

1 A bill to be entitled

2 An act relating to the Department of Agriculture and  
3 Consumer Services; amending s. 472.007, F.S.; revising  
4 the composition of the Board of Professional Surveyors  
5 and Mappers; amending s. 472.015, F.S.; requiring the  
6 Department of Agriculture and Consumer Services to  
7 waive the initial land surveying and mapping license  
8 fee for certain veterans, the spouses of such  
9 veterans, or certain business entities that have a  
10 majority ownership held by such veterans or spouses;  
11 amending s. 493.6105, F.S.; waiving the initial  
12 application fee for veterans for certain private  
13 investigative, private security, and repossession  
14 service licenses; revising certain fees for initial  
15 license applications; revising the submission  
16 requirements for a Class "K" license; amending s.  
17 493.6106, F.S.; deleting a provision requiring that  
18 certain applicants submit additional documentation  
19 establishing state residency; amending s. 493.6107,  
20 F.S.; waiving the initial license fees for veterans  
21 for certain private investigative, private security,  
22 and repossession service licenses; amending s.  
23 493.6108, F.S.; requiring the Department of Law  
24 Enforcement to retain fingerprints submitted for  
25 private investigative, private security, and  
26 repossession service licenses, to enter such

27 fingerprints into the statewide automated biometric  
28 identification system and the Federal Bureau of  
29 Investigation's national retained print arrest  
30 notification program, and to report any arrest record  
31 information to the Department of Agriculture and  
32 Consumer Services; requiring the department to provide  
33 information about an arrest of a licensee for certain  
34 crime within the state to the agency that employs the  
35 licensee; amending s. 493.6113, F.S.; clarifying the  
36 renewal requirements for Class "K" licenses; requiring  
37 a person holding a private investigative, private  
38 security, or repossession service license issued  
39 before a certain date to submit, upon first renewal of  
40 the license, a full set of fingerprints and a  
41 fingerprint processing fee; amending ss. 493.6202,  
42 493.6302, and 493.6402, F.S.; waiving initial license  
43 fees for veterans for certain private investigative,  
44 private security, and repossession service licenses;  
45 amending s. 501.0125, F.S.; revising the definition of  
46 the term "health studio"; defining the term "personal  
47 trainer"; amending s. 501.015, F.S.; requiring the  
48 department to waive the initial health studio  
49 registration fee for certain veterans, the spouses of  
50 such veterans, or certain business entities that have  
51 a majority ownership held by such veterans or spouses;  
52 amending s. 501.605, F.S.; prohibiting the use of a

53 mail drop as a street address for the principal  
54 location of a commercial telephone seller; requiring  
55 the department to waive the initial commercial  
56 telephone seller license fee for certain veterans, the  
57 spouses of such veterans, or certain business entities  
58 that have a majority ownership held by such veterans  
59 or spouses; amending s. 501.607, F.S.; requiring the  
60 department to waive the initial telephone salesperson  
61 license fees for certain veterans, the spouses of such  
62 veterans, or certain business entities that have a  
63 majority ownership held by such veterans or spouses;  
64 amending s. 507.03, F.S.; requiring the department to  
65 waive the initial registration fee for an intrastate  
66 mover for certain veterans, the spouses of such  
67 veterans, or certain business entities that have a  
68 majority ownership held by such veterans or spouses;  
69 amending s. 527.02, F.S.; requiring the department to  
70 waive the original liquefied petroleum gas license fee  
71 for certain veterans, the spouses of such veterans, or  
72 certain business entities that have a majority  
73 ownership held by such veterans or spouses; amending  
74 s. 527.021, F.S.; deleting a provision requiring a fee  
75 for registering transport vehicles; amending s.  
76 531.37, F.S.; revising the definition of the term  
77 "weights and measures"; amending s. 531.415, F.S.;

78 revising the fees for actual metrology laboratory

79 calibration and testing services; amending s. 531.60,  
80 F.S.; clarifying the applicability of permits for  
81 commercially operated or tested weights or measures  
82 instruments or devices; requiring a new permit  
83 application if a new owner acquires and moves an  
84 instrument or a device; requiring a business to notify  
85 the department of certain information under certain  
86 circumstances; deleting a provision authorizing the  
87 department to test weights and measures instruments or  
88 devices under certain circumstances; amending s.  
89 531.61, F.S.; clarifying provisions exempting certain  
90 instruments or devices from specified requirements;  
91 amending s. 531.62, F.S.; specifying that the  
92 commercial use permit fee is based upon the number and  
93 types of instruments or devices permitted; revising  
94 the expiration date of the commercial use permit;  
95 requiring annual and biennial commercial use permit  
96 renewals to meet the same requirements; amending s.  
97 531.63, F.S.; revising the commercial use permit fees  
98 and fee structures; amending s. 531.65, F.S.;  
99 clarifying that the department may use one or more of  
100 the prescribed penalties for the unauthorized use of a  
101 weights and measures instrument or device; amending s.  
102 539.001, F.S.; requiring the department to waive the  
103 initial pawnbroker license fee for certain veterans,  
104 the spouses of such veterans, or certain business

105 entities that have a majority ownership held by such  
106 veterans or spouses; amending s. 559.904, F.S.;  
107 requiring the department to waive the initial motor  
108 vehicle repair shop registration fee for certain  
109 veterans, the spouses of such veterans, or certain  
110 business entities that have a majority ownership held  
111 by such veterans or spouses; amending s. 559.917,  
112 F.S.; defining the terms "lienholder" and "lienor";  
113 revising provisions relating to the release of motor  
114 vehicles from specified liens claimed by motor vehicle  
115 repair shops; amending s. 559.927, F.S.; revising  
116 definitions; amending s. 559.928, F.S.; revising the  
117 registration requirements for sellers of travel;  
118 requiring the department to waive the initial seller  
119 of travel registration fee for certain veterans, the  
120 spouses of such veterans, or certain business entities  
121 that have a majority ownership held by such veterans  
122 or spouses; requiring each advertisement, each  
123 certificate, or any other travel document to include a  
124 specified phrase; deleting a provision requiring an  
125 advertisement to include a specified phrase; revising  
126 the circumstances under which the department may deny  
127 or refuse to renew a registration; authorizing the  
128 department to revoke the registration of a seller of  
129 travel under certain circumstances; amending s.  
130 559.929, F.S.; revising certain security requirements;

131 amending s. 559.9295, F.S.; revising the requirements  
132 that certain sellers of travel submit and disclose to  
133 the department; deleting provisions relating to the  
134 duties of the department; amending s. 559.932, F.S.;  
135 requiring a specified typeface point size for certain  
136 disclosures; requiring the department to review copies  
137 of certain certificates and contracts for compliance  
138 with disclosure requirements; amending s. 559.933,  
139 F.S.; making technical changes; amending s. 559.9335,  
140 F.S.; revising violations relating to the sale of  
141 travel; amending s. 559.935, F.S.; deleting a  
142 provision requiring an affidavit of exemption to  
143 obtain a seller of travel affiliate exemption; adding  
144 embezzlement as a crime for which the department may  
145 revoke certain exemptions; amending s. 559.936, F.S.;  
146 conforming cross-references; amending s. 616.242,  
147 F.S.; exempting water-related amusement rides operated  
148 by lodging and food service establishments and  
149 membership campgrounds, amusement rides at private,  
150 membership-only facilities, and nonprofit permanent  
151 facilities from certain safety standards; authorizing  
152 owners or managers of amusement rides to use  
153 alternative forms to record ride inspections and  
154 employee training; amending s. 713.585, F.S.; revising  
155 the timeframe for a motor vehicle repair shop to give  
156 certain notice to the owners of vehicles for which the

157 shop is a lienor; providing for owners of, or persons  
158 claiming an interest in or lien thereon, such vehicles  
159 to post bonds to recover the vehicles; directing the  
160 clerk of the court to issue certificates notifying  
161 lienors of the posting of such bonds; providing  
162 requirements for the release and recovery of such  
163 vehicles; providing for the award of certain damages;  
164 providing requirements for final orders issued by the  
165 court; amending s. 790.06, F.S.; revising the  
166 requirements for issuance of a concealed weapon or  
167 firearm license; requiring directions for expedited  
168 processing requests in the license application form;  
169 revising the initial and renewal fees for a concealed  
170 weapon or firearm license; providing a process for  
171 expediting applications for servicemembers and  
172 veterans; requiring that notice of the suspension or  
173 revocation of a concealed weapon or firearm license or  
174 the suspension of the processing of an application for  
175 such license be given by personal delivery or first-  
176 class mail; specifying deadlines for requests for a  
177 hearing for suspensions or revocations; specifying  
178 standards of proof for notice of suspensions or  
179 revocations; requiring concealed weapon or firearm  
180 license renewals to include an affidavit submitted  
181 under oath and under penalty of perjury, rather than a  
182 notarized affidavit; amending s. 790.0625, F.S.;

183 authorizing certain tax collector offices, upon  
 184 approval and confirmation of license issuance by the  
 185 department, to print and deliver concealed weapon or  
 186 firearm licenses; amending ss. 559.9285 and 559.937,  
 187 F.S.; conforming terminology; providing an  
 188 appropriation; providing effective dates.

189  
 190 Be It Enacted by the Legislature of the State of Florida:

191  
 192 Section 1. Subsection (1) of section 472.007, Florida  
 193 Statutes, is amended to read:

194 472.007 Board of Professional Surveyors and Mappers.—There  
 195 is created in the Department of Agriculture and Consumer  
 196 Services the Board of Professional Surveyors and Mappers.

197 (1) The board shall consist of nine members, seven ~~six~~ of  
 198 whom shall be registered surveyors and mappers primarily engaged  
 199 in the practice of surveying and mapping, ~~one of whom shall be a~~  
 200 ~~registered surveyor and mapper with the designation of~~  
 201 ~~photogrammetrist,~~ and two of whom shall be laypersons who are  
 202 not and have never been surveyors and mappers or members of any  
 203 closely related profession or occupation.

204 Section 2. Subsection (3) of section 472.015, Florida  
 205 Statutes, is amended to read:

206 472.015 Licensure.—

207 (3) (a) Before the issuance of any license, the department  
 208 may charge an initial license fee as determined by rule of the

209 board. Upon receipt of the appropriate license fee, except as  
210 provided in subsection (6), the department shall issue a license  
211 to any person certified by the board, or its designee, as having  
212 met the applicable requirements imposed by law or rule. However,  
213 an applicant who is not otherwise qualified for licensure is not  
214 entitled to licensure solely based on a passing score on a  
215 required examination.

216 (b) The department shall waive the initial license fee for  
217 an honorably discharged veteran of the United States Armed  
218 Forces, the spouse of such a veteran, or a business entity that  
219 has a majority ownership held by such a veteran or spouse if the  
220 department receives an application, in a format prescribed by  
221 the department, within 60 months after the date of the veteran's  
222 discharge from any branch of the United States Armed Forces. To  
223 qualify for the waiver, a veteran must provide to the department  
224 a copy of his or her DD Form 214, as issued by the United States  
225 Department of Defense, or another acceptable form of  
226 identification as specified by the Department of Veterans'  
227 Affairs; the spouse of a veteran must provide to the department  
228 a copy of the veteran's DD Form 214, as issued by the United  
229 States Department of Defense, or another acceptable form of  
230 identification as specified by the Department of Veterans'  
231 Affairs, and a copy of a valid marriage license or certificate  
232 verifying that he or she was lawfully married to the veteran at  
233 the time of discharge; or a business entity must provide to the  
234 department proof that a veteran or the spouse of a veteran holds

235 a majority ownership in the business, a copy of the veteran's DD  
236 Form 214, as issued by the United States Department of Defense,  
237 or another acceptable form of identification as specified by the  
238 Department of Veterans' Affairs, and, if applicable, a copy of a  
239 valid marriage license or certificate verifying that the spouse  
240 of the veteran was lawfully married to the veteran at the time  
241 of discharge.

242 Section 3. Paragraph (c) is added to subsection (1) of  
243 section 493.6105, Florida Statutes, and paragraph (j) of  
244 subsection (3) and paragraph (a) of subsection (6) of that  
245 section are amended, to read:

246 493.6105 Initial application for license.—

247 (1) Each individual, partner, or principal officer in a  
248 corporation, shall file with the department a complete  
249 application accompanied by an application fee not to exceed \$60,  
250 except that the applicant for a Class "D" or Class "G" license  
251 is not required to submit an application fee. The application  
252 fee is not refundable.

253 (c) The initial application fee for a veteran, as defined  
254 in s. 1.01, if he or she applies for a Class "C," Class "CC,"  
255 Class "DI," Class "E," Class "EE," Class "K," Class "M," Class  
256 "MA," Class "MB," Class "MR," or Class "RI" license within 24  
257 months after being discharged from a branch of the United States  
258 Armed Forces shall be waived. An eligible veteran must include a  
259 copy of his or her DD Form 214, as issued by the United States  
260 Department of Defense, or another acceptable form of

261 identification as specified by the Department of Veterans'  
262 Affairs with his or her application in order to obtain a waiver.

263 (3) The application must contain the following information  
264 concerning the individual signing the application:

265 (j) A full set of fingerprints, a fingerprint processing  
266 fee, and a fingerprint retention fee. The fingerprint processing  
267 and retention fees shall ~~to~~ be established by rule of the  
268 department based upon costs determined by state and federal  
269 agency charges and department processing costs, which must  
270 include the cost of retaining the fingerprints in the statewide  
271 automated biometric identification system established in s.  
272 943.05(2) (b) and the cost of enrolling the fingerprints in the  
273 national retained print arrest notification program as required  
274 under s. 493.6108. An applicant who has, within the immediately  
275 preceding 6 months, submitted such fingerprints and fees ~~fee~~ for  
276 licensing purposes under this chapter and who still holds a  
277 valid license is not required to submit another set of  
278 fingerprints or another fingerprint processing fee. An applicant  
279 who holds multiple licenses issued under this chapter is  
280 required to pay only a single fingerprint retention fee.

281 (6) In addition to the requirements under subsection (3),  
282 an applicant for a Class "K" license must:

283 (a) Submit one of the following:

284 1. The Florida Criminal Justice Standards and Training  
285 Commission Instructor Certificate and written confirmation by  
286 the commission that the applicant possesses an active firearms

287 certification.

288 2. The National Rifle Association Private Security Firearm  
289 Instructor Certificate.

290 3. A firearms instructor certificate issued by a federal  
291 law enforcement agency.

292 4. An International Association of Law Enforcement  
293 Firearms Instructors certification.

294 5. A Second Amendment Foundation Training Division  
295 Firearms Instructors certification.

296 Section 4. Paragraph (f) of subsection (1) of section  
297 493.6106, Florida Statutes, is amended to read:

298 493.6106 License requirements; posting.—

299 (1) Each individual licensed by the department must:

300 (f) Be a citizen or permanent legal resident alien of the  
301 United States or have appropriate authorization issued by the  
302 United States Citizenship and Immigration Services of the United  
303 States Department of Homeland Security.

304 1. An applicant for a Class "C," Class "CC," Class "D,"  
305 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class  
306 "MB," Class "MR," or Class "RI" license who is not a United  
307 States citizen must submit proof of current employment  
308 authorization issued by the United States Citizenship and  
309 Immigration Services or proof that she or he is deemed a  
310 permanent legal resident alien by the United States Citizenship  
311 and Immigration Services.

