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1                                   A bill to be entitled  
 2           An act relating to reducing and streamlining regulations;  
 3           amending s. 320.90, F.S.; transferring the responsibility  
 4           for distribution of a motor vehicle consumer's rights  
 5           pamphlet to a motor vehicle owner from the Department of  
 6           Agriculture and Consumer Services to the Department of  
 7           Legal Affairs; amending s. 322.142, F.S.; providing for  
 8           the release of certain driver license information by the  
 9           Department of Highway Safety and Motor Vehicles to the  
 10          Department of Business and Professional Regulation under  
 11          certain circumstances; amending s. 469.006, F.S.;  
 12          authorizing an asbestos consultant or contractor doing  
 13          business as a sole proprietorship to be licensed under his  
 14          or her fictitious name; amending ss. 475.42, 475.626, and  
 15          477.0265, F.S.; deleting criminal penalties for persons  
 16          who violate orders or rules of the Florida Real Estate  
 17          Commission, persons who violate orders or rules of the  
 18          Florida Real Estate Appraisal Board or related grounds for  
 19          disciplinary action, and persons who commit certain  
 20          violations of the Florida Cosmetology Act or rules of the  
 21          Board of Cosmetology; amending ss. 455.271, 477.0212,  
 22          481.217, 489.116, and 489.519, F.S.; revising the  
 23          continuing education requirements for reactivating a  
 24          license, certificate, or registration to practice certain  
 25          regulated professions and occupations; amending s.  
 26          473.308, F.S.; revising licensure requirements for  
 27          certified public accountants and firms; deleting obsolete  
 28          provisions; revising licensure requirements for certain

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29 persons licensed to practice public accounting in another  
 30 state or territory; amending s. 475.17, F.S.; revising the  
 31 education requirements for licensed real estate brokers  
 32 and sales associates; amending s. 481.219, F.S.; providing  
 33 that a certificate of authorization is not required for an  
 34 architect doing business as a sole proprietorship under  
 35 his or her fictitious name; amending ss. 493.6107 and  
 36 493.6202, F.S.; revising requirements for the method of  
 37 payment of certain fees; amending s. 493.6401, F.S.;  
 38 revising terminology for reposessor schools and training  
 39 facilities; amending s. 493.6402, F.S.; conforming  
 40 terminology; revising requirements for the method of  
 41 payment of certain fees; amending s. 493.6406, F.S.;  
 42 conforming terminology; amending s. 500.03, F.S.;  
 43 providing and revising definitions for purposes of the  
 44 Florida Food Safety Act; amending s. 500.121, F.S.;  
 45 providing penalties for food safety violations committed  
 46 by cottage food operations; creating s. 500.80, F.S.;  
 47 exempting cottage food operations from food permitting  
 48 requirements; limiting the annual gross sales of cottage  
 49 food operations and the methods by which cottage food  
 50 products may be sold or offered for sale; requiring  
 51 certain packaging and labeling of cottage food products;  
 52 limiting the sale of cottage food products to certain  
 53 locations; providing for application; authorizing the  
 54 Department of Agriculture and Consumer Services to  
 55 investigate complaints and enter into the premises of a  
 56 cottage food operation; amending s. 501.160, F.S.;

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57 deleting authority for the department to enforce certain  
 58 prohibitions against unconscionable practices during a  
 59 declared state of emergency; amending s. 509.032, F.S.;  
 60 revising which matters relating to the regulation of  
 61 public lodging establishments and food service  
 62 establishments are preempted to the state; amending s.  
 63 509.261, F.S.; authorizing the Division of Hotels and  
 64 Restaurants of the Department of Business and Professional  
 65 Regulation to require certain public lodging  
 66 establishments and public food service establishments to  
 67 complete certain food safety training; amending s.  
 68 633.537, F.S.; revising the validity period for inactive  
 69 status certificates of fire protection system contractors;  
 70 amending ss. 681.102, 681.103, 681.108, 681.109, 681.1095,  
 71 681.1096, and 681.112, F.S.; deleting a definition;  
 72 transferring certain responsibilities of the Division of  
 73 Consumer Services for the Motor Vehicle Warranty  
 74 Enforcement Act to the Department of Legal Affairs;  
 75 conforming provisions; amending s. 681.117, F.S.; deleting  
 76 provisions providing for the transfer of certain fees and  
 77 interagency contracting between the Department of Legal  
 78 Affairs and the Division of Consumer Services, to conform;  
 79 amending s. 10, ch. 2010-84, Laws of Florida; revising the  
 80 effective date of provisions relating to the regulation of  
 81 real estate appraisers and appraisal management companies;  
 82 providing for retroactive operation under certain  
 83 circumstances; providing effective dates.

