

By the Committees on Appropriations; and Commerce and Tourism;  
and Senator Detert

576-04521-14

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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; amending s. 501.059, F.S.;  
33 prohibiting a telephone solicitor or a person from  
34 initiating an outbound telephone call to a consumer, a  
35 donor, or a potential donor under certain  
36 circumstances; repealing s. 501.143, F.S., relating to  
37 the Dance Studio Act; amending s. 501.603, F.S.;  
38 defining the term "novelty payment"; conforming a  
39 cross-reference; amending s. 501.611, F.S.; requiring  
40 the bond required of a commercial telephone seller to  
41 be in favor of the department for the use and benefit  
42 of a purchaser who is injured by specified acts;  
43 requiring that a claim against the bond be filed on a  
44 form affidavit adopted by rule of the department;  
45 providing procedures that a purchaser must follow in  
46 filing a claim against the bond or other form of  
47 security; providing for payment of indebtedness by the  
48 commercial telephone seller to the department;  
49 requiring the department to make demand on a surety if  
50 a commercial telephone seller fails to pay certain  
51 indebtedness within 30 days and providing a process;  
52 providing that attorney fees and costs must be awarded  
53 to the department in certain circumstances; conforming  
54 provisions to changes made by the act; amending s.  
55 501.616, F.S.; prohibiting a commercial telephone  
56 seller or salesperson from accepting a novelty  
57 payment; deleting a provision that prohibits a  
58 commercial telephone seller or salesperson from

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59 requiring payment to be made by credit card; amending  
60 s. 501.913, F.S.; providing that the registration  
61 certificate for each brand of antifreeze distributed  
62 in this state expires 1 year from the date of issue;  
63 amending s. 525.16, F.S.; requiring all previous fines  
64 to be disregarded if a new violation of provisions  
65 relating to gasoline and oil inspections has not  
66 occurred within 3 years after the date of a previous  
67 violation; creating s. 526.015, F.S., relating to  
68 lubricating oil standards and labeling requirements;  
69 prohibiting a person from selling, distributing, or  
70 offering for sale or distribution lubricating oil that  
71 does not meet specified standards or labeling  
72 requirements; requiring such noncompliant products to  
73 be placed under a stop-sale order and the lot  
74 identified and tagged by the department; prohibiting a  
75 person from selling, distributing, or offering for  
76 sale or distribution a product under stop-sale order;  
77 requiring the department to issue a release order  
78 under certain circumstances; repealing s. 526.50(6),  
79 F.S., relating to the definition of terms related to  
80 the sale of brake fluid; amending s. 526.51, F.S.;  
81 providing that a permit authorizing a registrant to  
82 sell brake fluid in this state is valid for a  
83 specified period from the date of issue; conforming  
84 provisions to changes made by the act; amending s.  
85 539.001, F.S.; requiring that a claim against the bond  
86 be filed on a form affidavit adopted by rule of the  
87 department; providing the procedure that a consumer

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88 must follow in filing a claim against a bond or other  
89 form of security filed with the department by a  
90 pawnbroker; providing for payment of indebtedness by  
91 the pawnbroker to the department; providing the  
92 procedure that a consumer must follow if the  
93 pawnbroker fails to make the payment; providing that  
94 the agency shall be awarded attorney fees and costs in  
95 certain circumstances; amending s. 559.929, F.S.;

96 requiring that a claim against the bond be filed on a  
97 form affidavit adopted by rule of the department;  
98 providing the procedure that a consumer must follow in  
99 filing a claim against a bond or other form of  
100 security filed with the department by a seller of  
101 travel; providing for payment of indebtedness by the  
102 seller of travel to the department; providing  
103 procedures that the agency must follow if the seller  
104 of travel fails to pay certain indebtedness within 30  
105 days and providing a process; providing that the  
106 agency shall be awarded attorney fees and costs in  
107 certain circumstances; amending s. 943.059, F.S.;

108 providing an exception relating to the acknowledgement  
109 of arrests covered by a sealed criminal history record  
110 for a person seeking to be licensed to carry a  
111 concealed weapon or concealed firearm; providing  
112 applicability; amending ss. 205.1969 and 501.015,  
113 F.S.; conforming cross-references; providing an  
114 appropriation; providing effective dates.

115  
116 Be It Enacted by the Legislature of the State of Florida:

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

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

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

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

2. If a legible set of fingerprints, as determined by the Department of Law Enforcement or the Federal Bureau of Investigation, cannot be obtained after two attempts, the Department of Agriculture and Consumer Services may determine the applicant's eligibility based on ~~upon~~ a criminal history record check under the applicant's name conducted by the Federal Bureau of Investigation ~~Department of Law Enforcement if the fingerprints are taken by a law enforcement agency or the department and the applicant submits a written statement signed by the fingerprint technician or a licensed physician stating that there is a physical condition that precludes obtaining a legible set of fingerprints or that the fingerprints taken are the best that can be obtained.~~

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146 Section 2. Paragraph (b) of subsection (3) of section  
147 493.6113, Florida Statutes, is amended to read:

148 493.6113 Renewal application for licensure.—

149 (3) Each licensee is responsible for renewing his or her  
150 license on or before its expiration by filing with the  
151 department an application for renewal accompanied by payment of  
152 the prescribed license fee.

