

By the Committee on Commerce and Tourism; and Senator Detert

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1                   A bill to be entitled  
2           An act relating to the Department of Agriculture and  
3           Consumer Services; amending s. 493.6108, F.S.;  
4           removing the requirement that an applicant for private  
5           investigative, private security, and repossession  
6           services provide a written statement by a fingerprint  
7           technician or licensed physician under certain  
8           conditions; amending s. 493.6113, F.S.; revising  
9           recertification training requirements for Class "G"  
10          licensees; amending s. 493.6115, F.S.; adding specific  
11          handguns to the list of firearms a Class "G" licensee  
12          may carry while performing his or her duties; amending  
13          s. 493.6305, F.S.; authorizing specified Class "D"  
14          licensees to carry an authorized concealed firearm  
15          under certain circumstances; amending s. 501.016,  
16          F.S.; requiring a health studio to maintain a bond in  
17          favor of the department, rather than the state;  
18          authorizing liability for specified injuries to be  
19          determined in an administrative proceeding or through  
20          a civil action; providing that certain claims may be  
21          paid only upon an order of the department issued in an  
22          administrative proceeding; requiring that a claim  
23          against the bond be filed on a form affidavit adopted  
24          by rule of the department; providing the process by  
25          which a consumer may file a claim against a bond or  
26          other form of security; requiring a health studio to  
27          pay the department indebtedness determined by final  
28          order within 30 days; providing the process by which  
29          the department may make a demand if the health studio

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30 fails to timely make the payment; providing that the  
31 department shall be awarded attorney fees and costs in  
32 certain circumstances; repealing ss. 501.057,  
33 501.0571, 501.0573, 501.0575, 501.0577, 501.0579, and  
34 501.0581, F.S., relating to the Commercial Weight-Loss  
35 Practices Act; repealing s. 501.0583, F.S., relating  
36 to selling, delivering, bartering, furnishing, or  
37 giving weight-loss pills to persons younger than 18  
38 years of age and related penalties and defense;  
39 amending s. 501.059, F.S.; prohibiting a telephone  
40 solicitor or a person from initiating an outbound  
41 telephone call to a consumer, a donor, or a potential  
42 donor under certain circumstances; repealing s.  
43 501.143, F.S., relating to the Dance Studio Act;  
44 amending s. 501.603, F.S.; defining the term "novelty  
45 payment"; conforming a cross-reference; amending s.  
46 501.611, F.S.; requiring the bond required of a  
47 commercial telephone seller to be in favor of the  
48 department for the use and benefit of a purchaser who  
49 is injured by specified acts; requiring that a claim  
50 against the bond be filed on a form affidavit adopted  
51 by rule of the department; providing procedures that a  
52 purchaser must follow in filing a claim against the  
53 bond or other form of security; providing for payment  
54 of indebtedness by the commercial telephone seller to  
55 the department; requiring the department to make  
56 demand on a surety if a commercial telephone seller  
57 fails to pay certain indebtedness within 30 days and  
58 providing a process; providing that attorney fees and

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59 costs must be awarded to the department in certain  
60 circumstances; conforming provisions to changes made  
61 by the act; amending s. 501.616, F.S.; prohibiting a  
62 commercial telephone seller or salesperson from  
63 accepting a novelty payment; deleting a provision that  
64 prohibits a commercial telephone seller or salesperson  
65 from requiring payment to be made by credit card;  
66 amending s. 501.913, F.S.; providing that the  
67 registration certificate for each brand of antifreeze  
68 distributed in this state expires 1 year from the date  
69 of issue; amending s. 525.16, F.S.; requiring all  
70 previous fines to be disregarded if a new violation of  
71 provisions relating to gasoline and oil inspections  
72 has not occurred within 3 years after the date of a  
73 previous violation; creating s. 526.015, F.S.,  
74 relating to lubricating oil standards and labeling  
75 requirements; prohibiting a person from selling,  
76 distributing, or offering for sale or distribution  
77 lubricating oil that does not meet specified standards  
78 or labeling requirements; requiring such noncompliant  
79 products to be placed under a stop-sale order and the  
80 lot identified and tagged by the department;  
81 prohibiting a person from selling, distributing, or  
82 offering for sale or distribution a product under  
83 stop-sale order; requiring the department to issue a  
84 release order under certain circumstances; repealing  
85 s. 526.50(6), F.S., relating to definition of terms  
86 related to the sale of brake fluid; amending s.  
87 526.51, F.S.; providing that a permit authorizing a

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88 registrant to sell brake fluid in this state is valid  
89 for a specified period from the date of issue;  
90 conforming provisions to changes made by the act;  
91 amending s. 539.001, F.S.; requiring that a claim  
92 against the bond be filed on a form affidavit adopted  
93 by rule of the department; providing the procedure  
94 that a consumer must follow in filing a claim against  
95 a bond or other form of security filed with the  
96 department by a pawnbroker; providing for payment of  
97 indebtedness by the pawnbroker to the department;  
98 providing the procedure that a consumer must follow if  
99 the pawnbroker fails to make the payment; providing  
100 that the agency shall be awarded attorney fees and  
101 costs in certain circumstances; requiring the weight  
102 of a precious metal to be obtained from a device that  
103 meets specified requirements; amending s. 559.929,  
104 F.S.; requiring that a claim against the bond be filed  
105 on a form affidavit adopted by rule of the department;  
106 providing the procedure that a consumer must follow in  
107 filing a claim against a bond or other form of  
108 security filed with the department by a seller of  
109 travel; providing for payment of indebtedness by the  
110 seller of travel to the department; providing  
111 procedures that the agency must follow if the seller  
112 of travel fails to pay certain indebtedness within 30  
113 days and providing a process; providing that the  
114 agency shall be awarded attorney fees and costs in  
115 certain circumstances; amending s. 943.059, F.S.;

116 providing an exception relating to the acknowledgement

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117 of arrests covered by a sealed criminal history record  
118 for a person seeking to be licensed to carry a  
119 concealed weapon or concealed firearm; providing  
120 applicability; amending ss. 205.1969 and 501.015,  
121 F.S.; conforming cross-references; providing effective  
122 dates.

123  
124 Be It Enacted by the Legislature of the State of Florida:

125  
126 Section 1. Paragraph (a) of subsection (1) of section  
127 493.6108, Florida Statutes, is amended to read:

128 493.6108 Investigation of applicants by Department of  
129 Agriculture and Consumer Services.—

130 (1) Except as otherwise provided, the department must  
131 investigate an applicant for a license under this chapter before  
132 it may issue the license. The investigation must include:

133 (a)1. An examination of fingerprint records and police  
134 records. If a criminal history record check of an ~~any~~ applicant  
135 under this chapter is performed by means of fingerprint  
136 identification, the time limitations prescribed by s. 120.60(1)  
137 shall be tolled while ~~during the time~~ the applicant's  
138 fingerprints are under review by the Department of Law  
139 Enforcement or the United States Department of Justice, Federal  
140 Bureau of Investigation.