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

86

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

89 320.90 Notification of consumer's rights.—The department  
90 shall develop a motor vehicle consumer's rights pamphlet which  
91 shall be distributed free of charge by the Department of Legal  
92 Affairs ~~Agriculture and Consumer Services~~ to the motor vehicle  
93 owner upon request. Such pamphlet must contain information  
94 relating to odometer fraud and provide a summary of the rights  
95 and remedies available to all purchasers of motor vehicles.

96 Section 2. Subsection (4) of section 322.142, Florida  
97 Statutes, is amended to read:

98 322.142 Color photographic or digital imaged licenses.—

99 (4) The department may maintain a film negative or print  
100 file. The department shall maintain a record of the digital  
101 image and signature of the licensees, together with other data  
102 required by the department for identification and retrieval.  
103 Reproductions from the file or digital record are exempt from  
104 the provisions of s. 119.07(1) and shall be made and issued only  
105 for departmental administrative purposes; for the issuance of  
106 duplicate licenses; in response to law enforcement agency  
107 requests; to the Department of Business and Professional  
108 Regulation pursuant to an interagency agreement for the purpose  
109 of accessing digital images for reproduction of licenses issued  
110 by the Department of Business and Professional Regulation and  
111 for the purpose of identifying subjects under criminal  
112 investigation for unlicensed activity pursuant to s. 455.228; to

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113 the Department of State pursuant to an interagency agreement to  
 114 facilitate determinations of eligibility of voter registration  
 115 applicants and registered voters in accordance with ss. 98.045  
 116 and 98.075; to the Department of Revenue pursuant to an  
 117 interagency agreement for use in establishing paternity and  
 118 establishing, modifying, or enforcing support obligations in  
 119 Title IV-D cases; to the Department of Children and Family  
 120 Services pursuant to an interagency agreement to conduct  
 121 protective investigations under part III of chapter 39 and  
 122 chapter 415; to the Department of Children and Family Services  
 123 pursuant to an interagency agreement specifying the number of  
 124 employees in each of that department's regions to be granted  
 125 access to the records for use as verification of identity to  
 126 expedite the determination of eligibility for public assistance  
 127 and for use in public assistance fraud investigations; or to the  
 128 Department of Financial Services pursuant to an interagency  
 129 agreement to facilitate the location of owners of unclaimed  
 130 property, the validation of unclaimed property claims, and the  
 131 identification of fraudulent or false claims.

132 Section 3. Subsection (1) and paragraph (a) of subsection  
 133 (2) of section 469.006, Florida Statutes, are amended to read:

134 469.006 Licensure of business organizations; qualifying  
 135 agents.—

136 (1) If an individual proposes to engage in consulting or  
 137 contracting in that individual's own name, or a fictitious name  
 138 under which the individual is doing business as a sole  
 139 proprietorship, the license may be issued only to that  
 140 individual.

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141 (2) (a) If the applicant proposes to engage in consulting  
 142 or contracting as a partnership, corporation, business trust, or  
 143 other legal entity, or in any name, or fictitious name under  
 144 which the individual is doing business as a sole proprietorship,  
 145 other than the applicant's legal name, the legal entity must  
 146 apply for licensure through a qualifying agent or the individual  
 147 applicant must apply for licensure under the fictitious name.

