

CHAPTER 2011-205

Committee Substitute for House Bill No. 7209

An act relating to the consumer services functions of the Department of Agriculture and Consumer Services; amending s. 320.90, F.S.; transferring responsibility for distribution of a motor vehicle consumer's rights pamphlet from the department to the Department of Highway Safety and Motor Vehicles; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigator, private security, or repossession service; deleting a requirement that certain applicants submit photographs with their applications; revising the certifications that a person applying for a Class "K" firearms instructor license must possess; amending s. 493.6106, F.S.; revising the citizenship or immigration requirements for licenses issued by the department; prohibiting the licensure of applicants for a Class "G" statewide firearm license or Class "K" firearms instructor license who are prohibited by law from purchasing or possessing firearms; requiring that private investigative, private security, and recovery agencies notify the department of changes to their branch office locations; making grammatical and technical changes; amending s. 493.6107, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s. 493.6108, F.S.; requiring the department to investigate the mental history and current mental and emotional fitness of applicants for a Class "K" firearms instructor license; amending s. 493.6111, F.S.; revising the validity period for Class "K" firearms instructor licenses; requiring a security officer school or recovery agent school to obtain written authorization from the department before operating under a fictitious name; specifying that a licensee may not operate under more than one fictitious name; amending s. 493.6113, F.S.; deleting a requirement that Class "A" private investigative agency licensees and Class "R" recovery agency licensees provide evidence of certain insurance coverage to renew a license; requiring a Class "K" firearms instructor licensee to submit proof of certification to provide firearms instruction; amending s. 493.6115, F.S.; conforming cross-references; amending s. 493.6118, F.S.; authorizing the department to take disciplinary action against a Class "G" statewide firearms licensee or applicant or a Class "K" firearms instructor licensee or applicant if the person is prohibited by law from purchasing or possessing a firearm; amending s. 493.6121, F.S.; deleting a provision authorizing the department to have access to certain criminal history information of the purchaser of a firearm; amending s. 493.6202, F.S.; revising requirements for the method of payment of examination and license fees for certain licensees; amending s. 493.6203, F.S.; providing that experience as a bodyguard does not qualify as experience or training for purposes of a Class "MA" or Class "C" license; requiring an initial applicant for a Class "CC" license to complete specified training courses; conforming a cross-reference; amending s. 493.6302, F.S.; revising requirements for the method of payment of license fees for certain licensees; amending s.

493.6303, F.S.; requiring an applicant for an initial Class “D” security officer license to complete specified training courses; amending s. 493.6304, F.S.; requiring an application for a security officer school or training facility to be verified under oath; amending ss. 493.6401 and 493.6402, F.S.; renaming repossessioners as “recovery agents”; revising requirements for the method of payment of the license fees for certain licensees; amending s. 493.6406, F.S.; requiring recovery agent schools or instructors to be licensed by the department to offer training to Class “E” licensees and applicants; revising application requirements for recovery agent school and instructor licenses; amending s. 500.03, F.S.; providing and revising definitions for purposes of the Florida Food Safety Act; amending s. 500.121, F.S.; providing penalties for food safety violations committed by cottage food operations; creating s. 500.80, F.S.; exempting cottage food operations from food permitting requirements; limiting the annual gross sales of cottage food operations and the methods by which cottage food products may be sold or offered for sale; requiring certain packaging and labeling of cottage food products; limiting the sale of cottage food products to certain locations; providing for application; authorizing the Department of Agriculture and Consumer Services to investigate complaints and enter into the premises of a cottage food operation; amending s. 501.145, F.S.; deleting authority for the department to bring actions for injunctive relief under the Bedding Label Act; deleting the definitions of certain terms to conform; amending s. 501.160, F.S.; deleting authorization for the department to enforce certain prohibitions against unconscionable practices during a declared state of emergency; amending s. 525.01, F.S.; revising requirements for petroleum fuel affidavits; amending s. 526.06, F.S.; revising prohibited acts related to certain mixing, blending, compounding, or adulterating of liquid fuels; deleting certain provisions authorizing the sale of ethanol-blended fuels for use in motor vehicles; amending s. 539.001, F.S.; correcting a reference to a local business tax receipt; amending ss. 681.102, 681.103, 681.108, 681.109, 681.1095, 681.1096, 681.112, and 681.117, F.S.; transferring the duties of the Division of Consumer Services of the Department of Agriculture and Consumer Services for enforcement of the Motor Vehicle Warranty Enforcement Act and related to the Florida New Motor Vehicle Arbitration Board to the Department of Legal Affairs; conforming provisions; revising procedures and notice requirements for arbitration disputes; authorizing the Department of Legal Affairs to adopt rules; providing an effective date.

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

Section 1. Section 320.90, Florida Statutes, is amended to read:

320.90 Notification of consumer’s rights.—The department shall develop a motor vehicle consumer’s rights pamphlet which shall be distributed free of charge ~~by the Department of Agriculture and Consumer Services~~ to the motor vehicle owner upon request. Such pamphlet must contain information relating to odometer fraud and provide a summary of the rights and remedies available to all purchasers of motor vehicles.

Section 2. Section 493.6105, Florida Statutes, is amended to read:

493.6105 Initial application for license.—

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

(a) The application submitted by any individual, partner, or corporate officer ~~must~~ shall be approved by the department ~~before the~~ prior to that individual, partner, or corporate officer ~~assumes~~ assuming his or her duties.

(b) Individuals who invest in the ownership of a licensed agency, but do not participate in, direct, or control the operations of the agency ~~are~~ shall not be required to file an application.

(2) Each application ~~must~~ shall be signed ~~and verified~~ by the individual under oath ~~as provided in s. 92.525~~ and shall be notarized.

(3) The application ~~must~~ shall contain the following information concerning the individual signing ~~the application~~ same:

(a) Name and any aliases.

(b) Age and date of birth.

(c) Place of birth.

(d) Social security number or alien registration number, whichever is applicable.

(e) ~~Current Present~~ residence address and ~~mailing address~~ his or her residence addresses within the 5 years immediately preceding the submission of the application.