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

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175 at the time of initial licensure and submit proof of having  
176 completed such training to the department before the license may  
177 ~~shall not be renewed unless the renewal applicant completes the~~  
178 ~~minimum number of hours of range and classroom training required~~  
179 ~~at the time of initial licensure.~~ The department may waive the  
180 firearms training requirement if:

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

186 2. The applicant provides proof that he or she is currently  
187 certified as a federal law enforcement officer and has received  
188 law enforcement firearms training administered by a federal law  
189 enforcement agency annually during the previous 2 years of the  
190 licensure period; or

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

195 Section 3. Subsection (6) of section 493.6115, Florida  
196 Statutes, is amended to read:

197 493.6115 Weapons and firearms.—

198 (6) In addition to any other firearm approved by the  
199 department, a licensee who has been issued a Class "G" license  
200 may carry a .38 caliber revolver; ~~or~~ a .380 caliber or 9  
201 millimeter semiautomatic pistol; ~~or~~ a .357 caliber revolver with  
202 .38 caliber ammunition only; a .40 caliber handgun; or a .45 ACP  
203 handgun while performing duties authorized under this chapter. A

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204 ~~No~~ licensee may not carry more than two firearms upon her or his  
205 person when performing her or his duties. A licensee may only  
206 carry a firearm of the specific type and caliber with which she  
207 or he is qualified pursuant to the firearms training described  
208 ~~referenced~~ in subsection (8) or s. 493.6113(3)(b).

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

211 493.6305 Uniforms, required wear; exceptions.—

212 (4) Class "D" licensees who are also Class "G" licensees  
213 and who are performing bodyguard or executive protection  
214 services may carry their authorized firearm concealed while  
215 wearing plain clothes as needed to provide contracted services  
216 to the client.

217 Section 5. Section 501.016, Florida Statutes, is amended to  
218 read:

219 501.016 Health studios; security requirements.—Each health  
220 studio that sells contracts for health studio services shall  
221 meet the following requirements:

222 (1) Each health studio shall maintain for each separate  
223 business location a bond issued by a surety company admitted to  
224 do business in this state. The principal sum of the bond must  
225 ~~shall~~ be \$25,000, and the bond, when required, must ~~shall~~ be  
226 obtained before a business tax receipt may be issued under  
227 chapter 205. Upon issuance of a business tax receipt, the  
228 licensing authority shall immediately notify the department of  
229 such issuance in a manner established by the department by rule.  
230 The bond must ~~shall~~ be in favor of the department ~~state~~ for the  
231 benefit of any person injured as a result of a violation of ss.  
232 501.012-501.019. Liability for such injuries may be determined



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233 in an administrative proceeding of the department pursuant to  
234 chapter 120 or through a civil action. However, claims against  
235 the bond or certificate of deposit may be paid, in amounts up to  
236 the determined liability for such injuries, only by order of the  
237 department in an administrative proceeding pursuant to chapter  
238 120. The aggregate liability of the surety to all persons for  
239 all breaches of the conditions of the bonds provided by this  
240 section may not herein shall in no event exceed the amount of  
241 the bond. The original surety bond required by this section  
242 shall be filed with the department on a form adopted by  
243 department rule.

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

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

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

251  
252 The original letter of credit or certificate of deposit  
253 submitted in lieu of the bond shall be filed with the  
254 department. The department shall decide whether the security  
255 furnished in lieu of bond by the health studio complies ~~is in~~  
256 ~~compliance~~ with the requirements of this section.

257 (3) A consumer may file a claim against the bond or other  
258 form of security. Such claim must be submitted to the department  
259 in writing on a form affidavit approved by department rule  
260 within 120 days after an alleged injury has occurred or is  
261 discovered to have occurred or a judgment has been entered. The

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262 proceedings shall be conducted in accordance with chapter 120.  
263 For proceedings conducted under ss. 120.569 and 120.57, the  
264 department may act only as a nominal party.

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

278 (5)~~(3)~~ A health studio that ~~which~~ sells contracts for  
279 future health studio services and ~~which~~ collects direct payment  
280 on a monthly basis for those services ~~is~~ shall be exempt from  
281 the security requirements of subsections (1) and (2) ~~if provided~~  
282 ~~that~~ any service fee charged is a reasonable and fair ~~service~~  
283 ~~fee.~~ The number of monthly payments in such a contract ~~must~~  
284 ~~shall~~ be equal to the number of months in the contract. The  
285 contract ~~must~~ ~~shall~~ conform to all the requirements for future  
286 health studio services contracts ~~as~~ specified in ss. 501.012-  
287 501.019 and ~~must~~ ~~shall~~ specify in the terms of the contract the  
288 charges to be assessed for those health studio services.

289 (6)~~(4)~~ If the health studio furnishes the department with  
290 evidence satisfactory to the department that the aggregate

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291 dollar amount of all current outstanding contracts of the health  
292 studio is less than \$5,000, the department may, ~~at its~~  
293 ~~discretion,~~ reduce the principal amount of the surety bond or  
294 other sufficient financial responsibility required in  
295 subsections (1) and (2) to a sum of at least ~~not less than~~  
296 \$10,000. However, at any time the aggregate dollar amount of  
297 such contracts exceeds \$5,000, the health studio shall ~~se~~ notify  
298 the department and shall ~~thereupon~~ provide the bond or other  
299 documentation as required in subsections (1) and (2). Health  
300 studios whose bonds have been reduced shall ~~must~~ provide the  
301 department with an annually updated list of members. ~~Failure to~~  
302 ~~file an annual report will result in~~ The department shall  
303 increase ~~raising~~ the security requirement to \$25,000 for a  
304 health studio that fails to file an annual report.