148 Section 4. Paragraphs (f) through (o) of subsection (1) of  
 149 section 475.42, Florida Statutes, are redesignated as paragraphs  
 150 (e) through (n), respectively, and present paragraph (e) of that  
 151 subsection is amended to read:

152 475.42 Violations and penalties.—

153 (1) VIOLATIONS.—

154 ~~(c) A person may not violate any lawful order or rule of~~  
 155 ~~the commission which is binding upon her or him.~~

156 Section 5. Paragraphs (d) through (g) of subsection (1) of  
 157 section 475.626, Florida Statutes, are redesignated as  
 158 paragraphs (b) through (e), respectively, and present paragraphs  
 159 (b) and (c) of that subsection are amended to read:

160 475.626 Violations and penalties.—

161 (1) VIOLATIONS.—

162 ~~(b) No person shall violate any lawful order or rule of~~  
 163 ~~the board which is binding upon her or him.~~

164 ~~(c) No person shall commit any conduct or practice set~~  
 165 ~~forth in s. 475.624.~~

166 Section 6. Effective July 1, 2014, paragraphs (d) through  
 167 (h) of subsection (1) of section 475.626, Florida Statutes, as  
 168 amended by chapter 2010-84, Laws of Florida, and this act, are

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169 redesignated as paragraphs (b) through (f), respectively, and  
 170 paragraphs (b) and (c) of that subsection are amended to read:

171 475.626 Violations and penalties.—

172 (1) A person may not:

173 ~~(b) Violate any lawful order or rule of the board which~~  
 174 ~~is binding upon her or him.~~

175 ~~(c) If a registered trainee appraiser or a licensed or~~  
 176 ~~certified appraiser, commit any conduct or practice set forth in~~  
 177 ~~s. 475.624.~~

178 Section 7. Paragraphs (d) through (h) of subsection (1) of  
 179 section 477.0265, Florida Statutes, are redesignated as  
 180 paragraphs (c) through (g), respectively, and present paragraph  
 181 (c) of that subsection is amended to read:

182 477.0265 Prohibited acts.—

183 (1) It is unlawful for any person to:

184 ~~(c) Engage in willful or repeated violations of this~~  
 185 ~~chapter or of any rule adopted by the board.~~

186 Section 8. Subsection (10) of section 455.271, Florida  
 187 Statutes, is amended to read:

188 455.271 Inactive and delinquent status.—

189 (10) The board, or the department when there is no board,  
 190 shall require ~~Before reactivation,~~ an inactive or delinquent  
 191 licensee, except for a licensee under chapter 473 or chapter  
 192 475, to complete one renewal cycle of ~~shall meet the same~~  
 193 continuing education to reactivate a license requirements, ~~if~~  
 194 ~~any, imposed on an active status licensee for all biennial~~  
 195 ~~licensure periods in which the licensee was inactive or~~  
 196 ~~delinquent. This subsection does not apply to persons regulated~~

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197 ~~under chapter 473.~~

198 Section 9. Subsection (2) of section 477.0212, Florida  
199 Statutes, is amended to read:

200 477.0212 Inactive status.—

201 (2) The board shall adopt ~~promulgate~~ rules relating to  
202 licenses ~~that which have~~ become inactive and for the renewal of  
203 inactive licenses. The rules must require one renewal cycle of  
204 continuing education to reactivate a license. The board shall  
205 prescribe by rule a fee not to exceed \$50 for the reactivation  
206 of an inactive license and a fee not to exceed \$50 for the  
207 renewal of an inactive license.

208 Section 10. Subsection (1) of section 481.217, Florida  
209 Statutes, is amended to read:

210 481.217 Inactive status.—

211 (1) The board may prescribe by rule continuing education  
212 requirements as a condition of reactivating a license. The rules  
213 must require one renewal cycle of continuing education to  
214 reactivate ~~requirements for reactivating~~ a license for a  
215 registered architect ~~may not exceed 12 contact hours for each~~  
216 ~~year the license was inactive.~~ ~~The minimum continuing education~~  
217 ~~requirement for reactivating a license for a registered interior~~  
218 ~~designer shall be those of the most recent biennium plus one-~~  
219 ~~half of the requirements in s. 481.215 for each year or part~~  
220 ~~thereof during which the license was inactive.~~ The board shall  
221 only approve continuing education that builds upon the basic  
222 knowledge of interior design.

