



Agriculture & Natural Resources Appropriations Subcommittee

January 28, 2016
1:00 PM – 3:00 PM
Reed Hall

Meeting Packet



The Florida House of Representatives
Appropriations Committee
Agriculture & Natural Resources Appropriations Subcommittee

Steve Crisafulli
Speaker

Ben Albritton
Chair

January 28, 2016

AGENDA
1:00 PM – 3:00 PM
Reed Hall

- I. Call to Order/Roll Call
- II. Chair's Budget Proposal for Fiscal Year 2016-17
- III. CS/HB 641 Department of Agriculture & Consumer Services by Trumbull
- IV. HB 989 Implementation of Water and Land Conservation Constitutional Amendment by Harrell
- V. HB 1205 Fumigation by Magar
- VI. HB 4035 Pesticide Registration by Combee
- VII. Closing/Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 641 Department of Agriculture and Consumer Services
SPONSOR(S): Business & Professions Subcommittee; Trumbull
TIED BILLS: HB 643 **IDEN./SIM. BILLS:** CS/SB 772

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Business & Professions Subcommittee	12 Y, 1 N, As CS	Butler	Anstead
2) Agriculture & Natural Resources Appropriations Subcommittee		Lolley 	Massengale 
3) Regulatory Affairs Committee			

SUMMARY ANALYSIS

The bill contains modifications to several licensing and consumer services activities under the jurisdiction of the Florida Department of Agriculture and Consumer Services (Department). Specifically, the bill:

- Provides that veterans and their spouses applying for certain licenses and registrations shall have initial fees waived if recently discharged from a branch of the United States Armed Forces;
- Removes the requirement that one of the board members of the Board of Surveying and Mapping be specialized in photogrammetry;
- Clarifies that telemarketers only have to disclose actual physical locations of operations;
- Exempts certain water-related amusement rides from inspection at facilities not open to the general public, if:
 - The ride is an incidental amenity operated by a licensed lodging or food service establishment;
 - The ride is an incidental amenity at a private, membership-only facility; or,
 - The ride is located at a nonprofit charitable permanent facility.
- Clarifies several fees and standards related to weights and measures in chapters 527 & 531, F.S.;
- Removes "personal trainers," "tour guides," and "tour guide services" from regulation;
- Allows a certificate from the International Association of Law Enforcement Firearm Instructors and the Second Amendment Foundation Training Division to qualify an applicant for a Class "K" Firearm Instructor license;
- Requires the Department to participate in FDLE's Applicant Fingerprint Retention and Notification Program and requires licensees to submit fingerprints and pay retention fees for state and federal fingerprint retention programs;
- Makes several amendments to concealed weapons licensing, including amending the eligibility requirements to clarify what crimes would disqualify an applicant, requiring a live fire demonstration by the trainee in the physical presence of the trainer, and reducing the fee for initial licensure and renewal by \$10;
- Provides that lienholders may post a bond to secure the release of a motor vehicle that the lienholder has a security interest in, which is currently being held by a motor vehicle repair shop with a possessory lien;
- Provides that the Department may send notice of a suspension or revocation of a concealed weapons license by first-class mail or e-mail, if notice by certified mail is returned undeliverable; and,
- Allows tax collectors to print and renew concealed weapons licenses on site.

The bill will have a significant fiscal impact on state government and the private sector, in part, due to the veteran fee waiver programs and the concealed weapons license fee reduction. See Fiscal Analysis & Economic Impact Statement for more details.

Except as otherwise expressly provided in the bill, the effective date of the bill is July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

The Department's mission is to safeguard the public and support Florida's agricultural economy by:

- Ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs;
- Protecting consumers from unfair and deceptive business practices and providing consumer information;
- Assisting Florida's farmers and agricultural industries with the production and promotion of agricultural products; and
- Conserving and protecting the state's agricultural and natural resources by reducing wildfires, promoting environmentally safe agricultural practices, and managing public lands.

The Division of Consumer Services is the state's clearinghouse for consumer complaints, information and protection, including operating Florida's Do Not Call List. Various businesses, such as Pawnbrokers, Health Studios, Sellers of Travel, Professional Surveyors and Mappers, and Telemarketing, are regulated by the Division of Consumer Services. Additionally, the Division of Consumer Services regulates standards for gasoline, brake fluid, antifreeze, liquefied petroleum gas, amusement rides, and weighing and measuring devices.

The Division of Licensing within the Department is responsible for protecting the public from unethical business practices on the part of persons providing private security, private investigative and recovery services to the public through licensure and regulation of those industries pursuant to Chapter 493, F.S. Additionally, the Division of Licensing is responsible for the issuance of Concealed Weapon or Firearm Licenses in accordance with s. 790.06, F.S.

Military Veteran Fee Waivers

Current Situation

The Division of Consumer Services regulates and licenses surveyors and mappers, health studios, telemarketing, intrastate movers, sellers of liquefied petroleum gasoline, pawn broking, motor vehicle repair, and sellers of travel. The Division of Licensing regulates and licenses private investigation, recovery, and security industries.

There are more than 231,000 veterans of the Afghanistan and Iraq wars that currently live in Florida.¹ One of the greatest challenges facing returning veterans is finding gainful employment in a profession. Several Legislative initiatives have attempted to bridge this gap in recent years.²

Effect of the Bill

The bill provides that the Department shall waive the initial license or registration fees for certain professions and industries under the Division of Consumer Services for veterans. License or registration applications for veterans and their spouses submitted within **60 months** of the veteran's discharge from any branch of the United States Armed Services, including the initial license or

¹ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 4 (Nov. 17, 2015).

² In recent years, the Department of Business and Professional Regulation and the Department of Health have begun waiving professional license fees for veterans. Specifically, Chapter 2014-1, Laws of Florida, amended s. 455.213, F.S., to allow the Department of Business and Professional Regulation to waive the initial licensing fee, initial application fee, and initial unlicensed activity fee for a military veteran or his or her spouse within 60 months of discharge. This same bill amended s. 456.013, F.S., and s. 468.304, F.S., to waive similar fees for the Department of Health.

registration fees for business entities where a veteran or their spouse is the majority owner, shall be waived in the following industries and professions:

- Surveyors and mappers
- Health studios
- Telemarketing
- Intrastate movers
- Sellers of liquefied petroleum gasoline
- Pawn broking
- Motor vehicle repair
- Sellers of travel

The bill further provides the following licenses under the Division of Licensing shall have their fees waived for veterans honorably discharged within the past **24 months**:

- Firearm Instructor (Class K License)
- Private Security Agency Manager (Class MB License)
- Private Security Branch Office Manager (Class AB License)
- Private Security Officer School or Training Facility Instructor (Class DI License)
- Private Investigation Agency Manager (Class MA License)
- Private Investigation Branch Office Manager (Class AB License)
- Private Investigator (Class C License)
- Private Investigator Intern (Class CC License)
- Recovery Agency Manager (Class MR License)
- Recovery Agency School or Training Facility Instructor (Class RI License)
- Recovery Agent (Class E License)
- Recovery Agent Intern (Class EE License)

Security Officers (Class D License) and the Statewide Firearms License (Class G License) are not included in the veteran fee waiver proposal, although Class D Licensees currently do not have a license fee.

Veterans must provide the department with a copy of their DD Form 214, discharge papers, as issued by the United States Department of Defense, or other acceptable form of identification as specified by the Department of Veterans' Affairs to qualify for the waiver.

Board of Professional Surveyors and Mappers

Current Situation

The Board of Professional Surveyors and Mappers consists of nine total members, seven surveyors and mappers, of whom one is a photogrammetric mapper, and two consumer members. Each member is appointed by the Commissioner of Agriculture, subject to confirmation by the Senate, and each serves a 4 year term.³ The practice of surveying and mapping is governed by ch. 472, F.S. The Board has authority to adopt rules to implement ch. 472, F.S., subject to approval by the Department.⁴

Licensed surveyor and mappers provide data relevant to the shape, contour, gravitation, location, elevation, or dimension of land or land features on or near the earth's surface for engineering, mapmaking, mining, land evaluation, construction and other purposes.⁵

³ s. 472.007, F.S.

⁴ s. 472.008, F.S.

⁵ Florida Department of Agriculture and Consumer Services, *Professional Surveyors and Mappers*,

<http://www.freshfromflorida.com/Divisions-Offices/Consumer-Services/Business-Services/Surveyors-and-Mappers>.

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The specialization of photogrammetry focuses on measuring a subject using high-quality images.⁶ Recent technological advances in digital cameras, computer processors, and computational techniques have increased access to accurate photogrammetry measurements.⁷ The Department reports that due to the changing shape of the profession, the subprofession of photogrammetry has greatly dwindled, and individuals are no longer taking the photogrammetrist exam.⁸

There are currently only 3 individuals designated as a photogrammetrist licensed in Florida, of which, one is a current second term board member and another is a previous board member.⁹ Due to a lack of interest in this specialization, the Board of Surveyors and Mappers has recommended that the statutory requirement of a photogrammetrist specialized board member be removed.¹⁰

Effect of the Bill

The bill provides that the Board of Surveyors and Mappers is no longer required to have one of the board members obtain the designation of photogrammetrist.

Telemarketing Physical Location

Current Situation

The Department has regulatory authority over telemarketing businesses and regularly conducts onsite investigations looking for unlicensed or unlawful activity. Telemarketing is regulated under Florida's Telemarketing Act, codified in ss. 501.601 – 501.626, F.S.

When applying to become a “commercial telephone seller,” an applicant must provide a complete street address for each location from which an applicant will be “doing business.”¹¹ An applicant is required to provide an address where the actual telemarketing operation is taking place.¹² A “mail drop” cannot be a location where an applicant will be doing business because by its nature a “mail drop” is shorthand for a location where mail is delivered and retrieved, but where no actual business occurs.¹³

Effect of the Bill

The bill revises s. 501.605, F.S., to remove the requirement to disclose whether a location where the applicant will be doing business is a “mail drop.” The removal does not change the prohibition against listing a “mail drop” address as the principal place of business and should have no effect on the industry.

⁶ See generally, Cultural Heritage Imaging, *Photogrammetry: What is it?*, <http://culturalheritageimaging.org/Technologies/Photogrammetry/> (last visited Nov. 18, 2015).

⁷ *Id.*

⁸ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 3-4 (Nov. 17, 2015).

⁹ *Id.*

¹⁰ *Id.*

¹¹ s. 501.059, F.S., defines “doing business in this state” as a business that conducts telephonic sales calls from a location in Florida or from other states or nations to consumers located in Florida. Although not directly stated, there is a strong implication that a location where an entity is “doing business” is the location where the telephonic sales call originates from.

¹² s. 501.605(2)(j), F.S.

¹³ s. 501.605(2)(j), F.S. See generally, *Hertz Corp. v. Friend*, 559 U.S. 77, 97 (2010) (stating that the “principal place of business” for jurisdictional purposes is a business’s “nerve center,” and that courts should ignore an alleged location that is “nothing more than a mail drop box.”)

Safety Standards for Amusement Rides

Current Situation

The Bureau of Fair Rides Inspection within the Department (Bureau of Fair Rides) is assigned to inspect, investigate, and enforce the regulations related to amusement rides. The Bureau of Fair Rides has statewide responsibility to inspect all amusement rides in the state, except for certain large parks which have more than 1,000 employees and have full time inspectors on staff.

The Department has previously removed inspection requirements for private facilities such as residential community centers not open to the general public. The Department currently does not monitor waterslides at hotels that are not open to the public and do not allow day rates.¹⁴

When inspecting their own rides, the owners of fair rides fill out a Department approved form that is generalized and not customized for any specific ride.¹⁵ The Department reports that often owners will fill out the Department form and provide an inspection form provided by the ride's manufacturer.¹⁶

Effect of the Bill

This bill exempts from regulation and inspection any facility operating as a charitable entity licensed under chapter 496, F.S., which is not open to the general public. The Department states that only two companies would currently qualify under this exemption.¹⁷

The bill also expands the current residential inspection exemption to exempt private, membership-only facilities if the amusement ride is an incidental amenity and the facility is not open to the general public, is not primarily engaged in providing amusement, pleasure, thrills, or excitement, and does not offer day rates.

The bill allows the use of manufacturer inspection forms to be submitted to the Department in lieu of the Department's form, if the manufacturer's form is approved by the Department.