(f) ~~Occupations held presently and within the 5 years immediately preceding the submission of the application.~~

(f)(g) A statement of all criminal convictions, findings of guilt, and pleas of guilty or nolo contendere, regardless of adjudication of guilt. An applicant for a Class “G” or Class “K” license who is younger than 24 years of age shall also include a statement regarding any finding of having committed a delinquent act in any state, territory, or country which would be a felony if committed by an adult and which is punishable by imprisonment for a term exceeding 1 year.

(g) One passport-type color photograph taken within the 6 months immediately preceding submission of the application.

(h) A statement whether he or she has ever been adjudicated incompetent under chapter 744.

(i) A statement whether he or she has ever been committed to a mental institution under chapter 394.

(j) A full set of fingerprints on a card provided by the department and a fingerprint fee to be established by rule of the department based upon costs determined by state and federal agency charges and department processing costs. An applicant who has, within the immediately preceding 6 months, submitted a fingerprint card and fee for licensing purposes under this chapter is shall not be required to submit another fingerprint card or fee.

(k) A personal inquiry waiver ~~that~~ ~~which~~ allows the department to conduct necessary investigations to satisfy the requirements of this chapter.

(l) Such further facts as may be required by the department to show that the individual signing the application is of good moral character and qualified by experience and training to satisfy the requirements of this chapter.

~~(4)~~ In addition to the application requirements outlined in subsection (3), the applicant for a Class “C,” Class “CC,” Class “E,” Class “EE,” or Class “G” license shall submit two color photographs taken within the 6 months immediately preceding the submission of the application, which meet specifications prescribed by rule of the department. All other applicants shall submit one photograph taken within the 6 months immediately preceding the submission of the application.

~~(4)(5)~~ In addition to the application requirements outlined under subsection (3), the applicant for a Class “C,” Class “E,” Class “M,” Class “MA,” Class “MB,” or Class “MR” license must ~~shall~~ include a statement on a form provided by the department of the experience ~~that~~ ~~which~~ he or she believes will qualify him or her for such license.

~~(5)(6)~~ In addition to the requirements outlined in subsection (3), an applicant for a Class “G” license must ~~shall~~ satisfy minimum training criteria for firearms established by rule of the department, which training criteria includes ~~shall include~~, but is not limited to, 28 hours of range and classroom training taught and administered by a Class “K” licensee; however, no more than 8 hours of such training shall consist of range training. If the applicant submits ~~can show~~ proof that he or she is an active law enforcement officer currently certified under the Criminal Justice Standards and Training Commission or has completed the training required for that certification within the last 12 months, or if the applicant submits one of the certificates specified in paragraph ~~(6)(a)~~ ~~(7)(a)~~, the department may waive the foregoing firearms training requirement.

~~(6)(7)~~ In addition to the requirements under subsection (3), an applicant for a Class “K” license must ~~shall~~:

(a) Submit one of the following certificates:

1. The Florida Criminal Justice Standards and Training Commission Instructor Firearms Instructor's Certificate and written confirmation by the commission that the applicant possesses an active firearms certification.

~~2. The National Rifle Association Police Firearms Instructor's Certificate.~~

~~2.3. The National Rifle Association Private Security Firearm Instructor Firearms Instructor's Certificate.~~

~~3.4. A firearms instructor instructor's certificate issued by from a federal law enforcement agency, state, county, or municipal police academy in this state recognized as such by the Criminal Justice Standards and Training Commission or by the Department of Education.~~

(b) Pay the fee for and pass an examination administered by the department which shall be based upon, but is not necessarily limited to, a firearms instruction manual provided by the department.

(7)(8) In addition to the application requirements for individuals, partners, or officers outlined under subsection (3), the application for an agency license must shall contain the following information:

(a) The proposed name under which the agency intends to operate.

(b) The street address, mailing address, and telephone numbers of the principal location at which business is to be conducted in this state.

(c) The street address, mailing address, and telephone numbers of all branch offices within this state.

(d) The names and titles of all partners or, in the case of a corporation, the names and titles of its principal officers.

(8)(9) Upon submission of a complete application, a Class "CC," Class "C," Class "D," Class "EE," Class "E," Class "M," Class "MA," Class "MB," or Class "MR" applicant may commence employment or appropriate duties for a licensed agency or branch office. However, the Class "C" or Class "E" applicant must work under the direction and control of a sponsoring licensee while his or her application is being processed. If the department denies application for licensure, the employment of the applicant must be terminated immediately, unless he or she performs only unregulated duties.

Section 3. Paragraph (f) of subsection (1) and paragraph (a) of subsection (2) of section 493.6106, Florida Statutes, are amended, and paragraph (g) is added to subsection (1) of that section, to read:

493.6106 License requirements; posting.—

(1) Each individual licensed by the department must:

(f) Be a citizen or permanent legal resident alien of the United States or have appropriate been granted authorization issued to seek employment in this country by the United States Bureau of Citizenship and Immigration Services of the United States Department of Homeland Security.

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

2. An applicant for a Class “G” or Class “K” license who is not a United States citizen must submit proof that she or he is deemed a permanent legal resident alien by the United States Citizenship and Immigration Services, together with additional documentation establishing that she or he has resided in the state of residence shown on the application for at least 90 consecutive days before the date that the application is submitted.

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

(g) Not be prohibited from purchasing or possessing a firearm by state or federal law if the individual is applying for a Class “G” license or a Class “K” license.

(2) Each agency shall have a minimum of one physical location within this state from which the normal business of the agency is conducted, and this location shall be considered the primary office for that agency in this state.

(a) If an agency or branch office desires to change the physical location of the business, as it appears on the agency license, the department must be notified within 10 days after of the change, and, except upon renewal, the fee prescribed in s. 493.6107 must be submitted for each license requiring revision. Each license requiring revision must be returned with such notification.

Section 4. Subsection (3) of section 493.6107, Florida Statutes, is amended to read:

493.6107 Fees.—

(3) The fees set forth in this section must be paid by certified check or money order or, at the discretion of the department, by electronic funds transfer agency check at the time the application is approved, except that the

applicant for a Class “G” or Class “M” license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee is nonrefundable ~~shall not be refunded~~.