223 Section 11. Subsections (3) and (6) of section 489.116,  
224 Florida Statutes, are amended to read:



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225 489.116 Inactive and delinquent status; renewal and  
 226 cancellation notices.-

227 (3) An inactive status certificateholder or registrant may  
 228 change to active status at any time ~~if, provided~~ the  
 229 certificateholder or registrant meets all requirements for  
 230 active status, pays any additional licensure fees necessary to  
 231 equal those imposed on an active status certificateholder or  
 232 registrant, ~~and~~ pays any applicable late fees, and meets all  
 233 continuing education requirements prescribed by the board.

234 (6) The board may not require an inactive  
 235 certificateholder or registrant to complete more than one  
 236 renewal cycle of ~~shall comply with the same~~ continuing education  
 237 for reactivating a certificate or registration requirements, if  
 238 ~~any, that are imposed on an active status certificateholder or~~  
 239 ~~registrant.~~

240 Section 12. Subsection (1) of section 489.519, Florida  
 241 Statutes, is amended to read:

242 489.519 Inactive status.-

243 (1) A certificate or registration that becomes ~~has become~~  
 244 inactive may be reactivated under s. 489.517 upon application to  
 245 the department. The licensee must complete one renewal cycle of  
 246 ~~board may prescribe, by rule,~~ continuing education to reactivate  
 247 ~~requirements as a condition of reactivating~~ a certificate or  
 248 registration. ~~The continuing education requirements for~~  
 249 ~~reactivating a certificate or registration may not exceed 12~~  
 250 ~~classroom hours for each year the certificate or registration~~  
 251 ~~was inactive.~~

252 Section 13. Subsections (3) and (4) and paragraph (b) of

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253 subsection (7) of section 473.308, Florida Statutes, are amended  
 254 to read:

255 473.308 Licensure.—

256 (3) An applicant for licensure must:

257 (a) Complete ~~have~~ at least 150 semester hours of college  
 258 education, including a baccalaureate or higher degree conferred  
 259 by an accredited college or university, with a concentration in  
 260 accounting and business in the total educational program to the  
 261 extent specified by the board; or

262 (b) Graduate from an accredited university in the state  
 263 with a master's degree in accounting.

264 (4) ~~(a)~~ An applicant for licensure ~~after December 31, 2008,~~  
 265 must show that he or she has had 1 year of relevant work  
 266 experience. This experience must ~~shall~~ include providing any  
 267 type of service or advice involving the use of accounting,  
 268 attest, compilation, management advisory, financial advisory,  
 269 tax, or consulting skills, all of which must be verified by a  
 270 certified public accountant who is licensed by a state or  
 271 territory of the United States and who has supervised the  
 272 applicant. This experience is acceptable if it was gained  
 273 through employment in government, industry, academia, or public  
 274 practice; constituted a substantial part of the applicant's  
 275 duties; and was under the supervision of a certified public  
 276 accountant licensed by a state or territory of the United  
 277 States. The board shall adopt rules specifying standards and  
 278 providing for the review and approval of the work experience  
 279 required by this section.

280 ~~(b) However, an applicant who completed the requirements~~

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281 ~~of subsection (3) on or before December 31, 2008, and who passes~~  
 282 ~~the licensure examination on or before June 30, 2010, is exempt~~  
 283 ~~from the requirements of this subsection.~~

284 (7) The board shall certify as qualified for a license by  
 285 endorsement an applicant who:

286 (b)1.a. Holds a valid license to practice public  
 287 accounting issued by another state or territory of the United  
 288 States, if the criteria for issuance of such license were  
 289 substantially equivalent to the licensure criteria that existed  
 290 in this state at the time the license was issued; or

291 b. Holds a valid license to practice public accounting  
 292 issued by another state or territory of the United States but  
 293 the criteria for issuance of such license did not meet the  
 294 requirements of sub-subparagraph a.; has met the requirements of  
 295 this section for ~~education, work experience, and good moral~~  
 296 ~~character; has at least 5 years of work experience that meets~~  
 297 ~~the requirements of subsection (4) or 5 years of experience in~~  
 298 ~~the practice of public accountancy or its equivalent which meets~~  
 299 ~~the requirements of subsection (8);~~ and has passed a national,  
 300 regional, state, or territorial licensing examination that is  
 301 substantially equivalent to the examination required by s.  
 302 473.306; and

303 2. Has completed continuing education courses that are  
 304 equivalent to the continuing education requirements for a  
 305 Florida certified public accountant licensed in this state  
 306 during the 2 years immediately preceding her or his application  
 307 for licensure by endorsement.