Fair ride owners must submit their new forms for approval. At a minimum, any submitted form must have the same information that is required on the Department's forms, which will continue to be used.

Streamlining of Standards Regulations

Current Situation

The Bureau of Standards is responsible for conducting inspections of petroleum distribution systems, analyzing samples of petroleum products, the accuracy of retail price scanners, packaged goods inspections, and ensuring hundreds of other products that are purchased daily by consumers and business meet safety and performance standards required by law.

The Bureau of Standards also contains the Department's metrology laboratory which maintains the state's primary standards of mass, length and volume and provides calibration services to the commercial measurement industry, scientific and law enforcement labs, manufacturers, and the aerospace and technology industries.

¹⁴ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 8 (Nov. 17, 2015).

¹⁵ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 9 (Nov. 17, 2015).

¹⁶ *Id.*

¹⁷ *Id.*

Vehicles transporting liquid petroleum gas in bulk must be registered with the Department and are assessed a \$50 fee.¹⁸ Liquid petroleum gas truck meters are also inspected and assessed a \$100 fee.¹⁹

“Weights and measures” is defined as “all weights and measures of every kind, instruments, and devices for weighing and measures, and any appliance and accessories associated with any or all such instruments and devices.”²⁰

The Department charges and collects fees for metrological laboratory calibration and testing services, ranging from \$50 to \$250, depending on the test or calibration that is performed.²¹

When a specific weight or measures device is permitted by the Department, the permit is assigned to the person or business, as it may be, that owns or controls the weights and measures instrument or device. When a business transfers ownership of a weights and measures device, or should the ownership of a business be wholly or partially transferred to another person, s. 531.60, F.S., determines the status of a permitted weights and measures devices.

Effect of the Bill

The bill clarifies the intent of s. 531.60, F.S., and other sections within ch. 531, F.S., that a permit is issued to the person or business who owns the weights and measures instrument or device, and not to the device or instrument itself. The bill also requires the businesses to notify the Department within 30 days if there is a change in permit status, or if the permit will not be renewed.

The bill removes s. 531.60(3), F.S., which permits the Department to test instruments or devices that are not used commercially, if the instrument or device is permitted and the appropriate fees are paid. Currently, the Department does not permit non-commercial instruments or devices, thus, and may not test a non-permitted device.²² Additionally, the Department reports that private companies are available to provide testing for non-commercial instruments and devices.²³

The bill simplifies and clarifies the fees for several calibration and testing services, and clarifies that any item that is not in a condition that is ready to be tested may be refused by the Department. The Department reports instances of customers bringing dirty equipment to the lab for testing and being unable to clean these artifacts before testing.²⁴

Currently, all weights and measures permits are renewed annually and a permit expires one year following its date of issue.²⁵ The bill amends the annual renewal cycle to allow either annual or biennial permits, and to permit a person to elect whether their commercial use permit for a weights and measures device expires after one or two years.

Finally, the bill clarifies several of the fees required for certain weights and measures devices in s. 531.63, F.S., combines the two fees for transporting liquid petroleum gas into a single \$150 fee, and removes “grain moisture meters” from the list of devices that are permitted by the Department. The Department reports that “grain moisture meters” are no longer inspected by the Department and should be removed from the list.²⁶

¹⁸ s. 527.021, F.S.

¹⁹ s. 531.63(2)(i), F.S.

²⁰ s. 531.37(1), F.S.

²¹ s. 531.415, F.S.

²² s. 531.60(1), F.S.

²³ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 7 (Nov. 17, 2015).

²⁴ *Id.*

²⁵ s. 531.62, F.S.

²⁶ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 7 (Nov. 17, 2015).

Sellers of Travel

Current Situation

The Department is responsible for registering and regulating sellers of travel, who must register annually with the department and provide performance bonds if offering vacation certificates. A seller of travel offers prearranged travel or tourist-related services through vacation and tour packages, or through vacation certificates. The Department reports that the current statutes regulating sellers of travel, excepting language related to travel to terrorist nations, need updating to meet the changing marketplace.²⁷

Effect of the Bill

The bill removes regulation of “tour guides.” The Department states that regulation of sellers of travel is focused on high-end vacations, typically bought weeks or months in advance. Tour guides, and same-day travel tours, are not a source of consumer complaints.²⁸

The bill amends the definition of “accommodations” to clarify that regulated accommodations do not include long-term home rentals covered under a lease pursuant to Chapter 83, F.S., Florida’s Landlord and Tenant law.

The bill amends the definition of “vacation certificate” to clarify that a vacation certificate refers to an advance travel purchase, and does not include “travel if exact travel dates are selected, guaranteed, and paid for at the time of the purchase.”

The bill amends the definitions of “prearranged travel,” “purchaser,” “satisfactory consumer complaint history,” and “seller of travel” to remove references to tour guide services, sightseeing tours, and making technical changes.

The bill amends the registration requirements of sellers of travel to allow the Department to deny or refuse to renew a registration for a seller of travel based on a crime or civil penalty related to theft or embezzlement, and to revoke the registration should the seller of travel, or any of its directors, officers, owners, or general partners:

- Fail to meet the requirements of registration;
- Are convicted of a crime involving fraud, theft, embezzlement, dishonest dealing, or any other act of moral turpitude or any other act arising out of conduct as a seller of travel;
- Fail to satisfy a civil fine or penalty arising out of enforcement of a civil action involving fraud, theft, embezzlement, dishonest dealing, or any violation of the sellers of travel statutes or rules;
- Has pending any criminal, administrative, or enforcement proceedings based upon conduct involving fraud, theft, embezzlement, dishonest dealing, or any other act of moral turpitude or any other act arising out of conduct as a seller of travel; or,
- Has had a judgment entered against him or her in any action brought by the Department or the Department of Legal Affairs.

The bill removes a requirement that the Department respond to a seller of travel within ten working days about whether the materials submitted meet the statutory requirements of a vacation certificate, subsequent to the initial registration. Sellers of travel will also not be required to identify the number of vacation certificates to be issued or their expiration dates to the Department.

²⁷ *Id.*

²⁸ *Id.* at 8.

Vacation certificates will be required to include disclosure language in a 10-point font, and the Department will be required to review certificates and contracts for compliance with the disclosure requirements of s. 559.932, F.S.

The cancellation and refund provisions of vacation certificates are clarified to provide that a seller of travel must honor a cancellation request made within 30 days after the date of purchase or receipt, or when the accommodations or facilities are not available. The purchaser may accept comparable alternative accommodations or facilities.

Further, the bill amends and clarifies the intent required for violations made by sellers of travel, including clarifying it is a violation to knowingly make a false statement to the Department or any other governmental agency in response to an inquiry or investigation, or engage in any other fraudulent actions. The bill removes violations for payment-type requirements or any other methods of payment, requirements to state "This is an offer to sell travel" in an advertisement, and disclosure requirements of the seller's fixed business address in solicitations and contracts.

Health Studios

Current Situation

The financial and business methods of health studios are currently regulated by the Department because certain business practices have caused undue financial hardship on citizens within the state.²⁹ The definition of a "health studio" includes both persons who sell services, such as instruction or training in physical exercise, and the facilities, often referred to as "gyms," that contain training and workout equipment which may be contracted to be utilized in exchange for a membership fee.

A "personal trainer" is a person who provides services as an instructor or trainer for physical exercise, but does not necessarily associate with a specific gym. The Department reports that entities like personal trainers that are not affiliated with a gym do not pose a significant risk to consumers because they generally "do not issue extensive binding contracts, may or may not provide equipment, and do not collect monies more than 30 days in advance."³⁰ Despite this, personal trainers who are not affiliated with a gym, and who do not require payment more than 30 days in advance of services are required to register as a "health studio."

Effect of the Bill

The bill exempts a "personal trainer" from the definition of a "health studio" and defines a "personal trainer" as "an individual: (a) Who does not have an established place of business for the primary purpose of the conducting of physical exercise; (b) Whose provision of exercise equipment is incidental to the instruction provided; and (c) Who does not accept payment for services that are to be rendered more than 30 days after the date of payment."

Firearm Instructors for Concealed Carry Permits

Current Situation

In order to obtain a "G" Statewide Firearms License, an individual must receive training from a "K" Firearms Instructor.³¹ To become licensed as a "K" Firearms Instructor, an applicant must submit an application, a background history check, a full set of fingerprints, and provide one of the following certificates, which indicate a proficiency with firearms instruction:

²⁹ s. 501.012, F.S.

³⁰ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 6 (Nov. 17, 2015).

³¹ s. 493.6113, F.S.,

1. The Florida Criminal Justice Standards and Training Commission (FCJSTC) Instructor Certificate and an active firearms certification,
2. The National Rifle Association (NRA) Private Security Firearm Instructor Certificate, or;
3. A firearms instructor certificate issued by a federal law enforcement agency.

To become a general instructor with the FCJSTC, an application must be submitted to the Florida Department of Law Enforcement (FDLE), the Florida General Instructor Techniques Course must be completed,³² and an instructional internship with a training center director or agency administrator must be completed.³³

Further, to possess an active Firearms Instructor Certification from the FCJSTC, an applicant must obtain the general instructor certification (either prior or concurrently),³⁴ obtain three years of experience as a certified criminal justice officer or in firearms instruction, complete the CMS Firearms Instructor Course,³⁵ and complete a high-liability instructor internship.³⁶

To obtain a private security firearm instructor certificate from the NRA, an applicant must be a current member of the NRA, the applicant's agency must be a member of the NRA,³⁷ and the applicant must complete the NRA Law Enforcement Firearm Instructor School Course and obtain a course completion certificate.³⁸

To enroll in the NRA Law Enforcement Firearm Instructor School, an applicant must be one of the following:

- A "sworn" law enforcement officer with at least three years of experience;
- A retired or previously employed "sworn" law enforcement officer with at least three years of experience as a law enforcement officer;
- A licensed "armed" private security officer with three years of experience as an armed private security officer;
- A current member of the United States Armed Forces, with a letter from their unit or command requesting admittance;
- A civilian employed as a full-time firearm instructor by a public law enforcement agency.³⁹

The requirements to obtain a firearms instructor certificate from a federal law enforcement agency vary between each agency; however, generally each agency will only instruct and provide certificates for current employees of the agency, active members of the United States Armed Forces, or state and local law enforcement agency partners.

Effect of the Bill

The bill provides that in addition to FDLE, the NRA, and federal law enforcement agencies, the International Association of Law Enforcement Firearms Instructors (IALEFI) and the Second

³² The Florida General Instructor Techniques Course is a 64 hour course offered by an educational institutions approved by the Florida Criminal Justice Standards and Training Commission. Applicants must complete this course within 4 years of applying for a certificate, or complete an 8 hour refresher course within 4 years of applying. 11B-35.007, F.A.C.

³³ 11B-20.001, F.A.C.

³⁴ Alternatively, an applicant may apply for a General Instructor Certification at the same time as he or she applies for a Firearms Certification.

³⁵ The CMS Firearms Instructor Course is a 44 hour training course. 11B-35.0024, F.A.C.

³⁶ 11B-20.0014, F.A.C.

³⁷ The agencies of applicants employed by law enforcement or the armed forces do not need to have NRA membership. *See* NRA, Application for Certification as a NRA Law Enforcement Firearm Instructor, http://le.nra.org/documents/pdf/law/training/recert-application_form.pdf.

³⁸ The NRA's Law Enforcement Firearm Instructor Course is listed as a 40 hour course. *See* NRA, Instructor Development Schools, <http://le.nra.org/training/instructor-development-schools.aspx> (last visited Dec. 8, 2015).

³⁹ NRA, Instructor Development Schools, <http://le.nra.org/training/instructor-development-schools.aspx> (last visited Dec. 8, 2015).

Amendment Foundation Training Division may provide the training and certification necessary for “K” firearms instructors in Florida.

Currently, in order to obtain certification from IALEFI, an applicant must successfully complete an instructor level training course approved by their state,⁴⁰ and complete a 40-hour course designed by IALEFI.⁴¹

Currently, in order to obtain certification with the Second Amendment Foundation Training Division, an applicant must have outstanding firearm handling safety skills, \$1,000,000 of liability insurance coverage, first aid, CPR, and AED certification, be at least 21 years old, must be able to legally possess and carry firearms under federal and state laws, and complete a five day Defensive Firearms Instructor Certification Course.⁴²

Similar to the NRA, both IALEFI and the Second Amendment Foundation Training Division are private entities, and as such, may increase or reduce the requirements to obtain their certification without consulting the Legislature or the Department.