Section 5. Subsections (1) and (3) of section 493.6108, Florida Statutes, are amended to read:

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

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

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

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

(b) An inquiry to determine if the applicant has been adjudicated incompetent under chapter 744 or has been committed to a mental institution under chapter 394.

(c) Such other investigation of the individual as the department may deem necessary.

(3) The department must ~~shall~~ also investigate the mental history and current mental and emotional fitness of any Class “G” or Class “K” applicant, and may deny a Class “G” or Class “K” license to anyone who has a history of mental illness or drug or alcohol abuse.

Section 6. Subsections (2) and (4) of section 493.6111, Florida Statutes, are amended to read:

493.6111 License; contents; identification card.—

(2) Licenses shall be valid for a period of 2 years, except for Class “A,” Class “B,” Class “AB,” Class “K,” Class “R,” and branch agency licenses, which shall be valid for a period of 3 years.

(4) Notwithstanding the existence of a valid Florida corporate registration, ~~an~~ ~~no~~ agency ~~or~~ school licensee may not conduct activities regulated under this chapter under any fictitious name without prior written authorization from the department to use that name in the conduct of activities regulated under this chapter. The department may not authorize the use of a name ~~that~~ ~~which~~ is so similar to that of a public officer or agency, or of that used by another licensee, that the public may be confused or misled thereby. The authorization for the use of a fictitious name must ~~shall~~ require, as a condition precedent to the use of such name, the filing of a certificate of engaging in business under a fictitious name under s. 865.09. ~~A~~ ~~No~~ licensee may not ~~shall be permitted to~~ conduct business under more than one name except as separately licensed nor shall the license be valid to protect any licensee who is engaged in the business under any name other than that specified in the license. An agency desiring to change its licensed name must ~~shall~~ notify the department and, except upon renewal, pay a fee not to exceed \$30 for each license requiring revision including those of all licensed employees except Class “D” or Class “G” licensees. Upon the return of such licenses to the department, revised licenses shall be provided.

Section 7. Subsections (2) and (3) of section 493.6113, Florida Statutes, are amended to read:

493.6113 Renewal application for licensure.—

(2) ~~At least~~ ~~No less than~~ 90 days ~~before~~ ~~prior to~~ the expiration date of the license, the department shall mail a written notice to the last known mailing residence address of the licensee for individual licensees and to the last known agency address for agencies.

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

(a) Each ~~Class “B”~~ ~~Class “A,”~~ ~~Class “B,”~~ ~~or~~ ~~Class “R”~~ licensee shall additionally submit on a form prescribed by the department a certification of insurance that ~~which~~ evidences that the licensee maintains coverage as required under s. 493.6110.

(b) Each Class “G” licensee shall additionally submit proof that he or she has received during each year of the license period a minimum of 4 hours of firearms recertification training taught by a Class “K” licensee and has complied with such other health and training requirements which the department may adopt by rule. If proof of a minimum of 4 hours of annual firearms recertification training cannot be provided, the renewal applicant shall complete the minimum number of hours of range and classroom training required at the time of initial licensure.

(c) Each Class “DS” or Class “RS” licensee shall additionally submit the current curriculum, examination, and list of instructors.

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

Section 8. Subsection (8), paragraph (d) of subsection (12), and subsection (16) of section 493.6115, Florida Statutes, are amended to read:

493.6115 Weapons and firearms.—

(8) A Class “G” applicant must satisfy the minimum training criteria as set forth in s. 493.6105(5) ~~493.6105(6)~~ and as established by rule of the department.

(12) The department may issue a temporary Class “G” license, on a case-by-case basis, if:

(d) The applicant has received approval from the department subsequent to its conduct of a criminal history record check as authorized in s. 493.6108(1) ~~493.6121(6)~~.

(16) If the criminal history record check program referenced in s. 493.6108(1) ~~493.6121(6)~~ is inoperable, the department may issue a temporary “G” license on a case-by-case basis, provided that the applicant has met all statutory requirements for the issuance of a temporary “G” license as specified in subsection (12), excepting the criminal history record check stipulated there; provided, that the department requires that the licensed employer of the applicant conduct a criminal history record check of the applicant pursuant to standards set forth in rule by the department, and provide to the department an affidavit containing such information and statements as required by the department, including a statement that the criminal history record check did not indicate the existence of any criminal history that would prohibit licensure. Failure to properly conduct such a check, or knowingly providing incorrect or misleading information or statements in the affidavit constitutes ~~shall constitute~~ grounds for disciplinary action against the licensed agency, including revocation of license.

Section 9. Present paragraph (u) of subsection (1) of section 493.6118, Florida Statutes, is redesignated as paragraph (v), and a new paragraph (u) is added to that subsection to read:

493.6118 Grounds for disciplinary action.—

(1) The following constitute grounds for which disciplinary action specified in subsection (2) may be taken by the department against any licensee, agency, or applicant regulated by this chapter, or any unlicensed person engaged in activities regulated under this chapter.

(u) For a Class “G” or a Class “K” applicant or licensee, being prohibited from purchasing or possessing a firearm by state or federal law.

Section 10. Present subsections (7) and (8) of section 493.6121, Florida Statutes, are renumbered as subsections (6) and (7), respectively, and subsection (6) of that section is amended, to read:

493.6121 Enforcement; investigation.—

~~(6) The department shall be provided access to the program that is operated by the Department of Law Enforcement, pursuant to s. 790.065, for providing criminal history record information to licensed gun dealers, manufacturers, and exporters. The department may make inquiries, and shall receive responses in the same fashion as provided under s. 790.065. The department shall be responsible for payment to the Department of Law Enforcement of the same fees as charged to others afforded access to the program.~~

Section 11. Subsection (3) of section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(3) The fees set forth in this section must be paid by ~~certified check or money order or~~, at the discretion of the department, by electronic funds transfer agency check at the time the application is approved, except that the applicant for a Class “G,” Class “C,” Class “CC,” Class “M,” or Class “MA” license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee is nonrefundable ~~shall not be refunded~~.