141 2. If a legible set of fingerprints, as determined by the  
142 Department of Law Enforcement or the Federal Bureau of  
143 Investigation, cannot be obtained after two attempts, the  
144 Department of Agriculture and Consumer Services may determine  
145 the applicant's eligibility based on ~~upon~~ a criminal history

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146 record check under the applicant's name conducted by the Federal  
147 Bureau of Investigation ~~Department of Law Enforcement~~ if the  
148 fingerprints are taken by a law enforcement agency or the  
149 department and the applicant submits a written statement signed  
150 by the fingerprint technician or a licensed physician stating  
151 that there is a physical condition that precludes obtaining a  
152 legible set of fingerprints or that the fingerprints taken are  
153 the best that can be obtained.

154 Section 2. Paragraph (b) of subsection (3) of section  
155 493.6113, Florida Statutes, is amended to read:

156 493.6113 Renewal application for licensure.—

157 (3) Each licensee is responsible for renewing his or her  
158 license on or before its expiration by filing with the  
159 department an application for renewal accompanied by payment of  
160 the prescribed license fee.

161 (b) Each Class "G" licensee shall additionally submit proof  
162 that he or she has received during each year of the license  
163 period a minimum of 4 hours of firearms recertification training  
164 taught by a Class "K" licensee and has complied with such other  
165 health and training requirements that ~~which~~ the department  
166 adopts ~~shall adopt~~ by rule. Proof of completion of firearms  
167 recertification training shall be submitted to the department  
168 upon completion of the training. If the licensee fails to  
169 complete the required 4 hours of annual training during  
170 ~~documentation of completion of the required training is not~~  
171 ~~submitted by the end of the first year of the 2-year term of the~~  
172 ~~license, the individual's license shall be automatically~~  
173 ~~suspended until proof of the required training is submitted to~~  
174 ~~the department.~~ The licensee must complete the minimum number of

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175 hours of range and classroom training required at the time of  
176 initial licensure and submit proof of having completed such  
177 training to the department before the license may be reinstated.  
178 If the licensee fails to complete the required 4 hours of annual  
179 training during ~~documentation of completion of the required~~  
180 ~~training is not submitted by the end of the second year of the~~  
181 2-year term of the license, the licensee must complete the  
182 minimum number of hours of range and classroom training required  
183 at the time of initial licensure and submit proof of having  
184 completed such training to the department before the license may  
185 shall not be renewed unless the renewal applicant completes the  
186 minimum number of hours of range and classroom training required  
187 at the time of initial licensure. The department may waive the  
188 firearms training requirement if:

189 1. The applicant provides proof that he or she is currently  
190 certified as a law enforcement officer or correctional officer  
191 under the Criminal Justice Standards and Training Commission and  
192 has completed law enforcement firearms requalification training  
193 annually during the previous 2 years of the licensure period;

194 2. The applicant provides proof that he or she is currently  
195 certified as a federal law enforcement officer and has received  
196 law enforcement firearms training administered by a federal law  
197 enforcement agency annually during the previous 2 years of the  
198 licensure period; or

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

203 Section 3. Subsection (6) of section 493.6115, Florida

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204 Statutes, is amended to read:

205 493.6115 Weapons and firearms.—

206 (6) In addition to any other firearm approved by the  
207 department, a licensee who has been issued a Class "G" license  
208 may carry a .38 caliber revolver; ~~or~~ a .380 caliber or 9  
209 millimeter semiautomatic pistol; ~~or~~ a .357 caliber revolver with  
210 .38 caliber ammunition only; a .40 caliber handgun; or a .45 ACP  
211 handgun while performing duties authorized under this chapter. A  
212 ~~No~~ licensee may not carry more than two firearms upon her or his  
213 person when performing her or his duties. A licensee may only  
214 carry a firearm of the specific type and caliber with which she  
215 or he is qualified pursuant to the firearms training described  
216 ~~referenced~~ in subsection (8) or s. 493.6113(3) (b).

217 Section 4. Subsection (4) is added to section 493.6305,  
218 Florida Statutes, to read:

219 493.6305 Uniforms, required wear; exceptions.—

220 (4) Class "D" licensees who are also Class "G" licensees  
221 and who are performing bodyguard or executive protection  
222 services may carry their authorized firearm concealed while  
223 wearing plain clothes as needed to provide contracted services  
224 to the client.

225 Section 5. Section 501.016, Florida Statutes, is amended to  
226 read:

227 501.016 Health studios; security requirements.—Each health  
228 studio that sells contracts for health studio services shall  
229 meet the following requirements:

230 (1) Each health studio shall maintain for each separate  
231 business location a bond issued by a surety company admitted to  
232 do business in this state. The principal sum of the bond must



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233 ~~shall~~ be \$25,000, and the bond, when required, must ~~shall~~ be  
234 obtained before a business tax receipt may be issued under  
235 chapter 205. Upon issuance of a business tax receipt, the  
236 licensing authority shall immediately notify the department of  
237 such issuance in a manner established by the department by rule.  
238 The bond must ~~shall~~ be in favor of the department ~~state~~ for the  
239 benefit of any person injured as a result of a violation of ss.  
240 501.012-501.019. Liability for such injuries may be determined  
241 in an administrative proceeding of the department pursuant to  
242 chapter 120 or through a civil action. However, claims against  
243 the bond or certificate of deposit may be paid, in amounts up to  
244 the determined liability for such injuries, only by order of the  
245 department in an administrative proceeding pursuant to chapter  
246 120. The aggregate liability of the surety to all persons for  
247 all breaches of the conditions of the bonds provided by this  
248 section may not ~~herein shall in no event~~ exceed the amount of  
249 the bond. The original surety bond required by this section  
250 shall be filed with the department on a form adopted by  
251 department rule.

252 (2) In lieu of maintaining the bond required in subsection  
253 (1), the health studio may furnish to the department on a form  
254 adopted by department rule:

255 (a) An irrevocable letter of credit from any foreign or  
256 domestic bank in the amount of \$25,000; or

257 (b) A guaranty agreement that is secured by a certificate  
258 of deposit in the amount of \$25,000.

259

260 The original letter of credit or certificate of deposit  
261 submitted in lieu of the bond shall be filed with the

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262 department. The department shall decide whether the security  
263 furnished in lieu of bond by the health studio complies ~~is in~~  
264 ~~compliance~~ with the requirements of this section.

265 (3) A consumer may file a claim against the bond or other  
266 form of security. Such claim must be submitted to the department  
267 in writing on a form affidavit approved by department rule  
268 within 120 days after an alleged injury has occurred or is  
269 discovered to have occurred or a judgment has been entered. The  
270 proceedings shall be conducted in accordance with chapter 120.  
271 For proceedings conducted under ss. 120.569 and 120.57, the  
272 department may act only as a nominal party.

273 (4) The health studio shall pay to the department for  
274 distribution to the consumer any indebtedness determined by  
275 final order of the department within 30 days after the order is  
276 entered. If the health studio fails to make timely payment, the  
277 department shall make demand upon the surety, which may include  
278 an institution issuing a letter of credit or depository on a  
279 certificate of deposit. If a surety fails to comply with a  
280 demand for payment issued pursuant to a final order, the  
281 department may file an action in circuit court pursuant to s.  
282 120.69 to recover payment up to the amount of the bond or other  
283 form of security. If the court affirms the department's demand  
284 for payment from the surety, the department shall be awarded  
285 court costs and reasonable attorney fees.

