

CHAPTER 2016-166

Committee Substitute for Committee Substitute for Senate Bill No. 772

An act relating to regulated service providers; amending s. 472.007, F.S.; revising the composition of the Board of Professional Surveyors and Mappers; amending s. 472.015, F.S.; requiring the Department of Agriculture and Consumer Services to waive the initial land surveying and mapping 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; amending s. 493.6105, F.S.; waiving the initial application fee for veterans for certain private investigative, private security, and repossession service licenses; revising certain fees for initial license applications; amending s. 493.6106, F.S.; deleting a provision requiring that certain applicants submit additional documentation establishing state residency; amending s. 493.6107, F.S.; waiving the initial license fees for veterans for certain private investigative, private security, and repossession service licenses; amending s. 493.6108, F.S.; beginning on a specified date, requiring the Department of Law Enforcement to retain fingerprints submitted for private investigative, private security, and repossession service licenses, to enter such fingerprints into the statewide automated biometric identification system and the Federal Bureau of Investigation's national retained print arrest notification program, and to report any arrest record information to the Department of Agriculture and Consumer Services; requiring the department to provide information about an arrest of a licensee for certain crime within the state to the agency that employs the licensee; amending s. 493.6113, F.S.; clarifying the renewal requirements for Class "K" licenses; requiring a person holding a private investigative, private security, or repossession service license issued before a certain date to submit, upon first renewal of the license, a full set of fingerprints and a fingerprint processing fee; amending ss. 493.6202, 493.6302, and 493.6402, F.S.; waiving initial license fees for veterans for certain private investigative, private security, and repossession service licenses; amending s. 501.0125, F.S.; revising the definition of the term "health studio"; defining the term "personal trainer"; amending s. 501.015, F.S.; requiring the department to waive the initial health studio registration fee for certain veterans, the spouses of such veterans, or certain business entities that have a majority ownership held by such veterans or spouses; amending 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; 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; amending s. 501.607, F.S.; requiring the department to waive the initial telephone salesperson license fees for certain veterans, the spouses of such veterans, or certain business entities that have a majority ownership held by such veterans or spouses;

amending s. 507.03, F.S.; requiring the department to waive the initial registration fee for an intrastate mover for certain veterans, the spouses of such veterans, or certain business entities that have a majority ownership held by such veterans or spouses; amending s. 527.02, F.S.; requiring the department to waive the original liquefied petroleum gas 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; amending s. 527.021, F.S.; deleting a provision requiring a fee for registering transport vehicles; amending s. 531.37, F.S.; revising the definition of the term “weights and measures”; amending s. 531.415, F.S.; revising the fees for actual metrology laboratory calibration and testing services; amending s. 531.60, F.S.; clarifying the applicability of permits for commercially operated or tested weights or measures instruments or devices; requiring a new permit application if a new owner acquires and moves an instrument or a device; requiring a business to notify the department of certain information under certain circumstances; deleting a provision authorizing the department to test weights and measures instruments or devices under certain circumstances; amending s. 531.61, F.S.; clarifying provisions exempting certain instruments or devices from specified requirements; amending 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; amending s. 531.63, F.S.; revising the commercial use permit fees and fee structures; amending 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; amending s. 539.001, F.S.; requiring the department to waive the initial pawnbroker 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; amending s. 559.904, F.S.; requiring the department to waive the initial motor vehicle repair shop registration fee for certain veterans, the spouses of such veterans, or certain business entities that have a majority ownership held by such veterans or spouses; amending s. 559.927, F.S.; revising definitions and defining the term “student tour operator”; amending s. 559.928, F.S.; requiring the department to waive the initial seller of travel registration fee for certain veterans, the spouses of such veterans, or certain business entities that have a majority ownership held by such veterans or spouses; requiring independent agents to annually file an application, rather than an affidavit; requiring each advertisement, certificate, and other travel documents to include a specified phrase; deleting a provision requiring an advertisement to include a specified phrase; revising the circumstances under which the department may deny or refuse to renew a registration; authorizing the department to revoke the registration of a seller of travel under certain circumstances; creating s. 559.9281, F.S.; requiring the Department of Agriculture and Consumer Services to establish a process for specified persons to apply to be, and be listed as, approved student tour operators; requiring the department to adopt rules to establish an

application process and standards for persons wishing to be approved as student tour operators; specifying minimum standards for such operators; requiring the department to maintain a list of approved operators; requiring the department to update the list at least annually and to provide a current version of the list to the Department of Education; requiring the Department of Education to publish and maintain such list on its website; amending s. 559.929, F.S.; revising certain security requirements; amending s. 559.9295, F.S.; revising the documents that certain sellers of travel are required to submit and disclose to the department; deleting provisions relating to the duties of the department; amending s. 559.932, F.S.; requiring that certain disclosures be made in a specified type size; revising the language that must be included in certain disclosures; requiring the department to review copies of certain certificates and contracts for compliance with disclosure requirements; specifying that the submission of certain materials or department response does not constitute approval, recommendation, endorsement, or verification; amending s. 559.933, F.S.; making technical changes; amending s. 559.9335, F.S.; revising violations relating to the sale of travel; amending s. 559.935, F.S.; deleting a provision requiring an affiliate to file an affidavit of exemption in order to obtain a specified exemption; adding embezzlement as a crime for which the department may revoke certain exemptions; amending s. 559.936, F.S.; conforming cross-references; amending s. 616.242, F.S.; exempting water-related amusement rides operated by lodging and food service establishments and membership campgrounds, amusement rides at private, membership-only facilities, and nonprofit permanent facilities from certain safety standards; authorizing owners or managers of amusement rides to use alternative forms to record ride inspections and employee training; amending s. 713.585, F.S.; revising certain notice requirements; authorizing the owner of a vehicle or a person claiming an interest in the vehicle or in a lien thereon to post a bond to recover possession of a vehicle held by a lienor; specifying that lienholders have standing in certain proceedings to allege violations of the Florida Motor Vehicle Repair Act; requiring the clerk of the court to issue a certificate notifying the lienor of the posting of bond; establishing procedures and requirements for a vehicle owner to reclaim such vehicles recovered by a lienholder; authorizing courts to award damages based on claims relating to the enforcement of certain lien and recovery rights; requiring courts to provide for the immediate payment of proceeds and awards and immediate release of bonds; amending s. 790.06, F.S.; revising the requirements for issuance of a concealed weapon or firearm license; requiring directions for expedited processing requests in the license application form; revising the initial and renewal fees for a concealed weapon or firearm license; providing a process for expediting applications for servicemembers and veterans; requiring that notice of the suspension or revocation of a concealed weapon or firearm license or the suspension of the processing of an application for such license be given by personal delivery or first-class mail; specifying deadlines for requests for a hearing for suspensions or revocations; specifying standards of proof for notice of suspensions or revocations; requiring concealed weapon or firearm license