305 (7) ~~(5)~~ Each health studio shall furnish the department with  
306 a copy of the escrow account which would contain all funds  
307 received for future consumer services, whether provided under ~~by~~  
308 contract or otherwise, sold before ~~prior to~~ the business  
309 location's full operation and specify a date certain for  
310 opening, if such an escrow account is established.

311 (8) ~~(6)~~ Subsections (1) and (2) do ~~shall~~ not apply to a  
312 health studio that has been operating in compliance with ss.  
313 501.012-501.019 and rules adopted thereunder, ~~continuously~~ under  
314 the same ownership and control, continuously for the most recent  
315 5-year period; ~~in compliance with ss. 501.012-501.019 and the~~  
316 ~~rules adopted thereunder and~~ that has not had any civil,  
317 criminal, or administrative adjudication against it by any state  
318 or federal agency; and that has a satisfactory consumer  
319 complaint history. As used in this subsection, the term

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320 "satisfactory consumer complaint history" means that there are  
321 no unresolved consumer complaints regarding the health studio  
322 ~~are~~ on file with the department. A consumer complaint is  
323 unresolved if a health studio has not responded to the  
324 department's efforts to mediate the complaint or if there has  
325 been an adjudication that the health studio has violated ss.  
326 501.012-501.019 or the rules adopted thereunder. Such exemption  
327 extends to all current and future business locations of an  
328 exempt health studio.

329 (9)~~(7)~~ This section does not apply to a business, otherwise  
330 defined as a health studio, which sells a single contract of 30  
331 days or less to a ~~any~~ member without any option for renewal or  
332 any other condition that ~~which~~ establishes any right in the  
333 member beyond the term of such contract ~~is exempt from the~~  
334 ~~provisions of this section.~~ However, this exemption does ~~shall~~  
335 not apply if the business offers any other health studio  
336 contract, regardless of whatever duration, at any time before or  
337 ~~during or prior to~~ the existence of such single contract of 30  
338 days or less.

339 (10)~~(8)~~ Except in the case of a natural disaster or an act  
340 of God, a health studio that is exempt from the requirements of  
341 subsections (1) and (2), but does not have any ~~that has no~~  
342 business locations open for 14 consecutive days, waives its  
343 exemption and is considered to be a new health studio for the  
344 purposes of ss. 501.012-501.019.

345 Section 6. Subsection (5) of section 501.059, Florida  
346 Statutes, is amended to read:

347 501.059 Telephone solicitation.—

348 (5) A telephone solicitor or person may not initiate an

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349 outbound telephone call to a consumer, donor, or potential donor  
350 who has previously communicated to the telephone solicitor or  
351 person that he or she does not wish to receive an outbound  
352 telephone call:

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

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

357 Section 7. Section 501.143, Florida Statutes, is repealed.

358 Section 8. Present subsections (8) through (11) of section  
359 501.603, Florida Statutes, are redesignated as subsections (9)  
360 through (12), respectively, a new subsection (8) is added to  
361 that section, and subsection (2) of that section is amended, to  
362 read:

363 501.603 Definitions.—As used in this part, unless the  
364 context otherwise requires, the term:

365 (2) "Commercial telephone seller" means a person who  
366 engages in commercial telephone solicitation on his or her own  
367 behalf or through salespersons. ~~The term, except that a~~  
368 ~~commercial telephone seller~~ does not include a salesperson as  
369 defined in subsection (11) or a person or entity operating under  
370 a valid affidavit of exemption filed with the department  
371 according to s. 501.608(1)(b) or exempted from this part by s.  
372 501.604. ~~The term A commercial telephone seller does not include~~  
373 ~~a salesperson as defined in subsection (10). A commercial~~  
374 ~~telephone seller~~ includes, but is not limited to, owners,  
375 operators, officers, directors, partners, or other individuals  
376 engaged in the management activities of a business entity  
377 pursuant to this part.

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

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

385       (b) A remotely created payment order, which is a payment  
386 instruction or order drawn on a person's account which is  
387 initiated or created by the payee and which does not bear the  
388 signature of the person on whose account the order is drawn and  
389 which is cleared through the check clearing system.

390       (c) A cash-to-cash money transfer, which is the electronic  
391 transfer of the value of cash received from one person to  
392 another person in a different location which is sent by a money  
393 transfer provider and received in the form of cash. As used in  
394 this paragraph, the term "money transfer provider" means a  
395 person or financial institution that provides cash-to-cash money  
396 transfers for a person in the normal course of business,  
397 regardless of whether the person holds an account with such  
398 person or financial institution.

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

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407 Section 9. Section 501.611, Florida Statutes, is amended to  
408 read:

409 501.611 Security.—

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

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

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

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

421 (2) The amount of the bond, letter of credit, or  
422 certificate of deposit must be a minimum of \$50,000, and the  
423 bond, letter of credit, or certificate of deposit must be in  
424 favor of the department for the use and benefit of any purchaser  
425 who is injured by the fraud, misrepresentation, breach of  
426 contract, financial failure, or violation of this part by the  
427 applicant ~~must be conditioned upon compliance by the applicant~~  
428 ~~with the provisions of this part.~~ The department may, at its  
429 discretion, establish a bond of a greater amount to ensure the  
430 general welfare of the public and the interests of the  
431 telemarketing industry.

432 (3) The bond shall be posted with the department on a form  
433 adopted by ~~and shall remain in force throughout the period of~~  
434 ~~licensure with the department~~ rule and shall remain in force  
435 throughout the period of licensure.