312 2. An applicant for a Class "G" or Class "K" license who

313 is not a United States citizen must submit proof that she or he  
314 is deemed a permanent legal resident alien by the United States  
315 Citizenship and Immigration Services, ~~together with additional~~  
316 ~~documentation establishing that she or he has resided in the~~  
317 ~~state of residence shown on the application for at least 90~~  
318 ~~consecutive days before the date that the application is~~  
319 ~~submitted.~~

320 3. An applicant for an agency or school license who is not  
321 a United States citizen or permanent legal resident alien must  
322 submit documentation issued by the United States Citizenship and  
323 Immigration Services stating that she or he is lawfully in the  
324 United States and is authorized to own and operate the type of  
325 agency or school for which she or he is applying. An employment  
326 authorization card issued by the United States Citizenship and  
327 Immigration Services is not sufficient documentation.

328 Section 5. Subsection (6) is added to section 493.6107,  
329 Florida Statutes, to read:

330 493.6107 Fees.—

331 (6) The initial license fee for a veteran, as defined in  
332 s. 1.01, shall be waived if he or she applies for a Class "M" or  
333 Class "K" license within 24 months after being discharged from  
334 any branch of the United States Armed Forces. An eligible  
335 veteran must include a copy of his or her DD Form 214, as issued  
336 by the United States Department of Defense, or another  
337 acceptable form of identification as specified by the Department  
338 of Veterans' Affairs with his or her application in order to

339 obtain a waiver.

340 Section 6. Subsections (4) and (5) are added to section  
341 493.6108, Florida Statutes, to read:

342 493.6108 Investigation of applicants by Department of  
343 Agriculture and Consumer Services.—

344 (4) The Department of Law Enforcement shall:

345 (a) Retain and enter into the statewide automated  
346 biometric identification system established in s. 943.05(2)(b)  
347 all fingerprints submitted to the Department of Agriculture and  
348 Consumer Services pursuant to this chapter.

349 (b) When the Department of Law Enforcement begins  
350 participation in the Federal Bureau of Investigation's national  
351 retained print arrest notification program, enroll such  
352 fingerprints in the program. The fingerprints must thereafter be  
353 available for arrest notifications and all purposes and uses  
354 authorized for arrest fingerprint submissions entered into the  
355 statewide automated biometric identification system established  
356 in s. 943.05(2)(b).

357 (c) Search all arrest fingerprints against fingerprints  
358 retained.

359 (d) Report to the Department of Agriculture and Consumer  
360 Services any arrest record that it identifies or that is  
361 identified by the Federal Bureau of Investigation.

362 (5) If the department receives information about an arrest  
363 within the state of a person who holds a valid license issued  
364 under this chapter for a crime that could potentially disqualify

365 the person from holding such a license, the department must  
366 provide the arrest information to the agency that employs the  
367 licensee.

368 Section 7. Subsections (1) and (3) of section 493.6113,  
369 Florida Statutes, are amended to read:

370 493.6113 Renewal application for licensure.—

371 (1) A license granted under the provisions of this chapter  
372 shall be renewed biennially by the department, except for Class  
373 "A," Class "B," Class "AB," Class "K," Class "R," and branch  
374 agency licenses, which shall be renewed every 3 years.

375 (3) Each licensee is responsible for renewing his or her  
376 license on or before its expiration by filing with the  
377 department an application for renewal accompanied by payment of  
378 the renewal fee and the fingerprint retention fee to cover the  
379 cost of ongoing retention in the statewide automated biometric  
380 identification system established in s. 943.05(2)(b) ~~prescribed~~  
381 ~~license fee.~~ A person holding a valid license issued under this  
382 chapter before January 1, 2017, must submit, upon first renewal  
383 of the license, a full set of fingerprints and a fingerprint  
384 processing fee to cover the cost of entering the fingerprints  
385 into the statewide automated biometric identification system  
386 under s. 493.6108(4)(a). Subsequent renewals may be completed  
387 without submission of a set of fingerprints.

388 (a) Each Class "B" licensee shall additionally submit on a  
389 form prescribed by the department a certification of insurance  
390 that evidences that the licensee maintains coverage as required

391 under s. 493.6110.

392 (b) Each Class "G" licensee shall additionally submit  
393 proof that he or she has received during each year of the  
394 license period a minimum of 4 hours of firearms recertification  
395 training taught by a Class "K" licensee and has complied with  
396 such other health and training requirements that the department  
397 shall adopt by rule. Proof of completion of firearms  
398 recertification training shall be submitted to the department  
399 upon completion of the training. If the licensee fails to  
400 complete the required 4 hours of annual training during the  
401 first year of the 2-year term of the license, the license shall  
402 be automatically suspended. The licensee must complete the  
403 minimum number of hours of range and classroom training required  
404 at the time of initial licensure and submit proof of completion  
405 of such training to the department before the license may be  
406 reinstated. If the licensee fails to complete the required 4  
407 hours of annual training during the second year of the 2-year  
408 term of the license, the licensee must complete the minimum  
409 number of hours of range and classroom training required at the  
410 time of initial licensure and submit proof of completion of such  
411 training to the department before the license may be renewed.  
412 The department may waive the firearms training requirement if:  
413 1. The applicant provides proof that he or she is  
414 currently certified as a law enforcement officer or correctional  
415 officer under the Criminal Justice Standards and Training  
416 Commission and has completed law enforcement firearms

417 requalification training annually during the previous 2 years of  
 418 the licensure period;

419 2. The applicant provides proof that he or she is  
 420 currently certified as a federal law enforcement officer and has  
 421 received law enforcement firearms training administered by a  
 422 federal law enforcement agency annually during the previous 2  
 423 years of the licensure period; or

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

428 (c) Each Class "DS" or Class "RS" licensee shall  
 429 additionally submit the current curriculum, examination, and  
 430 list of instructors.

431 (d) Each Class "K" licensee shall additionally submit one  
 432 of the certificates specified under s. 493.6105(6) as proof that  
 433 he or she remains certified to provide firearms instruction.

434 Section 8. Subsection (4) is added to section 493.6202,  
 435 Florida Statutes, to read:

436 493.6202 Fees.—

437 (4) The initial license fee for a veteran, as defined in  
 438 s. 1.01, shall be waived if he or she applies for a Class "C,"  
 439 Class "CC," or Class "MA" license within 24 months after being  
 440 discharged from any branch of the United States Armed Forces. An  
 441 eligible veteran must include a copy of his or her DD Form 214,  
 442 as issued by the United States Department of Defense, or another

443 acceptable form of identification as specified by the Department  
444 of Veterans' Affairs with his or her application in order to  
445 obtain a waiver.

446 Section 9. Subsection (4) is added to section 493.6302,  
447 Florida Statutes, to read:

448 493.6302 Fees.—

449 (4) The initial license fee for a veteran, as defined in  
450 s. 1.01, shall be waived if he or she applies for a Class "D,"  
451 Class "DI," or Class "MB" license within 24 months after being  
452 discharged from any branch of the United States Armed Forces. An  
453 eligible veteran must include a copy of his or her DD Form 214,  
454 as issued by the United States Department of Defense, or another  
455 acceptable form of identification as specified by the Department  
456 of Veterans' Affairs with his or her application in order to  
457 obtain a waiver.

458 Section 10. Subsection (4) is added to section 493.6402,  
459 Florida Statutes, to read:

460 493.6402 Fees.—

461 (4) The initial license fee for a veteran, as defined in  
462 s. 1.01, shall be waived if he or she applies for a Class "E,"  
463 Class "EE," Class "MR," or Class "RI" license within 24 months  
464 after being discharged from any branch of the United States  
465 Armed Forces. An eligible veteran must include a copy of his or  
466 her DD Form 214, as issued by the United States Department of  
467 Defense, or another acceptable form of identification as  
468 specified by the Department of Veterans' Affairs with his or her

469 application in order to obtain a waiver.

470 Section 11. Subsection (1) of section 501.0125, Florida  
471 Statutes, is amended, and subsection (6) is added to that  
472 section, to read:

473 501.0125 Health studios; definitions.—For purposes of ss.  
474 501.012-501.019, the following terms shall have the following  
475 meanings:

476 (1) "Health studio" means any person who is engaged in the  
477 sale of services for instruction, training, or assistance in a  
478 program of physical exercise or in the sale of services for the  
479 right or privilege to use equipment or facilities in furtherance  
480 of a program of physical exercise. The term does not include an  
481 individual acting as a personal trainer.

482 (6) "Personal trainer" means an individual:

483 (a) Who does not have an established place of business for  
484 the primary purpose of the conducting of physical exercise;

485 (b) Whose provision of exercise equipment is incidental to  
486 the instruction provided; and

487 (c) Who does not accept payment for services that are to  
488 be rendered more than 30 days after the date of payment.

489 Section 12. Subsection (2) of section 501.015, Florida  
490 Statutes, is amended to read:

491 501.015 Health studios; registration requirements and  
492 fees.—Each health studio shall:

493 (2) Remit an annual registration fee of \$300 to the  
494 department at the time of registration for each of the health

495 studio's business locations. The department shall waive the  
496 initial registration fee for an honorably discharged veteran of  
497 the United States Armed Forces, the spouse of such a veteran, or  
498 a business entity that has a majority ownership held by such a  
499 veteran or spouse if the department receives an application, in  
500 a format prescribed by the department, within 60 months after  
501 the date of the veteran's discharge from any branch of the  
502 United States Armed Forces. To qualify for the waiver, a veteran  
503 must provide to the department a copy of his or her DD Form 214,  
504 as issued by the United States Department of Defense, or another  
505 acceptable form of identification as specified by the Department  
506 of Veterans' Affairs; the spouse of a veteran must provide to  
507 the department a copy of the veteran's DD Form 214, as issued by  
508 the United States Department of Defense, or another acceptable  
509 form of identification as specified by the Department of  
510 Veterans' Affairs, and a copy of a valid marriage license or  
511 certificate verifying that he or she was lawfully married to the  
512 veteran at the time of discharge; or a business entity must  
513 provide to the department proof that a veteran or the spouse of  
514 a veteran holds a majority ownership in the business, a copy of  
515 the veteran's DD Form 214, as issued by the United States  
516 Department of Defense, or another acceptable form of  
517 identification as specified by the Department of Veterans'  
518 Affairs, and, if applicable, a copy of a valid marriage license  
519 or certificate verifying that the spouse of the veteran was  
520 lawfully married to the veteran at the time of discharge.

521 Section 13. Paragraph (j) of subsection (2) and paragraph  
 522 (b) of subsection (5) of section 501.605, Florida Statutes, are  
 523 amended to read:

524 501.605 Licensure of commercial telephone sellers.—

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

529 (j) The complete street address of each location,  
 530 designating the principal location, from which the applicant  
 531 will be doing business. The street address may not be ~~If any~~  
 532 ~~location is a mail drop, this shall be disclosed as such.~~

533  
 534 The application shall be accompanied by a copy of any: Script,  
 535 outline, or presentation the applicant will require or suggest a  
 536 salesperson to use when soliciting, or, if no such document is  
 537 used, a statement to that effect; sales information or  
 538 literature to be provided by the applicant to a salesperson; and  
 539 sales information or literature to be provided by the applicant  
 540 to a purchaser in connection with any solicitation.

541 (5) An application filed pursuant to this part must be  
 542 verified and accompanied by:

543 (b) A fee for licensing in the amount of \$1,500. The fee  
 544 shall be deposited into the General Inspection Trust Fund. The  
 545 department shall waive the initial license fee for an honorably  
 546 discharged veteran of the United States Armed Forces, the spouse

547 of such a veteran, or a business entity that has a majority  
548 ownership held by such a veteran or spouse if the department  
549 receives an application, in a format prescribed by the  
550 department, within 60 months after the date of the veteran's  
551 discharge from any branch of the United States Armed Forces. To  
552 qualify for the waiver, a veteran must provide to the department  
553 a copy of his or her DD Form 214, as issued by the United States  
554 Department of Defense, or another acceptable form of  
555 identification as specified by the Department of Veterans'  
556 Affairs; the spouse of a veteran must provide to the department  
557 a copy of the veteran's DD Form 214, as issued by the United  
558 States Department of Defense, or another acceptable form of  
559 identification as specified by the Department of Veterans'  
560 Affairs, and a copy of a valid marriage license or certificate  
561 verifying that he or she was lawfully married to the veteran at  
562 the time of discharge; or a business entity must provide to the  
563 department proof that a veteran or the spouse of a veteran holds  
564 a majority ownership in the business, a copy of the veteran's DD  
565 Form 214, as issued by the United States Department of Defense,  
566 or another acceptable form of identification as specified by the  
567 Department of Veterans' Affairs, and, if applicable, a copy of a  
568 valid marriage license or certificate verifying that the spouse  
569 of the veteran was lawfully married to the veteran at the time  
570 of discharge.

571 Section 14. Paragraph (b) of subsection (2) of section  
572 501.607, Florida Statutes, is amended to read:

573 501.607 Licensure of salespersons.—

574 (2) An application filed pursuant to this section must be  
575 verified and be accompanied by:

576 (b) A fee for licensing in the amount of \$50 per  
577 salesperson. The fee shall be deposited into the General  
578 Inspection Trust Fund. The fee for licensing may be paid after  
579 the application is filed, but must be paid within 14 days after  
580 the applicant begins work as a salesperson. The department shall  
581 waive the initial license fee for an honorably discharged  
582 veteran of the United States Armed Forces, the spouse of such a  
583 veteran, or a business entity that has a majority ownership held  
584 by such a veteran or spouse if the department receives an  
585 application, in a format prescribed by the department, within 60  
586 months after the date of the veteran's discharge from any branch  
587 of the United States Armed Forces. To qualify for the waiver, a  
588 veteran must provide to the department a copy of his or her DD  
589 Form 214, as issued by the United States Department of Defense,  
590 or another acceptable form of identification as specified by the  
591 Department of Veterans' Affairs; the spouse of a veteran must  
592 provide to the department a copy of the veteran's DD Form 214,  
593 as issued by the United States Department of Defense, or another  
594 acceptable form of identification as specified by the Department  
595 of Veterans' Affairs, and a copy of a valid marriage license or  
596 certificate verifying that he or she was lawfully married to the  
597 veteran at the time of discharge; or a business entity must  
598 provide to the department proof that a veteran or the spouse of

599 a veteran holds a majority ownership in the business, a copy of  
600 the veteran's DD Form 214, as issued by the United States  
601 Department of Defense, or another acceptable form of  
602 identification as specified by the Department of Veterans'  
603 Affairs, and, if applicable, a copy of a valid marriage license  
604 or certificate verifying that the spouse of the veteran was  
605 lawfully married to the veteran at the time of discharge.

606 Section 15. Subsection (3) of section 507.03, Florida  
607 Statutes, is amended to read:

608 507.03 Registration.—

609 (3) (a) Registration fees shall be calculated at the rate  
610 of \$300 per year per mover or moving broker. All amounts  
611 collected shall be deposited by the Chief Financial Officer to  
612 the credit of the General Inspection Trust Fund of the  
613 department for the sole purpose of administration of this  
614 chapter.