286 (5)~~(3)~~ A health studio that ~~which~~ sells contracts for  
287 future health studio services and ~~which~~ collects direct payment  
288 on a monthly basis for those services ~~is shall be~~ exempt from  
289 the security requirements of subsections (1) and (2) if provided  
290 ~~that~~ any service fee charged is a reasonable and fair service

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291 ~~fee~~. The number of monthly payments in such a contract must  
292 ~~shall~~ be equal to the number of months in the contract. The  
293 contract must ~~shall~~ conform to all the requirements for future  
294 health studio services contracts ~~as~~ specified in ss. 501.012-  
295 501.019 and must ~~shall~~ specify in the terms of the contract the  
296 charges to be assessed for those health studio services.

297 (6) ~~(4)~~ If the health studio furnishes the department with  
298 evidence satisfactory to the department that the aggregate  
299 dollar amount of all current outstanding contracts of the health  
300 studio is less than \$5,000, the department may, ~~at its~~  
301 ~~discretion~~, reduce the principal amount of the surety bond or  
302 other sufficient financial responsibility required in  
303 subsections (1) and (2) to a sum of at least ~~not less than~~  
304 \$10,000. However, at any time the aggregate dollar amount of  
305 such contracts exceeds \$5,000, the health studio shall ~~so~~ notify  
306 the department and shall ~~thereupon~~ provide the bond or other  
307 documentation as required in subsections (1) and (2). Health  
308 studios whose bonds have been reduced shall ~~must~~ provide the  
309 department with an annually updated list of members. ~~Failure to~~  
310 ~~file an annual report will result in~~ The department shall  
311 increase ~~raising~~ the security requirement to \$25,000 for a  
312 health studio that fails to file an annual report.

313 (7) ~~(5)~~ Each health studio shall furnish the department with  
314 a copy of the escrow account which would contain all funds  
315 received for future consumer services, whether provided under ~~by~~  
316 contract or otherwise, sold before ~~prior to~~ the business  
317 location's full operation and specify a date certain for  
318 opening, if such an escrow account is established.

319 (8) ~~(6)~~ Subsections (1) and (2) do ~~shall~~ not apply to a

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320 health studio that has been operating in compliance with ss.  
321 501.012-501.019 and rules adopted thereunder, continuously under  
322 the same ownership and control, continuously for the most recent  
323 5-year period; ~~in compliance with ss. 501.012-501.019 and the~~  
324 ~~rules adopted thereunder~~ and that has not had any civil,  
325 criminal, or administrative adjudication against it by any state  
326 or federal agency; and that has a satisfactory consumer  
327 complaint history. As used in this subsection, the term  
328 "satisfactory consumer complaint history" means that there are  
329 no unresolved consumer complaints regarding the health studio  
330 ~~are~~ on file with the department. A consumer complaint is  
331 unresolved if a health studio has not responded to the  
332 department's efforts to mediate the complaint or if there has  
333 been an adjudication that the health studio has violated ss.  
334 501.012-501.019 or the rules adopted thereunder. Such exemption  
335 extends to all current and future business locations of an  
336 exempt health studio.

337 (9)-(7) This section does not apply to a business, otherwise  
338 defined as a health studio, which sells a single contract of 30  
339 days or less to a ~~any~~ member without any option for renewal or  
340 any other condition that ~~which~~ establishes any right in the  
341 member beyond the term of such contract ~~is exempt from the~~  
342 ~~provisions of this section.~~ However, this exemption does ~~shall~~  
343 not apply if the business offers any other health studio  
344 contract, regardless of ~~whatever~~ duration, at any time before or  
345 ~~during or prior to~~ the existence of such single contract of 30  
346 days or less.

347 (10)-(8) Except in the case of a natural disaster or an act  
348 of God, a health studio that is exempt from the requirements of

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349 subsections (1) and (2), but does not have any ~~that has no~~  
350 business locations open for 14 consecutive days, waives its  
351 exemption and is considered to be a new health studio for the  
352 purposes of ss. 501.012-501.019.

353 Section 6. Sections 501.057, 501.0571, 501.0573, 501.0575,  
354 501.0577, 501.0579, and 501.0581, Florida Statutes, are  
355 repealed.

356 Section 7. Section 501.0583, Florida Statutes, is repealed.

357 Section 8. Subsection (5) of section 501.059, Florida  
358 Statutes, is amended to read:

359 501.059 Telephone solicitation.—

360 (5) A telephone solicitor or person may not initiate an  
361 outbound telephone call to a consumer, donor, or potential donor  
362 who has previously communicated to the telephone solicitor or  
363 person that he or she does not wish to receive an outbound  
364 telephone call:

365 (a) Made by or on behalf of the seller whose goods or  
366 services are being offered; or

367 (b) Made on behalf of a charitable organization for which a  
368 charitable contribution is being solicited.

369 Section 9. Section 501.143, Florida Statutes, is repealed.

370 Section 10. Present subsections (8) through (11) of section  
371 501.603, Florida Statutes, are redesignated as subsections (9)  
372 through (12), respectively, a new subsection (8) is added to  
373 that section, and subsection (2) of that section is amended, to  
374 read:

375 501.603 Definitions.—As used in this part, unless the  
376 context otherwise requires, the term:

377 (2) "Commercial telephone seller" means a person who

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378 engages in commercial telephone solicitation on his or her own  
379 behalf or through salespersons. ~~The term, except that a~~  
380 ~~commercial telephone seller~~ does not include a salesperson as  
381 defined in subsection (11) or a person or entity operating under  
382 a valid affidavit of exemption filed with the department  
383 according to s. 501.608(1)(b) or exempted from this part by s.  
384 501.604. The term ~~A commercial telephone seller does not include~~  
385 ~~a salesperson as defined in subsection (10). A commercial~~  
386 ~~telephone seller~~ includes, but is not limited to, owners,  
387 operators, officers, directors, partners, or other individuals  
388 engaged in the management activities of a business entity  
389 pursuant to this part.

390 (8) "Novelty payment" means a payment method that does not  
391 provide a means of systematic monitoring to detect and deter  
392 fraud. The term includes, but is not limited to, the following  
393 payment devices:

394 (a) A remotely created check, which is a check that is not  
395 created by the paying bank and that does not bear the signature  
396 of the person on whose account the check is drawn.

397 (b) A remotely created payment order, which is a payment  
398 instruction or order drawn on a person's account which is  
399 initiated or created by the payee and which does not bear the  
400 signature of the person on whose account the order is drawn and  
401 which is cleared through the check clearing system.

402 (c) A cash-to-cash money transfer, which is the electronic  
403 transfer of the value of cash received from one person to  
404 another person in a different location which is sent by a money  
405 transfer provider and received in the form of cash. As used in  
406 this paragraph, the term "money transfer provider" means a

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407 person or financial institution that provides cash-to-cash money  
408 transfers for a person in the normal course of business,  
409 regardless of whether the person holds an account with such  
410 person or financial institution.