Duration of a “K” License

Current Situation

In 2011, s. 493.6111, F.S., was amended to extend the duration of the validity of a “K” license from two to three years. However, s. 493.6113, F.S., still requires that all licenses under ch. 493, F.S., must be renewed biennially except for specific licenses, which must renew every three years.

Effect of the Bill

The bill amends s. 493.6113, F.S., to include Class “K” licenses within the group of specific licenses that do not have to renew biennially and which may be renewed every three years.

Licensee Fingerprint Retention

Current Situation

An individual who wishes to work in the private security, private investigative, or repossession industries that are regulated by the Department under chapter 493, F.S., must provide a set of fingerprints and submit to a criminal history background check. After a person has been licensed, the Department is mandated by s. 493.6118, F.S., to continually monitor weekly criminal arrests and match reports furnished by the FDLE to ensure that licensees remain eligible for licensure during the term of the license. The Department reports that the current process is very time consuming, based only on name-search criteria, and does not guarantee accurate identification.⁴³ When a match is found, the Division of Licensing manually reviews the demographic information of the arrested person with the demographic information of the matched licensee.

The Department additionally has difficulty identifying licensees who are arrested outside the State because FDLE is only able to provide reports of arrests that occur in Florida.

⁴⁰ It is unclear based on the documentation provided what courses in Florida would meet this requirement, and if the instructor level training course must be general in nature or specialize in firearms training.

⁴¹ IALEFI, Firearms Instructor Development Course: Course Curriculum (June 2015) (on file with the Business and Professions Subcommittee).

⁴² Second Amendment Foundation Training Division, 5-Day Defensive Firearms Instructor Certification Course (on file with the Business and Professions Subcommittee).

⁴³ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 5 (Nov. 17, 2015).

Effect of the Bill

The bill requires the Department to participate in both a federal and state background check and fingerprint retention program. The state program is administered by FDLE and is referred to as the Applicant Fingerprint Retention and Notification Program (AFRNP) which allows for retention of applicant fingerprints within FDLE's Biometric Identification System.

The Federal Bureau of Investigation (FBI) administers the federal program as part of its Next Generation Identification project, and retains fingerprints at the national level to provide a nation-wide database that the agency and participating state and local entities may use to identify fingerprints. In order for entities to participate in the federal program, fingerprints must be retained at the state level and subsequently enrolled through the state program into the FBI's program.

Participation in FDLE's Biometric Identification System requires an annual fee of \$6.00 for each year that a license is valid. Participation in the FBI's Next Generation Identification project requires a one-time fee of \$13.00 that covers the cost of fingerprint retention for as long as a license is valid.

These fingerprint retention programs would automate the manual practice of matching arrest records with licensees. Moreover, participation in the FBI's Next Generation Identification project allows the Department to receive information on arrests of licensees in any jurisdiction that also participates in the FBI's Next Generation Identification project.

The bill requires the Department to inform the agency that employs the licensee of any arrest, and the Department may initiate appropriate action against the license.

Starting January 1, 2017, the bill will require renewal licensees to re-submit their fingerprints and pay the processing and retention fees to be enrolled in the federal and statewide fingerprint retention programs if they have not already done so during initial licensure. Licensees will have to submit fingerprints and pay both processing fees upon the first renewal; all subsequent renewals will only require the licensee to pay statewide retention fees.

Residency Requirements

Current Situation

In 2012, the Department of Justice amended regulations of the Bureau of Alcohol, Tobacco, Firearms, and Explosives removing a 90-day residency requirement for a permanent legal resident alien lawfully present in the United States to purchase or acquire firearms.

Based on the former federal requirement, an applicant for a private security, private investigative, or repossession license in Florida, who is a permanent legal resident alien, must reside for 90 days in the state shown on the application.

The Department reports that the 90-day residency requirement serves no practical purpose, and has caused frustration for new Florida residents who must wait before seeking employment in the private security, private investigative, or repossession industries, even if previously employed in another state in those industries.

Effect of the Bill

The bill amends Florida law to remove the 90-day residency requirement for legal resident aliens seeking licensure in the private security, private investigative or repossession industries.

A person who is not a United States citizen must still submit proof that she or he is deemed a permanent legal resident alien by the United States Citizenship and Immigration Services to receive a private security, private investigative, or repossession license.

Concealed Weapon Licensing Law

Current Situation: Application for Concealed Weapons License

An applicant may be disqualified from receiving a concealed weapons license, pursuant to s. 790.06(2)(k), F.S., if the applicant "...had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence..." The Department reports that this has led to some confusion from applicants and licensees, who read this section to believe that only felonies of domestic violence and misdemeanors of domestic violence are disqualifying crimes, instead of all felonies and separately, misdemeanors of domestic violence.⁴⁴

The application for a concealed weapons license requires that applicants list their occupation, per s. 790.06(4)(a), F.S. The Department does not use or collect this information for any purposes related to licensure; an application is considered incomplete if the applicant fails to provide their occupation.⁴⁵

Currently an applicant for a concealed weapons license is not required by statute to provide personal identifying information, including height, weight, eye color, hair color, and other demographic information as required by federal law to process fingerprints of applicants.⁴⁶ However, the Department does request this information on the application.

Effect of the Bill: Application for Concealed Weapon License

The bill clarifies that all felonies are disqualifying crimes for which the Department may deny an applicant from receiving a concealed weapons license. The bill deletes misdemeanors of domestic violence, so that the new section reads, "...had adjudication of guilt withheld or imposition of sentence suspended on any felony..."

The bill creates a new subsection 790.06(2)(l), F.S., to clarify that, in addition to all felonies, misdemeanors of domestic violence shall disqualify an applicant from receiving a concealed weapons license.

The bill removes the requirement that an applicant provide their occupation, and includes a requirement that an applicant supply certain personal identifying information required by federal law to process fingerprints.

Current Situation: Expedited Consideration for Military Applications

Following the domestic terrorism attack on July 16, 2015, resulting in the murder of four United States Marines at a United States Armed Services recruiting center and a Naval Reserve Facility, Governor Scott issued Executive Order No. 15-137 on July 18, 2015. The order directed Florida Adjunct General Michael Calhoun to ensure that all qualified full-time guardsmen were adequately armed and stated that "for those Florida Guardsmen who need a new state concealed weapons permit, the state will support the expedited processing of licenses for those soldiers."⁴⁷

Following Gov. Scott's executive order, Commissioner Putnam announced on July 27, 2015, that the Department would expedite the applications of all active military and veterans applying for a concealed

⁴⁴ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 9 (Nov. 17, 2015).

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Office of the Governor, Exec. Order No. 15-137 (2015).

weapons license.⁴⁸ There is neither a requirement nor prohibition in statute related to expedited consideration of concealed weapons licenses to any member of the general public.

Current Situation: Expedited Consideration for Military Applications

The bill creates s. 790.06(4)(f), s. 790.06(5)(f), F.S., and s. 790.06(6)(f), F.S., to provide that service members and veterans who identify themselves as such to the Department will have their application for a concealed weapons license expedited.

The bill provides that the application for a concealed weapons license shall include directions for an applicant who is a “service member, as defined in s. 250.01, or a veteran, as defined in s. 1.01, to request expedited processing of his or her application.”

The bill provides that a service member may submit either a “copy of the Common Access Card, United States Uniformed Services Identification Card, or current deployment orders” as proof of their status to receive expedited processing. A veteran may submit “a copy of the DD Form 214,” or another acceptable form of identification as specified by the Department of Veterans’ Affairs to receive expedited processing.

Current Situation: Live Fire Requirements

Firearms instructors who provide the qualifying training for the Florida concealed weapons license, s. 790.06, F.S., “must maintain records certifying that he or she observed the student safely handle and discharge a firearm”; however, the language is unclear as to whether this observation must be made in the actual physical presence of the trainer. The current language is ambiguous as to whether remote viewing or reviewing a prerecording of a firearm discharge would satisfy this requirement, and the current language does not specify if the firearms trainer may use simulated ammunition or firearms to conduct the training.

Effect of the Bill: Live Fire Requirements

The bill requires a student discharge an actual firearm using functional ammunition in the physical presence of a trainer in order to qualify for a concealed weapons license. It also provides that firearm instruction must use a fully functional firearm with live ammunition.

Current Situation: Service Requirements for Notice of Suspension or Revocation

When an agency seeks to revoke or suspend a license, s. 120.60(5), F.S., requires either personal service or service by certified mail of the administrative complaint. When an agency cannot personally serve a licensee and service by certified mail is returned undeliverable, the agency must publish notice of revocation or suspension once each week for 4 consecutive weeks in a newspaper published in the county of the licensee’s last known address.

Approximately 176,000 concealed weapons license holders live outside the state of Florida.⁴⁹ The Department currently spends approximately \$140,000 annually on publication. The Department notes that newspaper publication of a license holder’s name and license number may violate s. 790.0601, F.S., which makes confidential and exempt the personal identifying information of a concealed weapons license holder.

⁴⁸ See Kellan Howell, *Florida OKs faster concealed weapons permits for military members, vets*, WASHINGTON TIMES (Aug. 1, 2015), <http://www.washingtontimes.com/news/2015/aug/1/florida-oks-faster-concealed-weapons-permits-for-m/>

⁴⁹ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2016 House Bill 641, p. 10-11 (Nov. 17, 2015).

Effect of the Bill: Service Requirements for Notice of Suspension or Revocation

The bill provides that the Department may forego the normal methods of providing administrative service or notice in s. 120.60(5), F.S., and provide service of a notice of the suspension or revocation of a concealed weapon or firearm license through certified mail, with return receipt requested, or through personal service.

Should the Department be unable to deliver notice through certified mail, the Department must attempt to provide notice through first-class mail or through e-mail, if the licensee provided an e-mail address to the Department.

The bill provides that mailing notice through regular mail is effective notice by operation of law, regardless of whether the licensee receives any actual or constructive notice. A licensee may request a hearing within 21 days of receiving delivery of the notice, or within 26 days of the date that the Department sent their notice to the licensee.

This provision of the bill may have constitutional concerns. See Comments, Constitutional Issues for discussion.

Current Situation: Renewal Notarization

Concealed weapons license renewal affidavits are required to be notarized pursuant to s. 790.06(11), F.S.

The Department indicated that a total of 1,282,036 concealed weapons licenses will expire over the next six years, and expects a renewal rate between 53 and 78 percent, for approximately 800,000 license renewals. The Department would like to automate its renewal process because the volume of renewals will be overwhelming without an online, automated system.⁵⁰

Effect of the Bill: Renewal Notarization

The bill removes the notarization requirement for concealed weapons licenses renewals and replaces it with a requirement that the form would be submitted under oath and under penalty of perjury.

This section would be effective upon becoming law.

Current Situation: Tax Collector Renewal Authority

As of July 1, 2014, select tax collectors' offices began accepting Florida Concealed Weapon or Firearm License applications on behalf of the Department. The service was made possible by the implementation of chapter 2014-205, Laws of Florida. Under this program, the Department can enter into a Memorandum of Understanding (MOU) with any constitutionally elected tax collector in Florida to allow the tax collector to provide concealed weapons license application intake services in his or her county.

The Department reports that this program has been successful and may help alleviate the anticipated workload of increasing new and renewal concealed weapons license applications.

Effect of the Bill: Tax Collector Renewal Authority

The bill provides that a tax collector who is accepting concealed weapons license applications may now also print and furnish a renewal license to a concealed weapons license holder. The Department must still approve the renewal prior to issuance.

⁵⁰ *Id.*

Current Situation: Concealed Weapon License Fees

Concealed weapons license holders are required to pay an initial license fee of \$70, and a renewal fee of \$60.

Effect of the Bill: Concealed Weapon License Fees

The bill lowers the fees for concealed weapons licenses to \$60 for the initial license, and \$50 for the renewal.