615 (b) The department shall waive the initial registration  
616 fee for an honorably discharged veteran of the United States  
617 Armed Forces, the spouse of such a veteran, or a business entity  
618 that has a majority ownership held by such a veteran or spouse  
619 if the department receives an application, in a format  
620 prescribed by the department, within 60 months after the date of  
621 the veteran's discharge from any branch of the United States  
622 Armed Forces. To qualify for the waiver, a veteran must provide  
623 to the department a copy of his or her DD Form 214, as issued by  
624 the United States Department of Defense, or another acceptable

625 form of identification as specified by the Department of  
626 Veterans' Affairs; the spouse of a veteran must provide to the  
627 department a copy of the veteran's DD Form 214, as issued by the  
628 United States Department of Defense, or another acceptable form  
629 of identification as specified by the Department of Veterans'  
630 Affairs, and a copy of a valid marriage license or certificate  
631 verifying that he or she was lawfully married to the veteran at  
632 the time of discharge; or a business entity must provide to the  
633 department proof that a veteran or the spouse of a veteran holds  
634 a majority ownership in the business, a copy of the veteran's DD  
635 Form 214, as issued by the United States Department of Defense,  
636 or another acceptable form of identification as specified by the  
637 Department of Veterans' Affairs, and, if applicable, a copy of a  
638 valid marriage license or certificate verifying that the spouse  
639 of the veteran was lawfully married to the veteran at the time  
640 of discharge.

641 Section 16. Subsection (3) of section 527.02, Florida  
642 Statutes, is amended to read:

643 527.02 License; penalty; fees.—

644 (3) (a) An ~~Any~~ applicant for an original license who  
645 submits an ~~whose~~ application ~~is submitted~~ during the last 6  
646 months of the license year may have the original license fee  
647 reduced by one-half for the 6-month period. This provision  
648 applies ~~shall apply~~ only to those companies applying for an  
649 original license and may ~~shall~~ not be applied to licensees who  
650 held a license during the previous license year and failed to

651 renew the license. The department may refuse to issue an initial  
652 license to an ~~any~~ applicant who is under investigation in any  
653 jurisdiction for an action that would constitute a violation of  
654 this chapter until such time as the investigation is complete.

655 (b) The department shall waive the initial license fee for  
656 an honorably discharged veteran of the United States Armed  
657 Forces, the spouse of such a veteran, or a business entity that  
658 has a majority ownership held by such a veteran or spouse if the  
659 department receives an application, in a format prescribed by  
660 the department, within 60 months after the date of the veteran's  
661 discharge from any branch of the United States Armed Forces. To  
662 qualify for the waiver, a veteran must provide to the department  
663 a copy of his or her DD Form 214, as issued by the United States  
664 Department of Defense or another acceptable form of  
665 identification as specified by the Department of Veterans'  
666 Affairs; the spouse of a veteran must provide to the department  
667 a copy of the veteran's DD Form 214, as issued by the United  
668 States Department of Defense, or another acceptable form of  
669 identification as specified by the Department of Veterans'  
670 Affairs, and a copy of a valid marriage license or certificate  
671 verifying that he or she was lawfully married to the veteran at  
672 the time of discharge; or a business entity must provide to the  
673 department proof that a veteran or the spouse of a veteran holds  
674 a majority ownership in the business, a copy of the veteran's DD  
675 Form 214, as issued by the United States Department of Defense,  
676 or another acceptable form of identification as specified by the

677 Department of Veterans' Affairs, and, if applicable, a copy of a  
678 valid marriage license or certificate verifying that the spouse  
679 of the veteran was lawfully married to the veteran at the time  
680 of discharge.

681 Section 17. Subsection (4) of section 527.021, Florida  
682 Statutes, is amended to read:

683 527.021 Registration of transport vehicles.—

684 ~~(4) An inspection fee of \$50 shall be assessed for each~~  
685 ~~registered vehicle inspected by the department pursuant to s.~~  
686 ~~527.061. All inspection fees collected in connection with this~~  
687 ~~section shall be deposited in the General Inspection Trust Fund~~  
688 ~~for the purpose of administering the provisions of this chapter.~~

689 Section 18. Subsection (1) of section 531.37, Florida  
690 Statutes, is amended to read:

691 531.37 Definitions.—As used in this chapter:

692 (1) "Weights and measures" means all weights and measures  
693 of every kind, instruments, and devices for weighing and  
694 measuring, and any appliance and accessories associated with any  
695 or all such instruments and devices, excluding those weights and  
696 measures used for the purpose of inspecting the accuracy of  
697 devices used in conjunction with aviation fuel.

698 Section 19. Subsections (1) and (2) of section 531.415,  
699 Florida Statutes, are amended to read:

700 531.415 Fees.—

701 (1) The department shall charge and collect fees of not  
702 more than the following ~~fees~~ for actual metrology laboratory

703 calibration and testing services rendered:

704 (a) For each mass standard that is tested or certified to  
 705 meet tolerances less stringent than American National Standards  
 706 Institute/American Society for Testing and Materials (ANSI/ASTM)  
 707 Standard E617 Class 4, ~~the department shall charge a fee of not~~  
 708 ~~more than:~~

709 Weight	709 Fee/Unit
710 0 - 2 lb.	\$6
711 3 - 10 lb.	\$8
712 11 - 50 lb.	\$12
713 51 - 500 lb.	\$20
714 501 - 1000 lb.	\$30
715 1001 - 2500 lb.	\$40
716 2501 - 5000 lb.	\$50

717 (b) For each mass standard that is tested or certified to  
 718 meet ANSI/ASTM Standard Class 4 or National Institute of  
 719 Standards and Technology Class P tolerances, ~~the department~~  
 720 ~~shall charge a fee of not more than:~~

721 Weight	721 Fee/Unit
722 0 - 10 lb.	\$20
723 11 - 50 lb.	\$30
724 51 - 500 lb.	\$40
725 501 - 1000 lb.	\$50
726 1001 - 2500 lb.	\$60
727 2501 - 5000 lb.	\$75

728 (c) For each mass standard that is calibrated to determine

729 actual mass or apparent mass values, ~~the department shall charge~~  
 730 ~~a fee of not more than:~~

731 Weight	Fee/Unit
732 0 - 20 lb.	\$40
733 21 - 50 lb.	\$50
734 51 - 1000 lb.	\$70
735 1001 - 2500 lb.	\$150
736 2501 - 5000 lb.	\$250

737 (d) For each volumetric flask, ~~graduate, or test measure,~~  
 738 ~~the department shall charge a fee of not more than:~~

739 Vessel	Fee/Test Point
740 0 - 5 gal.	\$35
741 Over 5 gal.	Plus \$0.75 for each additional gallon

742 ~~(e) For each linear measure that is tested or certified,~~  
 743 ~~the department shall charge a fee of not more than \$75.~~

744 (e) ~~(f)~~ For each linear measure test that is calibrated to  
 745 determine actual values, the department shall charge a fee of  
 746 \$75 not more than ~~\$100~~.

747 ~~(g) For each liquid in glass or electronic thermometer~~  
 748 ~~that is tested or certified, the department shall charge a fee~~  
 749 ~~of not more than \$50.~~

750 (f) ~~(h)~~ For each temperature measuring device, ~~liquid in~~  
 751 ~~glass or electronic thermometer that is calibrated to determine~~  
 752 ~~actual values, the department shall charge a fee of \$50 not more~~  
 753 ~~than \$100.~~

754 (g) ~~(i)~~ For each special test or special preparation, the

755 ~~department shall charge a fee of not more than \$50 per hour.~~

756 (2) Each fee is payable to the department at the time the  
757 testing is done, regardless of whether the item tested is  
758 certified. The department may refuse to accept for testing any  
759 item deemed by the department to be unsuitable for its intended  
760 use or not to be in a condition ready for testing. The  
761 department shall deposit all fees collected under this section  
762 into the General Inspection Trust Fund.

763 Section 20. Section 531.60, Florida Statutes, is amended  
764 to read:

765 531.60 Permit for commercially operated or tested weights  
766 or measures instrument or devices.—

767 (1) A weights and measures instrument or device may not  
768 operate or be used for commercial purposes, as defined by  
769 department rule, within this state without first being permitted  
770 through a valid commercial use permit issued by the department  
771 to the person who owns the weights and measures device, unless  
772 exempted as provided in s. 531.61. Such permit applies only to  
773 the specific location and instrument types or device types  
774 listed on for which the permit ~~was issued~~. However, the  
775 department may allow such permit to be applicable to a  
776 replacement for the original instrument or device.

777 (2) If ownership of a business ~~an instrument or device~~ for  
778 which a permit has been issued changes and the instruments or  
779 devices affected by the permit ~~instrument or device~~:

780 (a) Remain ~~Remains~~ in the same location, the permit

781 transfers to the new owner and remains in effect until its  
 782 original expiration date. Within 30 days after the change in  
 783 ownership, the new owner shall notify the department of the  
 784 change and provide the pertinent information regarding the  
 785 change in ownership and an updated replacement permit shall be  
 786 issued if needed.

787 (b) Move ~~Moves~~ to a new location, the permit automatically  
 788 expires and a new permit must be applied for by the new owner of  
 789 the instruments or devices issued which will expire 1 year  
 790 following the date of issuance.

791 (3) A person who holds a permit that has been issued under  
 792 this section must notify the department within 30 days after a  
 793 change in permit status or if a permit will not be renewed due  
 794 to the termination in use or removal of all weighing and  
 795 measuring instruments or devices from the permitted location  
 796 ~~Weights and measures instruments or devices that are not used~~  
 797 ~~commercially may be tested by the department under this chapter~~  
 798 ~~only if they are permitted and appropriate fees paid as~~  
 799 ~~prescribed by this section and adopted rules.~~

800 Section 21. Section 531.61, Florida Statutes, is amended  
 801 to read:

802 531.61 Exemptions from permit requirement.—Commercial  
 803 weights or measures instruments or devices are exempt from the  
 804 ~~permit~~ requirements of ss. 531.60-531.66 if:

805 (1) The device is a taximeter that is licensed, permitted,  
 806 or registered by a municipality, county, or other local

807 government and is tested for accuracy and compliance with state  
 808 standards by the local government in cooperation with the state  
 809 as authorized in s. 531.421.

810 (2) The device is used exclusively for weighing railroad  
 811 cars and is tested for accuracy and compliance with state  
 812 standards by a private testing agency.

813 (3) The device is used exclusively for measuring aviation  
 814 fuel or petroleum products inspected under chapter 525.

815 Section 22. Subsections (1), (2), and (4) of section  
 816 531.62, Florida Statutes, are amended to read:

817 531.62 Permit application and renewal.—

818 (1) An application for a ~~weights and measures~~ commercial  
 819 use permit shall be submitted to the department on a form  
 820 prescribed and furnished by the department and must contain such  
 821 information as the department may require by rule.

822 (2) The application must be accompanied by a fee in an  
 823 amount determined by the number and types of instruments or  
 824 devices covered by the permit as provided by department rule.  
 825 However, the fee for each instrument or device listed on the  
 826 permit may not exceed the maximum limits set forth in s. 531.63.

827 (4) A permit expires 2 years ~~1 year~~ following its date of  
 828 issue and must be renewed biennially ~~annually~~. If a complete an  
 829 application package for renewal is not received by the  
 830 department before the permit expires ~~within 30 days after its~~  
 831 ~~due date~~, a late fee of up to \$100 must be paid in addition to  
 832 the ~~annual~~ commercial use permit fee. However, a person may

833 elect to renew a commercial use permit on an annual basis rather  
 834 than a biennial basis. An annual renewal must meet the same  
 835 requirements and conditions as a biennial renewal.

836 Section 23. Paragraph (a) of subsection (1) and subsection  
 837 (2) of section 531.63, Florida Statutes, are amended to read:

838 531.63 Maximum permit fees.—The commercial use permit fees  
 839 established for weights or measures instruments or devices shall  
 840 be in an amount necessary to administer this chapter but may not  
 841 exceed the amounts provided in this section.

842 (1) For weighing devices, the fees must be based on the  
 843 manufacturer's rated capacity or the device's design and use and  
 844 whether measuring by inch or pounds or the metric equivalent:

845 (a) For weighing devices of up to and including the 100-  
 846 pound capacity which are used during any portion of the period  
 847 covered by the permit, the maximum annual fees per category of  
 848 device ~~retail establishment~~ may not exceed the following:

849 Number of devices	Maximum Fee
850 in a single <u>category</u> <del>retail</del>	
851 <del>establishment</del>	
852 1 to 5	\$60
853 6 to 10	\$150
854 11 to 30	\$200
855 More than 30	\$300

856 (2) For other measuring devices, the annual permit fees  
 857 per device may not exceed the following:

858 (a) Mass flow meters having a maximum flow rate of up to

859 150 pounds per minute.....\$100.

860 This includes all mass flow meters used to dispense compressed  
 861 and liquefied natural gas for retail sale.

862 (b) Mass flow meters having a maximum flow rate greater  
 863 than 150 pounds per minute.....\$500.

864 (c) Volumetric flow meters having a maximum flow rate of  
 865 up to 20 gallons per minute.....\$50.

866 This includes all devices used to dispense diesel exhaust fluid  
 867 for retail sale.

868 (d) Volumetric flow meters having a maximum flow rate  
 869 greater than 20 gallons per minute.....\$100.

870 (e) Tanks, under 500 gallons capacity, used as measure  
 871 containers, with or without gage rods or markers.....\$100.

872 (f) Tanks, 500 or more gallons capacity, used as measure  
 873 containers, with or without gage rods or markers.....\$200.

874 (g) Taximeters.....\$50.

875 ~~(h) Grain moisture meters.....\$25.~~

876 (h)-(i) Multiple-dimension measuring  
 877 devices.....\$100.

878 (i) Liquefied petroleum gas bulk delivery vehicles with a  
 879 meter owned or leased by a liquefied petroleum gas licensee\$150.

880 Section 24. Section 531.65, Florida Statutes, is amended  
 881 to read:

882 531.65 Unauthorized use; penalties.—If a weights or  
 883 measures instrument or device is used commercially without a  
 884 valid commercial use permit, the department may do one or more

885 of the following:

886 (1) Prohibit the further commercial use of the unpermitted  
887 instrument or device until the proper permit has been issued.~~†~~

888 (2) Employ and attach to the instrument or device such  
889 form, notice, tag, or seal to prevent the continued unauthorized  
890 use of the instrument or device.~~†~~

891 (3) In addition to the permit fees prescribed by rule for  
892 the commercial use of a weights and measures instrument or  
893 device, assess the late fee authorized under s. 531.62.~~†~~~~or~~

894 (4) Impose penalties as prescribed in s. 531.50 in  
895 addition to the payment of appropriate permit fees for the  
896 commercial use of a weights and measures instrument or device.