Section 12. Subsections (2), (4), and (6) of section 493.6203, Florida Statutes, are amended to read:

493.6203 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency shall comply with the following additional requirements:

(2) An applicant for a Class “MA” license ~~must~~ shall have 2 years of lawfully gained, verifiable, full-time experience, or training in:

(a) Private investigative work or related fields of work that provided equivalent experience or training;

(b) Work as a Class “CC” licensed intern;

(c) Any combination of paragraphs (a) and (b);

(d) Experience described in paragraph (a) for 1 year and experience described in paragraph (e) for 1 year;

(e) No more than 1 year using:

1. College coursework related to criminal justice, criminology, or law enforcement administration; or
 2. Successfully completed law enforcement-related training received from any federal, state, county, or municipal agency; or
- (f) Experience described in paragraph (a) for 1 year and work in a managerial or supervisory capacity for 1 year.

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(4) An applicant for a Class “C” license shall have 2 years of lawfully gained, verifiable, full-time experience, or training in one, or a combination of more than one, of the following:

- (a) Private investigative work or related fields of work that provided equivalent experience or training.
- (b) College coursework related to criminal justice, criminology, or law enforcement administration, or successful completion of any law enforcement-related training received from any federal, state, county, or municipal agency, except that no more than 1 year may be used from this category.
- (c) Work as a Class “CC” licensed intern.

However, experience in performing bodyguard services is not creditable toward the requirements of this subsection.

(6)(a) A Class “CC” licensee ~~must shall~~ serve an internship under the direction and control of a designated sponsor, who is a Class “C,” Class “MA,” or Class “M” licensee.

(b) ~~Effective January 1, 2012 September 1, 2008, before submission of an application to the department, the~~ an applicant for a Class “CC” license must have completed a minimum of 40 at least 24 hours of professional training a 40-hour course pertaining to general investigative techniques and this chapter, which course is offered by a state university or by a school, community college, college, or university under the purview of the Department of Education, and the applicant must pass an examination. The training must be provided in two parts, one 24-hour course and one 16-hour course. The certificate evidencing satisfactory completion of ~~the 40 at least 24~~ hours of professional training a 40-hour course must be submitted with the application for a Class “CC” license. ~~The remaining 16 hours must be completed and an examination passed within 180 days. If documentation of completion of the required training is not submitted within the specified timeframe, the individual’s license is automatically suspended or his or her authority to work as a Class “CC” pursuant to s. 493.6105(9) is rescinded until such time as proof of certificate of completion is provided to the department.~~ The training course specified in this paragraph may be provided by face-to-face presentation, online technology, or a home study course in

accordance with rules and procedures of the Department of Education. The administrator of the examination must verify the identity of each applicant taking the examination.

1. Upon an applicant's successful completion of each part of the approved training course and passage of any required examination, the school, community college, college, or university shall issue a certificate of completion to the applicant. The certificates must be on a form established by rule of the department.

2. The department shall establish by rule the general content of the professional training course and the examination criteria.

3. If the license of an applicant for relicensure ~~is~~ has been invalid for more than 1 year, the applicant must complete the required training and pass any required examination.

(c) An individual who submits an application for a Class "CC" license on or after September 1, 2008, through December 31, 2011, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual's license shall be automatically suspended until proof of the required training is submitted to the department. An individual licensed on or before August 31, 2008, is not required to complete additional training hours in order to renew an active license beyond the total required hours, and the timeframe for completion in effect at the time he or she was licensed applies.

Section 13. Subsection (3) of section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(3) The fees set forth in this section must be paid by ~~certified check or money order or~~, at the discretion of the department, by electronic funds transfer agency check at the time the application is approved, except that the applicant for a Class "D," Class "G," Class "M," or Class "MB" license must pay the license fee at the time the application is made. If a license is revoked or denied or if the application is withdrawn, the license fee is nonrefundable shall not be refunded.

Section 14. Subsection (4) of section 493.6303, Florida Statutes, is amended to read:

493.6303 License requirements.—In addition to the license requirements set forth elsewhere in this chapter, each individual or agency must shall comply with the following additional requirements:

(4)(a) Effective January 1, 2012, an applicant for a Class "D" license must submit proof of successful completion of ~~complete~~ a minimum of 40 hours of

professional training at a school or training facility licensed by the department. The training must be provided in two parts, one 24-hour course and one 16-hour course. The department shall by rule establish the general content and number of hours of each subject area to be taught.

(b) An individual who submits an application for a Class “D” license on or after January 1, 2007, through December 31, 2011, who has not completed the 16-hour course must submit proof of successful completion of the course within 180 days after the date the application is submitted. If documentation of completion of the required training is not submitted by that date, the individual’s license shall be automatically suspended until proof of the required training is submitted to the department. A person licensed before January 1, 2007, is not required to complete additional training hours in order to renew an active license beyond the total required hours, and the timeframe for completion in effect at the time he or she was licensed applies. An applicant may fulfill the training requirement prescribed in paragraph (a) by submitting proof of:

1.— ~~Successful completion of the total number of required hours of training before initial application for a Class “D” license; or~~

2.— ~~Successful completion of 24 hours of training before initial application for a Class “D” license and successful completion of the remaining 16 hours of training within 180 days after the date that the application is submitted. If documentation of completion of the required training is not submitted within the specified timeframe, the individual’s license is automatically suspended until such time as proof of the required training is provided to the department.~~

(c) An individual ~~However, any person whose license is suspended or has been revoked, suspended pursuant to paragraph (b) subparagraph 2., or is expired for at least 1 year, or longer is considered, upon reapplication for a license, an initial applicant and must submit proof of successful completion of 40 hours of professional training at a school or training facility licensed by the department as provided prescribed in paragraph (a) before a license is will be issued. Any person whose license was issued before January 1, 2007, and whose license has been expired for less than 1 year must, upon reapplication for a license, submit documentation of completion of the total number of hours of training prescribed by law at the time her or his initial license was issued before another license will be issued. This subsection does not require an individual licensed before January 1, 2007, to complete additional training hours in order to renew an active license, beyond the required total amount of training within the timeframe prescribed by law at the time she or he was licensed.~~

Section 15. Subsection (2) of section 493.6304, Florida Statutes, is amended to read:

493.6304 Security officer school or training facility.—

(2) The application shall be signed and verified by the applicant under oath as provided in s. 92.525 ~~notarized~~ and must shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, her or his name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted.