Motor Vehicle Repair Bond and Lien Requirements

Current Situation

When performing labor or service upon the personal property of another, the person or business that performs the labor or service, such as a motor vehicle repair shop, is given a possessory lien upon the personal property that is improved by the labor or service.⁵¹ In the case of a motor vehicle, when an owner fails to make payment, this possessory lien (referred to as a "mechanic's lien") may be enforced by the sale of the motor vehicle, subject to certain procedures.⁵² A motor vehicle repair shop may charge storage fees for vehicles that are not timely retrieved following the completion of the labor or service.⁵³

While in possession of the vehicle, the mechanic's lien supersedes any other security interest on the vehicle, including a purchase-money security interest.⁵⁴ In the event that a motor vehicle is sold to enforce the mechanic's lien, the motor vehicle repair shop's lien and costs will be paid first, before any other lienholder is paid.

When there is a dispute over the cost of the repair, and the motor vehicle repair shop refuses to release the vehicle prior to the bill being paid, the owner of the vehicle may file a cash or surety bond with the clerk of the court to secure the release of the vehicle during the pending litigation.⁵⁵ Another lienholder, such as a party that has a purchase-money security interest in the vehicle, may not post a bond to obtain possession of the motor vehicle during any pending litigation.⁵⁶

Effect of the Bill

The bill defines a "lienholder" as "a person claiming an interest in or a lien on a vehicle" under s. 713.585(5), F.S. The bill defines a "lienor" as "a person claiming a lien for motor vehicle repair shop work" under ch. 713, F.S.

The bill reduces the notice period during which a motor vehicle repair shop must notify the owner, or any other lienholder, of the shop's intent to enforce the mechanic's lien on a vehicle from 15 days after the beginning of the assessment of storage charges to 7 days after the beginning of the assessment of storage charges.

⁵¹ s. 713.58, F.S.

⁵² s. 713.585, F.S.

⁵³ s. 679.2071(2)(a), F.S., (which provides "[r]easonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral.")

⁵⁴ s. 679.333, F.S., (which provides that "[a] possessory lien on goods has priority over a security interest in the goods unless the lien is created by a statute that expressly provides otherwise.") and s. 679.1031, F.S., (which describes a purchase-money security interest as a secured interest in a good that that is created in favor of the party that provides the money to another party to purchase the good.)

⁵⁵ s. 559.917, F.S.

⁵⁶ *Am. Atl. Transmission v. Nice Car, Inc.*, 112 So. 3d 639, 642 (Fla. 4d DCA 2013).

The bill provides that a lienholder, who is not the owner of the motor vehicle, may demand a hearing or to post a bond to have a motor vehicle released from the possession of a motor vehicle repair shop.

If the lienholder posts a bond and receives possession of the vehicle, the lienholder must return the vehicle to the owner within 5 days if the owner repays the lienholder for the amount of the bond, or agrees to repay the bond under terms agreeable to the lienholder, so long as the owner is not in default under the installment sales contract or title loan held by the lienholder. A lienholder may retain possession of the vehicle if the owner is in default until such time as the default is cured and the amount of the bond is repaid by the owner, or an arrangement agreeable to the lienholder is made with the owner.

B. SECTION DIRECTORY:

Section 1 amends s. 427.007, F.S., revising the composition of the Board of Professional Surveyors and Mappers.

Section 2 amends s. 472.015, F.S., requiring the Department to waive the initial license fee for certain veterans.

Section 3 amends s. 493.6105, F.S., waiving the initial license fee for certain veterans for certain professions, authorizes certain fees for fingerprint retention programs, and revises Class "K" license certification requirements.

Section 4 amends s. 493.6106, F.S., removing residency requirements for Class "G" and Class "K" license applications.

Section 5 amends s. 493.6107, F.S., waiving the initial license fees for veterans for certain private investigative, private security, and repossession service licenses.

Section 6 amends s. 493.6108, F.S., requiring the Department of Law Enforcement to retain certain applicant's fingerprints, retain them in state and federal programs, and to report any arrest record information to the Department; requiring the department to provide information about an arrest of a licensee for certain crimes within the state to the agency that employs the licensee.

Section 7 amends s. 493.6113, F.S., clarifying the renewal requirements for Class "K" licenses.

Sections 8, 9, and 10 amend ss. 493.6202, 493.6302, & 493.6402, F.S., waiving initial license fees for veterans for certain private investigative, private security, and repossession service licenses.

Section 11 amends s. 501.0125, F.S., revising the definition of the term "health studio" and defining the term "personal trainer."

Section 12 amends s. 501.015, F.S., **Section 14** amends s. 501.607, F.S., **Section 15** amends s. 507.03, F.S., **Section 16** amends s. 527.02, F.S., **Section 25** amends s. 539.001, F.S., **Section 26** amends s. 559.904, F.S., **Section 28** amends s. 559.928, F.S., requiring the Department to waive the initial registration fee of certain professions for certain veterans and their spouses, or certain business entities that have a majority ownership held by such veterans or spouses.

Section 13 amends s. 501.605, F.S., prohibiting the use of a mail drop as a street address for the principal location of a commercial telephone seller and requiring the department to waive the initial commercial telephone seller license fee for certain veterans, the spouses of such veterans, or certain business entities that have a majority ownership held by such veterans or spouses.

Section 17 amends s. 527.021, F.S., deleting a provision requiring a fee for registering transport vehicles.

Section 18 amends s. 531.37, F.S., revising the definition of the term "weights and measures."

Section 19 amends s. 531.415, F.S., revising the fees for actual metrology laboratory calibration and testing services.

Section 20 amends s. 531.60, F.S., clarifying provisions of weights or measures.

Section 21 amends s. 531.61, F.S., clarifying provisions exempting certain instruments or devices from specified requirements.

Section 22 amends s. 531.62, F.S., specifying that the commercial use permit fee is based upon the number and types of instruments or devices permitted; revising the expiration date of the commercial use permit; requiring annual and biennial commercial use permit renewals to meet the same requirements.

Section 23 amends s. 527.63, F.S., revising the commercial use permit fees and fee structures.

Section 24 amends s. 531.65, F.S., clarifying that the department may use one or more of the prescribed penalties for the unauthorized use of a weights and measures instrument or device.

Section 27 amends s. 559.917, F.S., to provide definitions for "lienholder" and "lienor."

Section 28 amends s. 559.927, F.S., revising several definitions related to sellers of travel, tour guides, and vacation certificates.

Section 29 amends s. 559.928, F.S., revising the registration requirements for sellers of travel.

Section 30 amends s. 559.929, F.S., revising security requirements for vacation certificates.

Section 31 amends s. 559.9295, F.S., revising disclosure requirements and deleting provisions relating to the duties of the Department.

Section 32 amends s. 559.932, F.S., requiring a specified typeface point size for certain disclosures; requiring the Department to review copies of certain certificates and contracts for compliance with disclosure requirements.

Section 33 amends s. 559.933, F.S., making technical changes to requirements for sellers of travel.

Section 34 amends s. 559.9335, F.S., revising violations relating to the sale of travel.

Section 35 amends s. 559.935, F.S., deleting a provision requiring an affidavit of exemption to obtain a seller of travel affiliate exemption; adding embezzlement as a crime for which the department may revoke certain exemptions.

Section 36 amends s. 559.936, F.S., conforming cross-references.

Section 37 amends s. 616.242, F.S., exempting certain water-related amusement rides from inspection under certain situations; authorizing owners or managers of amusement rides to use alternative forms to record ride inspections and employee training.

Section 38 amends s. 713.585, F.S., providing that a lienholder with a security interest in a motor vehicle may post a bond with the clerk of the court to have the vehicle released from the possession of a motor vehicle repair shop with a possessory lien on the vehicle

Section 39 and Section 40 amend s. 790.06, F.S., revising the requirements for issuance or revocation of a concealed weapons license; reducing initial and renewal fees; providing a process for expediting applications for service members and veterans.

Section 41 amends s. 790.0625, F.S., authorizing certain tax collector offices, upon approval and confirmation of license issuance by the department, to print and deliver concealed weapons or firearm licenses.

Sections 42 and 43 amend ss. 559.9285 & 559.937, F.S., conforming terminology between the sellers of travel statutes.

Section 44 provides that, except as otherwise expressly provided in the bill, the effective date of the bill is July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Recurring

General Inspection Trust Fund

Although the number of veterans and veterans' spouses who will apply for the waivers is unknown, the Department estimates the revenue loss based on the following information. An estimated 231,000 veterans from the Afghanistan and Iraq wars live in Florida, which is 1.5 percent of the total population based on 2010 Census data. To estimate the potential loss, the Department doubled the percentage (3 percent) to account for spouses of military veterans who may be interested in the waivers. Using FY 2013-2014 data, the Department calculated the potential loss for each program and license type by multiplying the total number of applications from each program by 3 percent to determine the total number of applications waived. The number of applications waived was then multiplied by the corresponding fee according to program/license type to determine the loss of revenue.

	(FY 16-17)	(FY 17-18)	(FY 18-19)
Military Veteran Fee Waiver	(\$51,250)	(\$51,250)	(\$51,250)
Safety Standards for Amusement Rides	<u>(\$2,280)</u>	<u>(\$2,280)</u>	<u>(\$2,280)</u>
General Inspection Trust Fund Loss	(\$53,530)	(\$53,530)	(\$53,530)
 <u>Division of Licensing Trust Fund</u>			
Military Veteran Fee Waiver	(\$164,965)	(\$164,965)	(\$164,965)
 Concealed Weapon License Fees			
New CW License Fee Reduction (\$10)	(\$1,650,000)	(\$1,550,000)	(\$1,550,000)
Renewal CW License Fee Reduction (\$10)	<u>(\$1,294,010)</u>	<u>(\$1,240,260)</u>	<u>(\$1,162,230)</u>
Division of Licensing Trust Fund Loss	(\$3,108,975)	(\$2,955,225)	(\$2,877,195)

General Revenue Service Charge

General Revenue Service Charge-Reduction Veteran Fee Waiver, Amusement Rides And Concealed Weapons Fee Reduction	(\$130,641)	(\$122,491)	(\$119,370)
General Revenue Service Charge-Increase Ch. 493 Fingerprint Retention	<u>\$104,408</u>	<u>\$104,408</u>	<u>\$47,137</u>
General Revenue Service Charge Loss	(\$26,233)	(\$18,083)	(\$72,233)

2. Expenditures:

Recurring	(FY 16-17)	(FY 17-18)	(FY 18-19)
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Division of Licensing Trust Fund

<u>Notice of Service of Process for Out of State Licensees</u>	(\$140,186)	(\$140,186)	(\$140,186)
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The Department expects to reduce expenditures related to publishing costs for notifying out-of-state licensees of revocation or suspension of their concealed weapon license.

Nonrecurring

Tax Collectors 30 card printers to print and provide a renewal license for concealed weapons license holders.	\$120,000	\$40,000	\$40,000
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The Department will supply printers for tax collectors with existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill waives the initial application fee for veterans and their spouses for the following industries and professions: surveyors and mappers, health studios, telemarketing, intrastate movers, LP gas, pawn broking, motor vehicle repair, and travel.

The bill eliminates the licensure fee for facilities operating as a charitable entity that have amusement rides that are not open to the general public and do not allow for day rates.

The bill provides that in addition to FDLE, the NRA, and federal law enforcement agencies, the International Association of Law Enforcement Firearms Instructors (IALEFI) and the Second Amendment Foundation Training Division may provide the training and certification necessary for "K" firearms instructors in Florida.

The bill requires individuals who are seeking licensure or renewing a license under chapter 493 (private investigation, recovery, and security industries) to participate in the state and federal fingerprint

retention programs. Participation in the fingerprint retention program sponsored by the FBI would require payment of a \$13.00 fee at the time of initial application that would cover the cost of fingerprint retention for as long as a license is valid. Participation at the statewide level would require payment of an annual fee of \$6.00 for each year that a license is valid. Licensees, whose permits were issued prior to January 2017 must submit a fingerprint set at the time of renewal to be included in the new retention program. The national background check is \$14.75 and the state background check is \$15.00. Both are one-time fees.

The bill provides that service members and veterans, who identify themselves as such, will have their application for a concealed weapons license expedited.

The bill lowers the fee for concealed weapons licenses by \$10, from \$70 to \$60 for the initial license and from \$60 to \$50 for the renewal license.

The bill provides that a tax collector who is accepting concealed weapons license applications may print and furnish a renewal license to a concealed weapons license holder.