897 Section 25. Paragraph (c) of subsection (3) of section  
898 539.001, Florida Statutes, is amended to read:

899 539.001 The Florida Pawnbroking Act.—

900 (3) LICENSE REQUIRED.—

901 (c) Each license is valid for a period of 1 year unless it  
902 is earlier relinquished, suspended, or revoked. Each license  
903 shall be renewed annually, and each licensee shall, initially  
904 and annually thereafter, pay to the agency a license fee of \$300  
905 for each license held. The agency shall waive the initial  
906 license fee for an honorably discharged veteran of the United  
907 States Armed Forces, the spouse of such a veteran, or a business  
908 entity that has a majority ownership held by such a veteran or  
909 spouse if the agency receives an application, in a format  
910 prescribed by the agency, within 60 months after the date of the

911 veteran's discharge from any branch of the United States Armed  
912 Forces. To qualify for the waiver, a veteran must provide to the  
913 agency a copy of his or her DD Form 214, as issued by the United  
914 States Department of Defense, or another acceptable form of  
915 identification as specified by the Department of Veterans'  
916 Affairs; the spouse of a veteran must provide to the agency a  
917 copy of the veteran's DD Form 214, as issued by the United  
918 States Department of Defense, or another acceptable form of  
919 identification as specified by the Department of Veterans'  
920 Affairs, and a copy of a valid marriage license or certificate  
921 verifying that he or she was lawfully married to the veteran at  
922 the time of discharge; or a business entity must provide to the  
923 agency proof that a veteran or the spouse of a veteran holds a  
924 majority ownership in the business, a copy of the veteran's DD  
925 Form 214, as issued by the United States Department of Defense,  
926 or another acceptable form of identification as specified by the  
927 Department of Veterans' Affairs, and, if applicable, a copy of a  
928 valid marriage license or certificate verifying that the spouse  
929 of the veteran was lawfully married to the veteran at the time  
930 of discharge.

931 Section 26. Subsection (3) of section 559.904, Florida  
932 Statutes, is amended to read:

933 559.904 Motor vehicle repair shop registration;  
934 application; exemption.—

935 (3) (a) Each application for registration must be  
936 accompanied by a registration fee calculated on a per-year basis

937 as follows:

938 1.(a) If the place of business has 1 to 5 employees: \$50.

939 2.(b) If the place of business has 6 to 10 employees:  
940 \$150.

941 3.(c) If the place of business has 11 or more employees:  
942 \$300.

943 (b) The department shall waive the initial registration  
944 fee for an honorably discharged veteran of the United States  
945 Armed Forces, the spouse of such a veteran, or a business entity  
946 that has a majority ownership held by such a veteran or spouse  
947 if the department receives an application, in a format  
948 prescribed by the department, within 60 months after the date of  
949 the veteran's discharge from any branch of the United States  
950 Armed Forces. To qualify for the waiver, a veteran must provide  
951 to the department a copy of his or her DD Form 214, as issued by  
952 the United States Department of Defense, or another acceptable  
953 form of identification as specified by the Department of  
954 Veterans' Affairs; the spouse of a veteran must provide to the  
955 department a copy of the veteran's DD Form 214, as issued by the  
956 United States Department of Defense, or another acceptable form  
957 of identification as specified by the Department of Veterans'  
958 Affairs, and a copy of a valid marriage license or certificate  
959 verifying that he or she was lawfully married to the veteran at  
960 the time of discharge; or a business entity must provide to the  
961 department proof that a veteran or the spouse of a veteran holds  
962 a majority ownership in the business, a copy of the veteran's DD

963 Form 214, as issued by the United States Department of Defense  
964 or another acceptable form of identification as specified by the  
965 Department of Veterans' Affairs, and, if applicable, a copy of a  
966 valid marriage license or certificate verifying that the spouse  
967 of the veteran was lawfully married to the veteran at the time  
968 of discharge.

969 Section 27. Section 559.917, Florida Statutes, is amended  
970 to read:

971 559.917 Bond to release possessory lien claimed by motor  
972 vehicle repair shop.—

973 (1) As used in this section, the term:

974 (a) "Lienholder" means a person claiming an interest in or  
975 a lien on a vehicle pursuant to s. 713.585(5).

976 (b) "Lienor" means a person claiming a lien for motor  
977 vehicle repair shop work under part II of chapter 713.

978 (2) ~~(1)~~(a) A lienholder or Any customer may obtain the  
979 release of a ~~her or his~~ motor vehicle for which the lienholder  
980 or customer has a lien or ownership rights, respectively, from  
981 any lien claimed under part II of chapter 713 by a motor vehicle  
982 repair shop for repair work performed under a written repair  
983 estimate by filing with the clerk of the court in the circuit in  
984 which the disputed transaction occurred a cash or surety bond,  
985 payable to the person claiming the lien and conditioned for the  
986 payment of any judgment which may be entered on the lien. The  
987 bond shall be in the amount stated on the invoice required by s.  
988 559.911, plus accrued storage charges, if any, less any amount

989 | paid to the motor vehicle repair shop as indicated on the  
 990 | invoice. The lienholder or customer ~~is shall~~ not ~~be~~ required to  
 991 | institute judicial proceedings in order to post the bond in the  
 992 | registry of the court, or ~~nor shall the customer be required to~~  
 993 | use a particular form for posting the bond, unless the clerk  
 994 | provides ~~shall provide~~ such form to the lienholder or customer  
 995 | for filing. Upon the posting of such bond, the clerk of the  
 996 | court shall automatically issue a certificate notifying the  
 997 | lienor of the posting of the bond and directing the lienor to  
 998 | release the lienholder's or customer's motor vehicle.

999 |         (b) The lienor shall have 60 days to file suit to recover  
 1000 | the bond. The prevailing party in that action may be entitled to  
 1001 | damages plus court costs and reasonable attorney ~~attorney's~~  
 1002 | fees. If the lienor fails to file suit within 60 days after the  
 1003 | posting of such bond, the bond shall be discharged.

1004 |         ~~(3)(2)~~ The failure of a lienor to release or return to the  
 1005 | lienholder or customer the motor vehicle upon which any lien is  
 1006 | claimed, upon receiving a copy of a certificate giving notice of  
 1007 | the posting of the bond and directing release of the motor  
 1008 | vehicle, shall subject the lienor to judicial proceedings which  
 1009 | may be brought by the lienholder or customer to compel  
 1010 | compliance with the certificate. ~~If Whenever~~ a lienholder  
 1011 | pursuant to s. 713.585 or customer brings an action to compel  
 1012 | compliance with the certificate, the lienholder or customer need  
 1013 | only establish that:

1014 |         (a) Bond in the amount of the invoice, plus accrued

1015 storage charges, if any, less any amount paid to the motor  
 1016 vehicle repair shop as indicated on the invoice, was posted;

1017 (b) A certificate was issued pursuant to this section;

1018 (c) The motor vehicle repair shop, or any employee or  
 1019 agent thereof who is authorized to release the motor vehicle,  
 1020 received a copy of a certificate issued pursuant to this  
 1021 section; and

1022 (d) The motor vehicle repair shop or employee authorized  
 1023 to release the motor vehicle failed to release the motor  
 1024 vehicle.

1025  
 1026 The lienholder or customer, upon a judgment in her or his favor  
 1027 in an action brought under this subsection, may be entitled to  
 1028 damages plus court costs and reasonable attorney ~~attorney's~~ fees  
 1029 sustained by her or him by reason of such wrongful detention or  
 1030 retention. Upon a judgment in favor of the motor vehicle repair  
 1031 shop, the shop may be entitled to reasonable attorney ~~attorney's~~  
 1032 fees.

1033 ~~(4)(3)~~ Any motor vehicle repair shop that ~~which~~, or any  
 1034 employee or agent thereof who is authorized to release the motor  
 1035 vehicle who, upon receiving a copy of a certificate giving  
 1036 notice of the posting of the bond in the required amount and  
 1037 directing release of the motor vehicle, fails to release or  
 1038 return the property to the lienholder or customer pursuant to  
 1039 this section commits ~~is guilty of~~ a misdemeanor of the second  
 1040 degree, punishable as provided in s. 775.082 or s. 775.083.

1041        ~~(5)(4)~~ Any lienholder or customer who stops payment on a  
 1042 credit card charge or a check drawn in favor of a motor vehicle  
 1043 repair shop on account of an invoice or who fails to post a cash  
 1044 or surety bond pursuant to this section shall be prohibited from  
 1045 any recourse under this section with respect to the motor  
 1046 vehicle repair shop.

1047        Section 28. Subsections (1), (7), (8), (10), (11), and  
 1048 (13) of section 559.927, Florida Statutes, are amended to read:

1049        559.927 Definitions.—For the purposes of this part, the  
 1050 term:

1051        (1) "Accommodations" means any hotel or motel room,  
 1052 condominium or cooperative unit, cabin, lodge, or apartment; any  
 1053 other commercial structure designed for occupancy by one or more  
 1054 individuals; or any lodging establishment as provided by law.  
 1055 The term does not include long-term home rentals covered under a  
 1056 lease pursuant to chapter 83.

1057        (7) "Prearranged travel ~~or,~~ tourist-related services, ~~or~~  
 1058 ~~tour guide services~~" includes, but is not limited to, car  
 1059 rentals, lodging, transfers, ~~and sightseeing tours~~ and all other  
 1060 such services that ~~which~~ are reasonably related to air, sea,  
 1061 rail, motor coach, or other medium of transportation, or  
 1062 accommodations for which a purchaser receives a premium or  
 1063 contracts or pays before ~~prior to~~ or after departure. This term  
 1064 ~~These terms~~ also includes ~~include~~ services for which a  
 1065 purchaser, whose legal residence is outside the United States,  
 1066 contracts or pays before ~~prior to~~ departure, and any arrangement

1067 by which a purchaser prepays for, receives a reservation or any  
 1068 other commitment to provide services before ~~prior to~~ departure  
 1069 for, or otherwise arranges for travel directly to a terrorist  
 1070 state and which originates in Florida.

1071 (8) "Purchaser" means the purchaser of, or person  
 1072 otherwise entitled to receive, prearranged travel or, tourist-  
 1073 related services, ~~or tour-guide services,~~ for a fee or  
 1074 commission, or who has acquired a vacation certificate for  
 1075 personal use.

1076 (10) "Satisfactory consumer complaint history" means no  
 1077 unresolved complaints regarding prearranged travel or, tourist-  
 1078 related services, ~~or tour-guide services~~ are on file with the  
 1079 department. A complaint is unresolved when a seller of travel  
 1080 does not respond to the department's efforts to mediate the  
 1081 complaint or a complaint where the department has determined  
 1082 that a violation of this part has occurred and the complainant  
 1083 ~~complaint~~ has not been satisfied by the seller of travel.

1084 (11) "Seller of travel" means any ~~resident or nonresident~~  
 1085 person, firm, corporation, or business entity who offers for  
 1086 sale, directly or indirectly, at wholesale or retail,  
 1087 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 1088 ~~services~~ for individuals or groups, including, but not limited  
 1089 to, vacation ~~or tour~~ packages, or vacation certificates in  
 1090 exchange for a fee, commission, or other valuable consideration.  
 1091 The term includes any business entity offering membership in a  
 1092 travel club or travel services for an advance fee or payment,

1093 even if no travel contracts or certificates or vacation or tour  
 1094 packages are sold by the business entity.

1095 (13) "Vacation certificate" means any advance travel  
 1096 purchase arrangement, plan, program, or vacation package that  
 1097 ~~promotes, discusses, or discloses a destination or itinerary or~~  
 1098 ~~type of travel,~~ whereby a purchaser ~~for consideration paid in~~  
 1099 ~~advance~~ is entitled to the use of travel, accommodations, or  
 1100 facilities for any number of days, whether certain or uncertain,  
 1101 during the period in which the certificate can be exercised, and  
 1102 no specific date or dates for its use are designated. A vacation  
 1103 certificate does not include prearranged travel or, tourist-  
 1104 related services, ~~or tour-guide services~~ when a seller of travel  
 1105 remits full payment for the cost of such services to the  
 1106 provider or supplier within 10 business days of the purchaser's  
 1107 initial payment to the seller of travel. The term does not  
 1108 include travel if exact travel dates are selected, guaranteed,  
 1109 and paid for at the time of the purchase.

1110 Section 29. Section 559.928, Florida Statutes, is amended  
 1111 to read:

1112 559.928 Registration.—

1113 (1) Each seller of travel shall annually register with the  
 1114 department, providing: its legal business or trade name, mailing  
 1115 address, and business locations; the full names, addresses, and  
 1116 telephone numbers of its owners or corporate officers and  
 1117 directors and the Florida agent of the corporation; a statement  
 1118 whether it is a domestic or foreign corporation, its state and

1119 date of incorporation, its charter number, and, if a foreign  
 1120 corporation, the date it registered with this state, and  
 1121 business tax receipt where applicable; ~~the date on which a~~  
 1122 ~~seller of travel registered its fictitious name if the seller of~~  
 1123 ~~travel is operating under a fictitious or trade name;~~ the name  
 1124 of all other corporations, business entities, and trade names  
 1125 through which each owner of the seller of travel operated, was  
 1126 known, or did business as a seller of travel within the  
 1127 preceding 5 years; a list of all authorized independent agents,  
 1128 including the agent's trade name, full name, mailing address,  
 1129 business address, and telephone numbers; the business location  
 1130 and address of each branch office and full name and address of  
 1131 the manager or supervisor; the certification required under s.  
 1132 559.9285; and proof of purchase of adequate bond as required in  
 1133 this part. A certificate evidencing proof of registration shall  
 1134 be issued by the department and must be prominently displayed in  
 1135 the seller of travel's primary place of business.

1136 (2) (a) Registration fees shall be as follows:

1137 1. Three hundred dollars per year per registrant  
 1138 certifying its business activities under s. 559.9285(1) (a).

1139 2. One thousand dollars per year per registrant certifying  
 1140 its business activities under s. 559.9285(1) (b).

1141 3. Twenty-five hundred dollars per year per registrant  
 1142 certifying its business activities under s. 559.9285(1) (c).

1143 (b) All amounts collected shall be deposited by the Chief  
 1144 Financial Officer to the credit of the General Inspection Trust

1145 Fund of the Department of Agriculture and Consumer Services  
1146 pursuant to s. 570.20, for the sole purpose of administration of  
1147 this part.

1148 (c) The department shall waive the initial registration  
1149 fee for an honorably discharged veteran of the United States  
1150 Armed Forces, the spouse of such a veteran, or a business entity  
1151 that has a majority ownership held by such a veteran or spouse  
1152 if the department receives an application, in a format  
1153 prescribed by the department, within 60 months after the date of  
1154 the veteran's discharge from any branch of the United States  
1155 Armed Forces. To qualify for the waiver, a veteran must provide  
1156 to the department a copy of his or her DD Form 214, as issued by  
1157 the United States Department of Defense, or another acceptable  
1158 form of identification as specified by the Department of  
1159 Veterans' Affairs; the spouse of a veteran must provide to the  
1160 department a copy of the veteran's DD Form 214, as issued by the  
1161 United States Department of Defense, or another acceptable form  
1162 of identification as specified by the Department of Veterans'  
1163 Affairs, and a copy of a valid marriage license or certificate  
1164 verifying that he or she was lawfully married to the veteran at  
1165 the time of discharge; or a business entity must provide to the  
1166 department proof that a veteran or the spouse of a veteran holds  
1167 a majority ownership in the business, a copy of the veteran's DD  
1168 Form 214, as issued by the United States Department of Defense,  
1169 or another acceptable form of identification as specified by the  
1170 Department of Veterans' Affairs, and, if applicable, a copy of a

1171 valid marriage license or certificate verifying that the spouse  
1172 of the veteran was lawfully married to the veteran at the time  
1173 of discharge.