renewals to include an affidavit submitted under oath and under penalty of perjury, rather than a notarized affidavit, as of a specified date; amending 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 weapon or firearm licenses; amending ss. 559.9285 and 559.937, F.S.; conforming provisions; providing an appropriation; providing effective dates.

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

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

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

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

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

472.015 Licensure.—

(3)(a) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the board. Upon receipt of the appropriate license fee, except as provided in subsection (6), the department shall issue a license to any person certified by the board, or its designee, as having met the applicable requirements imposed by law or rule. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination.

(b) The department shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver, a veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs; the spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid

marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or a business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 3. Paragraph (c) is added to subsection (1) of section 493.6105, Florida Statutes, and paragraph (j) of subsection (3) of that section 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 not required to submit an application fee. The application fee is not refundable.

(c) The initial application fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "C," Class "CC," Class "DI," Class "E," Class "EE," Class "K," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" license within 24 months after being discharged from a branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

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

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

Section 4. Paragraph (f) of subsection (1) of section 493.6106, Florida Statutes, is amended 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 authorization issued by the United States 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.

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

493.6107 Fees.—

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

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

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

(4) Beginning January 1, 2017, the Department of Law Enforcement shall:

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

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

(c) Search all arrest fingerprints against fingerprints retained.

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

(5) If the department receives information about an arrest within the state of a person who holds a valid license issued under this chapter for a crime that could potentially disqualify the person from holding such a license, the department must provide the arrest information to the agency that employs the licensee.

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

493.6113 Renewal application for licensure.—

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

(3) Each licensee is 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 renewal fee and the fingerprint retention fee to cover the cost of ongoing retention in the statewide automated biometric identification system established in s. 943.05(2)(b) prescribed license fee. Upon the first renewal of a license issued under this chapter before January 1, 2017, the licensee shall submit a full set of fingerprints and fingerprint processing fees to cover the cost of entering the fingerprints into the statewide automated biometric identification system pursuant to s. 493.6108(4)(a) and the cost of enrollment in the Federal Bureau of Investigation's national retained print arrest notification program.

Subsequent renewals may be completed without submission of a new set of fingerprints.

(a) Each Class “B” licensee shall additionally submit on a form prescribed by the department a certification of insurance that 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 that the department shall adopt by rule. Proof of completion of firearms recertification training shall be submitted to the department upon completion of the training. If the licensee fails to complete the required 4 hours of annual training during the first year of the 2-year term of the license, the license shall be automatically suspended. The licensee must complete the minimum number of hours of range and classroom training required at the time of initial licensure and submit proof of completion of such training to the department before the license may be reinstated. If the licensee fails to complete the required 4 hours of annual training during the second year of the 2-year term of the license, the licensee must complete the minimum number of hours of range and classroom training required at the time of initial licensure and submit proof of completion of such training to the department before the license may be renewed. The department may waive the firearms training requirement if:

1. The applicant provides proof that he or she is currently certified as a law enforcement officer or correctional officer under the Criminal Justice Standards and Training Commission and has completed law enforcement firearms requalification training annually during the previous 2 years of the licensure period;
2. The applicant provides proof that he or she is currently certified as a federal law enforcement officer and has received law enforcement firearms training administered by a federal law enforcement agency annually during the previous 2 years of the licensure period; or
3. The applicant submits a valid firearm certificate among those specified in s. 493.6105(6)(a) and provides proof of having completed requalification training during the previous 2 years of the licensure period.

(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 (4) is added to section 493.6202, Florida Statutes, to read:

493.6202 Fees.—

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class “C,” Class “CC,” or Class “MA” license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans’ Affairs with his or her application in order to obtain a waiver.

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

493.6302 Fees.—

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

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

493.6402 Fees.—

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class “E,” Class “EE,” Class “MR,” or Class “RI” license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans’ Affairs with his or her application in order to obtain a waiver.

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

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

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

(6) “Personal trainer” means 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.

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

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

(2) Remit an annual registration fee of \$300 to the department at the time of registration for each of the health studio's business locations. The department shall waive the initial registration fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver, a veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs; the spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or a business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

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

501.605 Licensure of commercial telephone sellers.—

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

(j) The complete street address of each location, designating the principal location, from which the applicant will be doing business. The

~~street address may not be~~ If any location is a mail drop, this shall be disclosed as such.