D. FISCAL COMMENTS:

Fingerprint Retention

New Applicants	(FY 16-17)	(FY17-18)	(FY 18-19)
Federal Bureau of Investigation	\$441,272	\$441,272	\$441,272
Florida Department of Law Enforcement	<u>\$ 203,664</u>	<u>\$203,664</u>	<u>\$203,664</u>
Subtotal:	\$644,936	\$644,936	\$644,936

The Department estimates that 33,944 new applicants with a two-year license pay FBI's one-time \$13.00 fingerprint retention fee for life of license and FDLE's \$6 annual fingerprint retention fee (no charge for first year of new license).

Renewals	(FY 16-17)	(FY 17-18)	(FY 18-19)
Federal Bureau of Investigation	\$1,118,686	\$1,118,686	\$ 0
Florida Department of Law Enforcement	<u>\$ 846,573</u>	<u>\$ 846,573</u>	<u>\$533,481</u>
Subtotal:	\$1,965,259	\$1,965,259	\$533,481

The Department estimates 40,313 renewal applicants pay FBI's one-time \$13 fingerprint retention fee for as long as the license is valid and the national background check fingerprint fee of \$14.75. Since the fingerprint retention fee and the background check fee are one-time only, there will be no payment to the FBI for renewals of the two-year license after FY 2017-18. The FDLE's fingerprint retention fee is \$6 annually and the state background check fingerprint fee is a one-time only fee of \$15. An estimated 1,020 of the 39,650 have three-year licenses and are captured in FY 2018-19.

These fees will be collected by the Department and deposited in the Division of Licensing Trust Fund where they will then be disbursed to the FBI or FDLE for the administration of their fingerprint retention programs.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have

to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Procedural Due Process: Generally

The Due Process Clauses of the Fifth and Fourteenth Amendments intend fair process. “An elementary and fundamental requirement of due process in any proceeding that is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objection.”⁵⁷ The degree to which due process protections apply varies with the nature of the interests implicated.⁵⁸

The bill provides that the Department must attempt to deliver service of a notice of the suspension or revocation of a concealed weapon or firearm license by first-class mail or e-mail, when notice through certified mail is returned undeliverable. This method of notice may raise procedural due process concerns because it may not, under all the circumstances, apprise an interested party of the action.

The bill does not require return receipt when sending notice through first-class mail or e-mail, nor does it provide for procedures when the mail is returned undeliverable, and the bill eliminates the Department’s responsibility to attempt constructive notice when all other attempts to provide actual notice have failed. Without confirmation of delivery, the Department may be unable to demonstrate that notice was effective, and may have to rely upon the rebuttable presumption that notice sent through regular mail is received by the intended party.⁵⁹

Single-Subject Requirement

Article III, Section 6, of the Florida Constitution provides in relevant part, “[e]very law shall embrace but one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title.” The primary purpose of Section 6 is to prevent logrolling: that is, the stringing together of bills on diverse subjects in order to gain support for the entire package. If logrolling were allowed, legislators would be forced to vote for provisions they did not support in order to gain passage of unrelated provisions.⁶⁰

The Florida Supreme Court has defined the single subject requirement as having three requirements. First, each law shall “embrace” only “one subject.” Second, the law may include any matter that is “properly connected” with the subject. The third requirement, related to the first, is that the subject shall be “briefly expressed in the title.”⁶¹

Motor vehicle repair shops are licensed under the Department; however, it is unclear if amendments to the procedures for mechanic liens are related to the subject of the bill because the Department generally does not enforce or regulate these types of liens. The bill generally relates to the regulation and enforcement of Department’s administrative functions and mechanic liens may not be considered within that subject.

B. RULE-MAKING AUTHORITY:

⁵⁷ *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

⁵⁸ *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Hadley v. Dept. of Admin.*, 411 So.2d 184 (Fla. 1982).

⁵⁹ *Compare, Shelley v. State, Dep’t of Fin. Servs.*, 846 So. 2d 577, 577 (Fla. 3d DCA 2003).

⁶⁰ *Department of Educ. v. Lewis*, 416 So.2d 455 (Fla. 1982).

⁶¹ *Franklin v. State*, 887 So.2d 1063, 1072 (Fla. 2004).

The bill makes several changes to the application for a concealed weapons license (s. 790.06, F.S.), and the Department may be required to perform rulemaking to update any rules or forms that are affected by these changes under their current rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 12, 2016, the Business & Professions Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The amendments:

- Provided technical changes to conform language for license and registration fee waivers.
- Amended the notice provisions for concealed weapon and firearm permit holders to provide notice of the suspension or revocation of a concealed weapon or firearm license by certified mail, and if the notice by certified mail is returned undeliverable, by first class mail or e-mail.
- Provided that a lienholder with a security interest in a motor vehicle may post a bond with the clerk of the court to have the vehicle released from the possession of a motor vehicle repair shop with a possessory lien on the vehicle.

The staff analysis is drafted to reflect the committee substitute.

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 effective
 188 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	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	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> retail	
851 establishment	
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 | (m) ~~(l)~~ 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 | (n) ~~(m)~~ 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 fees⁷, 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, 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. Except as otherwise expressly provided in this
 2275 act, this act shall take effect July 1, 2016.

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Agriculture & Natural
 2 Resources Appropriations Subcommittee
 3 Representative Trumbull offered the following:

Amendment (with title amendment)

4
 5
 6 Between lines 2273 and 2274, insert:

7 Section 43. For the 2016-2017 fiscal year, the sum of
 8 \$1,305,097 in nonrecurring funds from the Division of Licensing
 9 Trust Fund is appropriated to the Department of Agriculture and
 10 Consumer Services for the purpose of implementing s. 493.6108,
 11 Florida Statutes, regarding the collection and subsequent
 12 payment of fingerprint retention and processing fees to the
 13 Florida Department of Law Enforcement.

14
 15 -----
 16 **T I T L E A M E N D M E N T**

17 Remove line 187 and insert:

727577 - h641-line 2273 Trumbull1.docx

Published On: 1/27/2016 5:40:28 PM

Amendment No. 1

18 | F.S.; conforming terminology; providing an appropriation;

19 | providing effective

20 |

HB 989

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 989 Implementation of Water and Land Conservation Constitutional Amendment
SPONSOR(S): Harrell and others
TIED BILLS: IDEN./SIM. BILLS: SB 1168

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Appropriations Subcommittee		Massengale	Massengale 
2) Appropriations Committee			

SUMMARY ANALYSIS

In 2014, the voters of the state of Florida approved an amendment to the Florida Constitution to create Article X, Section 28, which requires that 33 percent of documentary stamp taxes collected be deposited into the Land Acquisition Trust Fund (LATF) and prohibits funds from the LATF from being used for a purpose not specified in the constitution. In 2015, chapter 2015-229, Laws of Florida, became law and amended the relevant statutes to comply with this constitutional requirement. The bill amended section 375.041, F.S., related to the Land Acquisition Trust Fund to require that funds be used for certain debt service obligations and to require that \$32 million be distributed to the South Florida Water Management District for the Long-Term Plan. The section further provides that any remaining moneys in the Land Acquisition Trust Fund that are not distributed as provided above may be appropriated from time to time for the purposes set forth in s. 28, Art. X of the State Constitution.

HB 989 amends s. 375.041, F.S. to provide for the distribution of funds deposited into the Land Acquisition Trust Fund. Of the funds remaining after the payment of certain debt service obligations, the Legislature will be required to appropriate a minimum of the lesser of 25 percent or \$200 million for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), including the Central Everglades Planning Project subject to congressional authorization, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program.

The bill requires that from these funds, \$32 million will be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District (SFWMD) for the Long-Term Plan. After deducting the \$32 million, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million will be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering and construction of the CERP.

The bill requires the Department of Environmental Protection (DEP) and the SFWMD to give preference to projects that reduce harmful discharges from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.

The House proposed Fiscal Year 2016-2017 General Appropriations Act provides \$32 million for the Long-Term Plan, \$100 million for the CERP and \$66 million for the Northern Everglades and Estuaries Protection Program.

The effective date of this bill is July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

On November 4, 2014, Florida voters approved an initiative petition relating to water and land conservation. The provision added a section 28 to Article X of the Florida Constitution:

SECTION 28. Land Acquisition Trust Fund.—

a) Effective on July 1 of the year following passage of this amendment by the voters, and for a period of 20 years after that effective date, the Land Acquisition Trust Fund shall receive no less than 33 percent of net revenues derived from the existing excise tax on documents¹, as defined in the statutes in effect on January 1, 2012, as amended from time to time, or any successor or replacement tax, after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

b) Funds in the Land Acquisition Trust Fund shall be expended only for the following purposes:

1) As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

2) To pay the debt service on bonds issued pursuant to Article VII, Section 11(e). c) The moneys deposited into the Land Acquisition Trust Fund, as defined by the statutes in effect on January 1, 2012, shall not be or become commingled with the General Revenue Fund of the state.

As a result of Special Session A in 2015, chapter 2015-229, Laws of Florida, became law and amended the relevant statutes to comply with this constitutional requirement. As part of chapter 2015-229, L.O.F., s. 375.041, F.S. was amended to require moneys from the Land Acquisition Trust Fund to be allocated as follows:

1. First, to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to Everglades restoration bonds issued under s. 215.619;
2. Then, to pay the debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to former s. 373.59, Florida Statutes 2014, or which are necessary to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. This paragraph expires July 1, 2016; and

¹ The documentary stamp tax is imposed on documents that transfer interest in Florida real property and certain types of debt. Documents subject to the tax include deeds, bonds, corporate shares, notes and written obligations to pay money, and mortgages, lines and other evidences of indebtedness. ss. ss. 201.02, 201.07 and 201.208, F.S.

3. Then, to distribute \$32 million each fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). This paragraph expires July 1, 2024.

The section further provides that any remaining moneys in the Land Acquisition Trust Fund that are not distributed as provided above may be appropriated from time to time for the purposes set forth in s. 28, Art. X of the State Constitution.

Comprehensive Everglades Restoration Plan

The Comprehensive Everglades Restoration Program (CERP) is a large, comprehensive, long-term 50-50 partnership with the federal government to restore the Everglades. The plan originally approved in the 2000 federal Water Resources Development Act includes more than 60 projects that will take more than 30 years to complete and will cost an estimated \$13.5 billion.² The program works in conjunction with other state and federal efforts to revitalize wetlands, lakes, bays and estuaries across south Florida's ecosystem, for the purpose of improving the Everglades and ensuring the area's water supply can meet future needs. DEP and the South Florida Water Management District work in collaboration to review each program proposal, with DEP having final approval authority. Projects must receive DEP approval before being submitted to Congress or the Legislature for funding.

The Central Everglades Planning Project

The Central Everglades Planning Project (CEPP) is a suite of projects in the central Everglades intended to allow more water to be directed south to the central Everglades, Everglades National Park, and Florida Bay. On December 23, 2014, the U.S. Army Corps of Engineers Chief of Engineers submitted his Project Implementation Report for CEPP to the Secretary of the Army for transmission to Congress for congressional authorization. The proposed CEPP is comprised of increments of six components of CERP, including the Everglades Agricultural Area (EAA) Storage Reservoir - Phase I, which was conditionally authorized by Section 601 (b)(2)(C)(ii) of WRDA 2000. However, the reporting officers recommended new authorization consistent with Section 601 (d) of WRDA 2000 due to changes in scope and the inclusion of additional CERP components. The reporting officers recommended increments of the following six components of CERP to be integrated with the existing facilities of the C&SF system: Everglades Agricultural Area Storage Reservoirs (Component G); Water Conservation Area (WCA)-3 Decompartmentalization and Sheetflow Enhancement (Components AA and QQ); S-356 Pump Station Modifications (Component FF); L-31 N Improvements for Seepage Management (Component V); System-wide Operational Changes - Everglades Rain-Driven Operations (Component H); and Flow to Northwest and Central.WCA-3A (Component II).³

Long-Term Plan

Section 373.4592(2), F.S. references the "Long-Term Plan" relating to Everglades protection. The Long-Term Plan resulted from the 1994 Everglades Forever Act, which requires the SFWMD to submit a water quality plan to DEP. The Plan's overarching purpose is to ensure all water entering the Everglades Protection Area complies with state and federal water quality standards. The plan calls for enhancements to existing storm water treatment areas, expanded best management practices and integration with CERP projects.⁴ In 2012, the DEP and the SFWMD, in consultation with U.S. Environmental Protection Agency, developed a technical plan to meet water quality standards, which includes additional stormwater treatment areas and storage reservoirs at a cost of \$880 million over a 13-year period. A total of \$500.7 million in funds will be provided by the South Florida Water Management District with the balance to be provided by the state. The 2013 Legislature appropriated \$32 million on a recurring basis to support the implementation of the technical water quality plan.⁵

² <http://www.dep.state.fl.us/secretary/everglades/> (last visited 1/19/2015).