1174 (3) Each independent agent shall annually file an  
1175 affidavit with the department before ~~prior to~~ engaging in  
1176 business in this state. This affidavit must include the  
1177 independent agent's full name, legal business or trade name,  
1178 mailing address, business address, telephone number, and the  
1179 name and address of each seller of travel represented by the  
1180 independent agent. A letter evidencing proof of filing must be  
1181 issued by the department and must be prominently displayed in  
1182 the independent agent's primary place of business. Each  
1183 independent agent must also submit an annual registration fee of  
1184 \$50. All moneys collected pursuant to the imposition of the fee  
1185 shall be deposited by the Chief Financial Officer into the  
1186 General Inspection Trust Fund of the Department of Agriculture  
1187 and Consumer Services for the sole purpose of administrating  
1188 this part. As used in this subsection, the term "independent  
1189 agent" means a person who represents a seller of travel by  
1190 soliciting persons on its behalf; who has a written contract  
1191 with a seller of travel which is operating in compliance with  
1192 this part and any rules adopted thereunder; who does not receive  
1193 a fee, commission, or other valuable consideration directly from  
1194 the purchaser for the seller of travel; who does not at any time  
1195 have any unissued ticket stock or travel documents in his or her  
1196 possession; and who does not have the ability to issue tickets,

1197 vacation certificates, or any other travel document. The term  
 1198 "independent agent" does not include an affiliate of the seller  
 1199 of travel, as that term is used in s. 559.935(3), or the  
 1200 employees of the seller of travel or of such affiliates.

1201 (4) Any person applying for or renewing a local business  
 1202 tax receipt to engage in business as a seller of travel must  
 1203 exhibit a current registration certificate from the department  
 1204 before the local business tax receipt may be issued or reissued.

1205 (5) Each contract, advertisement, or certificate, or any  
 1206 other travel document, of a seller of travel must include the  
 1207 phrase "...(NAME OF FIRM)... is registered with the State of  
 1208 Florida as a Seller of Travel. Registration No....."

1209 ~~(6) Each advertisement of a seller of travel must include~~  
 1210 ~~the phrase "Fla. Seller of Travel Reg. No....."~~

1211 (6) ~~(7)~~ A ~~No~~ registration is not ~~shall be~~ valid for any  
 1212 seller of travel transacting business at any place other than  
 1213 that designated in its application, unless the department is  
 1214 first notified in writing in advance of any change of location.  
 1215 ~~A Nor shall the~~ registration is not ~~be~~ valid for an affiliate of  
 1216 the seller of travel who engages in the prearranged travel and  
 1217 tourist business. A registration issued under this part may  
 1218 ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not  
 1219 be permitted to conduct business under more than one name except  
 1220 as registered. A seller of travel desiring to change its  
 1221 registered name or location or designated agent for service of  
 1222 process at a time other than upon renewal of registration shall

1223 notify the department of such change.

1224 ~~(7)-(8)~~ Applications under this section are ~~shall be~~  
 1225 subject to ~~the provisions of~~ s. 120.60.

1226 ~~(8)-(9)~~ The department may deny, ~~or~~ refuse to renew, or  
 1227 revoke the registration of any seller of travel based upon a  
 1228 determination that the seller of travel, or any of its  
 1229 directors, officers, owners, or general partners:

1230 (a) Has failed to meet the requirements for registration  
 1231 as provided in this part;

1232 (b) Has been convicted of a crime involving fraud, theft,  
 1233 embezzlement, dishonest dealing, or any other act of moral  
 1234 turpitude or any other act arising out of conduct as a seller of  
 1235 travel;

1236 (c) Has not satisfied a civil fine or penalty arising out  
 1237 of any administrative or enforcement action brought by any  
 1238 governmental agency or private person based upon conduct  
 1239 involving fraud, theft, embezzlement, dishonest dealing, or any  
 1240 violation of this part;

1241 (d) Has pending against her or him any criminal,  
 1242 administrative, or enforcement proceedings in any jurisdiction,  
 1243 based upon conduct involving fraud, theft, embezzlement,  
 1244 dishonest dealing, or any other act of moral turpitude or any  
 1245 other act arising out of conduct as a seller of travel; or

1246 (e) Has had a judgment entered against her or him in any  
 1247 action brought by the department or the Department of Legal  
 1248 Affairs pursuant to ss. 501.201-501.213 or this act ~~part~~.

1249 Section 30. Subsections (2) and (6) of section 559.929,  
 1250 Florida Statutes, are amended to read:

1251 559.929 Security requirements.—

1252 (2) The bond must be filed with the department on a form  
 1253 adopted by department rule and must be in favor of the  
 1254 department for the use and benefit of a traveler who is injured  
 1255 by the fraud, misrepresentation, breach of contract, or  
 1256 financial failure, or any other violation of this part by the  
 1257 seller of travel. Such liability may be enforced by proceeding  
 1258 in an administrative action as specified in subsection (3) or by  
 1259 filing a civil action. However, in such civil action the bond  
 1260 posted with the department may ~~shall~~ not be amenable or subject  
 1261 to a judgment or other legal process issuing out of or from such  
 1262 court in connection with such civil action, but such bond shall  
 1263 be amenable to and enforceable only by and through  
 1264 administrative proceedings before the department. It is the  
 1265 intent of the Legislature that such bond be applicable and  
 1266 liable only for the payment of claims duly adjudicated by order  
 1267 of the department. The bond must be open to successive claims,  
 1268 but the aggregate amount awarded may not exceed the amount of  
 1269 the bond. In addition to the foregoing, a bond provided by a  
 1270 registrant or applicant for registration which certifies its  
 1271 business activities under s. 559.9285(1)(b) or (c) must be in  
 1272 favor of the department, with payment in the following order of  
 1273 priority:

1274 (a) The expenses for prosecuting the registrant or

1275 applicant in an administrative or civil action under this part,  
 1276 including attorney fees and fees for other professionals, court  
 1277 costs or other costs of the proceedings, and all other expenses  
 1278 incidental to the action.

1279 (b) The costs and expenses of investigation before the  
 1280 commencement of an administrative or civil action under this  
 1281 part.

1282 (c) An unpaid administrative fine imposed by final order  
 1283 or an unpaid civil penalty imposed by final judgment under this  
 1284 part.

1285 (d) Damages or compensation for a traveler injured as  
 1286 provided in this subsection.

1287 (6) The department may waive the bond requirement on an  
 1288 annual basis if the seller of travel has had 5 or more  
 1289 consecutive years of experience as a seller of travel in this  
 1290 state in compliance with this part, has not had a civil,  
 1291 criminal, or administrative action instituted against the seller  
 1292 of travel in the vacation and travel business by a governmental  
 1293 agency or an action involving fraud, theft, misappropriation of  
 1294 property, violation of a statute pertaining to business or  
 1295 commerce with a terrorist state, ~~or~~ moral turpitude, or other  
 1296 violation of this part and has a satisfactory consumer complaint  
 1297 history with the department, and certifies its business  
 1298 activities under s. 559.9285. Such waiver may be revoked if the  
 1299 seller of travel violates this part. A seller of travel which  
 1300 certifies its business activities under s. 559.9285(1)(b) or (c)

1301 is not entitled to the waiver provided in this subsection.

1302 Section 31. Subsections (10), (14), and (17) of section  
1303 559.9295, Florida Statutes, are amended to read:

1304 559.9295 Submission of vacation certificate documents.—  
1305 Sellers of travel who offer vacation certificates must submit  
1306 and disclose to the department with the application for  
1307 registration, and any time such document is changed, but prior  
1308 to the sale of any vacation certificate, the following  
1309 materials:

1310 ~~(10) A statement of the number of certificates to be~~  
1311 ~~issued and the date of their expiration.~~

1312 (13)~~(14)~~ A listing of the full name, address, and  
1313 telephone number of each person through which the distribution  
1314 and sale of vacation certificates is to be carried out,  
1315 ~~including the number of vacation certificates allocated or sold~~  
1316 ~~to each such person~~ and the name and address of a Florida  
1317 registered agent for service of process.

1318 ~~(17) Within 10 working days after receipt of any materials~~  
1319 ~~submitted subsequent to filing an initial registration~~  
1320 ~~application or any annual renewal thereof, the department shall~~  
1321 ~~determine whether such materials are adequate to meet the~~  
1322 ~~requirements of this section. The department shall notify the~~  
1323 ~~seller of travel that materials submitted are in substantial~~  
1324 ~~compliance, or shall notify the seller of travel of any specific~~  
1325 ~~deficiencies. If the department fails to notify the seller of~~  
1326 ~~travel of its determination within the period specified in this~~

1327 ~~subsection, the materials shall be deemed in compliance;~~  
 1328 ~~however, the failure of the department to send notification in~~  
 1329 ~~either case will not relieve the seller of travel from the duty~~  
 1330 ~~of complying with this section. Neither the submission of these~~  
 1331 ~~materials nor the department's response implies approval,~~  
 1332 ~~recommendation, or endorsement by the department or that the~~  
 1333 ~~contents of said materials have been verified by the department.~~

1334 Section 32. Section 559.932, Florida Statutes, is amended  
 1335 to read:

1336 559.932 Vacation certificate disclosure.—

1337 (1) A ~~It shall be unlawful for any~~ seller of travel must  
 1338 ~~to fail to~~ provide each person solicited with a contract that  
 1339 includes which shall include the following in a 10-point font,  
 1340 unless otherwise specified:

1341 (a) A space for the date, name, address, and signature of  
 1342 the purchaser.

1343 (b) The expiration date of the vacation certificate and  
 1344 the terms and conditions of its extension or renewal, if  
 1345 available.

1346 (c) The name and business address of any seller of travel  
 1347 who may solicit vacation certificate purchasers for further  
 1348 purchases, and a full and complete statement as to the nature  
 1349 and method of that solicitation.

1350 (d) The total financial obligation of the purchaser which  
 1351 shall include the initial purchase price and any additional  
 1352 charges to which the purchaser may be subject, including, but

1353 not limited to, any per diem, seasonal, reservation, or  
 1354 recreational charge.

1355 (e) The name and street address of any person who has the  
 1356 right to alter, amend, or add to the charges to which the  
 1357 purchaser may be subject and the terms and conditions under  
 1358 which such charges may be imposed.

1359 (f) If any accommodation or facility which a purchaser  
 1360 acquires the right to use pursuant to the vacation certificate  
 1361 is not completed at the time the certificate is offered for  
 1362 sale, the date of availability of each component of the  
 1363 accommodation or facility.

1364 (g) By means of a section entitled "terms and conditions":

1365 1. All eligibility requirements for use of the vacation  
 1366 certificate, including, but not limited to, age, sex, marital  
 1367 status, group association, residency, or geographic limitations.

1368 2. All eligibility requirements for use of any discount or  
 1369 complimentary coupon or ticket.

1370 3. A statement as to whether transportation and meals are  
 1371 provided pursuant to use of the certificate.

1372 4. Any room deposit requirement, including all conditions  
 1373 for its return or refund.

1374 5. The manner in which reservation requests are to be made  
 1375 and the method by which they are to be confirmed.

1376 6. Any identification, credential, or other means by which  
 1377 a purchaser must establish her or his entitlement to the rights,  
 1378 benefits, or privileges of the vacation certificate.

1379           7. Any restriction or limitation upon transfer of the  
 1380 vacation certificate or any right, benefit, or privilege  
 1381 thereunder.

1382           8. Any other term, limitation, condition, or requirement  
 1383 material to use of the vacation certificate or any right,  
 1384 benefit, or privilege thereunder.

1385           (h) In immediate proximity to the space reserved in the  
 1386 contract for the date and the name, address, and signature of  
 1387 the purchaser, the following statement in boldfaced type of a  
 1388 size of 10 points:

1389  
 1390           "YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR  
 1391 OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT  
 1392 OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER."

1393           "YOU MAY ALSO CANCEL THIS CONTRACT IF ACCOMMODATIONS OR  
 1394 FACILITIES ARE NOT AVAILABLE PURSUANT TO A REQUEST FOR USE AS  
 1395 PROVIDED IN THE CONTRACT."

1396           "IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN  
 1397 WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE  
 1398 AND SENDING NOTICE TO: ... (NAME OF SELLER)... AT ... (SELLER'S  
 1399 ADDRESS)...."

1400  
 1401           (i) In immediate proximity to the statement required in  
 1402 paragraph (h), the following statement in boldfaced type of a  
 1403 size of 12 ~~10~~ points:

1404

1405 "NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN  
 1406 THOSE INCLUDED IN THIS CONTRACT."

1407

1408 However, inclusion of this statement shall not impair any  
 1409 purchaser's right to bring legal action based on verbal  
 1410 statements.

1411 (j) In immediate proximity to the statement required in  
 1412 paragraph (i), the following statement:

1413 "This contract is for the purchase of a vacation  
 1414 certificate and puts all assignees on notice of the consumer's  
 1415 right to cancel under section 559.933, Florida Statutes."

1416 (2) If a sale or agreement to purchase a vacation  
 1417 certificate is completed over the telephone, the seller shall  
 1418 inform the purchaser over the telephone that:

1419 (a) The purchaser may cancel the contract without any  
 1420 penalty or obligation within 30 days from the date of purchase  
 1421 or receipt of the vacation certificate, whichever occurs later.

1422 (b) The purchaser may also cancel the contract if  
 1423 accommodations or facilities are not available upon request for  
 1424 use as provided in the contract.

1425 (3) Upon receipt of a copy of a vacation certificate or  
 1426 contract required pursuant to s. 559.9295, the department must  
 1427 review the certificate or contract for compliance with the  
 1428 disclosures required under this section.

1429 Section 33. Section 559.933, Florida Statutes, is amended  
 1430 to read:

1431 559.933 Vacation certificate cancellation and refund  
 1432 provisions.-

1433 (1) A ~~It shall be unlawful for any~~ seller of travel or  
 1434 assignee must honor a purchaser's request to cancel a vacation  
 1435 certificate if such request is made:

1436 ~~(1) To fail or refuse to honor a purchaser's vacation~~  
 1437 ~~certificate request to cancel if such request is made:~~

1438 (a) Within 30 days after ~~from~~ the date of purchase or  
 1439 receipt of the vacation certificate, whichever occurs later; or

1440 (b) At any time accommodations or facilities are not  
 1441 available pursuant to a request for use as provided in the  
 1442 contract, provided that:

1443 1. The contract may ~~shall~~ not require notice greater than  
 1444 60 days in advance of the date requested for use;

1445 2. If acceptable to the purchaser, comparable alternate  
 1446 accommodations or facilities in a city, or reservations for a  
 1447 date different than that requested, may be provided.

1448 (2) A seller of travel or assignee must ~~To fail to~~ refund  
 1449 any and all payments made by the vacation certificate purchaser  
 1450 within 30 days after receipt of the certificate and notice of  
 1451 cancellation made pursuant to this section, if the purchaser has  
 1452 not received any benefits pursuant to the vacation certificate.

1453 (3) A seller of travel or assignee must, if the purchaser  
 1454 has received any benefits pursuant to the vacation certificate,  
 1455 ~~to fail to~~ refund within 30 days after receipt of the  
 1456 certificate and notice of cancellation made pursuant to this

1457 section any and all payments made by the purchaser which exceed  
 1458 a pro rata portion of the total price, representing the portion  
 1459 of any benefits actually received by the vacation certificate  
 1460 purchaser during the time preceding cancellation.