308 Section 14. Subsection (6) of section 475.17, Florida

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309 Statutes, is amended to read:

310 475.17 Qualifications for practice.—

311 (6) The postlicensure education requirements of this  
 312 section, and the education course requirements for one to become  
 313 initially licensed, do not apply to any applicant or licensee  
 314 who has received a bachelor's degree in real estate, a  
 315 bachelor's degree in business with a concentration or emphasis  
 316 in real estate, or a higher degree with a concentration or  
 317 emphasis ~~4-year degree~~ in real estate from an accredited  
 318 institution of higher education.

319 Section 15. Subsection (2) of section 481.219, Florida  
 320 Statutes, is amended to read:

321 481.219 Certification of partnerships, limited liability  
 322 companies, and corporations.—

323 (2) For the purposes of this section, a certificate of  
 324 authorization is ~~shall be~~ required for a corporation, limited  
 325 liability company, partnership, or person practicing under a  
 326 fictitious name, offering architectural services to the public  
 327 jointly or separately. However, when an individual is practicing  
 328 architecture in her or his own name, or in a fictitious name  
 329 under which the individual is doing business as a sole  
 330 proprietorship, she or he is ~~shall not be~~ required to be  
 331 certified under this section. Certification under this  
 332 subsection to offer architectural services shall include all the  
 333 rights and privileges of certification under subsection (3) to  
 334 offer interior design services.

335 Section 16. Subsection (3) of section 493.6107, Florida  
 336 Statutes, is amended to read:

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337 493.6107 Fees.—

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

346 Section 17. Subsection (3) of section 493.6202, Florida  
 347 Statutes, is amended to read:

348 493.6202 Fees.—

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

357 Section 18. Subsections (7) and (8) of section 493.6401,  
 358 Florida Statutes, are amended to read:

359 493.6401 Classes of licenses.—

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

364 (8) Any individual who teaches or instructs at a Class

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365 "RS" recovery agent ~~repossessor~~ school or training facility  
 366 shall have a Class "RI" license.

367 Section 19. Paragraphs (f) and (g) of subsection (1) and  
 368 subsection (3) of section 493.6402, Florida Statutes, are  
 369 amended to read:

370 493.6402 Fees.—

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

373 (f) Class "RS" license recovery agent ~~repossessor~~ school  
 374 or training facility: \$60.

375 (g) Class "RI" license recovery agent ~~repossessor~~ school  
 376 or training facility instructor: \$60.

377 (3) The fees set forth in this section must be paid by  
 378 ~~certified~~ check or money order, or, at the discretion of the  
 379 department, by electronic funds transfer ~~agency check~~ at the  
 380 time the application is approved, except that the applicant for  
 381 a Class "E," Class "EE," or Class "MR" license must pay the  
 382 license fee at the time the application is made. If a license is  
 383 revoked or denied, or if an application is withdrawn, the  
 384 license fee shall not be refunded.

385 Section 20. Section 493.6406, Florida Statutes, is amended  
 386 to read:

387 493.6406 Recovery agent ~~Repossession services~~ school or  
 388 training facility.—

389 (1) Any school, training facility, or instructor who  
 390 offers the training outlined in s. 493.6403(2) for Class "EE"  
 391 applicants shall, before licensure of such school, training  
 392 facility, or instructor, file with the department an application

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393 accompanied by an application fee in an amount to be determined  
 394 by rule, not to exceed \$60. The fee shall not be refundable.  
 395 This training may be offered as face-to-face training, Internet-  
 396 based training, or correspondence training.