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436 (4) The department or a ~~any~~ governmental agency, on behalf  
437 of an ~~any~~ injured purchaser or a ~~any~~ purchaser herself or  
438 himself who is injured by ~~the bankruptcy of the applicant or her~~  
439 ~~or his breach of any agreement entered into in her or his~~  
440 ~~capacity as a licensee~~, may bring and maintain an action to  
441 recover against the bond, letter of credit, or certificate of  
442 deposit.

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

451 (6) The commercial telephone seller shall pay to the  
452 department for distribution to the consumer any indebtedness  
453 determined by final order of the department within 30 days after  
454 the order is entered. If the commercial telephone seller fails  
455 to make timely payment, the department shall make demand upon  
456 the surety, which may include an institution issuing a letter of  
457 credit or depository on a certificate of deposit. If a surety  
458 fails to comply with a demand for payment issued pursuant to a  
459 final order, the department may file an action in circuit court  
460 pursuant to s. 120.69 to recover payment up to the amount of the  
461 bond or other form of security. If the court affirms the  
462 department's demand for payment from the surety, the department  
463 shall be awarded all court costs and reasonable attorney fees.

464 Section 10. Section 501.616, Florida Statutes, is amended



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465 to read:

466 501.616 Unlawful acts and practices.—

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

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

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

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

481 (5) ~~A It shall be unlawful for any~~ salesperson or  
482 commercial telephone seller may not ~~to~~ otherwise violate ~~the~~  
483 ~~provisions of this part.~~

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

488 (7) ~~A It shall be unlawful for any~~ commercial telephone  
489 seller or salesperson making a commercial telephone solicitation  
490 call may not intentionally act ~~telephonic solicitations to take~~  
491 ~~any intentional action~~ to prevent transmission of the telephone  
492 solicitor's name or telephone number to the party called when  
493 the equipment or service used by the telephone solicitor is

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494 capable of creating and transmitting the telephone solicitor's  
495 name or telephone number.

496 Section 11. Subsection (1) of section 501.913, Florida  
497 Statutes, is amended to read:

498 501.913 Registration.—

499 (1) Each brand of antifreeze to be distributed in this  
500 state shall be registered with the department before  
501 distribution. The person whose name appears on the label, the  
502 manufacturer, or the packager shall make application annually to  
503 the department on forms provided by the department ~~no later than~~  
504 ~~July 1 of each year.~~ The registration certificate expires 1 year  
505 from the date of issue. The registrant assumes, by application  
506 to register the brand, full responsibility for the registration  
507 and the~~7~~ quality~~7~~ and quantity of the product sold, offered, or  
508 exposed for sale in this state. If a registered brand is not in  
509 production for distribution in this state, ~~and~~ to ensure any  
510 remaining product that is still available for sale in this ~~the~~  
511 state is properly registered, the registrant must submit a  
512 notarized affidavit on company letterhead to the department  
513 certifying that:

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

515 (b) The stated brand will not be distributed in this state;  
516 and

517 (c) All existing product of the stated brand will be  
518 removed by the registrant from the state within 30 days after  
519 expiration of the registration or the registrant will reregister  
520 the brand for two subsequent registration periods.

521  
522 If production resumes, the brand must be reregistered before it

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523 is distributed in this state.

524 Section 12. Paragraph (b) of subsection (1) of section  
525 525.16, Florida Statutes, is amended to read:

526 525.16 Administrative fine; penalties; prosecution of cases  
527 by state attorney.—

528 (1)

529 (b) If ~~a, 3 years after the day of issuance of the last~~  
530 ~~stop-sale order for a violation under this chapter, no new~~  
531 violation does not occur has occurred at the same location while  
532 the business is under the same during the proprietorship within  
533 3 years after the date of issuance of the last previous stop-  
534 sale order of the same person, all previous fines shall be  
535 disregarded when administering a fine for a new the next  
536 violation.

537 Section 13. Section 526.015, Florida Statutes, is created  
538 to read:

539 526.015 Lubricating oil standards; labeling requirements.—

540 (1) A person may not sell or distribute, or offer for sale  
541 or distribution, a lubricating oil that fails to meet a quality  
542 standard, such as those established by the Society of Automotive  
543 Engineers or other similar standard, or a labeling requirement  
544 designed to prevent deceptive or misleading practices as adopted  
545 by rule of the department.

546 (2) A product that fails to meet a standard or labeling  
547 requirement adopted by rule of the department shall be placed  
548 under a stop-sale order by the department, and the lot number of  
549 the product shall be identified and tagged by the department to  
550 prevent its sale.

551 (3) A person may not sell or distribute, or offer for sale

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552 or distribution, a product that has been placed under a stop-  
553 sale order.

554 (4) If a product is made to conform to standards and  
555 labeling requirements or is removed from the premises in a  
556 manner approved by the department, the department shall issue a  
557 release order.