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

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

(b) A fee for licensing in the amount of \$1,500. The fee shall be deposited into the General Inspection Trust Fund. The department shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran’s discharge from any branch of the United States Armed Forces. To qualify for the waiver, a veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans’ Affairs; the spouse of a veteran must provide to the department a copy of the veteran’s DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans’ Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or a business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran’s DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans’ Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

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

501.607 Licensure of salespersons.—

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

(b) A fee for licensing in the amount of \$50 per salesperson. The fee shall be deposited into the General Inspection Trust Fund. The fee for licensing may be paid after the application is filed, but must be paid within 14 days after the applicant begins work as a salesperson. The department shall waive the initial license fee for an honorably discharged veteran of the

United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver, a veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs; the spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or a business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

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

507.03 Registration.—

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

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

and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

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

527.02 License; penalty; fees.—

~~(3)(a) An Any applicant for an original license who submits an whose application is submitted during the last 6 months of the license year may have the original license fee reduced by one-half for the 6-month period. This provision applies shall apply only to those companies applying for an original license and may shall not be applied to licensees who held a license during the previous license year and failed to renew the license. The department may refuse to issue an initial license to an any applicant who is under investigation in any jurisdiction for an action that would constitute a violation of this chapter until such time as the investigation is complete.~~

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

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

527.021 Registration of transport vehicles.—

~~(4) An inspection fee of \$50 shall be assessed for each registered vehicle inspected by the department pursuant to s. 527.061. All inspection fees collected in connection with this section shall be deposited in the General~~

Inspection Trust Fund for the purpose of administering the provisions of this chapter.

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

531.37 Definitions.—As used in this chapter:

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

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

531.415 Fees.—

(1) The department shall charge and collect fees of not more than the following fees for actual metrology laboratory calibration and testing services rendered:

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

Weight	Fee/Unit
0 - 2 lb.	\$6
3 - 10 lb.	\$8
11 - 50 lb.	\$12
51 - 500 lb.	\$20
501 - 1000 lb.	\$30
1001 - 2500 lb.	\$40
2501 - 5000 lb.	\$50

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

Weight	Fee/Unit
0 - 10 lb.	\$20
11 - 50 lb.	\$30
51 - 500 lb.	\$40
501 - 1000 lb.	\$50
1001 - 2500 lb.	\$60
2501 - 5000 lb.	\$75

(c) For each mass standard that is calibrated to determine actual mass or apparent mass values, ~~the department shall charge a fee of not more than:~~

Weight	Fee/Unit
0 - 20 lb.	\$40

21 - 50 lb.	\$50
51 - 1000 lb.	\$70
1001 - 2500 lb.	\$150
2501 - 5000 lb.	\$250

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

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

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

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

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

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

~~(g)(i) For each special test or special preparation, the department shall charge a fee of not more than \$50 per hour.~~

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

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

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

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

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

(a) Remain ~~Remains~~ in the same location, the permit transfers to the new owner and remains in effect until its original expiration date. Within 30 days after the change in ownership, the new owner shall notify the department of the change and provide the pertinent information regarding the change in ownership and an updated replacement permit shall be issued if needed.

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

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

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

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

(1) The device is a taximeter that is licensed, permitted, or registered by a municipality, county, or other local government and is tested for accuracy and compliance with state standards by the local government in cooperation with the state as authorized in s. 531.421.

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

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

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

531.62 Permit application and renewal.—

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

(2) The application must be accompanied by a fee in an amount determined by the number and types of instruments or devices covered by the permit as provided by department rule. However, the fee for each

instrument or device listed on the permit may not exceed the maximum limits set forth in s. 531.63.

(4) A permit expires ~~2 years~~ 1 year following its date of issue and must be renewed ~~biennially~~ annually. If ~~a complete an application package~~ for renewal is not received by the department ~~before the permit expires within 30 days after its due date~~, a late fee of up to \$100 must be paid in addition to the ~~annual commercial use permit fee~~. However, a person may elect to renew a commercial use permit on an annual basis rather than a biennial basis. An annual renewal must meet the same requirements and conditions as a biennial renewal.

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

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

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

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

Number of devices in a single <u>category</u> retail establishment	Maximum Fee
1 to 5	\$60
6 to 10	\$150
11 to 30	\$200
More than 30	\$300

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

(a) Mass flow meters having a maximum flow rate of up to 150 pounds per minute.....\$100.

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

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

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

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

- (d) Volumetric flow meters having a maximum flow rate greater than 20 gallons per minute..... \$100.
- (e) Tanks, under 500 gallons capacity, used as measure containers, with or without gage rods or markers..... \$100.
- (f) Tanks, 500 or more gallons capacity, used as measure containers, with or without gage rods or markers.....\$200.
- (g) Taximeters..... \$50.
- ~~(h) Grain moisture meters.....\$25.~~
- (h)(i) Multiple-dimension measuring devices.....\$100.
- (i) Liquefied petroleum gas bulk delivery vehicles with a meter owned or leased by a liquefied petroleum gas licensee.....\$150.

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

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

- (1) Prohibit the further commercial use of the unpermitted instrument or device until the proper permit has been issued.;
- (2) Employ and attach to the instrument or device such form, notice, tag, or seal to prevent the continued unauthorized use of the instrument or device.;
- (3) In addition to the permit fees prescribed by rule for the commercial use of a weights and measures instrument or device, assess the late fee authorized under s. 531.62.;
- (4) Impose penalties as prescribed in s. 531.50 in addition to the payment of appropriate permit fees for the commercial use of a weights and measures instrument or device.