411 (d) A cash reload mechanism, which is a system that makes  
412 it possible to convert cash into an electronic form which a  
413 person can use to add money to a general-use prepaid card or an  
414 online account with a payment intermediary. As used in this  
415 paragraph, the term "mechanism" means a system that is purchased  
416 by a person on a prepaid basis, that enables access to the funds  
417 via an authorization code or other security measure, and that is  
418 not directly used as a general-use prepaid card.

419 Section 11. Section 501.611, Florida Statutes, is amended  
420 to read:

421 501.611 Security.—

422 (1) An application filed pursuant to s. 501.605 must be  
423 accompanied by:

424 (a) A bond executed by a corporate surety approved by the  
425 department and licensed to do business in this state;

426 (b) An irrevocable letter of credit issued for the benefit  
427 of the applicant by a bank whose deposits are insured by an  
428 agency of the Federal Government; or

429 (c) A certificate of deposit in a financial institution  
430 insured by an agency of the Federal Government, which may be  
431 withdrawn only on the order of the department, except that the  
432 interest may accrue to the applicant.

433 (2) The amount of the bond, letter of credit, or  
434 certificate of deposit must be a minimum of \$50,000, and the  
435 bond, letter of credit, or certificate of deposit must be in

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436 favor of the department for the use and benefit of any purchaser  
437 who is injured by the fraud, misrepresentation, breach of  
438 contract, financial failure, or violation of this part by the  
439 applicant ~~must be conditioned upon compliance by the applicant~~  
440 ~~with the provisions of this part.~~ The department may, at its  
441 discretion, establish a bond of a greater amount to ensure the  
442 general welfare of the public and the interests of the  
443 telemarketing industry.

444 (3) The bond shall be posted with the department on a form  
445 adopted by ~~and shall remain in force throughout the period of~~  
446 ~~licensure with the~~ department rule and shall remain in force  
447 throughout the period of licensure.

448 (4) The department or a ~~any~~ governmental agency, on behalf  
449 of an ~~any~~ injured purchaser or a ~~any~~ purchaser herself or  
450 himself who is injured by ~~the bankruptcy of the applicant or her~~  
451 ~~or his breach of any agreement entered into in her or his~~  
452 ~~capacity as a licensee,~~ may bring and maintain an action to  
453 recover against the bond, letter of credit, or certificate of  
454 deposit.

455 (5) A purchaser may file a claim against the bond or other  
456 form of security. Such claim must be submitted to the department  
457 in writing on a form affidavit approved by department rule  
458 within 120 days after an alleged injury has occurred or is  
459 discovered to have occurred or a judgment has been entered. The  
460 proceedings shall be conducted in accordance with chapter 120.  
461 For proceedings conducted under ss. 120.569 and 120.57, the  
462 department must act only as a nominal party.

463 (6) The commercial telephone seller shall pay to the  
464 department for distribution to the consumer any indebtedness



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465 determined by final order of the department within 30 days after  
466 the order is entered. If the commercial telephone seller fails  
467 to make timely payment, the department shall make demand upon  
468 the surety, which may include an institution issuing a letter of  
469 credit or depository on a certificate of deposit. If a surety  
470 fails to comply with a demand for payment issued pursuant to a  
471 final order, the department may file an action in circuit court  
472 pursuant to s. 120.69 to recover payment up to the amount of the  
473 bond or other form of security. If the court affirms the  
474 department's demand for payment from the surety, the department  
475 shall be awarded all court costs and reasonable attorney fees.

476 Section 12. Section 501.616, Florida Statutes, is amended  
477 to read:

478 501.616 Unlawful acts and practices.—

479 (1) A ~~It shall be unlawful for any~~ commercial telephone  
480 seller or salesperson may not directly or indirectly accept a  
481 novelty payment as defined by s. 501.603(8) or rule as payment  
482 for goods or services offered or sold through telemarketing to  
483 ~~require that payment be by credit card authorization or~~  
484 ~~otherwise to announce a preference for that method of payment.~~

485 (2) A ~~It shall be unlawful for any~~ commercial telephone  
486 seller may not ~~to~~ employ, or be affiliated with an, ~~any~~  
487 unlicensed salesperson.

488 (3) A ~~It shall be unlawful for any~~ salesperson may not ~~to~~  
489 be employed by, or affiliated with, an unlicensed commercial  
490 telephone seller.

491 (4) A ~~It shall be unlawful for any~~ commercial telephone  
492 seller or salesperson must ~~to~~ be licensed ~~unlicensed~~.

493 (5) A ~~It shall be unlawful for any~~ salesperson or

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494 commercial telephone seller may not ~~to~~ otherwise violate ~~the~~  
495 ~~provisions of~~ this part.

496 (6) ~~A It shall be unlawful for any~~ commercial telephone  
497 seller or salesperson may not ~~to~~ make a commercial telephone  
498 solicitation phone call before 8 ~~8:00~~ a.m. or after 9 ~~9:00~~ p.m.  
499 local time at the called person's location.

500 (7) ~~A It shall be unlawful for any~~ commercial telephone  
501 seller or salesperson making a commercial telephone solicitation  
502 call may not intentionally act ~~telephonic solicitations to take~~  
503 ~~any intentional action~~ to prevent transmission of the telephone  
504 solicitor's name or telephone number to the party called when  
505 the equipment or service used by the telephone solicitor is  
506 capable of creating and transmitting the telephone solicitor's  
507 name or telephone number.

508 Section 13. Subsection (1) of section 501.913, Florida  
509 Statutes, is amended to read:

510 501.913 Registration.—

511 (1) Each brand of antifreeze to be distributed in this  
512 state shall be registered with the department before  
513 distribution. The person whose name appears on the label, the  
514 manufacturer, or the packager shall make application annually to  
515 the department on forms provided by the department ~~no later than~~  
516 ~~July 1 of each year.~~ The registration certificate expires 1 year  
517 from the date of issue. The registrant assumes, by application  
518 to register the brand, full responsibility for the registration  
519 and the~~7~~ quality~~7~~ and quantity of the product sold, offered, or  
520 exposed for sale in this state. If a registered brand is not in  
521 production for distribution in this state, ~~and~~ to ensure any  
522 remaining product that is still available for sale in this ~~the~~

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523 state is properly registered, the registrant must submit a  
524 notarized affidavit on company letterhead to the department  
525 certifying that:

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

527 (b) The stated brand will not be distributed in this state;

528 and

529 (c) All existing product of the stated brand will be  
530 removed by the registrant from the state within 30 days after  
531 expiration of the registration or the registrant will reregister  
532 the brand for two subsequent registration periods.

533

534 If production resumes, the brand must be reregistered before it  
535 is distributed in this state.

536 Section 14. Paragraph (b) of subsection (1) of section  
537 525.16, Florida Statutes, is amended to read:

538 525.16 Administrative fine; penalties; prosecution of cases  
539 by state attorney.-

540 (1)

541 (b) If ~~a, 3 years after the day of issuance of the last~~  
542 ~~stop-sale order for a violation under this chapter, no new~~  
543 violation does not occur has occurred at the same location while  
544 the business is under the same during the proprietorship within  
545 3 years after the date of issuance of the last previous stop-  
546 sale order of the same person, all previous fines shall be  
547 disregarded when administering a fine for a new ~~the next~~  
548 violation.