558 Section 14. Subsection (6) of section 526.50, Florida  
559 Statutes, is repealed.

560 Section 15. Subsection (1) of section 526.51, Florida  
561 Statutes, is amended to read:

562 526.51 Registration; renewal and fees; departmental  
563 expenses; cancellation or refusal to issue or renew.—

564 (1) (a) Application for registration of each brand of brake  
565 fluid shall be made on forms supplied by the department. The  
566 applicant shall provide ~~give~~ his or her name and address, and  
567 the brand name of the brake fluid, the state in which ~~that~~ he or  
568 she owns the brand name and has complete control over the  
569 product sold thereunder in this state, and ~~provide~~ the name and  
570 address of the resident agent in this state. If the applicant  
571 does not own the brand name but wishes to register the product  
572 with the department, a notarized affidavit that gives the  
573 applicant full authorization to register the brand name, which  
574 must be ~~and that is~~ signed by the owner of the brand name, must  
575 accompany the application for registration. The affidavit must  
576 include all affected brand names, the owner's company or  
577 corporate name and address, the applicant's company or corporate  
578 name and address, and a statement from the owner authorizing the  
579 applicant to register the product with the department. The owner  
580 of the brand name shall maintain complete control over each

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581 product sold under that brand name in this state. All first-time  
582 applications for a brand and formula combination must be  
583 accompanied by a certified report from an independent testing  
584 laboratory, setting forth the analysis of the brake fluid which  
585 shows its quality meets ~~to be not less than~~ the minimum  
586 specifications established by the department for brake fluids. A  
587 sample of at least ~~not less than~~ 24 fluid ounces of brake fluid  
588 shall be submitted, in a container with a label printed in the  
589 same manner that it ~~or containers, with labels representing~~  
590 ~~exactly how the containers of brake fluid~~ will be labeled when  
591 sold, and the sample and container shall be analyzed and  
592 inspected by the department in order to verify ~~that~~ compliance  
593 with the department's specifications and labeling requirements  
594 ~~may be verified~~. Upon approval of the application, the  
595 department shall register the brand name of the brake fluid and  
596 issue to the applicant a permit, valid for 1 year from the date  
597 of issue, authorizing the registrant to sell the brake fluid in  
598 this state ~~during the permit year specified in the permit~~.

599 (b) An ~~Each~~ applicant shall pay a fee of \$100 with each  
600 application. A permit may be renewed by application to the  
601 department, accompanied by a renewal fee of \$50, on or before  
602 the expiration of the previously issued ~~last day of the permit~~  
603 ~~year immediately preceding the permit year for which application~~  
604 ~~is made for renewal of registration~~. To reregister a previously  
605 registered brand and formula combination, an applicant must  
606 submit a completed application and all materials as required in  
607 this section to the department before the expiration of the  
608 previously issued ~~first day of the permit year~~. A brand and  
609 formula combination for which a completed application and all

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610 materials required in this section are not received before the  
611 expiration of the previously issued ~~first day of the permit year~~  
612 may not be registered with the department until a completed  
613 application and all materials required in this section have been  
614 received and approved. If the brand and formula combination was  
615 previously registered with the department and a fee,  
616 application, or materials required in this section are received  
617 after the expiration of the previously issued ~~first day of the~~  
618 ~~permit year~~, a penalty of \$25 ~~accrues, which~~ shall be added to  
619 the fee. Renewals shall be accepted only on brake fluids that do  
620 not have a ~~no~~ change in formula, composition, or brand name. A  
621 ~~Any~~ change in formula, composition, or brand name of a any brake  
622 fluid constitutes a new product that must be registered in  
623 accordance with this part.

624 (c) If a registered brand and formula combination is no  
625 longer in production for distribution in this state, in order to  
626 ensure that any remaining product still available for sale in  
627 this state is properly registered, ~~if a registered brand and~~  
628 ~~formula combination is no longer in production for distribution~~  
629 ~~in this state,~~ the registrant must submit a notarized affidavit  
630 on company letterhead to the department certifying that:

631 1. The stated brand and formula combination is no longer in  
632 production;

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

635 3. Either all existing product of the stated brand and  
636 formula combination will be removed by the registrant from the  
637 state within 30 days after the expiration of the registration or  
638 that the registrant will reregister the brand and formula

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639 combination for 2 ~~two~~ subsequent years ~~registration periods~~.

640

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

643 Section 16. Paragraph (a) of subsection (4) and paragraphs  
644 (b) and (d) of subsection (7) of section 539.001, Florida  
645 Statutes, are amended to read:

646 539.001 The Florida Pawnbroking Act.—

647 (4) ELIGIBILITY FOR LICENSE.—

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

650 1. Be of good moral character;

651 2. Have a net worth of at least \$50,000 or file with the  
652 agency a bond,  issued by a surety company qualified to do  
653 business in this state, in the amount of \$10,000 for each  
654 license. In lieu of the bond required in this section, the  
655 applicant may establish a certificate of deposit or an  
656 irrevocable letter of credit in a Florida banking institution in  
657 the amount of the bond. The original bond, certificate of  
658 deposit, or letter of credit shall be filed with the agency on a  
659 form adopted by agency rule, and the agency shall be the  
660 beneficiary to said document. The bond, certificate of deposit,  
661 or letter of credit must ~~shall~~ be in favor of the agency for the  
662 use and benefit of any consumer who is injured by the fraud,  
663 misrepresentation, breach of contract, financial failure, or  
664 violation of ~~any provision of~~ this section by the pawnbroker.  
665 Such liability may be enforced either by proceeding in an  
666 administrative action or by filing a judicial suit at law ~~in a~~  
667 ~~court of competent jurisdiction~~. However, in such court suit,