³ U.S. Army Corps of Engineers CEPP Project Implementation Report, available at: <http://www.saj.usace.army.mil/Portals/44/docs/Environmental/CEPP/CentralEverglades-Dec2014%20Chief's%20Report.pdf> (last accessed 1/27/2016).

⁴ South Florida Water Management District, available at:

<http://my.sfwmd.gov/portal/page/portal/xweb%20protecting%20and%20restoring/water%20quality%20stormwater%20treatment%20areas> (last accessed 1/13/2016).

⁵ http://edr.state.fl.us/Content/long-range-financial-outlook/3-Year-Plan_Fall-2015_1617-1819.pdf

Northern Everglades and Estuaries Protection Program (NEEPP)

The term “Northern Everglades” refers to the Lake Okeechobee watershed, the Caloosahatchee River watershed, and the St. Lucie River watershed.⁶ The Northern Everglades and Estuaries Protection Program (NEEPP) promotes a comprehensive, interconnected watershed approach to protect Lake Okeechobee and the Caloosahatchee and St. Lucie River watersheds. It includes the Lake Okeechobee Watershed Protection Program and the Caloosahatchee and St. Lucie Watershed Protection Program. The 2016 Legislature enacted legislation, Chapter 2016-1, L.O.F., updating and restructuring NEEPP to reflect and build upon the DEP’s completion of basin management action plans (BMAPs) for Lake Okeechobee, the Caloosahatchee River and Estuary, and the St. Lucie River and Estuary, and the Department of Agriculture and Consumer Services’ (DACS) implementation of best management practices (BMPs).⁷

Provisions of Bill

The bill amends s. 375.041, F.S. to provide for distribution of funds from the Land Acquisition Trust Fund. The bill retains the requirement that funds first be distributed to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618, F.S., and Everglades restoration bonds issued under s. 215.619, F.S.

Of the funds remaining after this debt service distribution, the Legislature will be required to appropriate a minimum of the lesser of 25 percent or \$200 million for Everglades projects that implement:

1. the Comprehensive Everglades Restoration Plan (CERP) as set forth in s. 373.470, including the Central Everglades Planning Project subject to congressional authorization;
2. the Long-Term Plan as defined in s. 373.4592(2); and
3. the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595.

From these funds, \$32 million will be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan. After deducting the \$32 million, from the funds remaining, a minimum of the lesser of 76.5 percent or \$100 million will be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering and construction of the CERP.

The bill requires DEP and the SFWMD to give preference to projects that reduce harmful discharges from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner.

Finally, the bill repeals the provision, which expires July 1, 2016, paying for the SFWMD’s and the St. Johns River Water Management District’s debt service on bonds issued before February 1, 2009.

B. SECTION DIRECTORY:

Section 1: Amends s. 375.041, F.S. relating to the Land Acquisition Trust Fund.

Section 2: Provides effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

⁶ s. 373.4595(2)(l)

⁷ Florida Senate Bill Analysis, CS/CS/SB 552

STORAGE NAME: h0989a.ANRAS

DATE: 1/27/2016

The bill specifies how the Land Acquisition Trust Fund would be distributed for Everglades restoration. See the table below.

(In millions)

State Fiscal Year	33% LATF	Less Debt Service	Lesser of 25% or \$200M for Everglades	Long-Term Plan	CERP (Lesser of 76.5% or \$100M)	Remaining Everglades Funds
2016-17	\$823.8	\$171.3	\$163.1	\$32.0	\$100.0	\$31.1
2017-18	\$879.6	\$171.4	\$177.1	\$32.0	\$100.0	\$45.1
2018-19	\$922.9	\$171.5	\$187.9	\$32.0	\$100.0	\$55.9
2019-20	\$957.4	\$171.6	\$196.4	\$32.0	\$100.0	\$64.4
2020-21	\$992.4	\$171.6	\$200.00	\$32.0	\$100.0	\$68.0
2021-22	\$1,026.1	\$150.2	\$200.00	\$32.0	\$100.0	\$68.0
2022-23	\$1,064.7	\$139.3	\$200.00	\$32.0	\$100.0	\$68.0
2023-24	\$1,105.6	\$119.2	\$200.00	\$32.0	\$100.0	\$68.0
2024-25	\$1,149.6	\$119.2	\$200.00		\$100.0	\$100.0
2025-26	\$1,194.9	\$93.8	\$200.00		\$100.0	\$100.0

The House proposed Fiscal Year 2016-2017 General Appropriations Act provides \$32 million for the Long-Term Plan, \$100 million for the CERP and \$66 million for the Northern Everglades and Estuaries Protection Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to implementation of the water and
 3 land conservation constitutional amendment; amending
 4 s. 375.041, F.S.; requiring a minimum specified
 5 percentage of funds within the Land Acquisition Trust
 6 Fund to be appropriated for Everglades restoration
 7 projects; providing a preference in the use of funds
 8 to certain projects that reduce discharges to the St.
 9 Lucie and Caloosahatchee estuaries; providing an
 10 effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (3) of section 375.041, Florida
 15 Statutes, is amended to read:

16 375.041 Land Acquisition Trust Fund.—

17 (3) Funds distributed into the Land Acquisition Trust Fund
 18 pursuant to s. 201.15 shall be applied:

19 (a) First, to pay debt service or to fund debt service
 20 reserve funds, rebate obligations, or other amounts payable with
 21 respect to Florida Forever bonds issued under s. 215.618; and
 22 pay debt service, provide reserves, and pay rebate obligations
 23 and other amounts due with respect to Everglades restoration
 24 bonds issued under s. 215.619; and

25 (b) Of the funds remaining after the payments required
 26 under paragraph (a) but before funds may be appropriated or

27 dedicated for other uses, a minimum of the lesser of 25 percent
 28 or \$200 million shall be appropriated annually for Everglades
 29 projects that implement the Comprehensive Everglades Restoration
 30 Plan as set forth in s. 373.470, including the Central
 31 Everglades Planning Project subject to congressional
 32 authorization; the Long-Term Plan as defined in s. 373.4592(2);
 33 and the Northern Everglades and Estuaries Protection Program as
 34 set forth in s. 373.4595. From these funds, \$32 million shall be
 35 distributed each fiscal year through the 2023-2024 fiscal year
 36 to the South Florida Water Management District for the Long-Term
 37 Plan as defined in s. 373.4592(2). After deducting the \$32
 38 million distributed under this paragraph, from the funds
 39 remaining, a minimum of the lesser of 76.5 percent or \$100
 40 million shall be appropriated each fiscal year through the 2025-
 41 2026 fiscal year for the planning, design, engineering, and
 42 construction of the Comprehensive Everglades Restoration Plan as
 43 set forth in s. 373.470, including the Central Everglades
 44 Planning Project subject to congressional authorization. The
 45 Department of Environmental Protection and the South Florida
 46 Water Management District shall give preference to those
 47 Everglades restoration projects that reduce harmful discharges
 48 of water from Lake Okeechobee to the St. Lucie or Caloosahatchee
 49 estuaries in a timely manner ~~Then, to pay the debt service on~~
 50 ~~bonds issued before February 1, 2009, by the South Florida Water~~
 51 ~~Management District and the St. Johns River Water Management~~
 52 ~~District, which are secured by revenues provided pursuant to~~

53 ~~former s. 373.59, Florida Statutes 2014, or which are necessary~~
54 ~~to fund debt service reserve funds, rebate obligations, or other~~
55 ~~amounts payable with respect to such bonds. This paragraph~~
56 ~~expires July 1, 2016; and~~

57 ~~(c) Then, to distribute \$32 million each fiscal year to~~
58 ~~the South Florida Water Management District for the Long Term~~
59 ~~Plan as defined in s. 373.4592(2). This paragraph expires July~~
60 ~~1, 2024.~~

61 Section 2. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1205 Fumigation
SPONSOR(S): Magar
TIED BILLS: **IDEN./SIM. BILLS:** SB 1498

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	12 Y, 0 N	Gregory	Harrington
2) Agriculture & Natural Resources Appropriations Subcommittee		Lolley 	Massengale 
3) State Affairs Committee			

SUMMARY ANALYSIS

Individuals who perform fumigation must be licensed by the Department of Agriculture and Consumer Services (DACS) and follow the safety procedures set forth in rule. In addition, each brand of pesticide that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered with DACS.

The bill updates DACS' rulemaking authority relating to safety procedures for fumigation to:

- Require that fumigators notify DACS where the fumigation will be performed at least 24 hours in advance of any general fumigation, rather than notify a DACS inspector;
- Authorize DACS to specify circumstances when notification of less than 24 hours in advance is allowed, rather than only during an authentic and verifiable emergency; and
- Authorize DACS to require safety procedures for the clearance of residential structures before reoccupation after fumigation.

Further, the bill updates DACS' rulemaking authority to allow DACS to place conditions on fumigant registration including:

- Requiring registrants to train distributors and end users in safety measures, proper use, safe storage, and the management of fumigant materials;
- Obtaining continuing education program approval for stewardship training programs;
- Conducting quality assurance reviews;
- Reporting to DACS probation and stop-sale notifications issued to end users. DACS must notify other sulfuryl fluoride registrants of the reported probation or stop-sale notice; and
- Assisting DACS upon its request with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sales.

The bill appears to have an insignificant negative fiscal impact on DACS, which can be absorbed within existing resources. The bill may have an insignificant negative fiscal impact on licensees who apply fumigants and on individuals who register fumigants. See Fiscal Analysis & Economic Impact Statement.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

A “fumigant” is a chemical which, at a required temperature and pressure, can exist in the gaseous state in sufficient concentration to be lethal to a given organism.¹ “Fumigation” is the use, within an enclosed space or in or under a structure or tarpaulins, of a fumigant in concentrations that may be hazardous to human beings.² The Department of Agriculture and Consumer Services (DACS) regulates fumigation and registering fumigants.

Fumigation Requirements

Individuals who perform fumigation must obtain a special identification card from DACS or be a certified fumigation operator.³ Fumigators must notify DACS 24 hours in advance before any general fumigation via DACS’ website or facsimile.⁴ This requirement may be waived during a verifiable emergency when notification is not possible.⁵

The fumigators must follow the instructions on the fumigant’s label, possess any keys or access devices to gain entry into the structure, possess a self-contained breathing apparatus, and possess and maintain two clearance devices.⁶ The structure or enclosed space to be fumigated may not be occupied during fumigation.⁷ The fumigator must inspect the structure or enclosed space to make sure no persons remain.⁸ Further, the structure or enclosed space must be made as gas-tight as possible.⁹ Prior to application of the fumigant, the fumigators must affix and conspicuously post warning signs that meet standards adopted by DACS.¹⁰

After fumigation, the structure must be aerated.¹¹ The aeration process includes a minimum one-hour active aeration and a minimum five-hour passive aeration.¹² An active aeration requires the doors and windows of the structure to be opened and fans used to allow the fumigant to dissipate.¹³ The passive aeration occurs after the active aeration and requires the structure to be re-secured.¹⁴ Currently, fumigators are not required to provide DACS with the initiation time of the aeration process.¹⁵ Once aeration is complete, the certified operator in charge must personally inspect the structure or enclosed space to assure the space has been safely ventilated as required by the fumigant’s label.¹⁶ The space must be inspected with suitable gas-detecting equipment or devices required by the fumigant’s label to assure the structure is safe for human entry and occupancy.¹⁷ Currently, licensees are required to maintain evidence of device calibration, but are not required to provide these records to DACS unless

¹ Section 482.021(9), F.S.

² Section 482.021(10), F.S.

³ Section 482.151(1), F.S.; Rule 5E-14.108(1), F.A.C.