549 Section 15. Section 526.015, Florida Statutes, is created  
550 to read:

551 526.015 Lubricating oil standards; labeling requirements.-

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552       (1) A person may not sell or distribute, or offer for sale  
553 or distribution, a lubricating oil that fails to meet a quality  
554 standard, such as those established by the Society of Automotive  
555 Engineers or other similar standard, or a labeling requirement  
556 designed to prevent deceptive or misleading practices as adopted  
557 by rule of the department.

558       (2) A product that fails to meet a standard or labeling  
559 requirement adopted by rule of the department shall be placed  
560 under a stop-sale order by the department, and the lot number of  
561 the product shall be identified and tagged by the department to  
562 prevent its sale.

563       (3) A person may not sell or distribute, or offer for sale  
564 or distribution, a product that has been placed under a stop-  
565 sale order.

566       (4) If a product is made to conform to standards and  
567 labeling requirements or is removed from the premises in a  
568 manner approved by the department, the department shall issue a  
569 release order.

570       Section 16. Subsection (6) of section 526.50, Florida  
571 Statutes, is repealed.

572       Section 17. Subsection (1) of section 526.51, Florida  
573 Statutes, is amended to read:

574       526.51 Registration; renewal and fees; departmental  
575 expenses; cancellation or refusal to issue or renew.-

576       (1) (a) Application for registration of each brand of brake  
577 fluid shall be made on forms supplied by the department. The  
578 applicant shall provide ~~give~~ his or her name and address, ~~and~~  
579 the brand name of the brake fluid, the state in which ~~that~~ he or  
580 she owns the brand name and has complete control over the

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581 product sold thereunder in this state, and ~~provide~~ the name and  
582 address of the resident agent in this state. If the applicant  
583 does not own the brand name but wishes to register the product  
584 with the department, a notarized affidavit that gives the  
585 applicant full authorization to register the brand name, which  
586 must be ~~and that is~~ signed by the owner of the brand name, must  
587 accompany the application for registration. The affidavit must  
588 include all affected brand names, the owner's company or  
589 corporate name and address, the applicant's company or corporate  
590 name and address, and a statement from the owner authorizing the  
591 applicant to register the product with the department. The owner  
592 of the brand name shall maintain complete control over each  
593 product sold under that brand name in this state. All first-time  
594 applications for a brand and formula combination must be  
595 accompanied by a certified report from an independent testing  
596 laboratory, setting forth the analysis of the brake fluid which  
597 shows its quality meets ~~to be not less than~~ the minimum  
598 specifications established by the department for brake fluids. A  
599 sample of at least ~~not less than~~ 24 fluid ounces of brake fluid  
600 shall be submitted, in a container with a label printed in the  
601 same manner that it ~~or containers, with labels representing~~  
602 ~~exactly how the containers of brake fluid~~ will be labeled when  
603 sold, and the sample and container shall be analyzed and  
604 inspected by the department in order to verify ~~that~~ compliance  
605 with the department's specifications and labeling requirements  
606 ~~may be verified~~. Upon approval of the application, the  
607 department shall register the brand name of the brake fluid and  
608 issue to the applicant a permit, valid for 1 year from the date  
609 of issue, authorizing the registrant to sell the brake fluid in

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610 this state ~~during the permit year specified in the permit.~~

611 (b) An ~~Each~~ applicant shall pay a fee of \$100 with each  
612 application. A permit may be renewed by application to the  
613 department, accompanied by a renewal fee of \$50, on or before  
614 the expiration of the previously issued ~~last day of the permit~~  
615 ~~year immediately preceding the permit year for which application~~  
616 ~~is made for renewal of registration.~~ To reregister a previously  
617 registered brand and formula combination, an applicant must  
618 submit a completed application and all materials as required in  
619 this section to the department before the expiration of the  
620 previously issued ~~first day of the permit year.~~ A brand and  
621 formula combination for which a completed application and all  
622 materials required in this section are not received before the  
623 expiration of the previously issued ~~first day of the permit year~~  
624 may not be registered with the department until a completed  
625 application and all materials required in this section have been  
626 received and approved. If the brand and formula combination was  
627 previously registered with the department and a fee,  
628 application, or materials required in this section are received  
629 after the expiration of the previously issued ~~first day of the~~  
630 ~~permit year,~~ a penalty of \$25 ~~accrues,~~ which shall be added to  
631 the fee. Renewals shall be accepted only on brake fluids that do  
632 not have a ~~no~~ change in formula, composition, or brand name. A  
633 ~~Any~~ change in formula, composition, or brand name of a ~~any~~ brake  
634 fluid constitutes a new product that must be registered in  
635 accordance with this part.

636 (c) If a registered brand and formula combination is no  
637 longer in production for distribution in this state, in order to  
638 ensure that any remaining product still available for sale in

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639 this state is properly registered, ~~if a registered brand and~~  
640 ~~formula combination is no longer in production for distribution~~  
641 ~~in this state,~~ the registrant must submit a notarized affidavit  
642 on company letterhead to the department certifying that:

643 1. The stated brand and formula combination is no longer in  
644 production;

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

647 3. Either all existing product of the stated brand and  
648 formula combination will be removed by the registrant from the  
649 state within 30 days after the expiration of the registration or  
650 that the registrant will reregister the brand and formula  
651 combination for 2 ~~two~~ subsequent years ~~registration periods~~.

652  
653 If production resumes, the brand and formula combination must be  
654 reregistered before it is again distributed in this state.

655 Section 18. Paragraph (a) of subsection (4), paragraphs (b)  
656 and (d) of subsection (7), and paragraph (b) of subsection (8)  
657 of section 539.001, Florida Statutes, are amended to read:

658 539.001 The Florida Pawnbroking Act.—

659 (4) ELIGIBILITY FOR LICENSE.—

660 (a) To be eligible for a pawnbroker's license, an applicant  
661 must:

662 1. Be of good moral character;

663 2. Have a net worth of at least \$50,000 or file with the  
664 agency a bond,  issued by a surety company qualified to do  
665 business in this state, in the amount of \$10,000 for each  
666 license. In lieu of the bond required in this section, the  
667 applicant may establish a certificate of deposit or an

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668 irrevocable letter of credit in a Florida banking institution in  
669 the amount of the bond. The original bond, certificate of  
670 deposit, or letter of credit shall be filed with the agency on a  
671 form adopted by agency rule, and the agency shall be the  
672 beneficiary to said document. The bond, certificate of deposit,  
673 or letter of credit must ~~shall~~ be in favor of the agency for the  
674 use and benefit of any consumer who is injured by the fraud,  
675 misrepresentation, breach of contract, financial failure, or  
676 violation of ~~any provision of~~ this section by the pawnbroker.  
677 Such liability may be enforced either by proceeding in an  
678 administrative action or by filing a judicial suit at law ~~in a~~  
679 ~~court of competent jurisdiction~~. However, in such court suit,  
680 the bond, certificate of deposit, or letter of credit posted  
681 with the agency may ~~shall~~ not be amenable or subject to any  
682 judgment or other legal process issuing out of or from such  
683 court in connection with such lawsuit, but such bond,  
684 certificate of deposit, or letter of credit shall be amenable to  
685 and enforceable only by and through administrative proceedings  
686 before the agency. It is the intent of the Legislature that such  
687 bond, certificate of deposit, or letter of credit ~~shall~~ be  
688 applicable and liable only for the payment of claims duly  
689 adjudicated by order of the agency. The bond, certificate of  
690 deposit, or letter of credit shall be payable on a pro rata  
691 basis as determined by the agency, but the aggregate amount may  
692 not exceed the amount of the bond, certificate of deposit, or  
693 letter of credit. A consumer may file a claim against the bond,  
694 certificate of deposit, or letter of credit. Such claim must be  
695 submitted in writing to the agency on a form affidavit approved  
696 by agency rule within 120 days after an alleged injury has