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668 the bond, certificate of deposit, or letter of credit posted  
669 with the agency may ~~shall~~ not be amenable or subject to any  
670 judgment or other legal process issuing out of or from such  
671 court in connection with such lawsuit, but such bond,  
672 certificate of deposit, or letter of credit shall be amenable to  
673 and enforceable only by and through administrative proceedings  
674 before the agency. It is the intent of the Legislature that such  
675 bond, certificate of deposit, or letter of credit ~~shall~~ be  
676 applicable and liable only for the payment of claims duly  
677 adjudicated by order of the agency. The bond, certificate of  
678 deposit, or letter of credit shall be payable on a pro rata  
679 basis as determined by the agency, but the aggregate amount may  
680 not exceed the amount of the bond, certificate of deposit, or  
681 letter of credit. A consumer may file a claim against the bond,  
682 certificate of deposit, or letter of credit. Such claim must be  
683 submitted in writing to the agency on a form affidavit approved  
684 by agency rule within 120 days after an alleged injury has  
685 occurred or is discovered to have occurred or a judgment has  
686 been entered. The proceedings shall be conducted in accordance  
687 with chapter 120. For proceedings conducted under ss. 120.569  
688 and 120.57, the agency may act only as a nominal party. The  
689 pawnbroker shall pay to the agency for distribution to the  
690 consumer any indebtedness determined by final order of the  
691 agency within 30 days after the order is entered. If the  
692 pawnbroker fails to make timely payment, the agency shall make  
693 demand upon the surety, which includes an institution issuing a  
694 letter of credit or depository on a certificate of deposit. If a  
695 surety fails to comply with a demand for payment pursuant to a  
696 final order, the agency may file an action pursuant to s. 120.69



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697 in circuit court to recover payment, up to the amount of the  
698 bond or other form of security. If the agency is successful and  
699 the court affirms the agency's demand for payment from the  
700 surety, the agency shall be awarded all court costs and  
701 reasonable attorney fees;

702 3. Not have been convicted of, or found guilty of, or pled  
703 guilty or nolo contendere to, or not have been incarcerated  
704 within the last 10 years as a result of having previously been  
705 convicted of, or found guilty of, or pled guilty or nolo  
706 contendere to, regardless of adjudication, a felony within the  
707 last 10 years and not be acting as a beneficial owner for  
708 someone who has been convicted of, or found guilty of, or pled  
709 guilty or nolo contendere to, regardless of adjudication, a  
710 felony within the last 10 years; and

711 4. Not have been convicted of, or found guilty of, or pled  
712 guilty or nolo contendere to, or not have been incarcerated  
713 within the last 10 years as a result of having previously been  
714 convicted of, or found guilty of, or pled guilty or nolo  
715 contendere to, regardless of adjudication, a crime that involves  
716 theft, larceny, dealing in stolen property, receiving stolen  
717 property, burglary, embezzlement, obtaining property by false  
718 pretenses, possession of altered property, or any other  
719 fraudulent or dishonest dealing within the last 10 years, and  
720 not be acting as a beneficial owner for someone who has been  
721 convicted, of, or found guilty of, or pled guilty or nolo  
722 contendere to, or has been incarcerated within the last 10 years  
723 as a result of having previously been convicted of, or found  
724 guilty of, or pled guilty or nolo contendere to, regardless of  
725 adjudication, a crime that involves theft, larceny, dealing in

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726 stolen property, receiving stolen property, burglary,  
727 embezzlement, obtaining property by false pretenses, possession  
728 of altered property, or any other fraudulent or dishonest  
729 dealing within the last 10 years.

730 (7) ORDERS IMPOSING PENALTIES.—

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

733 1. Issuing a notice of noncompliance pursuant to s.  
734 120.695.

735 2. Imposing an administrative fine of up to ~~not to exceed~~  
736 \$5,000 for each act that ~~which~~ constitutes a violation of this  
737 section, ~~or~~ a rule, or an order.

738 3. Directing that the pawnbroker cease and desist specified  
739 activities.

740 4. Refusing to license or revoking or suspending a license.

741 5. Placing the licensee on probation for a period of time,  
742 subject to such conditions as the agency may specify.

743 (d)1. ~~When the agency,~~ If a violation of this section  
744 occurs and the agency has reasonable cause to believe that a  
745 person is operating in violation of this section, ~~has reasonable~~  
746 ~~cause to believe that a person is operating in violation of this~~  
747 ~~section,~~ the agency may bring a civil action in the appropriate  
748 court for temporary or permanent injunctive relief and may seek  
749 other appropriate civil relief, including a civil penalty of up  
750 to ~~not to exceed~~ \$5,000 for each violation, restitution and  
751 damages for injured customers, court costs, and reasonable  
752 attorney ~~attorney's~~ fees.

753 2. The agency may terminate an ~~any~~ investigation or action  
754 upon agreement by the offender to pay a stipulated civil

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755 penalty, to make restitution or pay damages to customers, or to  
756 satisfy any other relief authorized in this section ~~herein~~ and  
757 requested by the agency.

758 Section 17. Section 559.929, Florida Statutes, is amended  
759 to read:

760 559.929 Security requirements.—

761 (1) An application must be accompanied by a performance  
762 bond in an amount set by the department under paragraph (a),  
763 paragraph (b), or paragraph (c). The surety on such bond must  
764 ~~shall~~ be a surety company authorized to do business in the  
765 state.

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

771 (b) Each seller of travel which ~~that~~ certifies its business  
772 activities under s. 559.9285(1)(b) shall provide a performance  
773 bond in an amount up to ~~not to exceed~~ \$100,000, or in the amount  
774 of \$150,000 if the seller of travel is offering vacation  
775 certificates.