(c) A copy of the training curriculum and final examination to be administered.

Section 16. Subsections (7) and (8) of section 493.6401, Florida Statutes, are amended to read:

493.6401 Classes of licenses.—

(7) Any person who operates a recovery agent ~~repossessor~~ school or training facility or who conducts an Internet-based training course or a correspondence training course must have a Class “RS” license.

(8) Any individual who teaches or instructs at a Class “RS” recovery agent ~~repossessor~~ school or training facility shall have a Class “RI” license.

Section 17. Subsections (1) and (3) of section 493.6402, Florida Statutes, are amended to read:

493.6402 Fees.—

(1) The department shall establish by rule biennial license fees that ~~which~~ shall not exceed the following:

(a) Class “R” license—recovery agency: \$450.

(b) Class “RR” license—branch office: \$125.

(c) Class “MR” license—recovery agency manager: \$75.

(d) Class “E” license—recovery agent: \$75.

(e) Class “EE” license—recovery agent intern: \$60.

(f) Class “RS” license-recovery agent ~~license—repossessor~~ school or training facility: \$60.

(g) Class “RI” license-recovery agent ~~license—repossessor~~ school or training facility instructor: \$60.

(3) The fees set forth in this section must be paid by ~~certified~~ check or money order, or, at the discretion of the department, by or electronic funds

transfer agency check at the time the application is approved, except that the applicant for a Class “E,” Class “EE,” or Class “MR” license must pay the license fee at the time the application is made. If a license is revoked or denied, or if an application is withdrawn, the license fee is nonrefundable shall not be refunded.

Section 18. Section 493.6406, Florida Statutes, is amended to read:

493.6406 Recovery agent ~~Repossession services~~ school or training facility.—

(1) Any school, training facility, or instructor who offers the training outlined in s. 493.6403(2) for Class “E” or Class “EE” applicants shall, before licensure of such school, training facility, or instructor, file with the department an application accompanied by an application fee in an amount to be determined by rule, not to exceed \$60. The fee shall not be refundable. This training may be offered as face-to-face training, Internet-based training, or correspondence training.

(2) The application ~~must~~ shall be signed and verified by the applicant under oath as provided in s. 92.525 ~~notarized~~ and shall contain, at a minimum, the following information:

(a) The name and address of the school or training facility and, if the applicant is an individual, his or her name, address, and social security or alien registration number.

(b) The street address of the place at which the training is to be conducted or the street address of the Class “RS” school offering Internet-based or correspondence training.

(c) A copy of the training curriculum and final examination to be administered.

(3) The department shall adopt rules establishing the criteria for approval of schools, training facilities, and instructors.

Section 19. Paragraphs (j) through (z) of subsection (1) of section 500.03, Florida Statutes, are redesignated as paragraphs (l) through (bb), respectively, present paragraphs (n) and (p) are amended, and new paragraphs (j) and (k) are added to that subsection, to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) “Cottage food operation” means a natural person who produces or packages cottage food products at his or her residence and sells such products in accordance with s. 500.80.

(k) “Cottage food product” means food that is not a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

(p)(n) “Food establishment” means any factory, food outlet, or any other facility manufacturing, processing, packing, holding, or preparing food or selling food at wholesale or retail. The term does not include any business or activity that is regulated under s. 500.80, chapter 509, or chapter 601. The term includes tomato packinghouses and repackers but does not include any other establishments that pack fruits and vegetables in their raw or natural states, including those fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled, natural form before they are marketed.

(r)(p) “Food service establishment” means any place where food is prepared and intended for individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term includes delicatessens that offer prepared food in individual service portions. The term does not include schools, institutions, fraternal organizations, private homes where food is prepared or served for individual family consumption, retail food stores, the location of food vending machines, cottage food operations, and supply vehicles, nor does the term include a research and development test kitchen limited to the use of employees and which is not open to the general public.

Section 20. Subsection (1) of section 500.121, Florida Statutes, is amended to read:

500.121 Disciplinary procedures.—

(1) In addition to the suspension procedures provided in s. 500.12, if applicable, the department may impose a fine not to ~~exceed~~ exceeding \$5,000 against any retail food store, ~~or food establishment, or cottage food operation~~ that violates ~~has violated~~ this chapter, which fine, when imposed and paid, shall be deposited by the department into the General Inspection Trust Fund. The department may revoke or suspend the permit of any such retail food store or food establishment if it is satisfied that the retail food store or food establishment has:

- (a) Violated any of the provisions of this chapter.
- (b) Violated or aided or abetted in the violation of any law of this state governing or applicable to retail food stores or food establishments or any lawful rules of the department.
- (c) Knowingly committed, or been a party to, any material fraud, misrepresentation, conspiracy, collusion, trick, scheme, or device whereby any other person, lawfully relying upon the word, representation, or conduct of a retail food store or food establishment, acts to her or his injury or damage.

(d) Committed any act or conduct of the same or different character than that enumerated which constitutes fraudulent or dishonest dealing.

Section 21. Section 500.80, Florida Statutes, is created to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed \$15,000.

(b) For purposes of this subsection, a cottage food operation's annual gross sales include all sales of cottage food products at any location, regardless of the types of products sold or the number of persons involved in the operation. A cottage food operation must provide the department, upon request, with written documentation to verify the operation's annual gross sales.

(2) A cottage food operation may not sell or offer for sale cottage food products over the Internet, by mail order, or at wholesale.

(3) A cottage food operation may only sell cottage food products which are prepackaged with a label affixed that contains the following information:

(a) The name and address of the cottage food operation.

(b) The name of the cottage food product.

(c) The ingredients of the cottage food product, in descending order of predominance by weight.

(d) The net weight or net volume of the cottage food product.

(e) Allergen information as specified by federal labeling requirements.

(f) If any nutritional claim is made, appropriate nutritional information as specified by federal labeling requirements.

(g) The following statement printed in at least 10-point type in a color that provides a clear contrast to the background of the label: "Made in a cottage food operation that is not subject to Florida's food safety regulations."

(4) A cottage food operation may only sell cottage food products that it stores on the premises of the cottage food operation.