⁴ Section 482.051(4), F.S.; Rule 5E-14.110(1), F.A.C.

⁵ Section 482.051(4), F.S.; Rule 5E-14.110(2), F.A.C.

⁶ Rule 5E-14.108, F.A.C.

⁷ Rule 5E-14.111(2), F.A.C.

⁸ Rule 5E-14.111(4), F.A.C.

⁹ Rule 5E-14.111(7), F.A.C.

¹⁰ Rules 5E-14.112(1) through (6), F.A.C.

¹¹ DACS, Agency Analysis of 2016 House Bill 1205, p. 1 (January 15, 2016).

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Rule 5E-14.113(1), F.A.C.

¹⁷ Rule 5E-14.113(2), F.A.C.

requested.¹⁸ Once the structure or enclosed space is safe for reentry and reoccupancy, the certified operator must certify his final personal inspection and monitoring examination and must conspicuously post the certification on all entrances.¹⁹

Pesticide Registration

Each brand of pesticide²⁰ that is distributed, sold, or offered for sale within this state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state must be registered with DACS, and such registration shall be renewed biennially.²¹ Applicants seeking to register their pesticide must submit:

- Product chemistry data demonstrating a pesticide's relative susceptibility to leaching into groundwater and its relative stability in groundwater;
- Toxicology data demonstrating human risk assessment and environmental risk assessment;
- Environmental fate data demonstrating chemical degradation, metabolic transformation, persistence (half-life), bioaccumulation potential, and mobility of the pesticide;
- Residue chemistry data which describes pesticide residues detected in or on applicable crops, processed foods, and animal feed; and
- Worker and applicator safety data demonstrating use of the pesticide in accordance with the label does not pose any unreasonable risk to applicators or agricultural workers exposed to treated areas or commodities.²²

DACS may approve the pesticide registration, conditionally approve the product with limitations, or deny registration and state the basis for denial.²³

If DACS finds a pesticide is being offered or exposed for sale, used, or held in violation of its pesticide regulations, it may issue and enforce a stop-sale, stop-use, removal, or hold order.²⁴ This order may order that the pesticide or device be held at a designated place until the pesticide regulations are complied with and the pesticide or device is released.²⁵

If a pesticide registered in the state is suspended or canceled to prevent harm to the public or the environment, the registrant must reclaim and provide reimbursement for that pesticide from any distributor, dealer, user, or other party possessing it in this state and provide for the proper removal or disposal of the pesticide within 90 days.²⁶

Office of Inspector General Review

On January 6, 2016, DACS' Office of Inspector General issued a report on structural fumigation regulations and processes.²⁷ The report makes several recommendations to improve public safety, including increasing aeration time, increasing reporting requirements, requiring proof that chemical

¹⁸ DACS, Agency Analysis of 2016 House Bill 1205, p. 1 (January 15, 2016).

¹⁹ Rule 5E-14.113(2), F.A.C.

²⁰ Section 487.021(49), F.S., defines the term "pesticide" to mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the department by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

²¹ Section 487.041(1)(a), F.S.

²² Rule 5E-2.031(3), F.A.C.

²³ Rule 5E-2.031(6) and (7), F.A.C.

²⁴ Section 487.101(1), F.S.

²⁵ Id.

²⁶ Section 487.15, F.S.

²⁷ DACS, Review of the Division of Agricultural and Environmental Services, Structural Fumigation Regulation Regulations and Processes, available at http://media.wptv.com/image/Report.pdf?_ga=1.26570170.646122863.1452805180 (last visited January 14, 2016).

detection devices are properly calibrated, requiring notice of aeration times, changing warning requirements, and adding notification requirements for alternative methods of termite control.²⁸

Effect of the Proposed Bill

The bill amends s. 482.051, F.S., to update DACS' rulemaking authority relating to safety procedures for fumigation. Specifically, the bill:

- Requires fumigators to notify DACS where the fumigation will be performed at least 24 hours in advance of any general fumigation, rather than notify a DACS inspector;
- Authorizes DACS to specify circumstances when notification of less than 24 hours in advance is allowed, rather than only during an authentic and verifiable emergency; and
- Authorize DACS to require safety procedures for the clearance of residential structures before reoccupation after fumigation.

The bill amends s. 487.051, F.S., to update DACS' rulemaking authority to allow DACS to place conditions on fumigant registration. Specifically, DACS will be authorized to make rules to:

- Require registrants to train distributors and end users in safety measures, proper use, safe storage, and the management of fumigant materials;
- Obtain continuing education program approval for stewardship training programs;
- Conduct quality assurance reviews;
- Report to DACS probation and stop-sale notifications issued to end users. DACS must notify other sulfuryl fluoride registrants of the reported probation or stop-sale notice; and
- Assist DACS upon its request with the removal of fumigant containers from distributors and end users for compliance with permanent or extended stop-sales.

B. SECTION DIRECTORY:

Section 1. Amends s. 482.051, F.S., relating to rules for pest control regulations.

Section 2. Amends s. 487.051, F.S., relating to administration, rules, and procedure for pesticide regulation and safety.

Section 3. Providing an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The department is authorized to revise rules, which can be absorbed within existing resources.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

²⁸ Id. at 4 – 5.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill authorizes the department by rule to require manufacturers to train distributors and end users in safety measures, to obtain continuing education and to conduct quality assurance reviews. Since manufacturers already train distributors and users, they will continue to work with the department to fortify the training. This may have an insignificant negative fiscal impact on registrants and licensees who apply fumigants and on individuals who register fumigants.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill grants additional rulemaking authority to DACS to regulate fumigation safety procedures and place conditions on the registration of fumigants. The bill will likely require DACS to revise its rules to conform to the changes made in the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to fumigation; amending s. 482.051,
 3 F.S.; revising general fumigation notification
 4 requirements; authorizing the Department of
 5 Agriculture and Consumer Services to adopt safety
 6 procedures for the clearance of residential structures
 7 before reoccupation after fumigation; amending s.
 8 487.051, F.S.; authorizing the department to establish
 9 certain conditions for the registration or continued
 10 registration of fumigants; providing an effective
 11 date.

12
 13 Be It Enacted by the Legislature of the State of Florida:
 14

15 Section 1. Section 482.051, Florida Statutes, is amended
 16 to read:

17 482.051 Rules.—The department may ~~has authority to~~ adopt
 18 rules ~~pursuant to ss. 120.536(1) and 120.54~~ to implement the
 19 provisions of this chapter. Before ~~Prior to~~ proposing the
 20 adoption of a rule, the department shall counsel with members of
 21 the pest control industry concerning the proposed rule. The
 22 department shall adopt rules for the protection of the health,
 23 safety, and welfare of pest control employees and the general
 24 public which require:

25 (1) That all pesticides or economic poisons be used only
 26 in accordance with the registered labels and labeling or as

27 | directed by the United States Environmental Protection Agency or
 28 | the department.

29 | (2) That vehicles and trailers used in pest control be
 30 | permanently marked with the licensee's name that is registered
 31 | with the department. However, vehicles that are used to perform
 32 | only sales and solicitation may have temporary or removable
 33 | markers.

34 | (3) That written contracts be required for providing
 35 | termites and other wood-destroying organisms pest control, that
 36 | provisions necessary to assure consumer protection as specified
 37 | by the department be included in such contracts, and that
 38 | require licensees to comply with the contracts issued.

39 | (4) That a licensee, before performing general fumigation,
 40 | notify in writing the department of ~~inspector having~~
 41 | ~~jurisdiction over~~ the location where the fumigation is to be
 42 | performed, which notice must be received by the department
 43 | ~~inspector~~ at least 24 hours before the fumigation and must
 44 | contain such information as the department requires. The
 45 | department may specify circumstances under which notification of
 46 | less than 24 hours is allowed and what notice is required in
 47 | those circumstances. ~~However, in an authentic and verifiable~~
 48 | ~~emergency, when 24 hours' advance notice is not possible,~~
 49 | ~~advance notice may be given by telephone, facsimile, or any~~
 50 | ~~other form of acceptable electronic communication, but such~~
 51 | ~~notice must be immediately followed by written confirmation~~
 52 | ~~providing the required information.~~

53 (5) That any pesticide used as the primary preventive
 54 treatment for subterranean termites in new construction be
 55 applied in the amount, concentration, and treatment area in
 56 accordance with the label; that a copy of the label of the
 57 registered pesticide being applied be carried in a vehicle at
 58 the site where the pesticide is being applied; and that the
 59 licensee maintain for 3 years the record of each preconstruction
 60 treatment, indicating the date of treatment, the location or
 61 address of the property treated, the total square footage of the
 62 structure treated, the type of pesticide applied, the
 63 concentration of each substance in the mixture applied, and the
 64 total amount of pesticide applied.

65 (6) That the department may issue an immediate stop-use or
 66 stop-work order for fumigation performed in violation of
 67 fumigant label requirements or department rules, or in a manner
 68 that presents an immediate serious danger to the health, safety,
 69 or welfare of the public, including, but not limited to, failure
 70 to use required personal protective equipment, failure to use a
 71 required warning agent, failure to post required warning signs,
 72 failure to secure a structure's usual entrances as required, or
 73 using a fumigant in a manner that will likely result in
 74 hazardous exposure to humans, animals, or the environment.

75 (7) That the department may require safety procedures for
 76 the clearance of residential structures before reoccupation
 77 after fumigation.

78 Section 2. Paragraph (f) is added to subsection (1) of

79 section 487.051, Florida Statutes, to read:

80 487.051 Administration; rules; procedure.--

81 (1) The department may by rule:

82 (f) Establish conditions for the registration or continued
 83 registration of fumigants, including:

84 1. Requiring registrants to train distributors and end
 85 users in safety measures, proper use, safe storage, and the
 86 management of fumigant materials;

87 2. Obtaining continuing education program approval for
 88 stewardship training programs;

89 3. Conducting quality assurance reviews;

90 4. Reporting to the department probation and stop-sale
 91 notifications issued to end users. The department shall notify
 92 other sulfuryl fluoride registrants of the reported probation or
 93 stop-sale notice; and

94 5. Assisting the department upon its request with the
 95 removal of fumigant containers from distributors and end users
 96 for compliance with permanent or extended stop-sales.

97 Section 3. This act shall take effect July 1, 2016.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 4035 Pesticide Registration
SPONSOR(S): Combee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Subcommittee	12 Y, 0 N	Gregory	Harrington
2) Agriculture & Natural Resources Appropriations Subcommittee		Lolley 	Massengale 
3) State Affairs Committee			

SUMMARY ANALYSIS

Generally, each brand of pesticide distributed, sold, or offered for sale within the state must register with the Department of Agriculture and Consumer Services (DACS) biennially and pay a registration fee. In 2009, the Legislature created a supplemental biennial registration fee (supplemental fee) for each registered brand of pesticide that contains an active ingredient for which the United States Environmental Protection Agency (EPA) has established a food tolerance limit in 40 C.F.R. part 180 to defray the expense of the Chemical Residue Laboratory. DACS uses the supplemental fee to support the Chemical Residue Laboratory which performs chemical analyses of poisonous or deleterious chemical residues remaining in or on human food produced or marketed in Florida.

The bill eliminates the supplemental fee for each registered brand of pesticide that contains an active ingredient for which the EPA has established a food tolerance limit in 40 C.F.R. part 180.

The House proposed Fiscal Year 2016-2017 General Appropriations Act provides \$1,801,131 from the General Revenue Fund to support the Chemical Residue Laboratory.