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

781 (2) The bond must ~~shall~~ be in favor of the department on a  
782 form adopted by rule of the department for the use and benefit  
783 of a ~~any~~ traveler who is injured by the fraud,

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784 misrepresentation, breach of contract, financial failure, or  
785 violation ~~of any provision~~ of this part by the seller of travel.  
786 Such liability may be enforced either by proceeding in an  
787 administrative action as specified in subsection (3) or by  
788 filing a judicial suit at law ~~in a court of competent~~  
789 ~~jurisdiction~~. However, in such court suit the bond posted with  
790 the department shall not be amenable or subject to any judgment  
791 or other legal process issuing out of or from such court in  
792 connection with such lawsuit, but such bond shall be amenable to  
793 and enforceable only by and through administrative proceedings  
794 before the department. It is the intent of the Legislature that  
795 such bond is ~~shall be~~ applicable and liable only for the payment  
796 of claims duly adjudicated by order of the department. The bond  
797 must ~~shall~~ be open to successive claims, but the aggregate  
798 amount awarded may not exceed the amount of the bond. In  
799 addition to the foregoing, a bond provided by a registrant or  
800 applicant for registration which certifies its business  
801 activities under s. 559.9285(1)(b) or (c) must ~~shall~~ be in favor  
802 of the department, with payment in the following order of  
803 priority:

804 (a) All expenses for prosecuting the registrant or  
805 applicant in an ~~any~~ administrative or civil action under this  
806 part, including attorney fees ~~for attorneys~~ and fees for other  
807 professionals, court costs or other costs of the proceedings,  
808 and all other expenses incidental to the action.

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

812 (c) An ~~Any~~ unpaid administrative fine imposed by final

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813 order or an ~~any~~ unpaid civil penalty imposed by final judgment  
814 under this part.

815 (d) Damages or compensation for a ~~any~~ traveler injured as  
816 provided in this subsection.

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

825 (4) Any indebtedness determined by final order of the  
826 department must be paid by the seller of travel to the  
827 department within 30 days after the order is entered, for  
828 distribution to the traveler. If the seller of travel fails to  
829 make payment within the 30 days, the department shall make  
830 demand upon the surety, which includes an institution issuing a  
831 letter of credit or depository on a certificate of deposit. Upon  
832 failure of a surety to comply with a demand for payment pursuant  
833 to a final order, the department may file an action in circuit  
834 court to recover payment, up to the amount of the bond or other  
835 form of security pursuant to s. 120.69. If the department is  
836 successful and the court affirms the department's demand for  
837 payment from the surety, the department shall be allowed all  
838 court costs incurred and reasonable attorney fees to be fixed  
839 and collected as a part of the costs of the suit.

840 (5) ~~(4)~~ If ~~In any situation in which~~ the seller of travel is  
841 currently the subject of an administrative, civil, or criminal

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842 action by the department, the Department of Legal Affairs, or  
843 the state attorney relating to ~~concerning~~ compliance with this  
844 part, the right to proceed against the bond as provided in  
845 subsection (3) is ~~shall be~~ suspended until ~~after~~ any enforcement  
846 action becomes final.

847 (6) ~~(5)~~ The department may waive the bond requirement on an  
848 annual basis if the seller of travel has had 5 or more  
849 consecutive years of experience as a seller of travel in this  
850 state ~~Florida~~ in compliance with this part, has not had a ~~any~~  
851 civil, criminal, or administrative action instituted against the  
852 seller of travel in the vacation and travel business by a ~~any~~  
853 governmental agency or an ~~any~~ action involving fraud, theft,  
854 misappropriation of property, violation of a ~~any~~ statute  
855 pertaining to business or commerce with a ~~any~~ terrorist state,  
856 or moral turpitude, and has a satisfactory consumer complaint  
857 history with the department, and certifies its business  
858 activities under s. 559.9285. Such waiver may be revoked if the  
859 seller of travel violates ~~any provision of~~ this part. A seller  
860 of travel which ~~that~~ certifies its business activities under s.  
861 559.9285(1)(b) or (c) is not entitled to the waiver provided in  
862 this subsection.

863 Section 18. Effective January 1, 2015, paragraph (a) of  
864 subsection (4) of section 943.059, Florida Statutes, is amended  
865 to read:

866 943.059 Court-ordered sealing of criminal history records.—  
867 The courts of this state shall continue to have jurisdiction  
868 over their own procedures, including the maintenance, sealing,  
869 and correction of judicial records containing criminal history  
870 information to the extent such procedures are not inconsistent

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871 with the conditions, responsibilities, and duties established by  
872 this section. Any court of competent jurisdiction may order a  
873 criminal justice agency to seal the criminal history record of a  
874 minor or an adult who complies with the requirements of this  
875 section. The court shall not order a criminal justice agency to  
876 seal a criminal history record until the person seeking to seal  
877 a criminal history record has applied for and received a  
878 certificate of eligibility for sealing pursuant to subsection  
879 (2). A criminal history record that relates to a violation of s.  
880 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.  
881 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter  
882 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.  
883 916.1075, a violation enumerated in s. 907.041, or any violation  
884 specified as a predicate offense for registration as a sexual  
885 predator pursuant to s. 775.21, without regard to whether that  
886 offense alone is sufficient to require such registration, or for  
887 registration as a sexual offender pursuant to s. 943.0435, may  
888 not be sealed, without regard to whether adjudication was  
889 withheld, if the defendant was found guilty of or pled guilty or  
890 nolo contendere to the offense, or if the defendant, as a minor,  
891 was found to have committed or pled guilty or nolo contendere to  
892 committing the offense as a delinquent act. The court may only  
893 order sealing of a criminal history record pertaining to one  
894 arrest or one incident of alleged criminal activity, except as  
895 provided in this section. The court may, at its sole discretion,  
896 order the sealing of a criminal history record pertaining to  
897 more than one arrest if the additional arrests directly relate  
898 to the original arrest. If the court intends to order the  
899 sealing of records pertaining to such additional arrests, such