(5) This section does not exempt a cottage food operation from any state or federal tax law, rule, regulation, or certificate that applies to all cottage food operations.

(6) A cottage food operation must comply with all applicable county and municipal laws and ordinances regulating the preparation, processing,

storage, and sale of cottage food products by a cottage food operation or from a person's residence.

(7)(a) The department may investigate any complaint which alleges that a cottage food operation has violated an applicable provision of this chapter or rule adopted under this chapter.

(b) Only upon receipt of a complaint, the department's authorized officer or employee may enter and inspect the premises of a cottage food operation to determine compliance with this chapter and department rules, as applicable. A cottage food operation's refusal to permit the department's authorized officer or employee entry to the premises or to conduct the inspection is grounds for disciplinary action pursuant to s. 500.121.

(8) This section does not apply to a person operating under a food permit issued pursuant to s. 500.12.

Section 22. Subsections (2) and (4) of section 501.145, Florida Statutes, are amended to read:

501.145 Bedding Label Act.—

(2) DEFINITIONS.—For the purpose of this section, the term:

(a) “Bedding” means any mattress, box spring, pillow, or cushion made of leather or any other material which is or can be stuffed or filled in whole or in part with any substance or material, which can be used by any human being for sleeping or reclining purposes.

(b) “Department” means the ~~Department of Agriculture and Consumer Services~~.

(c) ~~“Enforcing authority” means the Department of Agriculture and Consumer Services or the Department of Legal Affairs.~~

(4) PENALTIES.—The ~~department enforcing authority~~ may bring an action for injunctive relief against any person who violates the provisions of this section. Any person who knowingly sells bedding which contains used material that is not labeled in accordance with this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 23. Paragraph (b) of subsection (1) and subsection (8) of section 501.160, Florida Statutes, are amended to read:

501.160 Rental or sale of essential commodities during a declared state of emergency; prohibition against unconscionable prices.—

(1) As used in this section:

(b) It is prima facie evidence that a price is unconscionable if:

1. The amount charged represents a gross disparity between the price of the commodity or rental or lease of any dwelling unit or self-storage facility that is the subject of the offer or transaction and the average price at which that commodity or dwelling unit or self-storage facility was rented, leased, sold, or offered for rent or sale in the usual course of business during the 30 days immediately prior to a declaration of a state of emergency, unless ~~and~~ the increase in the amount charged is ~~not~~ attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or regional, national or international market trends; or

2. The amount charged grossly exceeds the average price at which the same or similar commodity was readily obtainable in the trade area during the 30 days immediately prior to a declaration of a state of emergency, unless ~~and~~ the increase in the amount charged is ~~not~~ attributable to additional costs incurred in connection with the rental or sale of the commodity or rental or lease of any dwelling unit or self-storage facility, or regional, national or international market trends.

(8) Any violation of this section may be enforced by the ~~Department of Agriculture and Consumer Services~~, the office of the state attorney, or the Department of Legal Affairs.

Section 24. Subsection (2) of section 525.01, Florida Statutes, is amended to read:

525.01 Gasoline and oil to be inspected.—

(2) All petroleum fuels are ~~shall be~~ subject to inspection and analysis by the department. Before selling or offering for sale in this state any petroleum fuel, all manufacturers, terminal suppliers, wholesalers, and importers as defined in s. 206.01 ~~jobbers~~ shall file with the department:

(a) An affidavit stating that they desire to do business in this state, and the name and address of the manufacturer of the petroleum fuel.

(b) An affidavit stating that the petroleum fuel is in conformity with the standards prescribed by department rule.

Section 25. Section 526.06, Florida Statutes, is amended to read:

526.06 Mixing, blending, compounding, or adulteration of liquid fuels of same manufacturer prohibited; ~~sale of gasoline blended with ethanol.—A~~ It is ~~unlawful for any person~~ may not ~~to~~ mix, blend, compound, or adulterate the liquid fuel, lubricating oil, grease, or similar product of a manufacturer or distributor with a liquid fuel, lubricating oil, grease, or similar product of the same manufacturer or distributor of a character or nature different from the character or nature of the liquid fuel, lubricating oil, grease, or similar product so mixed, blended, compounded, or adulterated, and expose for sale, offer for sale, or sell the same as the unadulterated product of such manufacturer or distributor or as the unadulterated product of any other

~~manufacturer or distributor. However, nothing in this chapter does not shall be construed to prevent the lawful owner of such products from applying his, her, or its own trademark, trade name, or symbol to any product or material. Ethanol-blended fuels which contain unleaded gasoline and up to 10 percent denatured ethanol by volume may be sold at retail service stations for use in motor vehicles. To provide retail service stations flexibility during the transition period to ethanol-blended fuels, the T50 and TV/L specifications for gasoline containing between 9 and 10 percent ethanol shall be applied to all gasoline containing between 1 and 10 percent ethanol by volume provided the last three or fewer deliveries contained between 9 and 10 percent ethanol by volume. If there is no reasonable availability of ethanol or the price of ethanol exceeds the price of gasoline, the T50 and TV/L specifications for gasoline containing between 9 and 10 percent ethanol shall be applicable for gasoline containing between 1 and 10 percent ethanol for up to three deliveries of fuel.~~

Section 26. Paragraph (f) of subsection (3) of section 539.001, Florida Statutes, is amended to read:

539.001 The Florida Pawnbroking Act.—

(3) LICENSE REQUIRED.—

(f) Any person applying for or renewing a local occupational license to engage in business as a pawnbroker must exhibit a current license from the agency before the local business tax receipt ~~occupational license~~ may be issued or reissued.