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

539.001 The Florida Pawnbroking Act.—

(3) LICENSE REQUIRED.—

(c) Each license is valid for a period of 1 year unless it is earlier relinquished, suspended, or revoked. Each license shall be renewed annually, and each licensee shall, initially and annually thereafter, pay to

the agency a license fee of \$300 for each license held. The agency shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the agency receives an application, in a format prescribed by the agency, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver, a veteran must provide to the agency a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs; the spouse of a veteran must provide to the agency a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or a business entity must provide to the agency proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

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

559.904 Motor vehicle repair shop registration; application; exemption.

(3)(a) Each application for registration must be accompanied by a registration fee calculated on a per-year basis as follows:

- 1.(a) If the place of business has 1 to 5 employees: \$50.
- 2.(b) If the place of business has 6 to 10 employees: \$150.
- 3.(c) If the place of business has 11 or more employees: \$300.

(b) The department shall waive the initial registration fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver, a veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs; the spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid

marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or a business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 27. Subsections (1), (7), (8), (10), and (11) and present subsection (13) of section 559.927, Florida Statutes, are amended, present subsections (12) and (13) of that section are redesignated as subsections (13) and (14), respectively, and a new subsection (12) is added to that section, to read:

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

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

(7) “Prearranged travel ~~or~~, tourist-related services, ~~or tour-guide services~~” includes, but is not limited to, car rentals, lodging, transfers, ~~and sightseeing tours~~ and all other such services that which are reasonably related to air, sea, rail, motor coach, or other medium of transportation, or accommodations for which a purchaser receives a premium or contracts or pays before prior to or after departure. This term ~~These terms~~ also includes ~~include~~ services for which a purchaser, whose legal residence is outside the United States, contracts or pays before prior to departure, and any arrangement by which a purchaser prepays for, receives a reservation or any other commitment to provide services before prior to departure for, or otherwise arranges for travel directly to a terrorist state and which originates in Florida.

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

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

(11) “Seller of travel” means any resident or nonresident person, firm, corporation, or business entity ~~that who offers for sale, directly or indirectly, at wholesale or retail, prearranged travel or, tourist-related services, or tour-guide services for individuals or groups, including, but not limited to, vacation or tour packages, or vacation certificates in exchange for a fee, commission, or other valuable consideration. The term includes such person, firm, corporation, or business entity who sells a vacation certificate to third-party merchants for a fee, or in exchange for a commission, or who offers such certificates to consumers in exchange for attendance at sales presentations.~~ The term also includes any business entity offering membership in a travel club or travel services for an advance fee or payment, even if no travel contracts or certificates or vacation or tour packages are sold by the business entity. The term does not include third parties who may offer prearranged travel or tourist-related services, but do not participate in travel fulfillment or vacation certificate redemption.

(12) “Student tour operator” means any resident or nonresident person, firm, corporation, or business entity that offers, directly or indirectly, prearranged travel or tourist-related services for groups within the educational community, school districts, educators, and students and their families, in exchange for a fee, a commission, or any other valuable consideration.

(13)(12) “Terrorist state” means any state, country, or nation designated by the United States Department of State as a state sponsor of terrorism.

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

Section 28. Subsections (2) through (8) and present subsection (9) of section 559.928, Florida Statutes, are amended, and a new subsection (9) is added to that section, to read:

559.928 Registration.—

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

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

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

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

(b) All amounts collected shall be deposited by the Chief Financial Officer to the credit of the General Inspection Trust Fund of the Department of Agriculture and Consumer Services pursuant to s. 570.20, for the sole purpose of administration of this part.

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

(3) Each independent agent shall annually file an application affidavit with the department ~~before~~ ~~prior to~~ engaging in business in this state. This application affidavit must include the independent agent's full name, legal business or trade name, mailing address, business address, telephone number, and the name and address of each seller of travel represented by the independent agent. A letter evidencing proof of filing must be issued by the department and must be prominently displayed in the independent agent's primary place of business. Each independent agent must also submit an annual registration fee of \$50. All moneys collected pursuant to the imposition of the fee shall be deposited by the Chief Financial Officer into the General Inspection Trust Fund of the Department of Agriculture and Consumer Services for the sole purpose of administrating this part. As used in this subsection, the term "independent agent" means a person who represents a seller of travel by soliciting persons on its behalf; who has a written contract with a seller of travel which is operating in compliance with this part and any rules adopted thereunder; who does not receive a fee,

commission, or other valuable consideration directly from the purchaser for the seller of travel; who does not at any time have any unissued ticket stock or travel documents in his or her possession; and who does not have the ability to issue tickets, vacation certificates, or any other travel document. The term “independent agent” does not include an affiliate of the seller of travel, as that term is used in s. 559.935(3), or the employees of the seller of travel or of such affiliates.

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

(5) Each contract, advertisement, certificate, or travel document of a seller of travel must include the phrase “...(NAME OF FIRM)... is registered with the State of Florida as a Seller of Travel. Registration No.....”

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

~~(6)(7)~~ A No registration is not ~~shall~~ be valid for any seller of travel transacting business at any place other than that designated in its application, unless the department is first notified in writing in advance of any change of location. A ~~Not~~ shall the registration is not ~~is~~ be valid for an affiliate of the seller of travel who engages in the prearranged travel and tourist business. A registration issued under this part may ~~shall~~ not be assignable, and the seller of travel may ~~shall~~ not be permitted to conduct business under more than one name except as registered. A seller of travel desiring to change its registered name or location or designated agent for service of process at a time other than upon renewal of registration shall notify the department of such change.

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

~~(8)(9)~~ The department may deny, ~~or~~ refuse to renew, or revoke the registration of any seller of travel based upon a determination that the seller of travel, or any of its directors, officers, owners, or general partners while acting on behalf of the seller of travel:

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

(b) Has been 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;

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

~~(d) Has pending against her or him any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, dishonest dealing, or any other act of moral turpitude; or~~

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

(9) The department may deny or refuse to renew the registration of any seller of travel based upon a determination by the department that the seller of travel, or any of the seller’s directors, officers, owners, or general partners has pending against him or her while acting on behalf of the seller of travel any criminal, administrative, or enforcement proceedings in any jurisdiction, based upon conduct involving fraud, theft, embezzlement, or dishonest dealing, or any other act of moral turpitude.