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900 intent must be specified in the order. A criminal justice agency  
901 may not seal any record pertaining to such additional arrests if  
902 the order to seal does not articulate the intention of the court  
903 to seal records pertaining to more than one arrest. This section  
904 does not prevent the court from ordering the sealing of only a  
905 portion of a criminal history record pertaining to one arrest or  
906 one incident of alleged criminal activity. Notwithstanding any  
907 law to the contrary, a criminal justice agency may comply with  
908 laws, court orders, and official requests of other jurisdictions  
909 relating to sealing, correction, or confidential handling of  
910 criminal history records or information derived therefrom. This  
911 section does not confer any right to the sealing of any criminal  
912 history record, and any request for sealing a criminal history  
913 record may be denied at the sole discretion of the court.

914 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal  
915 history record of a minor or an adult which is ordered sealed by  
916 a court of competent jurisdiction pursuant to this section is  
917 confidential and exempt from the provisions of s. 119.07(1) and  
918 s. 24(a), Art. I of the State Constitution and is available only  
919 to the person who is the subject of the record, to the subject's  
920 attorney, to criminal justice agencies for their respective  
921 criminal justice purposes, which include conducting a criminal  
922 history background check for approval of firearms purchases or  
923 transfers as authorized by state or federal law, to judges in  
924 the state courts system for the purpose of assisting them in  
925 their case-related decisionmaking responsibilities, as set forth  
926 in s. 943.053(5), or to those entities set forth in  
927 subparagraphs (a)1., 4., 5., 6., and 8. for their respective  
928 licensing, access authorization, and employment purposes.



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929 (a) The subject of a criminal history record sealed under  
930 this section or under other provisions of law, including former  
931 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully  
932 deny or fail to acknowledge the arrests covered by the sealed  
933 record, except when the subject of the record:

934 1. Is a candidate for employment with a criminal justice  
935 agency;

936 2. Is a defendant in a criminal prosecution;

937 3. Concurrently or subsequently petitions for relief under  
938 this section, s. 943.0583, or s. 943.0585;

939 4. Is a candidate for admission to The Florida Bar;

940 5. Is seeking to be employed or licensed by or to contract  
941 with the Department of Children and Families, the Division of  
942 Vocational Rehabilitation within the Department of Education,  
943 the Agency for Health Care Administration, the Agency for  
944 Persons with Disabilities, the Department of Health, the  
945 Department of Elderly Affairs, or the Department of Juvenile  
946 Justice or to be employed or used by such contractor or licensee  
947 in a sensitive position having direct contact with children, the  
948 disabled, or the elderly;

949 6. Is seeking to be employed or licensed by the Department  
950 of Education, any district school board, any university  
951 laboratory school, any charter school, any private or parochial  
952 school, or any local governmental entity that licenses child  
953 care facilities; ~~or~~

954 7. Is attempting to purchase a firearm from a licensed  
955 importer, licensed manufacturer, or licensed dealer and is  
956 subject to a criminal history check under state or federal law;  
957 or-

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958       8. Is seeking to be licensed by the Bureau of License  
959 Issuance of the Division of Licensing within the Department of  
960 Agriculture and Consumer Services to carry a concealed weapon or  
961 concealed firearm. This exception applies only to the  
962 determination of an applicant's eligibility in accordance with  
963 s. 790.06.

964       Section 19. Section 205.1969, Florida Statutes, is amended  
965 to read:

966       205.1969 Health studios; consumer protection.—A county or  
967 municipality may not issue or renew a business tax receipt for  
968 the operation of a health studio pursuant to ss. 501.012-501.019  
969 ~~or ballroom dance studio pursuant to s. 501.143~~, unless such  
970 business exhibits a current license, registration, or letter of  
971 exemption from the Department of Agriculture and Consumer  
972 Services.

973       Section 20. Subsection (6) of section 501.015, Florida  
974 Statutes, is amended to read:

975       501.015 Health studios; registration requirements and  
976 fees.—Each health studio shall:

977       (6) Be considered a new health studio and is ~~shall be~~  
978 subject to the requirements of s. 501.016 each time the health  
979 studio changes ownership or, in the case of corporate ownership,  
980 each time the stock ownership is changed so as to effectively  
981 put the health studio under new management or control,  
982 notwithstanding s. 501.016(8) ~~the provisions of s. 501.016(6)~~. A  
983 change of ownership does not occur within the meaning of this  
984 subsection if:

985       (a) Substantially the same stockholders form a new  
986 corporate entity;

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987 (b) In the opinion of the department, the change does not  
988 effectively place the health studio under new management and  
989 control; and

990 (c) The health studio has a satisfactory complaint history  
991 with the department.

992 Section 21. For the 2014-2015 fiscal year, the sum of  
993 \$35,745 in nonrecurring funds is appropriated to the Department  
994 of Law Enforcement from the Operating Trust Fund for contracted  
995 services and operating capital outlay related to sealed criminal  
996 history records. To support this appropriation, funds in this  
997 amount shall be transferred from the Division of Licensing Trust  
998 Fund of the Department of Agriculture and Consumer Services to  
999 the Operating Trust Fund of the Department of Law Enforcement.

1000 Section 22. Except as otherwise expressly provided in this  
1001 act, this act shall take effect July 1, 2014.