Section 27. Subsection (7) of section 681.102, Florida Statutes, is amended, and present subsections (8) through (23) of that section are renumbered as subsections (7) through (22), respectively, to read:

681.102 Definitions.—As used in this chapter, the term:

~~(7) “Division” means the Division of Consumer Services of the Department of Agriculture and Consumer Services.~~

Section 28. Subsection (3) of section 681.103, Florida Statutes, is amended to read:

681.103 Duty of manufacturer to conform a motor vehicle to the warranty.—

(3) At the time of acquisition, the manufacturer shall inform the consumer clearly and conspicuously in writing how and where to file a claim with a certified procedure if such procedure has been established by the manufacturer pursuant to s. 681.108. The nameplate manufacturer of a recreational vehicle shall, at the time of vehicle acquisition, inform the consumer clearly and conspicuously in writing how and where to file a claim with a program pursuant to s. 681.1096. The manufacturer shall provide to the dealer and, at the time of acquisition, the dealer shall provide to the

consumer a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared by the Department of Legal Affairs and shall contain a toll-free number for the department which division that the consumer can contact to obtain information regarding the consumer's rights and obligations under this chapter or to commence arbitration. If the manufacturer obtains a signed receipt for timely delivery of sufficient quantities of this written statement to meet the dealer's vehicle sales requirements, it shall constitute prima facie evidence of compliance with this subsection by the manufacturer. The consumer's signed acknowledgment of receipt of materials required under this subsection shall constitute prima facie evidence of compliance by the manufacturer and dealer. The form of the acknowledgments shall be approved by the Department of Legal Affairs, and the dealer shall maintain the consumer's signed acknowledgment for 3 years.

Section 29. Section 681.108, Florida Statutes, is amended to read:

681.108 Dispute-settlement procedures.—

(1) If a manufacturer has established a procedure ~~that,~~which the department division has certified as substantially complying with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and the rules adopted under this chapter, and has informed the consumer how and where to file a claim with such procedure pursuant to s. 681.103(3), the provisions of s. 681.104(2) apply to the consumer only if the consumer has first resorted to such procedure. The decisionmakers for a certified procedure shall, in rendering decisions, take into account all legal and equitable factors germane to a fair and just decision, including, but not limited to, the warranty; the rights and remedies conferred under 16 C.F.R. part 703, in effect October 1, 1983; the provisions of this chapter; and any other equitable considerations appropriate under the circumstances. Decisionmakers and staff of a procedure shall be trained in the provisions of this chapter and in 16 C.F.R. part 703, in effect October 1, 1983. In an action brought by a consumer concerning an alleged nonconformity, the decision that results from a certified procedure is admissible in evidence.

(2) A manufacturer may apply to the department division for certification of its procedure. After receipt and evaluation of the application, the department division shall certify the procedure or notify the manufacturer of any deficiencies in the application or the procedure.

(3) A certified procedure or a procedure of an applicant seeking certification shall submit to the department division a copy of each settlement approved by the procedure or decision made by a decisionmaker within 30 days after the settlement is reached or the decision is rendered. The decision or settlement must contain at a minimum the:

(a) Name and address of the consumer;

(b) Name of the manufacturer and address of the dealership from which the motor vehicle was purchased;

(c) Date the claim was received and the location of the procedure office that handled the claim;

(d) Relief requested by the consumer;

(e) Name of each decisionmaker rendering the decision or person approving the settlement;

(f) Statement of the terms of the settlement or decision;

(g) Date of the settlement or decision; and

(h) Statement of whether the decision was accepted or rejected by the consumer.

(4) Any manufacturer establishing or applying to establish a certified procedure must file with the ~~department~~ division a copy of the annual audit required under the provisions of 16 C.F.R. part 703, in effect October 1, 1983, together with any additional information required for purposes of certification, including the number of refunds and replacements made in this state pursuant to the provisions of this chapter by the manufacturer during the period audited.

(5) The ~~department~~ division shall review each certified procedure at least annually, prepare an annual report evaluating the operation of certified procedures established by motor vehicle manufacturers and procedures of applicants seeking certification, and, for a period not to exceed 1 year, shall grant certification to, or renew certification for, those manufacturers whose procedures substantially comply with the provisions of 16 C.F.R. part 703, in effect October 1, 1983, and with the provisions of this chapter and rules adopted under this chapter. If certification is revoked or denied, the ~~department~~ division shall state the reasons for such action. The reports and records of actions taken with respect to certification shall be public records.

(6) A manufacturer whose certification is denied or revoked is entitled to a hearing pursuant to chapter 120.

(7) If federal preemption of state authority to regulate procedures occurs, the provisions of subsection (1) concerning prior resort do not apply.

(8) The ~~department~~ may ~~division~~ ~~shall~~ adopt rules to administer ~~implement~~ this section.

Section 30. Section 681.109, Florida Statutes, is amended to read:

681.109 Florida New Motor Vehicle Arbitration Board; dispute eligibility.—

(1) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a decision is not rendered by the certified procedure within 40 days after of filing, the consumer may apply to the department division to have the dispute removed to the board for arbitration.

(2) If a manufacturer has a certified procedure, a consumer claim arising during the Lemon Law rights period must be filed with the certified procedure no later than 60 days after the expiration of the Lemon Law rights period. If a consumer is not satisfied with the decision or the manufacturer’s compliance therewith, the consumer may apply to the department division to have the dispute submitted to the board for arbitration. A manufacturer may not seek review of a decision made under its procedure.

(3) If a manufacturer ~~does not have a~~ has no certified procedure or if ~~the a~~ certified procedure does not have jurisdiction to resolve the dispute, a consumer may apply directly to the department division to have the dispute submitted to the board for arbitration.

(4) A consumer must request arbitration before the board with respect to a claim arising during the Lemon Law rights period no later than 60 days after the expiration of the Lemon Law rights period, or within 30 days after the final action of a certified procedure, whichever date occurs later.

(5) The department division shall screen all requests for arbitration before the board to determine eligibility. The consumer’s request for arbitration before the board shall be made on a form prescribed by the department. The department division shall forward to the board all disputes that the department division determines are potentially entitled to relief under this chapter.

(6) The department division may reject a dispute that it determines to be fraudulent or outside the scope of the board’s authority. Any dispute deemed by the department division to be ineligible for arbitration by the board due to insufficient evidence may be reconsidered upon the submission of new information regarding the dispute. ~~Following a second review,~~ The department, after a second review, ~~division~~ may reject a dispute if the evidence is clearly insufficient to qualify for relief. If the department rejects a dispute, it must provide notice of the rejection and a brief explanation of the reason for rejection ~~Any dispute rejected by the division shall be forwarded to the department and a copy shall be sent by registered mail to the consumer and to the manufacturer, containing a brief explanation as to the reason for rejection.~~

(7) If the department division rejects a dispute, the consumer may file a lawsuit to enforce the remedies provided under this chapter. In any civil action arising under this chapter and relating to a matter considered by the

department division, any determination made to reject a dispute is admissible in evidence.

