1436 (8) FEES.—

1437 (a) The department shall by rule establish fees to cover
1438 the costs and expenditures associated with the fair rides
1439 inspection program ~~Bureau of Fair Rides Inspection~~, including
1440 all direct and indirect costs. If there is not sufficient
1441 general revenue appropriated by the Legislature, the industry
1442 shall pay for the remaining cost of the program. The fees must
1443 be deposited in the General Inspection Trust Fund.

1444 Section 44. This act shall take effect July 1, 2012.