Section 29. Section 559.9281, Florida Statutes, is created to read:

559.9281 Student tour operators.—

(1) The Department of Agriculture and Consumer Services shall establish a process for sellers of travel to apply to be, and be listed as, approved student tour operators to serve students in all primary and secondary school districts within the state.

(2) The department shall adopt rules to implement this section, including the establishment of the application procedures and minimum standards for those persons wishing to be approved as student tour operators under this section. At a minimum, a student tour operator must be registered and approved by the department as a seller of travel under s. 559.928, maintain security requirements provided under s. 559.929, and be current on all state and local business taxes.

(3) The department shall maintain a list of approved student tour operators to serve students in all primary and secondary school districts within the state. The department shall update this list at least annually and shall provide, as created and updated, a current version of the list to the Department of Education.

(4) The Department of Education shall publish and maintain a current version of the list in a prominent location on its website.

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

559.929 Security requirements.—

(2) The bond must be filed with the department on a form adopted by department rule and must be in favor of the department for the use and benefit of a consumer traveler who is injured by the fraud, misrepresentation, breach of contract, or financial failure, or any other violation of this part

by the seller of travel. Such liability may be enforced by proceeding in an administrative action as specified in subsection (3) or by filing a civil action. However, ~~in such civil action the bond posted with the department shall not be amenable or subject to a judgment or other legal process issuing out of or from such court in connection with such civil action, but such bond shall be amenable to and enforceable only by and through administrative proceedings before the department. It is the intent of the Legislature that such bond be applicable and liable only for the payment of claims duly adjudicated by order of the department.~~ The bond must be open to successive claims, but the aggregate amount awarded may not exceed the amount of the bond. In addition to the foregoing, a bond provided by a registrant or applicant for registration which certifies its business activities under s. 559.9285(1)(b) or (c) must be in favor of the department, with payment in the following order of priority:

(a) The expenses for prosecuting the registrant or applicant in an administrative or civil action under this part, including attorney fees and fees for other professionals, court costs or other costs of the proceedings, and all other expenses incidental to the action.

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

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

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

(3) A consumer ~~traveler~~ may file a claim against the bond. Such claim, which must be submitted in writing on an affidavit form adopted by department rule, must be submitted to the department within 120 days after an alleged injury has occurred or is discovered to have occurred or a judgment has been entered. The proceedings shall be conducted pursuant to chapter 120. For proceedings conducted pursuant to ss. 120.569 and 120.57, the agency shall act only as a nominal party.

(4) A consumer who is injured by the seller of travel, or the department or another governmental agency acting on behalf of the injured consumer, may bring and maintain an action to recover against the bond.

(5) Any indebtedness determined by final order of the department shall be paid by the seller of travel to the department within 30 days after the order is entered for disbursement to the consumer. If the seller of travel fails to make payment within 30 days, the agency shall make a demand for payment upon the surety which includes an institution issuing a letter of credit or depository on a certificate of deposit. Upon failure of a surety to comply with a demand for payment pursuant to a final order, the department may file an action in circuit court to recover payment, up to the amount of the bond or other form of security, pursuant to s. 120.69. If the

department prevails, the department may recover court costs and reasonable attorney fees.

(6)(5) If the seller of travel is currently the subject of an administrative, civil, or criminal action by the department, the Department of Legal Affairs, or the state attorney relating to compliance with this part, the right to proceed against the bond as provided in subsection (3) is suspended until any enforcement action becomes final.

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

Section 31. Subsections (2) and (17) of section 559.9295, Florida Statutes, are amended to read:

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

(2) A copy of each promotional brochure, pamphlet, form letter, registration form, or any other written material disseminated in connection with the advertising, promotion, or sale of any vacation certificate. Any such promotional materials that include terms such as “free,” “awarded,” “prize,” “absolutely without charge,” and “free of charge,” or similar words or groups of words, which might reasonably lead a person to believe that he or she may receive, or has been selected to receive, something of value without making full or partial compensation in any form from the recipient must:

(a) Clearly and conspicuously display the following disclosure in at least 12-point type: “...(NAME OF FIRM)... is registered with the State of Florida as a seller of travel, Registration No..... THIS IS NOT A FREE OFFER. SEE TERMS AND CONDITIONS VIA WWW.(OFFER WEBSITE).COM. RESPONSE TO THIS OFFER DOES NOT GUARANTEE TRAVEL.” The offer website referred to in the disclosure must include, and clearly indicate, the terms and conditions for such a vacation certificate offer.

(b) Disclose the number of individuals who actually traveled pursuant to the vacation certificate, as opposed to the number of individuals who submitted or otherwise activated the vacation certificate, in the 12 months preceding issuance of the promotional material.

~~(17) Within 10 working days after receipt of any materials submitted subsequent to filing an initial registration application or any annual renewal thereof, the department shall determine whether such materials are adequate to meet the requirements of this section. The department shall notify the seller of travel that materials submitted are in substantial compliance, or shall notify the seller of travel of any specific deficiencies. If the department fails to notify the seller of travel of its determination within the period specified in this subsection, the materials shall be deemed in compliance; however, the failure of the department to send notification in either case will not relieve the seller of travel from the duty of complying with this section.~~

Neither the submission of these materials nor the department's response implies approval, recommendation, or endorsement by the department or that the contents of said materials have been verified by the department.