1461 (4) If ~~where~~ any purchaser has received confirmation of  
 1462 reservations in advance and is refused accommodations upon  
 1463 arrival, a seller of travel or assignee must ~~to fail to~~ procure  
 1464 comparable alternate accommodations for the purchaser in the  
 1465 same city at no expense to the purchaser, or ~~to fail to~~ fully  
 1466 compensate the purchaser for the room rate incurred in securing  
 1467 comparable alternate accommodations himself or herself.

1468 (5) A seller of travel or assignee may not ~~to~~ collect more  
 1469 than the full contract price from the purchaser.

1470 (6) A seller of travel or assignee may not ~~to~~ sell,  
 1471 assign, or otherwise transfer any interest in a seller of travel  
 1472 business, or ~~to~~ sell, assign, or otherwise transfer to a third  
 1473 party any interest in any vacation certificate unless:

1474 (a) The third party agrees in writing to fully honor the  
 1475 rights of vacation certificate purchasers to cancel and to  
 1476 receive an appropriate refund or reimbursement as provided in  
 1477 this section.

1478 (b) The third party agrees in writing to comply with all  
 1479 other provisions of this part for as long as the third party  
 1480 continues the sale of vacation certificates or for the duration  
 1481 of the period of validity of outstanding vacation certificates,  
 1482 whichever is longer in time.

1483 (c) The seller of travel agrees to be liable for and fully  
1484 indemnify a purchaser from any loss occasioned by the failure of  
1485 the third party to honor the purchaser's right to cancel and  
1486 failure to make prompt and complete refund to the purchaser of  
1487 all sums paid to the third party, or occasioned by the third  
1488 party's failure to comply with the provisions of this part.

1489 (7) A seller of travel or assignee must ~~To fail to~~ fulfill  
1490 the terms of a vacation certificate within 18 months after ~~of~~  
1491 the initial payment of any consideration by the purchaser to a  
1492 seller of travel or third party.

1493 Section 34. Section 559.9335, Florida Statutes, is amended  
1494 to read:

1495 559.9335 Violations.—It is a violation of this part for  
1496 any seller of travel, independent agent, or other person:

1497 (1) To conduct business as a seller of travel without  
1498 registering annually with the department unless exempt pursuant  
1499 to s. 559.935.

1500 (2) To conduct business as a seller of travel without an  
1501 annual purchase of a performance bond in the amount set by the  
1502 department unless exempt pursuant to s. 559.935.

1503 (3) Knowingly to make any false statement, representation,  
1504 or certification in any application, document, or record  
1505 required to be submitted or retained under this part or in any  
1506 response to an inquiry or investigation conducted by the  
1507 department or any other governmental agency.

1508 (4) Knowingly to sell or market any ~~number of~~ vacation

1509 certificates that exceed the accommodations available at the  
 1510 time of sale ~~the number disclosed to the department pursuant to~~  
 1511 ~~this section.~~

1512 (5) Knowingly to sell or market vacation certificates with  
 1513 an expiration date of more than 18 months from the date of  
 1514 issuance.

1515 ~~(6) Knowingly to require, request, encourage, or suggest,~~  
 1516 ~~directly or indirectly, that payment for the right to obtain a~~  
 1517 ~~travel contract, certificate, or vacation package must be by~~  
 1518 ~~credit card authorization or to otherwise announce a preference~~  
 1519 ~~for that method of payment over any other when no correct and~~  
 1520 ~~true explanation for such preference is likewise stated.~~

1521 ~~(6)-(7)~~ Knowingly to state, represent, indicate, suggest,  
 1522 or imply, directly or indirectly, that the travel contract,  
 1523 certificate, or vacation package being offered by the seller of  
 1524 travel cannot be purchased at some later time or may not  
 1525 otherwise be available after the initial contact, or that  
 1526 callbacks by the prospective purchaser are not accepted, when no  
 1527 such restrictions or limitations in fact exist.

1528 ~~(7)-(8)~~ To misrepresent ~~in any manner~~ the purchaser's right  
 1529 to cancel and to receive an appropriate refund or reimbursement  
 1530 as provided by this part.

1531 ~~(8)-(9)~~ To sell any vacation certificate the duration of  
 1532 which exceeds the duration of any agreement between the seller  
 1533 and any business entity obligated thereby to provide  
 1534 accommodations or facilities pursuant to the vacation

1535 certificate.

1536 (9)~~(10)~~ To misrepresent or deceptively represent:

1537 (a) The amount of time or period of time accommodations or

1538 facilities will be available.

1539 (b) The location of accommodations or facilities offered.

1540 (c) The price, size, nature, extent, qualities, or

1541 characteristics of accommodations or facilities offered.

1542 (d) The nature or extent of other goods, services, or

1543 amenities offered.

1544 (e) A purchaser's rights, privileges, or benefits.

1545 (f) The conditions under which the purchaser may obtain a

1546 reservation for the use of offered accommodations or facilities.

1547 (g) That the recipient of an advertisement or promotional

1548 materials is a winner, or has been selected, or is otherwise

1549 being involved in a select group for receipt, of a gift, award,

1550 or prize, unless this fact is the truth.

1551 (10)~~(11)~~ To fail to inform a purchaser of a nonrefundable

1552 cancellation policy before ~~prior to~~ the seller of travel

1553 accepting any fee, commission, or other valuable consideration.

1554 ~~(12) To fail to include, when offering to sell a vacation~~

1555 ~~certificate, in any advertisement or promotional material, the~~

1556 ~~following statement: "This is an offer to sell travel."~~

1557 (11)~~(13)~~ To fail to honor and comply with all provisions

1558 of the vacation certificate regarding the purchaser's rights,

1559 benefits, and privileges thereunder.

1560 (12)~~(14)~~ (a) To include in any vacation certificate or

1561 contract any provision purporting to waive or limit any right or  
 1562 benefit provided to purchasers under this part; or

1563 (b) To seek or solicit such waiver or acceptance of  
 1564 limitation from a purchaser concerning rights or benefits  
 1565 provided under this part.

1566 (13)~~(15)~~ To offer vacation certificates for any  
 1567 accommodation or facility for which there is no contract with  
 1568 the owner of the accommodation or facility securing the  
 1569 purchaser's right to occupancy and use, unless the seller is the  
 1570 owner.

1571 ~~(16) To use a local mailing address, registration~~  
 1572 ~~facility, drop box, or answering service in the promotion,~~  
 1573 ~~advertising, solicitation, or sale of vacation certificates,~~  
 1574 ~~unless the seller's fixed business address is clearly disclosed~~  
 1575 ~~during any telephone solicitation and is prominently and~~  
 1576 ~~conspicuously disclosed on all solicitation materials and on the~~  
 1577 ~~contract.~~

1578 (14)~~(17)~~ To use any registered trademark, trade name, or  
 1579 trade logo in any promotional, advertising, or solicitation  
 1580 materials without written authorization from the holder of such  
 1581 trademark, trade name, or trade logo.

1582 (15)~~(18)~~ To represent, directly or by implication, any  
 1583 affiliation with, or endorsement by, any governmental,  
 1584 charitable, educational, medical, religious, fraternal, or civic  
 1585 organization or body, or any individual, in the promotion,  
 1586 advertisement, solicitation, or sale of vacation certificates

1587 without express written authorization.

1588 (16)~~(19)~~ To sell a vacation certificate to any purchaser  
1589 who is ineligible for its use.

1590 ~~(20) To sell any number of vacation certificates exceeding~~  
1591 ~~the number disclosed pursuant to this part.~~

1592 (17)~~(21)~~ During the period of a vacation certificate's  
1593 validity, in the event, for any reason whatsoever, of lapse or  
1594 breach of an agreement for the provision of accommodations or  
1595 facilities to purchasers, to fail to procure similar agreement  
1596 for the provision of comparable alternate accommodations or  
1597 facilities in the same city or surrounding area.

1598 (18)~~(22)~~ To offer to sell, at wholesale or retail,  
1599 prearranged travel or~~7~~ tourist-related services, ~~or tour-guide~~  
1600 ~~services~~ for individuals or groups directly to any terrorist  
1601 state and which originate in Florida, without disclosing such  
1602 business activities in a certification filed under s.  
1603 559.9285(1)(b) or (c).

1604 (19)~~(23)~~ To violate any state or federal law restricting  
1605 or prohibiting commerce with terrorist states.

1606 (20)~~(24)~~ To engage in ~~do~~ any other fraudulent action that  
1607 ~~act which~~ constitutes fraud, misrepresentation, or failure to  
1608 disclose a material fact, or to commit any other violation of,  
1609 or fail to comply with, this part.

1610 (21)~~(25)~~ To refuse or fail, or for any of its principal  
1611 officers to refuse or fail, after notice, to produce any  
1612 document or record or disclose any information required to be

1613 produced or disclosed.

1614 (22)~~(26)~~ Knowingly to make a material false statement in  
1615 response to any request or investigation by the department, the  
1616 Department of Legal Affairs, or the state attorney.

1617 Section 35. Subsections (3) and (4) of section 559.935,  
1618 Florida Statutes, are amended to read:

1619 559.935 Exemptions.—

1620 (3) Sections 559.928, 559.929, 559.9295, 559.931, and  
1621 559.932 ~~shall~~ also do not apply to a seller of travel that is an  
1622 affiliate of an entity exempt pursuant to subsection (2) subject  
1623 to the following conditions:

1624 (a) If ~~In the event~~ the department finds the affiliate  
1625 does not have a satisfactory consumer complaint history or the  
1626 affiliate fails to respond to a consumer complaint within 30  
1627 days, the related seller of travel exempt pursuant to subsection  
1628 (2) is ~~shall be~~ liable for the actions of the affiliate, subject  
1629 to the remedies provided in ss. 559.9355 and 559.936.

1630 (b) If ~~In the event~~ the department is unable to locate an  
1631 affiliate, the related seller of travel exempt pursuant to  
1632 subsection (2) is ~~shall be~~ fully liable for the actions of the  
1633 affiliate, subject to the remedies provided in ss. 559.9355 and  
1634 559.936.

1635 ~~(c) In order to obtain an exemption under this subsection,~~  
1636 ~~the affiliate shall file an affidavit of exemption on a form~~  
1637 ~~prescribed by the department and shall certify its business~~  
1638 ~~activities under s. 559.9285(1)(a). The affidavit of exemption~~

1639 ~~shall be executed by a person who exercises identical control~~  
1640 ~~over the seller of travel exempt pursuant to subsection (2) and~~  
1641 ~~the affiliate. Failure to file an affidavit of exemption or~~  
1642 ~~certification under s. 559.9285(1)(a) prior to engaging in~~  
1643 ~~seller of travel activities shall subject the affiliate to the~~  
1644 ~~remedies provided in ss. 559.9355 and 559.936.~~

1645 (c)~~(d)~~ Revocation by the department of an exemption  
1646 provided to a seller of travel under subsection (2) shall  
1647 constitute automatic revocation by law of an exemption obtained  
1648 by an affiliate under the subsection.

1649 (d)~~(e)~~ This subsection does ~~shall~~ not apply to:

1650 1. An affiliate that independently qualifies for another  
1651 exemption under this section.

1652 2. An affiliate that sells, or offers for sale, vacation  
1653 certificates.

1654 3. An affiliate that certifies its business activities  
1655 under s. 559.9285(1)(b) or (c).

1656 (e)~~(f)~~ For purposes of this section, the term ~~an~~  
1657 "affiliate" means an entity that meets the following:

1658 1. The entity has the identical ownership as the seller of  
1659 travel that is exempt under subsection (2).

1660 2. The ownership controlling the seller of travel that is  
1661 exempt under subsection (2) also exercises identical control  
1662 over the entity.

1663 3. The owners of the affiliate hold the identical  
1664 percentage of voting shares as they hold in the seller of travel

1665 that is exempt under subsection (2).

1666 (4) The department may revoke the exemption provided in  
 1667 subsection (2) or subsection (3) if the department finds that  
 1668 the seller of travel does not have a satisfactory consumer  
 1669 complaint history, has been convicted of a crime involving  
 1670 fraud, theft, embezzlement, misappropriation of property,  
 1671 deceptive or unfair trade practices, or moral turpitude, or has  
 1672 not complied with the terms of any order or settlement agreement  
 1673 arising out of an administrative or enforcement action brought  
 1674 by a governmental agency or private person based on conduct  
 1675 involving fraud, theft, embezzlement, misappropriation of  
 1676 property, deceptive or unfair trade practices, or moral  
 1677 turpitude.

1678 Section 36. Subsection (3) of section 559.936, Florida  
 1679 Statutes, is amended to read:

1680 559.936 Civil penalties; remedies.—

1681 (3) The department may seek a civil penalty in the Class  
 1682 III category pursuant to s. 570.971 for each act or omission in  
 1683 violation of s. 559.9335(18) or (19) ~~s. 559.9335(22) or (23)~~.

1684 Section 37. Paragraph (b) of subsection (5), paragraph (a)  
 1685 of subsection (10), and subsections (15) and (16) of section  
 1686 616.242, Florida Statutes, are amended to read:

1687 616.242 Safety standards for amusement rides.—

1688 (5) ANNUAL PERMIT.—

1689 (b) To apply for an annual permit, an owner must submit to  
 1690 the department a written application on a form prescribed by

1691 rule of the department, which must include the following:

1692 1. The legal name, address, and primary place of business  
1693 of the owner.

1694 2. A description, manufacturer's name, serial number,  
1695 model number and, if previously assigned, the United States  
1696 Amusement Identification Number of the amusement ride.

1697 3. A valid certificate of insurance ~~or bond~~ for each  
1698 amusement ride.

1699 4. An affidavit of compliance that the amusement ride was  
1700 inspected in person by the affiant and that the amusement ride  
1701 is in general conformance with the requirements of this section  
1702 and all applicable rules adopted by the department. The  
1703 affidavit must be executed by a professional engineer or a  
1704 qualified inspector no earlier than 60 days before, but not  
1705 later than, the date of the filing of the application with the  
1706 department. The owner shall request inspection and permitting of  
1707 the amusement ride within 60 days of the date of filing the  
1708 application with the department. The department shall inspect  
1709 and permit the amusement ride within 60 days after filing the  
1710 application with the department.

1711 5. If required by subsection (6), an affidavit of  
1712 nondestructive testing dated and executed no earlier than 60  
1713 days before ~~prior to~~, but not later than, the date of the filing  
1714 of the application with the department. The owner shall request  
1715 inspection and permitting of the amusement ride within 60 days  
1716 of the date of filing the application with the department. The

1717 department shall inspect and permit the amusement ride within 60  
1718 days after filing the application with the department.

1719 6. A request for inspection.

1720 7. Upon request, the owner shall, at no cost to the  
1721 department, provide the department a copy of the manufacturer's  
1722 current recommended operating instructions in the possession of  
1723 the owner, the owner's operating fact sheet, and any written  
1724 bulletins in the possession of the owner concerning the safety,  
1725 operation, or maintenance of the amusement ride.

1726 (10) EXEMPTIONS.—

1727 (a) This section does not apply to:

1728 1. Permanent facilities that employ at least 1,000 full-  
1729 time employees and that maintain full-time, in-house safety  
1730 inspectors. Furthermore, the permanent facilities must file an  
1731 affidavit of the annual inspection with the department, on a  
1732 form prescribed by rule of the department. Additionally, the  
1733 Department of Agriculture and Consumer Services may consult  
1734 annually with the permanent facilities regarding industry safety  
1735 programs.