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697 occurred or is discovered to have occurred or a judgment has  
698 been entered. The proceedings shall be conducted in accordance  
699 with chapter 120. For proceedings conducted under ss. 120.569  
700 and 120.57, the agency may act only as a nominal party. The  
701 pawnbroker shall pay to the agency for distribution to the  
702 consumer any indebtedness determined by final order of the  
703 agency within 30 days after the order is entered. If the  
704 pawnbroker fails to make timely payment, the agency shall make  
705 demand upon the surety, which includes an institution issuing a  
706 letter of credit or depository on a certificate of deposit. If a  
707 surety fails to comply with a demand for payment pursuant to a  
708 final order, the agency may file an action pursuant to s. 120.69  
709 in circuit court to recover payment, up to the amount of the  
710 bond or other form of security. If the agency is successful and  
711 the court affirms the agency's demand for payment from the  
712 surety, the agency shall be awarded all court costs and  
713 reasonable attorney fees;

714 3. Not have been convicted of, or found guilty of, or pled  
715 guilty or nolo contendere to, or not have been incarcerated  
716 within the last 10 years as a result of having previously been  
717 convicted of, or found guilty of, or pled guilty or nolo  
718 contendere to, regardless of adjudication, a felony within the  
719 last 10 years and not be acting as a beneficial owner for  
720 someone who has been convicted of, or found guilty of, or pled  
721 guilty or nolo contendere to, regardless of adjudication, a  
722 felony within the last 10 years; and

723 4. Not have been convicted of, or found guilty of, or pled  
724 guilty or nolo contendere to, or not have been incarcerated  
725 within the last 10 years as a result of having previously been

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726 convicted of, or found guilty of, or pled guilty or nolo  
727 contendere to, regardless of adjudication, a crime that involves  
728 theft, larceny, dealing in stolen property, receiving stolen  
729 property, burglary, embezzlement, obtaining property by false  
730 pretenses, possession of altered property, or any other  
731 fraudulent or dishonest dealing within the last 10 years, and  
732 not be acting as a beneficial owner for someone who has been  
733 convicted, of, or found guilty of, or pled guilty or nolo  
734 contendere to, or has been incarcerated within the last 10 years  
735 as a result of having previously been convicted of, or found  
736 guilty of, or pled guilty or nolo contendere to, regardless of  
737 adjudication, a crime that involves theft, larceny, dealing in  
738 stolen property, receiving stolen property, burglary,  
739 embezzlement, obtaining property by false pretenses, possession  
740 of altered property, or any other fraudulent or dishonest  
741 dealing within the last 10 years.

742 (7) ORDERS IMPOSING PENALTIES.—

743 (b) Upon a finding as set forth in paragraph (a), the  
744 agency may enter an order doing one or more of the following:

- 745 1. Issuing a notice of noncompliance pursuant to s.  
746 120.695.
- 747 2. Imposing an administrative fine of up to ~~not to exceed~~  
748 \$5,000 for each act that ~~which~~ constitutes a violation of this  
749 section, ~~or~~ a rule, or an order.
- 750 3. Directing that the pawnbroker cease and desist specified  
751 activities.
- 752 4. Refusing to license or revoking or suspending a license.
- 753 5. Placing the licensee on probation for a period of time,  
754 subject to such conditions as the agency may specify.

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755           (d)1. ~~When the agency,~~ If a violation of this section  
756 occurs and the agency has reasonable cause to believe that a  
757 person is operating in violation of this section, ~~has reasonable~~  
758 ~~cause to believe that a person is operating in violation of this~~  
759 ~~section,~~ the agency may bring a civil action in the appropriate  
760 court for temporary or permanent injunctive relief and may seek  
761 other appropriate civil relief, including a civil penalty of up  
762 to ~~not to exceed~~ \$5,000 for each violation, restitution and  
763 damages for injured customers, court costs, and reasonable  
764 attorney ~~attorney's~~ fees.

765           2. The agency may terminate an ~~any~~ investigation or action  
766 upon agreement by the offender to pay a stipulated civil  
767 penalty, to make restitution or pay damages to customers, or to  
768 satisfy any other relief authorized in this section ~~herein~~ and  
769 requested by the agency.

770           (8) PAWNBROKER TRANSACTION FORM.—

771           (b) The front of the pawnbroker transaction form must  
772 include:

773           1. The name and address of the pawnshop.

774           2. A complete and accurate description of the pledged goods  
775 or purchased goods, including the following information, if  
776 applicable:

777           a. Brand name.

778           b. Model number.

779           c. Manufacturer's serial number.

780           d. Size.

781           e. Color, as apparent to the untrained eye.

782           f. Precious metal type, weight, and content, if known.

783 Weight shall be obtained from a device properly approved by the

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784 agency and in compliance with ss. 531.39 and 531.40.

785 g. Gemstone description, including the number of stones.

786 h. In the case of firearms, the type of action, caliber or  
787 gauge, number of barrels, barrel length, and finish.

788 i. Any other unique identifying marks, numbers, names, or  
789 letters.

790

791 Notwithstanding sub-subparagraphs a.-i., in the case of multiple  
792 items of a similar nature delivered together in one transaction  
793 which do not bear serial or model numbers and which do not  
794 include precious metal or gemstones, such as musical or video  
795 recordings, books, and hand tools, the description of the items  
796 is adequate if it contains the quantity of items and a  
797 description of the type of items delivered.

798 3. The name, address, home telephone number, place of  
799 employment, date of birth, physical description, and right  
800 thumbprint of the pledgor or seller.

801 4. The date and time of the transaction.

802 5. The type of identification accepted from the pledgor or  
803 seller, including the issuing agency and the identification  
804 number.

805 6. In the case of a pawn:

806 a. The amount of money advanced, which must be designated  
807 as the amount financed;

808 b. The maturity date of the pawn, which must be 30 days  
809 after the date of the pawn;

810 c. The default date of the pawn and the amount due on the  
811 default date;

812 d. The total pawn service charge payable on the maturity

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813 date, which must be designated as the finance charge;

814 e. The amount financed plus the finance charge that must be  
815 paid to redeem the pledged goods on the maturity date, which  
816 must be designated as the total of payments;

817 f. The annual percentage rate, computed according to ~~the~~  
818 regulations adopted by the Federal Reserve Board under the  
819 federal Truth in Lending Act; and

820 g. The front or back of the pawnbroker transaction form  
821 must include a statement that:

822 (I) Any personal property pledged to a pawnbroker within  
823 this state which is not redeemed within 30 days after ~~following~~  
824 the maturity date of the pawn, or if the 30th day is not a  
825 business day, ~~then~~ the following business day, is automatically  
826 forfeited to the pawnbroker, and absolute right, title, and  
827 interest in and to the property vests in and is deemed conveyed  
828 to the pawnbroker by operation of law, and ~~no~~ further notice is  
829 not necessary;

830 (II) The pledgor is not obligated to redeem the pledged  
831 goods; and

832 (III) If the pawnbroker transaction form is lost,  
833 destroyed, or stolen, the pledgor must immediately advise the  
834 issuing pawnbroker in writing by certified or registered mail,  
835 return receipt requested, or in person evidenced by a signed  
836 receipt.