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

559.932 Vacation certificate disclosure.—

(1) ~~A~~ It shall be unlawful for any seller of travel must to fail to provide each person solicited with a contract that includes which shall include the following information, which shall be in 12-point type, unless otherwise specified:

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

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

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

(d) The total financial obligation of the purchaser which shall include the initial purchase price and any additional charges to which the purchaser may be subject, including, but not limited to, any per diem, seasonal, reservation, or recreational charge.

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

(f) If any accommodation or facility which a purchaser acquires the right to use pursuant to the vacation certificate is not completed at the time the

certificate is offered for sale, the date of availability of each component of the accommodation or facility.

(g) By means of a section entitled “terms and conditions”:

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

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

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

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

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

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

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

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

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

“YOU MAY CANCEL THIS CONTRACT WITHOUT ANY PENALTY OR OBLIGATION WITHIN 30 DAYS FROM THE DATE OF PURCHASE OR RECEIPT OF THE VACATION CERTIFICATE, WHICHEVER OCCURS LATER.”

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

“TO CANCEL THIS AGREEMENT, A SIGNED AND DATED COPY OF A STATEMENT THAT YOU ARE CANCELING THE AGREEMENT SHOULD BE MAILED AND POSTMARKED, OR DELIVERED TO ... (NAME)... AT ...(ADDRESS)... NO LATER THAN MIDNIGHT OF ... (DATE)....”

~~“IF YOU DECIDE TO CANCEL, YOU MUST NOTIFY THE SELLER IN WRITING OF YOUR INTENT TO CANCEL BY RETURNING THE CERTIFICATE AND SENDING NOTICE TO: ...(NAME OF SELLER)... AT ...(SELLER’S ADDRESS)....”~~

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

“NO PURCHASER SHOULD RELY UPON REPRESENTATIONS OTHER THAN THOSE INCLUDED IN THIS CONTRACT.”

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

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

“This contract is for the purchase of a vacation certificate and puts all assignees on notice of the consumer’s right to cancel under section 559.933, Florida Statutes.”

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

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

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

(3) Upon receipt of a copy of a vacation certificate or contract required pursuant to s. 559.9295, the department shall review the vacation certificate or contract for compliance with the disclosures required under this section. The submission of the vacation certificate or contract and the department’s response do not imply approval, recommendation, or endorsement by the department or that the contents of the vacation certificate or contract have been verified by the department.

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

559.933 Vacation certificate cancellation and refund provisions.—

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

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

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

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

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

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

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

(3) A seller of travel or an assignee must, if the purchaser has received any benefits pursuant to the vacation certificate, ~~to fail to~~ refund within 30 days after receipt of the certificate and notice of cancellation made pursuant to this section any and all payments made by the purchaser which exceed a pro rata portion of the total price, representing the portion of any benefits actually received by the vacation certificate purchaser during the time preceding cancellation.

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

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

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

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

(b) The third party agrees in writing to comply with all other provisions of this part for as long as the third party continues the sale of vacation

certificates or for the duration of the period of validity of outstanding vacation certificates, whichever is longer in time.

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

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

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

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

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

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

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

(4) Knowingly to sell or market any ~~number of~~ vacation certificates that exceed the number disclosed to the department pursuant to this section.

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

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

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

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

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

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

(a) The amount of time or period of time accommodations or facilities will be available.

(b) The location of accommodations or facilities offered.

(c) The price, size, nature, extent, qualities, or characteristics of accommodations or facilities offered.

(d) The nature or extent of other goods, services, or amenities offered.

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

(f) The conditions under which the purchaser may obtain a reservation for the use of offered accommodations or facilities.

(g) That the recipient of an advertisement or promotional materials is a winner, or has been selected, or is otherwise being involved in a select group for receipt, of a gift, award, or prize, unless this fact is the truth.

~~(10)~~(11) To fail to inform a purchaser of a nonrefundable cancellation policy before ~~prior to~~ the seller of travel accepting any fee, commission, or other valuable consideration.

~~(11)~~(12) To fail to include, when offering to sell a vacation certificate, in any advertisement or promotional material, the following statement: "This is an offer to sell travel."

~~(12)~~(13) To fail to honor and comply with all provisions of the vacation certificate regarding the purchaser's rights, benefits, and privileges thereunder.

~~(13)~~(14)(a) To include in any vacation certificate or contract any provision purporting to waive or limit any right or benefit provided to purchasers under this part; or

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

~~(14)~~(15) To offer vacation certificates for any accommodation or facility for which there is no contract with the owner of the accommodation or facility securing the purchaser's right to occupancy and use, unless the seller is the owner.

~~(15)~~(16) To use a local mailing address, registration facility, drop box, or answering service in the promotion, advertising, solicitation, or sale of

vacation certificates, unless the seller’s fixed business address is clearly disclosed during any telephone solicitation and is prominently and conspicuously disclosed on all solicitation materials and on the contract.

~~(16)~~(17) To use any registered trademark, trade name, or trade logo in any promotional, advertising, or solicitation materials without written authorization from the holder of such trademark, trade name, or trade logo.

~~(17)~~(18) To represent, directly or by implication, any affiliation with, or endorsement by, any governmental, charitable, educational, medical, religious, fraternal, or civic organization or body, or any individual, in the promotion, advertisement, solicitation, or sale of vacation certificates without express written authorization.

~~(18)~~(19) To sell a vacation certificate to any purchaser who is ineligible for its use.

~~(19)~~(20) To sell any ~~number of vacation certificates in excess of exceeding~~ the number of available accommodations ~~disclosed pursuant to this part.~~

~~(20)~~(21) During the period of a vacation certificate’s validity, in the event, for any reason whatsoever, of lapse or breach of an agreement for the provision of accommodations or facilities to purchasers, to fail to procure similar agreement for the provision of comparable alternate accommodations or facilities in the same city or surrounding area.