1736 2. Any playground operated by a school, local government,  
1737 or business licensed under chapter 509, if the playground is an  
1738 incidental amenity and the operating entity is not primarily  
1739 engaged in providing amusement, pleasure, thrills, or  
1740 excitement.

1741 3. Museums or other institutions principally devoted to  
1742 the exhibition of products of agriculture, industry, education,

1743 science, religion, or the arts.

1744 4. Conventions or trade shows for the sale or exhibit of  
1745 amusement rides if there are a minimum of 15 amusement rides on  
1746 display or exhibition, and if any operation of such amusement  
1747 rides is limited to the registered attendees of the convention  
1748 or trade show.

1749 5. Skating rinks, arcades, laser ~~lazer~~ or paint ball war  
1750 games, bowling alleys, miniature golf courses, mechanical bulls,  
1751 inflatable rides, trampolines, ball crawls, exercise equipment,  
1752 jet skis, paddle boats, airboats, helicopters, airplanes,  
1753 parasails, hot air or helium balloons whether tethered or  
1754 untethered, theatres, batting cages, stationary spring-mounted  
1755 fixtures, rider-propelled merry-go-rounds, games, side shows,  
1756 live animal rides, or live animal shows.

1757 6. Go-karts operated in competitive sporting events if  
1758 participation is not open to the public.

1759 7. Nonmotorized playground equipment that is not required  
1760 to have a manager.

1761 8. Coin-actuated amusement rides designed to be operated  
1762 by depositing coins, tokens, credit cards, debit cards, bills,  
1763 or other cash money and which are not required to have a  
1764 manager, and which have a capacity of six persons or less.

1765 9. Facilities described in s. 549.09(1)(a) when such  
1766 facilities are operating cars, trucks, or motorcycles only.

1767 10. Battery-powered cars or other vehicles that are  
1768 designed to be operated by children 7 years of age or under and

1769 that cannot exceed a speed of 4 miles per hour.

1770 11. Mechanically driven vehicles that pull train cars,  
1771 carts, wagons, or other similar vehicles, that are not confined  
1772 to a metal track or confined to an area but are steered by an  
1773 operator and do not exceed a speed of 4 miles per hour.

1774 12. A water-related amusement ride operated by a business  
1775 licensed under chapter 509 if the water-related amusement ride  
1776 is an incidental amenity and the operating business is not  
1777 primarily engaged in providing amusement, pleasure, thrills, or  
1778 excitement and does not offer day rates.

1779 13. An amusement ride at a private, membership-only  
1780 facility if the amusement ride is an incidental amenity and the  
1781 facility is not open to the general public; is not primarily  
1782 engaged in providing amusement, pleasure, thrills, or  
1783 excitement; and does not offer day rates.

1784 14. A nonprofit permanent facility registered under  
1785 chapter 496 which is not open to the general public.

1786 (15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ ~~Prior to~~  
1787 opening on each day of operation and before ~~prior to~~ any  
1788 inspection by the department, the owner or manager of an  
1789 amusement ride must inspect and test the amusement ride to  
1790 ensure compliance with all requirements of this section. Each  
1791 inspection must be recorded on a form prescribed by rule of the  
1792 department and signed by the person who conducted the  
1793 inspection. In lieu of the form prescribed by rule of the  
1794 department, the owner or manager may request approval of an

1795 alternative form if the alternative form includes, at a minimum,  
 1796 the information required on the form prescribed by rule of the  
 1797 department. Inspection records of the last 14 daily inspections  
 1798 must be kept on site by the owner or manager and made  
 1799 immediately available to the department upon request.

1800 (16) TRAINING OF EMPLOYEES.—The owner or manager of an ~~any~~  
 1801 amusement ride shall maintain a record of employee training for  
 1802 each employee authorized to operate, assemble, disassemble,  
 1803 transport, or conduct maintenance on an amusement ride, ~~on a~~  
 1804 form prescribed by rule of the department. In lieu of the form  
 1805 prescribed by rule of the department, the owner or manager may  
 1806 request approval of an alternative form if the alternative form  
 1807 includes, at a minimum, the information required on the form  
 1808 prescribed by rule of the department. The training record must  
 1809 be kept on site by the owner or manager and made immediately  
 1810 available to the department upon request. Training may not be  
 1811 conducted when an amusement ride is open to the public unless  
 1812 the training is conducted under the supervision of an employee  
 1813 who is trained in the operation of that ride. The owner or  
 1814 manager shall certify that each employee is trained, as required  
 1815 by this section and any rules adopted thereunder, on the  
 1816 amusement ride for which the employee is responsible.

1817 Section 38. Subsections (1), (2), (5), (7), and (13) of  
 1818 section 713.585, Florida Statutes, are amended to read:

1819 713.585 Enforcement of lien by sale of motor vehicle.—A  
 1820 person claiming a lien under s. 713.58 for performing labor or

1821 services on a motor vehicle may enforce such lien by sale of the  
 1822 vehicle in accordance with the following procedures:

1823 (1) The lienor must give notice, by certified mail, return  
 1824 receipt requested, within 7 ~~15~~ business days, excluding Saturday  
 1825 and Sunday, from the beginning date of the assessment of storage  
 1826 charges on said motor vehicle, to the registered owner of the  
 1827 vehicle, to the customer as indicated on the order for repair,  
 1828 and to all other persons claiming an interest in or lien  
 1829 thereon, as disclosed by the records of the Department of  
 1830 Highway Safety and Motor Vehicles or as disclosed by the records  
 1831 of any corresponding agency of any other state in which the  
 1832 vehicle is identified through a records check of the National  
 1833 Motor Vehicle Title Information System or an equivalent  
 1834 commercially available system as being the current state where  
 1835 the vehicle is titled. Such notice must contain:

1836 (a) A description of the vehicle, including, at a minimum,  
 1837 the vehicle's ~~(year, make, vehicle identification number,)~~ and  
 1838 ~~its~~ location.

1839 (b) The name and address of the owner of the vehicle, the  
 1840 customer as indicated on the order for repair, and any person  
 1841 claiming an interest in or lien thereon.

1842 (c) The name, address, and telephone number of the lienor.

1843 (d) Notice that the lienor claims a lien on the vehicle  
 1844 for labor and services performed and storage charges, if any,  
 1845 and the cash sum which, if paid to the lienor, would be  
 1846 sufficient to redeem the vehicle from the lien claimed by the

1847 | lienor.

1848 |       (e) Notice that the lien claimed by the lienor is subject  
1849 | to enforcement pursuant to this section and that the vehicle may  
1850 | be sold to satisfy the lien.

1851 |       (f) If known, the date, time, and location of any proposed  
1852 | or scheduled sale of the vehicle. A ~~No~~ vehicle may not be sold  
1853 | earlier than 60 days after completion of the repair work.

1854 |       (g) Notice that the owner of the vehicle or any person  
1855 | claiming an interest in or lien thereon has a right to a hearing  
1856 | at any time before ~~prior to~~ the scheduled date of sale by filing  
1857 | a demand for hearing with the clerk of the circuit court in the  
1858 | county in which the vehicle is held and mailing copies of the  
1859 | demand for hearing to all other owners and lienors as reflected  
1860 | on the notice.

1861 |       (h) Notice that the owner of the vehicle has a right to  
1862 | recover possession of the vehicle without instituting judicial  
1863 | proceedings by posting bond in accordance with ~~the provisions of~~  
1864 | s. 559.917.

1865 |       (i) Notice that any proceeds from the sale of the vehicle  
1866 | remaining after payment of the amount claimed to be due and  
1867 | owing to the lienor will be deposited with the clerk of the  
1868 | circuit court for disposition upon court order pursuant to  
1869 | subsection (8).

1870 |       (j) Notice that a lienholder, if any, has the right, as  
1871 | specified in subsection (5), to demand a hearing or to post a  
1872 | bond.

1873 (2) If attempts to locate the owner or lienholder are  
 1874 unsuccessful after a check of the records of the Department of  
 1875 Highway Safety and Motor Vehicles and any state disclosed by the  
 1876 check of the National Motor Vehicle Title Information System or  
 1877 an equivalent commercially available system, the lienor must  
 1878 notify the local law enforcement agency in writing by certified  
 1879 mail or acknowledged hand delivery that the lienor has been  
 1880 unable to locate the owner or lienholder, that a physical search  
 1881 of the vehicle has disclosed no ownership information, and that  
 1882 a good faith effort, including records checks of the Department  
 1883 of Highway Safety and Motor Vehicles database and the National  
 1884 Motor Vehicle Title Information System or an equivalent  
 1885 commercially available system, has been made. A description of  
 1886 the motor vehicle which includes the year, make, and  
 1887 identification number must be given on the notice. This  
 1888 notification must take place within 7 ~~15~~ business days,  
 1889 excluding Saturday and Sunday, from the beginning date of the  
 1890 assessment of storage charges on said motor vehicle. For  
 1891 purposes of this paragraph, the term "good faith effort" means  
 1892 that the following checks have been performed by the company to  
 1893 establish the prior state of registration and title:

1894 (a) A check of the Department of Highway Safety and Motor  
 1895 Vehicles database for the owner and any lienholder;

1896 (b) A check of the federally mandated electronic National  
 1897 Motor Vehicle Title Information System or an equivalent  
 1898 commercially available system to determine the state of

1899 registration when there is not a current title or registration  
 1900 record for the vehicle on file with the Department of Highway  
 1901 Safety and Motor Vehicles;

1902 (c) A check of vehicle for any type of tag, tag record,  
 1903 temporary tag, or regular tag;

1904 (d) A check of vehicle for inspection sticker or other  
 1905 stickers and decals that could indicate the state of possible  
 1906 registration; and

1907 (e) A check of the interior of the vehicle for any papers  
 1908 that could be in the glove box, trunk, or other areas for the  
 1909 state of registration.

1910 (5) At any time before ~~prior to~~ the proposed or scheduled  
 1911 date of sale of a vehicle, the owner of the vehicle, or any  
 1912 person claiming an interest in the vehicle or a lien thereon,  
 1913 may post a bond following the procedures outlined in s. 559.917  
 1914 or file a demand for hearing with the clerk of the circuit court  
 1915 in the county in which the vehicle is held to determine whether  
 1916 the vehicle has been wrongfully taken or withheld from her or  
 1917 him. Any person who files a demand for hearing shall mail copies  
 1918 of the demand to all other owners and lienors as reflected on  
 1919 the notice required in subsection (1).

1920 (a) Upon the filing of a demand for hearing, a hearing  
 1921 shall be held before ~~prior to~~ the proposed or scheduled date of  
 1922 sale of the vehicle.

1923 (b) Upon the posting of the bond and payment of the  
 1924 applicable fee set forth in s. 28.24, the clerk of the court

1925 shall issue a certificate notifying the lienor of the posting of  
 1926 the bond and directing the lienor to release the vehicle to the  
 1927 lienholder or the owner, based upon whomever posted the bond.

1928 (c) If a lienholder obtains the vehicle and the owner of  
 1929 the vehicle is not in default under the installment sales  
 1930 contract or title loan at the time the lienholder has possession  
 1931 of the vehicle, the lienholder must return the vehicle to the  
 1932 owner within 5 days after the owner repays the lienholder for  
 1933 the amount of the bond, or makes arrangements to repay the  
 1934 lienholder for the bond under terms agreeable to the lienholder.

1935 A lienholder may retain possession of the vehicle if the owner  
 1936 is in default until such time as the default is cured and the  
 1937 amount of the bond is repaid by the owner, or an arrangement  
 1938 agreeable to the lienholder is made with the owner.

1939 (7) At a ~~the~~ hearing on a ~~the~~ complaint relating to the  
 1940 requirements of this section, the court shall ~~forthwith~~ issue an  
 1941 ~~its~~ order determining:

1942 (a) Whether the vehicle is subject to a valid lien by the  
 1943 lienor and the amount thereof;

1944 (b) The priority of the lien of the lienor as against any  
 1945 existing security interest in the vehicle;

1946 (c) The distribution of any proceeds of the sale by the  
 1947 clerk of the circuit court;

1948 (d) The award of damages, if any;

1949 (e) ~~(d)~~ The award of reasonable attorney ~~attorney's~~ fees  
 1950 and costs, at the court's discretion, to the prevailing party;

1951 and

1952 (f)~~(e)~~ The reasonableness of storage charges.

1953

1954 A final order issued by the court must also provide for  
 1955 immediate payment of any proceeds or awards and the immediate  
 1956 release of the bond to the posting party, if applicable.

1957 (13) A failure to make good faith efforts as defined in  
 1958 subsection (2) precludes the imposition of any storage charges  
 1959 against the vehicle. If a lienor fails to provide notice to any  
 1960 person claiming a lien on a vehicle under subsection (1) within  
 1961 7 ~~15~~ business days after the assessment of storage charges has  
 1962 begun, then the lienor is precluded from charging for more than  
 1963 7 ~~15~~ days of storage, but failure to provide timely notice does  
 1964 not affect charges made for repairs, adjustments, or  
 1965 modifications to the vehicle or the priority of liens on the  
 1966 vehicle.

1967 Section 39. Subsections (2), (4), (5), and (10) of section  
 1968 790.06, Florida Statutes, are amended, and paragraph (f) is  
 1969 added to subsection (6) of that section, to read:

1970 790.06 License to carry concealed weapon or firearm.—

1971 (2) The Department of Agriculture and Consumer Services  
 1972 shall issue a license if the applicant:

1973 (a) Is a resident of the United States and a citizen of  
 1974 the United States or a permanent resident alien of the United  
 1975 States, as determined by the United States Bureau of Citizenship  
 1976 and Immigration Services, or is a consular security official of

1977 a foreign government that maintains diplomatic relations and  
 1978 treaties of commerce, friendship, and navigation with the United  
 1979 States and is certified as such by the foreign government and by  
 1980 the appropriate embassy in this country;

1981 (b) Is 21 years of age or older;

1982 (c) Does not suffer from a physical infirmity which  
 1983 prevents the safe handling of a weapon or firearm;

1984 (d) Is not ineligible to possess a firearm pursuant to s.  
 1985 790.23 by virtue of having been convicted of a felony;

1986 (e) Has not been committed for the abuse of a controlled  
 1987 substance or been found guilty of a crime under the provisions  
 1988 of chapter 893 or similar laws of any other state relating to  
 1989 controlled substances within a 3-year period immediately  
 1990 preceding the date on which the application is submitted;

1991 (f) Does not chronically and habitually use alcoholic  
 1992 beverages or other substances to the extent that his or her  
 1993 normal faculties are impaired. It shall be presumed that an  
 1994 applicant chronically and habitually uses alcoholic beverages or  
 1995 other substances to the extent that his or her normal faculties  
 1996 are impaired if the applicant has been committed under chapter  
 1997 397 or under the provisions of former chapter 396 or has been  
 1998 convicted under s. 790.151 or has been deemed a habitual  
 1999 offender under s. 856.011(3), or has had two or more convictions  
 2000 under s. 316.193 or similar laws of any other state, within the  
 2001 3-year period immediately preceding the date on which the  
 2002 application is submitted;

2003 (g) Desires a legal means to carry a concealed weapon or  
 2004 firearm for lawful self-defense;

2005 (h) Demonstrates competence with a firearm by any one of  
 2006 the following:

2007 1. Completion of any hunter education or hunter safety  
 2008 course approved by the Fish and Wildlife Conservation Commission  
 2009 or a similar agency of another state;