(8) The department ~~may shall have the authority to~~ adopt reasonable rules to administer ~~carry out the provisions of~~ this section.

Section 31. Subsections (2), (3), (4), (5), (9), (11), and (12) of section 681.1095, Florida Statutes, are amended, and subsection (17) is added to that section, to read:

681.1095 Florida New Motor Vehicle Arbitration Board; creation and function.—

(2) The board ~~boards~~ shall hear cases in various locations throughout the state so that any consumer whose dispute is approved for arbitration by the department division may attend an arbitration hearing at a reasonably convenient location and present a dispute orally. Hearings shall be conducted by panels of three board members assigned by the department. A majority vote of the three-member board panel shall be required to render a decision. Arbitration proceedings under this section shall be open to the public on reasonable and nondiscriminatory terms.

(3) Each region of the board shall consist of up to eight members. The members of the board shall construe and apply the provisions of this chapter, and rules adopted thereunder, in making their decisions. An administrator and a secretary shall be assigned to each region of the board by the Department of Legal Affairs. At least one member of ~~the each board in each~~ region must have be a person with expertise in motor vehicle mechanics. A member ~~may must~~ not be employed by a manufacturer or a franchised motor vehicle dealer or be a staff member, a decisionmaker, or a consultant for a procedure. Board members shall be trained in the application of this chapter and any rules adopted under this chapter. ~~Members of the board,~~ shall be ~~reimbursed for travel expenses pursuant to s. 112.061,~~ and shall be compensated at a rate ~~or wage~~ prescribed by the Attorney General and are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(4) Before filing a civil action on a matter subject to s. 681.104, the consumer must first submit the dispute to the department division, and to the board if such dispute is deemed eligible for arbitration.

(5) Manufacturers shall submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the department division pursuant to s. 681.109.

(9) The decision of the board shall be sent by any method providing a delivery confirmation ~~registered mail~~ to the consumer and the manufacturer, and shall contain written findings of fact and rationale for the decision. If the decision is in favor of the consumer, the manufacturer must, within 40 days after receipt of the decision, comply with the terms of the decision.

Compliance occurs on the date the consumer receives delivery of an acceptable replacement motor vehicle or the refund specified in the arbitration award. In any civil action arising under this chapter and relating to a dispute arbitrated before the board, any decision by the board is admissible in evidence.

(11) ~~All provisions in~~ This section and s. 681.109 pertaining to compulsory arbitration before the board, the dispute eligibility screening by the department division, the proceedings and decisions of the board, and any appeals thereof, are exempt from ~~the provisions of~~ chapter 120.

(12) An appeal of a decision by the board to the circuit court by a consumer or a manufacturer shall be by trial de novo. In a written petition to appeal a decision by the board, the appealing party must state the action requested and the grounds relied upon for appeal. Within ~~15~~ 30 days ~~after~~ of final disposition of the appeal, the appealing party shall furnish the department with ~~notice of such disposition and, upon request, shall furnish the department with~~ a copy of the settlement or the order or judgment of the court.

(17) The department may adopt rules to administer this section.

Section 32. Subsections (2) and (4) of section 681.1096, Florida Statutes, are amended to read:

681.1096 RV Mediation and Arbitration Program; creation and qualifications.—

(2) Each manufacturer of a recreational vehicle involved in a dispute that is determined eligible under this chapter, including chassis and component manufacturers ~~that which~~ separately warrant the chassis and components and ~~that which~~ otherwise meet the definition of manufacturer set forth in s. ~~681.102(13)~~ ~~681.102(14)~~, shall participate in a mediation and arbitration program that is deemed qualified by the department.

(4) The department shall monitor the program for compliance with this chapter. If the program is determined not qualified or if qualification is revoked, then disputes shall be subject to the provisions of ss. 681.109 and 681.1095. If the program is determined not qualified or if qualification is revoked as to a manufacturer, all those manufacturers potentially involved in the eligible consumer dispute shall be required to submit to arbitration conducted by the board if such arbitration is requested by a consumer and the dispute is deemed eligible for arbitration by the department division pursuant to s. 681.109. A consumer having a dispute involving one or more manufacturers for which the program has been determined not qualified, or for which qualification has been revoked, is not required to submit the dispute to the program irrespective of whether the program may be qualified as to some of the manufacturers potentially involved in the dispute.

Section 33. Subsection (2) of section 681.112, Florida Statutes, is amended to read:

681.112 Consumer remedies.—

(2) An action brought under this chapter must be commenced within 1 year after the expiration of the Lemon Law rights period, or, if a consumer resorts to an informal dispute-settlement procedure or submits a dispute to the department division or board, within 1 year after the final action of the procedure, department division, or board.

Section 34. Subsection (1) of section 681.117, Florida Statutes, is amended to read:

681.117 Fee.—

(1) A \$2 fee shall be collected by a motor vehicle dealer, or by a person engaged in the business of leasing motor vehicles, from the consumer at the consummation of the sale of a motor vehicle or at the time of entry into a lease agreement for a motor vehicle. Such fees shall be remitted to the county tax collector or private tag agency acting as agent for the Department of Revenue. If the purchaser or lessee removes the motor vehicle from the state for titling and registration outside this state, the fee shall be remitted to the Department of Revenue. All fees, less the cost of administration, shall be transferred monthly to the Department of Legal Affairs for deposit into the Motor Vehicle Warranty Trust Fund. ~~The Department of Legal Affairs shall distribute monthly an amount not exceeding one-fourth of the fees received to the Division of Consumer Services of the Department of Agriculture and Consumer Services to carry out the provisions of ss. 681.108 and 681.109. The Department of Legal Affairs shall contract with the Division of Consumer Services for payment of services performed by the division pursuant to ss. 681.108 and 681.109.~~

Section 35. This act shall take effect July 1, 2011.

Approved by the Governor June 21, 2011.

Filed in Office Secretary of State June 21, 2011.