~~(21)~~(22) To offer to sell, at wholesale or retail, prearranged travel or, tourist-related services, ~~or tour-guide services~~ for individuals or groups directly to any terrorist state and which originate in Florida, without disclosing such business activities in a certification filed under s. 559.9285(1)(b) or (c).

~~(22)~~(23) To violate any state or federal law restricting or prohibiting commerce with terrorist states.

~~(23)~~(24) To engage in ~~do~~ any other act that ~~act which~~ constitutes fraud, misrepresentation, or failure to disclose a material fact, or to commit any other violation of, or fail to comply with, this part.

~~(24)~~(25) To refuse or fail, or for any of its principal officers to refuse or fail, after notice, to produce any document or record or disclose any information required to be produced or disclosed.

~~(25)~~(26) Knowingly to make a material false statement in response to any request or investigation by the department, the Department of Legal Affairs, or the state attorney.

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

559.935 Exemptions.—

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

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

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

~~(c) In order to obtain an exemption under this subsection, the affiliate shall file an affidavit of exemption on a form prescribed by the department and shall certify its business activities under s. 559.9285(1)(a). The affidavit of exemption shall be executed by a person who exercises identical control over the seller of travel exempt pursuant to subsection (2) and the affiliate. Failure to file an affidavit of exemption or certification under s. 559.9285(1)(a) prior to engaging in seller of travel activities shall subject the affiliate to the remedies provided in ss. 559.9355 and 559.936.~~

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

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

1. An affiliate that independently qualifies for another exemption under this section.
2. An affiliate that sells, or offers for sale, vacation certificates.
3. An affiliate that certifies its business activities under s. 559.9285(1)(b) or (c).

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

1. The entity has the identical ownership as the seller of travel that is exempt under subsection (2).
2. The ownership controlling the seller of travel that is exempt under subsection (2) also exercises identical control over the entity.
3. The owners of the affiliate hold the identical percentage of voting shares as they hold in the seller of travel that is exempt under subsection (2).

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

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

559.936 Civil penalties; remedies.—

(3) The department may seek a civil penalty in the Class III category pursuant to s. 570.971 for each act or omission in violation of s. 559.9335(21) or (22) ~~s. 559.9335(22) or (23)~~.

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

616.242 Safety standards for amusement rides.—

(5) ANNUAL PERMIT.—

(b) To apply for an annual permit, an owner must submit to the department a written application on a form prescribed by rule of the department, which must include the following:

1. The legal name, address, and primary place of business of the owner.
2. A description, manufacturer’s name, serial number, model number and, if previously assigned, the United States Amusement Identification Number of the amusement ride.
3. A valid certificate of insurance ~~or bond~~ for each amusement ride.
4. An affidavit of compliance that the amusement ride was inspected in person by the affiant and that the amusement ride is in general conformance with the requirements of this section and all applicable rules adopted by the department. The affidavit must be executed by a professional engineer or a qualified inspector no earlier than 60 days before, but not later than, the date of the filing of the application with the department. The owner shall request inspection and permitting of the amusement ride within 60 days of the date of filing the application with the department. The department shall inspect and permit the amusement ride within 60 days after filing the application with the department.

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

6. A request for inspection.

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

(10) EXEMPTIONS.—

(a) This section does not apply to:

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

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

3. Museums or other institutions principally devoted to the exhibition of products of agriculture, industry, education, science, religion, or the arts.

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

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

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

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

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

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

10. Battery-powered cars or other vehicles that are designed to be operated by children 7 years of age or under and that cannot exceed a speed of 4 miles per hour.

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

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

13. An amusement ride at a private, membership-only facility 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.

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

(15) INSPECTION BY OWNER OR MANAGER.—~~Before~~ ~~Prior to~~ opening on each day of operation and ~~before~~ ~~prior to~~ any inspection by the department, the owner or manager of an amusement ride must inspect and test the amusement ride to ensure compliance with all requirements of this section. Each inspection must be recorded on a form prescribed by rule of the department and signed by the person who conducted the inspection. In lieu of the form prescribed by rule of the department, the owner or manager may request approval of an alternative form if the alternative form includes, at a minimum, the information required on the form prescribed by rule of the department. Inspection records of the last 14 daily inspections must be kept on site by the owner or manager and made immediately available to the department upon request.

(16) TRAINING OF EMPLOYEES.—The owner or manager of an any amusement ride shall maintain a record of employee training for each employee authorized to operate, assemble, disassemble, transport, or conduct maintenance on an amusement ride; on a form prescribed by rule of the department. In lieu of the form prescribed by rule of the department,

the owner or manager may request approval of an alternative form if the alternative form includes, at a minimum, the information required on the form prescribed by rule of the department. The training record must be kept on site by the owner or manager and made immediately available to the department upon request. Training may not be conducted when an amusement ride is open to the public unless the training is conducted under the supervision of an employee who is trained in the operation of that ride. The owner or manager shall certify that each employee is trained, as required by this section and any rules adopted thereunder, on the amusement ride for which the employee is responsible.

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

713.585 Enforcement of lien by sale of motor vehicle.—A person claiming a lien under s. 713.58 for performing labor or services on a motor vehicle may enforce such lien by sale of the vehicle in accordance with the following procedures:

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A check of the federally mandated electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current title or registration record for the vehicle on file with the Department of Highway Safety and Motor Vehicles;

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

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

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

(5) At any time before ~~prior to~~ the proposed or scheduled date of sale of a vehicle, the owner of the vehicle, or any person claiming an interest in the vehicle or a lien thereon, may post a bond following the procedures outlined in s. 559.917 or file a demand for hearing with the clerk of the circuit court in the county in which the vehicle is held to determine whether the vehicle has been wrongfully taken or withheld from her or him. A lienholder has standing to allege any violation of part IX of chapter 559 in a proceeding instituted pursuant to this subsection. Any person who files a demand for hearing shall mail copies of the demand to all other owners and lienors as reflected on the notice required in subsection (1).