837 (IV) A pawn may be extended upon mutual agreement of the  
838 parties.

839 7. In the case of a purchase, the amount of money paid for  
840 the goods or the monetary value assigned to the goods in  
841 connection with the transaction.

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842 8. A statement that the pledgor or seller of the item  
843 represents and warrants that it is not stolen, that it has no  
844 liens or encumbrances against it, and that the pledgor or seller  
845 is the rightful owner of the goods and has the right to enter  
846 into the transaction.

847  
848 A ~~Any~~ person who knowingly gives false verification of ownership  
849 or gives a false or altered identification and who receives  
850 money from a pawnbroker for goods sold or pledged commits:

851 a. If the value of the money received is less than \$300, a  
852 felony of the third degree, punishable as provided in s.  
853 775.082, s. 775.083, or s. 775.084.

854 b. If the value of the money received is \$300 or more, a  
855 felony of the second degree, punishable as provided in s.  
856 775.082, s. 775.083, or s. 775.084.

857 Section 19. Section 559.929, Florida Statutes, is amended  
858 to read:

859 559.929 Security requirements.—

860 (1) An application must be accompanied by a performance  
861 bond in an amount set by the department under paragraph (a),  
862 paragraph (b), or paragraph (c). The surety on such bond must  
863 ~~shall~~ be a surety company authorized to do business in the  
864 state.

865 (a) Each seller of travel which ~~that~~ certifies its business  
866 activities under s. 559.9285(1)(a) shall provide a performance  
867 bond in an amount up to ~~not to exceed~~ \$25,000, or in the amount  
868 of \$50,000 if the seller of travel is offering vacation  
869 certificates.

870 (b) Each seller of travel which ~~that~~ certifies its business

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871 activities under s. 559.9285(1)(b) shall provide a performance  
872 bond in an amount up to ~~not to exceed~~ \$100,000, or in the amount  
873 of \$150,000 if the seller of travel is offering vacation  
874 certificates.

875 (c) Each seller of travel which ~~that~~ certifies its business  
876 activities under s. 559.9285(1)(c) shall provide a performance  
877 bond in an amount up to ~~not to exceed~~ \$250,000, or in the amount  
878 of \$300,000 if the seller of travel is offering vacation  
879 certificates.

880 (2) The bond must ~~shall~~ be in favor of the department on a  
881 form adopted by rule of the department for the use and benefit  
882 of a ~~any~~ traveler who is injured by the fraud,  
883 misrepresentation, breach of contract, financial failure, or  
884 violation ~~of any provision~~ of this part by the seller of travel.  
885 Such liability may be enforced either by proceeding in an  
886 administrative action as specified in subsection (3) or by  
887 filing a judicial suit at law ~~in a court of competent~~  
888 ~~jurisdiction~~. However, in such court suit the bond posted with  
889 the department shall not be amenable or subject to any judgment  
890 or other legal process issuing out of or from such court in  
891 connection with such lawsuit, but such bond shall be amenable to  
892 and enforceable only by and through administrative proceedings  
893 before the department. It is the intent of the Legislature that  
894 such bond is ~~shall be~~ applicable and liable only for the payment  
895 of claims duly adjudicated by order of the department. The bond  
896 must ~~shall~~ be open to successive claims, but the aggregate  
897 amount awarded may not exceed the amount of the bond. In  
898 addition to the foregoing, a bond provided by a registrant or  
899 applicant for registration which certifies its business

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900 activities under s. 559.9285(1)(b) or (c) must ~~shall~~ be in favor  
901 of the department, with payment in the following order of  
902 priority:

903 (a) All expenses for prosecuting the registrant or  
904 applicant in an any administrative or civil action under this  
905 part, including attorney fees ~~for attorneys~~ and fees for other  
906 professionals, court costs or other costs of the proceedings,  
907 and all other expenses incidental to the action.

908 (b) The All costs and expenses of investigation before  
909 ~~prior to~~ the commencement of an administrative or civil action  
910 under this part.

911 (c) An Any unpaid administrative fine imposed by final  
912 order or an any unpaid civil penalty imposed by final judgment  
913 under this part.

914 (d) Damages or compensation for a any traveler injured as  
915 provided in this subsection.

916 (3) A Any traveler may file a claim against the bond. Such  
917 claim must ~~which shall~~ be submitted to the department ~~made~~ in  
918 writing on a form affidavit approved by department rule ~~to the~~  
919 ~~department~~ within 120 days after an alleged injury has occurred  
920 or is discovered to have occurred or a judgment has been  
921 entered. The proceedings shall be conducted ~~held~~ in accordance  
922 with chapter 120. The department may act only as a nominal party  
923 in proceedings conducted under ss. 120.569 and 120.57.

924 (4) Any indebtedness determined by final order of the  
925 department must be paid by the seller of travel to the  
926 department within 30 days after the order is entered, for  
927 distribution to the traveler. If the seller of travel fails to  
928 make payment within the 30 days, the department shall make



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929 demand upon the surety, which includes an institution issuing a  
930 letter of credit or depository on a certificate of deposit. Upon  
931 failure of a surety to comply with a demand for payment pursuant  
932 to a final order, the department may file an action in circuit  
933 court to recover payment, up to the amount of the bond or other  
934 form of security pursuant to s. 120.69. If the department is  
935 successful and the court affirms the department's demand for  
936 payment from the surety, the department shall be allowed all  
937 court costs incurred and reasonable attorney fees to be fixed  
938 and collected as a part of the costs of the suit.

939 ~~(5)-(4)~~ If ~~In any situation in which~~ the seller of travel is  
940 currently the subject of an administrative, civil, or criminal  
941 action by the department, the Department of Legal Affairs, or  
942 the state attorney relating to ~~concerning~~ compliance with this  
943 part, the right to proceed against the bond as provided in  
944 subsection (3) is ~~shall be~~ suspended until ~~after~~ any enforcement  
945 action becomes final.

946 ~~(6)-(5)~~ The department may waive the bond requirement on an  
947 annual basis if the seller of travel has had 5 or more  
948 consecutive years of experience as a seller of travel in this  
949 state ~~Florida~~ in compliance with this part, has not had a ~~any~~  
950 civil, criminal, or administrative action instituted against the  
951 seller of travel in the vacation and travel business by a ~~any~~  
952 governmental agency or an ~~any~~ action involving fraud, theft,  
953 misappropriation of property, violation of a ~~any~~ statute  
954 pertaining to business or commerce with a ~~any~~ terrorist state,  
955 or moral turpitude, and has a satisfactory consumer complaint  
956 history with the department, and certifies its business  
957 activities under s. 559.9285. Such waiver may be revoked if the

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958 seller of travel violates ~~any provision of~~ this part. A seller  
959 of travel which ~~that~~ certifies its business activities under s.  
960 559.9285(1)(b) or (c) is not entitled to the waiver provided in  
961 this subsection.