2010 2. Completion of any National Rifle Association firearms  
 2011 safety or training course;

2012 3. Completion of any firearms safety or training course or  
 2013 class available to the general public offered by a law  
 2014 enforcement agency, junior college, college, or private or  
 2015 public institution or organization or firearms training school,  
 2016 using ~~utilizing~~ instructors certified by the National Rifle  
 2017 Association, Criminal Justice Standards and Training Commission,  
 2018 or the Department of Agriculture and Consumer Services;

2019 4. Completion of any law enforcement firearms safety or  
 2020 training course or class offered for security guards,  
 2021 investigators, special deputies, or any division or subdivision  
 2022 of a law enforcement agency or security enforcement;

2023 5. Presents evidence of equivalent experience with a  
 2024 firearm through participation in organized shooting competition  
 2025 or military service;

2026 6. Is licensed or has been licensed to carry a firearm in  
 2027 this state or a county or municipality of this state, unless  
 2028 such license has been revoked for cause; or

2029           7. Completion of any firearms training or safety course or  
 2030 class conducted by a state-certified or National Rifle  
 2031 Association certified firearms instructor;

2032  
 2033 A photocopy of a certificate of completion of any of the courses  
 2034 or classes; ~~or~~ an affidavit from the instructor, school, club,  
 2035 organization, or group that conducted or taught such ~~said~~ course  
 2036 or class attesting to the completion of the course or class by  
 2037 the applicant; or a copy of any document that ~~which~~ shows  
 2038 completion of the course or class or evidences participation in  
 2039 firearms competition shall constitute evidence of qualification  
 2040 under this paragraph. A; ~~any~~ person who conducts a course  
 2041 pursuant to subparagraph 2., subparagraph 3., or subparagraph  
 2042 7., or who, as an instructor, attests to the completion of such  
 2043 courses, must maintain records certifying that he or she  
 2044 observed the student safely handle and discharge the firearm in  
 2045 his or her physical presence and that the discharge of the  
 2046 firearm included live fire using a firearm and ammunition as  
 2047 defined in s. 790.001;

2048           (i) Has not been adjudicated an incapacitated person under  
 2049 s. 744.331, or similar laws of any other state, unless 5 years  
 2050 have elapsed since the applicant's restoration to capacity by  
 2051 court order;

2052           (j) Has not been committed to a mental institution under  
 2053 chapter 394, or similar laws of any other state, unless the  
 2054 applicant produces a certificate from a licensed psychiatrist

2055 that he or she has not suffered from disability for at least 5  
 2056 years before ~~prior to~~ the date of submission of the application;

2057 (k) Has not had adjudication of guilt withheld or  
 2058 imposition of sentence suspended on any felony ~~or misdemeanor~~  
 2059 ~~crime of domestic violence~~ unless 3 years have elapsed since  
 2060 probation or any other conditions set by the court have been  
 2061 fulfilled, or expunction has occurred ~~the record has been sealed~~  
 2062 ~~or expunged~~;

2063 (l) Has not had adjudication of guilt withheld or  
 2064 imposition of sentence suspended on any misdemeanor crime of  
 2065 domestic violence unless 3 years have elapsed since probation or  
 2066 any other conditions set by the court have been fulfilled, or  
 2067 the record has been sealed or expunged;

2068 ~~(l)~~ (m) Has not been issued an injunction that is currently  
 2069 in force and effect and that restrains the applicant from  
 2070 committing acts of domestic violence or acts of repeat violence;  
 2071 and

2072 ~~(m)~~ (n) Is not prohibited from purchasing or possessing a  
 2073 firearm by any other provision of Florida or federal law.

2074 (4) The application shall be completed, under oath, on a  
 2075 form adopted ~~promulgated~~ by the Department of Agriculture and  
 2076 Consumer Services and shall include:

2077 (a) The name, address, place of birth, ~~and~~ date of birth,  
 2078 and race, ~~and occupation~~ of the applicant;

2079 (b) A statement that the applicant is in compliance with  
 2080 criteria contained within subsections (2) and (3);

2081 (c) A statement that the applicant has been furnished a  
 2082 copy of this chapter and is knowledgeable of its provisions;  
 2083 (d) A conspicuous warning that the application is executed  
 2084 under oath and that a false answer to any question, or the  
 2085 submission of any false document by the applicant, subjects the  
 2086 applicant to criminal prosecution under s. 837.06; ~~and~~  
 2087 (e) A statement that the applicant desires a concealed  
 2088 weapon or firearms license as a means of lawful self-defense;  
 2089 and-  
 2090 (f) Directions for an applicant who is a servicemember, as  
 2091 defined in s. 250.01, or a veteran, as defined in s. 1.01, to  
 2092 request expedited processing of his or her application.  
 2093 (5) The applicant shall submit to the Department of  
 2094 Agriculture and Consumer Services or an approved tax collector  
 2095 pursuant to s. 790.0625:  
 2096 (a) A completed application as described in subsection  
 2097 (4).  
 2098 (b) A nonrefundable license fee of up to \$60 ~~\$70~~ if he or  
 2099 she has not previously been issued a statewide license or of up  
 2100 to \$50 ~~\$60~~ for renewal of a statewide license. The cost of  
 2101 processing fingerprints as required in paragraph (c) shall be  
 2102 borne by the applicant. However, an individual holding an active  
 2103 certification from the Criminal Justice Standards and Training  
 2104 Commission as a law enforcement officer, correctional officer,  
 2105 or correctional probation officer as defined in s. 943.10(1),  
 2106 (2), (3), (6), (7), (8), or (9) is exempt from the licensing

2107 requirements of this section. If such individual wishes to  
2108 receive a concealed weapon ~~weapons~~ or firearm ~~firearms~~ license,  
2109 he or she is exempt from the background investigation and all  
2110 background investigation fees, but must pay the current license  
2111 fees regularly required to be paid by nonexempt applicants.  
2112 Further, a law enforcement officer, a correctional officer, or a  
2113 correctional probation officer as defined in s. 943.10(1), (2),  
2114 or (3) is exempt from the required fees and background  
2115 investigation for ~~a period of~~ 1 year after his or her  
2116 retirement.

2117 (c) A full set of fingerprints of the applicant  
2118 administered by a law enforcement agency or the Division of  
2119 Licensing of the Department of Agriculture and Consumer Services  
2120 or an approved tax collector pursuant to s. 790.0625 together  
2121 with any personal identifying information required by federal  
2122 law to process fingerprints.

2123 (d) A photocopy of a certificate, affidavit, or document  
2124 as described in paragraph (2)(h).

2125 (e) A full frontal view color photograph of the applicant  
2126 taken within the preceding 30 days, in which the head, including  
2127 hair, measures 7/8 of an inch wide and 1 1/8 inches high.

2128 (f) For expedited processing of an application:

2129 1. A servicemember shall submit a copy of the Common  
2130 Access Card, United States Uniformed Services Identification  
2131 Card, or current deployment orders.

2132 2. A veteran shall submit a copy of the DD Form 214,

2133 issued by the United States Department of Defense, or another  
 2134 acceptable form of identification as specified by the Department  
 2135 of Veterans' Affairs.

2136 (6)

2137 (f) The Department of Agriculture and Consumer Services  
 2138 shall, upon receipt of a completed application and the  
 2139 identifying information required under paragraph (5) (f),  
 2140 expedite the processing of a servicemember's or a veteran's  
 2141 concealed weapon or firearm license application.

2142 (10) A license issued under this section shall be  
 2143 suspended or revoked pursuant to chapter 120 if the licensee:

2144 (a) Is found to be ineligible under the criteria set forth  
 2145 in subsection (2);

2146 (b) Develops or sustains a physical infirmity which  
 2147 prevents the safe handling of a weapon or firearm;

2148 (c) Is convicted of a felony which would make the licensee  
 2149 ineligible to possess a firearm pursuant to s. 790.23;

2150 (d) Is found guilty of a crime under the provisions of  
 2151 chapter 893, or similar laws of any other state, relating to  
 2152 controlled substances;

2153 (e) Is committed as a substance abuser under chapter 397,  
 2154 or is deemed a habitual offender under s. 856.011(3), or similar  
 2155 laws of any other state;

2156 (f) Is convicted of a second violation of s. 316.193, or a  
 2157 similar law of another state, within 3 years after ~~of~~ a first  
 2158 ~~previous~~ conviction of such section~~7~~, or similar law of another

2159 | state, even though the first violation may have occurred before  
 2160 | ~~prior to~~ the date on which the application was submitted;

2161 | (g) Is adjudicated an incapacitated person under s.  
 2162 | 744.331, or similar laws of any other state; or

2163 | (h) Is committed to a mental institution under chapter  
 2164 | 394, or similar laws of any other state.

2165 |

2166 | Notwithstanding s. 120.60(5), service of a notice of the  
 2167 | suspension or revocation of a concealed weapon or firearm  
 2168 | license must be given by either certified mail, return receipt  
 2169 | requested, to the licensee at his or her last known mailing  
 2170 | address furnished to the Department of Agriculture and Consumer  
 2171 | Services, or by personal service. If a notice given by certified  
 2172 | mail is returned as undeliverable, a second attempt must be made  
 2173 | to provide notice to the licensee at that address, by either  
 2174 | first-class mail in an envelope, postage prepaid, addressed to  
 2175 | the licensee at his or her last known mailing address furnished  
 2176 | to the department, or, if the licensee has provided an e-mail  
 2177 | address to the department, by e-mail. Such mailing by the  
 2178 | department constitutes notice, and any failure by the licensee  
 2179 | to receive such notice does not stay the effective date or term  
 2180 | of the suspension or revocation. A request for hearing must be  
 2181 | filed with the department within 21 days after notice is  
 2182 | received by personal delivery, or within 26 days after the date  
 2183 | the department deposits the notice in the United States mail (21  
 2184 | days plus 5 days for mailing). The department shall document its

2185 attempts to provide notice and such documentation is admissible  
 2186 in the courts of this state and constitutes sufficient proof  
 2187 that notice was given.

2188 Section 40. Effective upon this act becoming a law,  
 2189 paragraph (a) of subsection (11) of section 790.06, Florida  
 2190 Statutes, is amended to read:

2191 790.06 License to carry concealed weapon or firearm.—

2192 (11) (a) At least ~~No less than~~ 90 days before the  
 2193 expiration date of the license, the Department of Agriculture  
 2194 and Consumer Services shall mail to each licensee a written  
 2195 notice of the expiration and a renewal form prescribed by the  
 2196 Department of Agriculture and Consumer Services. The licensee  
 2197 must renew his or her license on or before the expiration date  
 2198 by filing with the Department of Agriculture and Consumer  
 2199 Services the renewal form containing an ~~a notarized~~ affidavit  
 2200 submitted under oath and under penalty of perjury stating that  
 2201 the licensee remains qualified pursuant to the criteria  
 2202 specified in subsections (2) and (3), a color photograph as  
 2203 specified in paragraph (5) (e), and the required renewal fee.  
 2204 Out-of-state residents must also submit a complete set of  
 2205 fingerprints and fingerprint processing fee. The license shall  
 2206 be renewed upon receipt of the completed renewal form, color  
 2207 photograph, appropriate payment of fees, and, if applicable,  
 2208 fingerprints. Additionally, a licensee who fails to file a  
 2209 renewal application on or before its expiration date must renew  
 2210 his or her license by paying a late fee of \$15. A license may

2211 not be renewed 180 days or more after its expiration date, and  
 2212 such a license is deemed to be permanently expired. A person  
 2213 whose license has been permanently expired may reapply for  
 2214 licensure; however, an application for licensure and fees under  
 2215 subsection (5) must be submitted, and a background investigation  
 2216 shall be conducted pursuant to this section. A person who  
 2217 knowingly files false information under this subsection is  
 2218 subject to criminal prosecution under s. 837.06.

2219 Section 41. Subsection (8) is added to section 790.0625,  
 2220 Florida Statutes, to read:

2221 790.0625 Appointment of tax collectors to accept  
 2222 applications for a concealed weapon or firearm license; fees;  
 2223 penalties.—

2224 (8) Upon receipt of a completed renewal application, a new  
 2225 color photograph, and appropriate payment of fees, a tax  
 2226 collector authorized to accept renewal applications for  
 2227 concealed weapon or firearm licenses under this section may,  
 2228 upon approval and confirmation of license issuance by the  
 2229 department, print and deliver a concealed weapon or firearm  
 2230 license to a licensee renewing his or her license at the tax  
 2231 collector's office.

2232 Section 42. Subsection (1) and paragraph (d) of subsection  
 2233 (3) of section 559.9285, Florida Statutes, are amended to read:

2234 559.9285 Certification of business activities.—

2235 (1) Each certifying party, as defined in s. 559.927(2):

2236 (a) Which does not offer for sale, at wholesale or retail,

2237 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 2238 ~~services~~ for individuals or groups directly to any terrorist  
 2239 state and which originate in Florida;

2240 (b) Which offers for sale, at wholesale or retail, only  
 2241 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 2242 ~~services~~ for individuals or groups directly to any terrorist  
 2243 state and which originate in Florida, but engages in no other  
 2244 business dealings or commerce with any terrorist state; or

2245 (c) Which offers for sale, at wholesale or retail,  
 2246 prearranged travel or, tourist-related services, ~~or tour-guide~~  
 2247 ~~services~~ for individuals or groups directly to any terrorist  
 2248 state and which originate in Florida, and also engages in any  
 2249 other business dealings or commerce with any terrorist state,  
 2250

2251 shall annually certify its business activities by filing a  
 2252 disclosure statement with the department which accurately  
 2253 represents the scope of the seller's business activities  
 2254 according to the criteria provided in paragraph (a), paragraph  
 2255 (b), or paragraph (c).

2256 (3) The department shall specify by rule the form of each  
 2257 certification under this section which shall include the  
 2258 following information:

2259 (d) The type of all prearranged travel or, tourist-related  
 2260 ~~services, or tour-guide services~~ that the certifying party  
 2261 offers for sale to individuals or groups traveling directly to  
 2262 any terrorist state and that originate in Florida, and the

2263 frequency with which such services are offered.

2264 Section 43. Subsection (2) of section 559.937, Florida  
 2265 Statutes, is amended to read:

2266 559.937 Criminal penalties.—Any person or business that  
 2267 violates this part:

2268 (2) Which violation directly or indirectly pertains to an  
 2269 offer to sell, at wholesale or retail, prearranged travel or  
 2270 tourist-related services, ~~or tour guide services~~ for individuals  
 2271 or groups directly to any terrorist state and which originate in  
 2272 Florida, commits a felony of the third degree, punishable as  
 2273 provided in s. 775.082 or s. 775.083.

2274 Section 44. For the 2016-2017 fiscal year, the sum of  
 2275 \$1,305,097 in nonrecurring funds from the Division of Licensing  
 2276 Trust Fund is appropriated to the Department of Agriculture and  
 2277 Consumer Services for the purpose of implementing the amendments  
 2278 made by this act to s. 493.6108, Florida Statutes, relating to  
 2279 the collection of fingerprints and the subsequent payment of  
 2280 fingerprint processing and retention fees to the Department of  
 2281 Law Enforcement.

2282 Section 45. Except as otherwise expressly provided in this  
 2283 act, this act shall take effect July 1, 2016.