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

(b) Upon the posting of the bond and payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle to the lienholder or the owner, based upon whomever posted the bond.

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

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

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

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

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

(d) The awarding of damages, if any;

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

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

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

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

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

790.06 License to carry concealed weapon or firearm.—

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

(a) Is a resident of the United States and a citizen of the United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

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

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

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

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It

shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties are impaired if the applicant has been committed under chapter 397 or under the provisions of former chapter 396 or has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

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

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

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

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

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

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

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

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

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

A photocopy of a certificate of completion of any of the courses or classes; ~~or~~ an affidavit from the instructor, school, club, organization, or group that conducted or taught such ~~said~~ course or class attesting to the completion of the course or class by the applicant; or a copy of any document that ~~which~~ shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A; ~~any~~ person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to

the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

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

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years before ~~prior to~~ the date of submission of the application;

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

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

~~(m)~~(4) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and

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

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

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

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

(c) A statement that the applicant has been furnished a copy of this chapter and is knowledgeable of its provisions;

(d) A conspicuous warning that the application is executed under oath and that a false answer to any question, or the submission of any false document by the applicant, subjects the applicant to criminal prosecution under s. 837.06; and

(e) A statement that the applicant desires a concealed weapon or firearms license as a means of lawful self-defense; and:

(f) Directions for an applicant who is a servicemember, as defined in s. 250.01, or a veteran, as defined in s. 1.01, to request expedited processing of his or her application.

(5) The applicant shall submit to the Department of Agriculture and Consumer Services or an approved tax collector pursuant to s. 790.0625:

(a) A completed application as described in subsection (4).

(b) A nonrefundable license fee of up to ~~\$60~~ \$70 if he or she has not previously been issued a statewide license or of up to ~~\$50~~ \$60 for renewal of a statewide license. The cost of processing fingerprints as required in paragraph (c) shall be borne by the applicant. However, an individual holding an active certification from the Criminal Justice Standards and Training Commission as a law enforcement officer, correctional officer, or correctional probation officer as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9) is exempt from the licensing requirements of this section. If such individual wishes to receive a concealed weapon ~~weapons~~ or firearm ~~firearms~~ license, he or she is exempt from the background investigation and all background investigation fees; but must pay the current license fees regularly required to be paid by nonexempt applicants. Further, a law enforcement officer, a correctional officer, or a correctional probation officer as defined in s. 943.10(1), (2), or (3) is exempt from the required fees and background investigation for a ~~period of~~ 1 year after his or her retirement.

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

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

(e) A full frontal view color photograph of the applicant taken within the preceding 30 days, in which the head, including hair, measures $\frac{7}{8}$ of an inch wide and $1\frac{1}{8}$ inches high.

(f) For expedited processing of an application:

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

2. A veteran shall submit a copy of the DD Form 214, issued by the United States Department of Defense, or another acceptable form of identification as specified by the Department of Veterans' Affairs.

(6)

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

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

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

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

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

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

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

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years after of a first previous conviction of such section, or similar law of another state, even though the first violation may have occurred before ~~prior to~~ the date on which the application was submitted;

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

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

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21

days plus 5 days for mailing). The department shall document its attempts to provide notice and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

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

790.06 License to carry concealed weapon or firearm.—

(11)(a) At least No less than 90 days before the expiration date of the license, the Department of Agriculture and Consumer Services shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the Department of Agriculture and Consumer Services. The licensee must renew his or her license on or before the expiration date by filing with the Department of Agriculture and Consumer Services the renewal form containing an a notarized affidavit submitted under oath and under penalty of perjury stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3), a color photograph as specified in paragraph (5)(e), and the required renewal fee. Out-of-state residents must also submit a complete set of fingerprints and fingerprint processing fee. The license shall be renewed upon receipt of the completed renewal form, color photograph, appropriate payment of fees, and, if applicable, fingerprints. Additionally, a licensee who fails to file a renewal application on or before its expiration date must renew his or her license by paying a late fee of \$15. A license may not be renewed 180 days or more after its expiration date, and such a license is deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees under subsection (5) must be submitted, and a background investigation shall be conducted pursuant to this section. A person who knowingly files false information under this subsection is subject to criminal prosecution under s. 837.06.

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

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

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

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

559.9285 Certification of business activities.—

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

(a) Which does not offer for sale, at wholesale or retail, prearranged travel ~~or, tourist-related services, or tour-guide services~~ for individuals or groups directly to any terrorist state and which originate in Florida;

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

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

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

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

(d) The type of all prearranged travel ~~or, tourist-related services, or tour-guide services~~ that the certifying party offers for sale to individuals or groups traveling directly to any terrorist state and that originate in Florida, and the frequency with which such services are offered.

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

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

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

Section 44. For the 2016-2017 fiscal year, the sum of \$1,305,097 in nonrecurring funds from the Division of Licensing Trust Fund is appropriated to the Department of Agriculture and Consumer Services for the purpose of implementing s. 493.6108, Florida Statutes, regarding the collection and subsequent payment of fingerprint retention and processing fees to the Florida Department of Law Enforcement.

Section 45. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon becoming law, this act shall take effect July 1, 2016.

Approved by the Governor March 30, 2016.

Filed in Office Secretary of State March 30, 2016.