962 Section 20. Effective January 1, 2015, paragraph (a) of  
963 subsection (4) of section 943.059, Florida Statutes, is amended  
964 to read:

965 943.059 Court-ordered sealing of criminal history records.—  
966 The courts of this state shall continue to have jurisdiction  
967 over their own procedures, including the maintenance, sealing,  
968 and correction of judicial records containing criminal history  
969 information to the extent such procedures are not inconsistent  
970 with the conditions, responsibilities, and duties established by  
971 this section. Any court of competent jurisdiction may order a  
972 criminal justice agency to seal the criminal history record of a  
973 minor or an adult who complies with the requirements of this  
974 section. The court shall not order a criminal justice agency to  
975 seal a criminal history record until the person seeking to seal  
976 a criminal history record has applied for and received a  
977 certificate of eligibility for sealing pursuant to subsection  
978 (2). A criminal history record that relates to a violation of s.  
979 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
980 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
981 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
982 916.1075, a violation enumerated in s. 907.041, or any violation  
983 specified as a predicate offense for registration as a sexual  
984 predator pursuant to s. 775.21, without regard to whether that  
985 offense alone is sufficient to require such registration, or for  
986 registration as a sexual offender pursuant to s. 943.0435, may

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987 not be sealed, without regard to whether adjudication was  
988 withheld, if the defendant was found guilty of or pled guilty or  
989 nolo contendere to the offense, or if the defendant, as a minor,  
990 was found to have committed or pled guilty or nolo contendere to  
991 committing the offense as a delinquent act. The court may only  
992 order sealing of a criminal history record pertaining to one  
993 arrest or one incident of alleged criminal activity, except as  
994 provided in this section. The court may, at its sole discretion,  
995 order the sealing of a criminal history record pertaining to  
996 more than one arrest if the additional arrests directly relate  
997 to the original arrest. If the court intends to order the  
998 sealing of records pertaining to such additional arrests, such  
999 intent must be specified in the order. A criminal justice agency  
1000 may not seal any record pertaining to such additional arrests if  
1001 the order to seal does not articulate the intention of the court  
1002 to seal records pertaining to more than one arrest. This section  
1003 does not prevent the court from ordering the sealing of only a  
1004 portion of a criminal history record pertaining to one arrest or  
1005 one incident of alleged criminal activity. Notwithstanding any  
1006 law to the contrary, a criminal justice agency may comply with  
1007 laws, court orders, and official requests of other jurisdictions  
1008 relating to sealing, correction, or confidential handling of  
1009 criminal history records or information derived therefrom. This  
1010 section does not confer any right to the sealing of any criminal  
1011 history record, and any request for sealing a criminal history  
1012 record may be denied at the sole discretion of the court.

1013 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
1014 history record of a minor or an adult which is ordered sealed by  
1015 a court of competent jurisdiction pursuant to this section is

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1016 confidential and exempt from the provisions of s. 119.07(1) and  
1017 s. 24(a), Art. I of the State Constitution and is available only  
1018 to the person who is the subject of the record, to the subject's  
1019 attorney, to criminal justice agencies for their respective  
1020 criminal justice purposes, which include conducting a criminal  
1021 history background check for approval of firearms purchases or  
1022 transfers as authorized by state or federal law, to judges in  
1023 the state courts system for the purpose of assisting them in  
1024 their case-related decisionmaking responsibilities, as set forth  
1025 in s. 943.053(5), or to those entities set forth in  
1026 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
1027 licensing, access authorization, and employment purposes.

1028 (a) The subject of a criminal history record sealed under  
1029 this section or under other provisions of law, including former  
1030 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
1031 deny or fail to acknowledge the arrests covered by the sealed  
1032 record, except when the subject of the record:

- 1033 1. Is a candidate for employment with a criminal justice  
1034 agency;
- 1035 2. Is a defendant in a criminal prosecution;
- 1036 3. Concurrently or subsequently petitions for relief under  
1037 this section, s. 943.0583, or s. 943.0585;
- 1038 4. Is a candidate for admission to The Florida Bar;
- 1039 5. Is seeking to be employed or licensed by or to contract  
1040 with the Department of Children and Families, the Division of  
1041 Vocational Rehabilitation within the Department of Education,  
1042 the Agency for Health Care Administration, the Agency for  
1043 Persons with Disabilities, the Department of Health, the  
1044 Department of Elderly Affairs, or the Department of Juvenile

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1045 Justice or to be employed or used by such contractor or licensee  
1046 in a sensitive position having direct contact with children, the  
1047 disabled, or the elderly;

1048 6. Is seeking to be employed or licensed by the Department  
1049 of Education, any district school board, any university  
1050 laboratory school, any charter school, any private or parochial  
1051 school, or any local governmental entity that licenses child  
1052 care facilities; ~~or~~

1053 7. Is attempting to purchase a firearm from a licensed  
1054 importer, licensed manufacturer, or licensed dealer and is  
1055 subject to a criminal history check under state or federal law;  
1056 or-

1057 8. Is seeking to be licensed by the Bureau of License  
1058 Issuance of the Division of Licensing within the Department of  
1059 Agriculture and Consumer Services to carry a concealed weapon or  
1060 concealed firearm. This exception applies only to the  
1061 determination of an applicant's eligibility in accordance with  
1062 s. 790.06.

1063 Section 21. Section 205.1969, Florida Statutes, is amended  
1064 to read:

1065 205.1969 Health studios; consumer protection.—A county or  
1066 municipality may not issue or renew a business tax receipt for  
1067 the operation of a health studio pursuant to ss. 501.012-501.019  
1068 ~~or ballroom dance studio pursuant to s. 501.143~~, unless such  
1069 business exhibits a current license, registration, or letter of  
1070 exemption from the Department of Agriculture and Consumer  
1071 Services.

1072 Section 22. Subsection (6) of section 501.015, Florida  
1073 Statutes, is amended to read:

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1074           501.015 Health studios; registration requirements and  
1075 fees.—Each health studio shall:

1076           (6) Be considered a new health studio and is ~~shall be~~  
1077 subject to the requirements of s. 501.016 each time the health  
1078 studio changes ownership or, in the case of corporate ownership,  
1079 each time the stock ownership is changed so as to effectively  
1080 put the health studio under new management or control,  
1081 notwithstanding s. 501.016(8) ~~the provisions of s. 501.016(6)~~. A  
1082 change of ownership does not occur within the meaning of this  
1083 subsection if:

1084           (a) Substantially the same stockholders form a new  
1085 corporate entity;

1086           (b) In the opinion of the department, the change does not  
1087 effectively place the health studio under new management and  
1088 control; and

1089           (c) The health studio has a satisfactory complaint history  
1090 with the department.

1091           Section 23. Except as otherwise expressly provided in this  
1092 act, this act shall take effect July 1, 2014.