The bill will have a positive fiscal impact on individuals who distribute, sell, or offer to sell pesticides by eliminating the supplemental fee.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Pesticide Registration

Effective January 1, 2009, each brand of pesticide¹ distributed, sold, or offered for sale, except as otherwise provided, within the state or delivered for transportation or transported in intrastate commerce or between points within this state through any point outside this state, must register with the Department of Agriculture and Consumer Services (DACS) and pay a biennial registration fee.² DACS assess each pesticide registration beginning in an odd-numbered year a fee of \$700 per brand of pesticide and a fee of \$200 for each special local need label and experimental use permit.³ The registration expires on December 31 of the following year.⁴ DACS assesses each pesticide registration beginning in an even-numbered year a fee of \$350 per brand of pesticide and fee of \$100 for each special local need label and experimental use permit.⁵ That registration expires on December 31 of that year.⁶

Supplemental Registration Fee

In 2009, the Legislature amended s. 487.041, F.S., to defray the expense of the Chemical Residue Laboratory by creating a supplemental biennial registration fee (supplemental fee) for each registered brand of pesticide that contains an active ingredient for which the United States Environmental Protection Agency (EPA) has established a food tolerance limit in 40 C.F.R. part 180.⁷ DACS must biennially publish by rule a list of the pesticide active ingredients for which a brand of pesticide is subject to the supplemental fee.⁸ DACS assesses each registration beginning in an odd-numbered year a supplemental registration fee of \$630 per brand of pesticide that is subject to the supplemental fee.⁹ DACS assesses each registration beginning in an even-numbered year a supplemental registration fee of \$315 per brand of pesticide that is subject to the supplemental fee.¹⁰

The revenue from these two fees, less those costs determined by DACS to be nonrecurring or one-time costs, must be deferred over the 2-year registration period, deposited in the General Inspection Trust Fund, and used by DACS to carry out the provisions of the Florida Pesticide Law.¹¹ Revenues collected from the supplemental fee may also be used by DACS to test pesticides for food safety.¹²

¹ Section 487.021(49), F.S., defines the term “pesticide” to mean any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, nematodes, fungi, weeds, or other forms of plant or animal life or viruses, except viruses, bacteria, or fungi on or in living humans or other animals, which the department by rule declares to be a pest, and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. The term does not include any article that is a “new animal drug” within the meaning of s. 201(w) of the Federal Food, Drug, and Cosmetic Act, has been determined by the Secretary of the US Department of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article; or is an animal feed within the meaning of s. 201(x) of the Federal Food, Drug, and Cosmetic Act.

² Section 487.041(1), F.S.

³ Section 487.041(1)(c), F.S.

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Section 32, ch. 2009-66, Laws of Fla.

⁸ Section 487.041(1)(d)1., F.S.

⁹ Section 487.041(1)(d)2., F.S.

¹⁰ Id.

¹¹ Section 487.041(1)(e), F.S.

¹² Id.

Chemical Residue Laboratory

For food safety purposes, the Chemical Residue Laboratory tests food for pesticides. The Chemical Residue Laboratory performs chemical analyses of poisonous or deleterious chemical residues remaining in or on human food produced or marketed in Florida.¹³ The Bureau of Chemical Residue Laboratories uses the laboratory for the regulatory enforcement of federal pesticide and antibiotic residue tolerances and guidelines adopted by the state for raw agricultural produce.¹⁴ DACS operates the Chemical Residue Laboratory in Tallahassee.¹⁵ This is the only state laboratory in Florida dedicated to chemical residue analysis in foods.¹⁶

Prior to the creation of the supplemental fee in 2009, DACS received General Revenue to support the Chemical Residue Laboratory.¹⁷ Currently, DACS uses revenues received from the supplemental fee to fund the Chemical Residue Laboratory.¹⁸

Effect of the Proposed Changes

The bill eliminates the supplemental fee for each registered brand of pesticide that contains an active ingredient for which the EPA has established a food tolerance limit in 40 C.F.R. part 180 by repealing paragraph 487.041(1)(d), F.S., and removing references to the supplemental fee throughout the section.

B. SECTION DIRECTORY:

Section 1. Amends s. 487.041, F.S., relating to pesticide registration.

Section 2. Provides an effective date of July 1, 2016.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See Fiscal Comments.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

¹³ DACS, *Bureau of Chemical Residue Laboratory*, <http://www.freshfromflorida.com/Divisions-Offices/Food-Safety/Bureaus-and-Sections/Bureau-of-Chemical-Residue-Laboratory> (last visited November 17, 2015).

¹⁴ Id.

¹⁵ Id.

¹⁶ DACS, Agency Analysis of 2016 House Bill 4035, p. 1 (November 16, 2015).

¹⁷ Full Appropriations Council on General Government and Health Care, 2009 House of Representatives Staff Analysis for House Bill 5125, p. 2 (April 7, 2009).

¹⁸ DACS, Agency Analysis of 2016 House Bill 4035, p. 1 (November 16, 2015).

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill will have a positive fiscal impact on individuals who distribute, sell, or offer to sell pesticides by eliminating the supplemental fee for each registered brand of pesticide that contains an active ingredient for which the EPA has established a food tolerance limit in 40 C.F.R. part 180.

D. FISCAL COMMENTS:

The House proposed Fiscal Year 2016-2017 General Appropriations Act provides \$1,801,131 from the General Revenue Fund to support the Chemical Residue Laboratory.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

1 A bill to be entitled
 2 An act relating to pesticide registration; amending s.
 3 487.041, F.S.; deleting provisions relating to
 4 supplemental registration fees for certain pesticides
 5 that contain active ingredients for which the United
 6 States Environmental Protection Agency has established
 7 food tolerance limits; providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Section 487.041, Florida Statutes, is amended
 12 to read:

13 487.041 Registration.—

14 (1)(a) Effective January 1, 2009, each brand of pesticide,
 15 as defined in s. 487.021, which is distributed, sold, or offered
 16 for sale, except as provided in this section, within this state
 17 or delivered for transportation or transported in intrastate
 18 commerce or between points within this state through any point
 19 outside this state must be registered in the office of the
 20 department, and such registration shall be renewed biennially.
 21 Emergency exemptions from registration may be authorized in
 22 accordance with the rules of the department. The registrant
 23 shall file with the department a statement including:

24 1. The name, business mailing address, and street address
 25 of the registrant.

26 2. The name of the brand of pesticide.

27 3. An ingredient statement and a complete current copy of
28 the labeling accompanying the brand of pesticide, which must
29 conform to the registration, and a statement of all claims to be
30 made for it, including directions for use and a guaranteed
31 analysis showing the names and percentages by weight of each
32 active ingredient, the total percentage of inert ingredients,
33 and the names and percentages by weight of each "added
34 ingredient."

35 (b) Effective January 1, 2009, for the purpose of
36 defraying expenses of the department in connection with carrying
37 out the provisions of this part, each registrant shall pay a
38 biennial registration fee for each registered brand of
39 pesticide. The registration of each brand of pesticide shall
40 cover a designated 2-year period beginning on January 1 of each
41 odd-numbered year and expiring on December 31 of the following
42 year.

43 (c) Each registration issued by the department to a
44 registrant for a period beginning in an odd-numbered year shall
45 be assessed a fee of \$700 per brand of pesticide and a fee of
46 \$200 for each special local need label and experimental use
47 permit, and the registration shall expire on December 31 of the
48 following year. Each registration issued by the department to a
49 registrant for a period beginning in an even-numbered year shall
50 be assessed a fee of \$350 per brand of pesticide and fee of \$100
51 for each special local need label and experimental use permit,
52 and the registration shall expire on December 31 of that year.

53 ~~(d)1. Effective January 1, 2009, in addition to the fees~~
 54 ~~assessed pursuant to paragraphs (b) and (c), for the purpose of~~
 55 ~~defraying the expenses of the department for testing pesticides~~
 56 ~~for food safety, each registrant shall pay a supplemental~~
 57 ~~biennial registration fee for each registered brand of pesticide~~
 58 ~~that contains an active ingredient for which the United States~~
 59 ~~Environmental Protection Agency has established a food tolerance~~
 60 ~~limit in 40 C.F.R. part 180. The department shall biennially~~
 61 ~~publish by rule a list of the pesticide active ingredients for~~
 62 ~~which a brand of pesticide is subject to the supplemental~~
 63 ~~registration fee.~~

64 ~~2. Each registration issued by the department to a~~
 65 ~~registrant for a period beginning in an odd-numbered year shall~~
 66 ~~be assessed a supplemental registration fee of \$630 per brand of~~
 67 ~~pesticide that is subject to the fee pursuant to subparagraph 1.~~
 68 ~~Each registration issued by the department to a registrant for a~~
 69 ~~period beginning in an even-numbered year shall be assessed a~~
 70 ~~supplemental registration fee of \$315 per brand of pesticide~~
 71 ~~that is subject to the fee pursuant to subparagraph 1. The~~
 72 ~~department shall retroactively assess the supplemental~~
 73 ~~registration fee for each brand of pesticide that registered on~~
 74 ~~or after January 1, 2009, and that is subject to the fee~~
 75 ~~pursuant to subparagraph 1.~~

76 ~~(d)(e)~~ All revenues collected, less those costs determined
 77 by the department to be nonrecurring or one-time costs, shall be
 78 deferred over the 2-year registration period, deposited in the

79 General Inspection Trust Fund, and used by the department in
 80 carrying out the provisions of this chapter. ~~Revenues collected~~
 81 ~~from the supplemental registration fee may also be used by the~~
 82 ~~department for testing pesticides for food safety.~~

83 (e)~~(f)~~ If the renewal of a brand of pesticide, including
 84 the special local need label and experimental use permit, is not
 85 filed by January 31 of the renewal year, an additional fee of
 86 \$25 per brand of pesticide shall be assessed per month and added
 87 to the original fee. This additional fee may not exceed \$250 per
 88 brand of pesticide. The additional fee must be paid by the
 89 registrant before the renewal certificate for the registration
 90 of the brand of pesticide is issued. The additional fee shall be
 91 deposited into the General Inspection Trust Fund.

92 (f)~~(g)~~ This subsection does not apply to distributors or
 93 retail dealers selling brands of pesticide if such brands of
 94 pesticide are registered by another person.

95 (g)~~(h)~~ All registration fees, including ~~supplemental fees~~
 96 ~~and~~ late fees, are nonrefundable.

97 (h)~~(i)~~ For any currently registered pesticide product
 98 brand that undergoes labeling revisions during the registration
 99 period, the registrant shall submit to the department a copy of
 100 the revised labeling along with a cover letter detailing such
 101 revisions before the sale or distribution in this state of the
 102 product brand with the revised labeling. If the labeling
 103 revisions require notification of an amendment review by the
 104 United States Environmental Protection Agency, the registrant

105 shall submit an additional copy of the labeling marked to
 106 identify those revisions.

107 (i)~~(j)~~ Effective January 1, 2013, all payments of any
 108 pesticide registration fees, including ~~supplemental fees and~~
 109 late fees, shall be submitted electronically using the
 110 department's Internet website for registration of pesticide
 111 product brands.

112 (2) The department shall adopt rules governing the
 113 procedures for the registration of a brand of pesticide and, for
 114 the review of data submitted by an applicant for registration of
 115 the brand of pesticide, ~~and for biennially publishing the list~~
 116 ~~of active ingredients for which a brand of pesticide is subject~~
 117 ~~to the supplemental registration fee pursuant to subparagraph~~
 118 ~~(1)(d)1.~~ The department shall determine whether the brand of
 119 pesticide should be registered, registered with conditions, or
 120 tested under field conditions in this state. The department
 121 shall determine whether each request for registration of a brand
 122 of pesticide meets the requirements of current state and federal
 123 law. The department, whenever it deems it necessary in the
 124 administration of this part, may require the manufacturer or
 125 registrant to submit the complete formula, quantities shipped
 126 into or manufactured in the state for distribution and sale,
 127 evidence of the efficacy and the safety of any pesticide, and
 128 other relevant data. The department may review and evaluate a
 129 registered pesticide if new information is made available that
 130 indicates that use of the pesticide has caused an unreasonable

131 | adverse effect on public health or the environment. Such review
 132 | shall be conducted upon the request of the State Surgeon General
 133 | in the event of an unreasonable adverse effect on public health
 134 | or the Secretary of Environmental Protection in the event of an
 135 | unreasonable adverse effect on the environment. Such review may
 136 | result in modifications, revocation, cancellation, or suspension
 137 | of the registration of a brand of pesticide. The department, for
 138 | reasons of adulteration, misbranding, or other good cause, may
 139 | refuse or revoke the registration of the brand of any pesticide
 140 | after notice to the applicant or registrant giving the reason
 141 | for the decision. The applicant may then request a hearing,
 142 | pursuant to chapter 120, on the intention of the department to
 143 | refuse or revoke registration, and, upon his or her failure to
 144 | do so, the refusal or revocation shall become final without
 145 | further procedure. The registration of a brand of pesticide may
 146 | not be construed as a defense for the commission of any offense
 147 | prohibited under this part.

148 | Section 2. This act shall take effect July 1, 2016.