397 (2) The application shall be signed and notarized and  
 398 shall contain, at a minimum, the following information:

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

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

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

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

410 Section 21. Paragraphs (j) through (z) of subsection (1)  
 411 of section 500.03, Florida Statutes, are redesignated as  
 412 paragraphs (l) through (bb), respectively, present paragraphs  
 413 (n) and (p) are amended, and new paragraphs (j) and (k) are  
 414 added to that subsection, to read:

415 500.03 Definitions; construction; applicability.—

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

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

420 (k) "Cottage food product" means food that is not a

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421 potentially hazardous food as defined by department rule which  
 422 is sold by a cottage food operation in accordance with s.  
 423 500.80.

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

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



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449 Section 22. Subsection (1) of section 500.121, Florida  
 450 Statutes, is amended to read:

451 500.121 Disciplinary procedures.-

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

461 (a) Violated any of the provisions of this chapter.

462 (b) Violated or aided or abetted in the violation of any  
 463 law of this state governing or applicable to retail food stores  
 464 or food establishments or any lawful rules of the department.

465 (c) Knowingly committed, or been a party to, any material  
 466 fraud, misrepresentation, conspiracy, collusion, trick, scheme,  
 467 or device whereby any other person, lawfully relying upon the  
 468 word, representation, or conduct of a retail food store or food  
 469 establishment, acts to her or his injury or damage.

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

473 Section 23. Section 500.80, Florida Statutes, is created  
 474 to read:

475 500.80 Cottage food operations.-

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

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

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

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

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

495 (b) The name of the cottage food product.

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

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

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

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

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

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

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

515 (6) A cottage food operation must comply with all  
 516 applicable county and municipal laws and ordinances regulating  
 517 the preparation, processing, storage, and sale of cottage food  
 518 products by a cottage food operation or from a person's  
 519 residence.

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

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

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530 500.121.

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

533 Section 24. Subsection (8) of section 501.160, Florida  
 534 Statutes, is amended to read:

535 501.160 Rental or sale of essential commodities during a  
 536 declared state of emergency; prohibition against unconscionable  
 537 prices.—

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

541 Section 25. Subsection (7) of section 509.032, Florida  
 542 Statutes, is amended to read:

543 509.032 Duties.—

544 (7) PREEMPTION AUTHORITY.—The regulation of public lodging  
 545 establishments and public food service establishments,  
 546 including, but not limited to, ~~the inspection of public lodging~~  
 547 ~~establishments and public food service establishments for~~  
 548 ~~compliance with the~~ sanitation standards, inspections adopted  
 549 ~~under this section, and the regulation of food safety protection~~  
 550 ~~standards for required~~ training and testing of ~~food service~~  
 551 ~~establishment~~ personnel, and matters related to the nutritional  
 552 content and marketing of foods offered in such establishments,  
 553 are preempted to the state. This subsection does not preempt the  
 554 authority of a local government or local enforcement district to  
 555 conduct inspections of public lodging and public food service  
 556 establishments for compliance with the Florida Building Code and  
 557 the Florida Fire Prevention Code, pursuant to ss. 553.80 and

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558 633.022.

559 Section 26. Subsection (1) of section 509.261, Florida  
560 Statutes, is amended to read:

561 509.261 Revocation or suspension of licenses; fines;  
562 procedure.—

563 (1) Any public lodging establishment or public food  
564 service establishment that has operated or is operating in  
565 violation of this chapter or the rules of the division,  
566 operating without a license, or operating with a suspended or  
567 revoked license may be subject by the division to:

568 (a) Fines not to exceed \$1,000 per offense;

569 (b) Mandatory completion attendance, at personal expense,  
570 of a food safety training at an educational program administered  
571 by a private nonprofit provider chosen by the division under s.  
572 509.049 sponsored by the Hospitality Education Program;  
573 and

574 (c) The suspension, revocation, or refusal of a license  
575 issued pursuant to this chapter.

576 Section 27. Subsection (2) of section 633.537, Florida  
577 Statutes, is amended to read:

578 633.537 Certificate; expiration; renewal; inactive  
579 certificate; continuing education.—

580 (2) A person who holds a valid certificate may maintain  
581 such certificate in an inactive status during which time she or  
582 he may not engage in contracting. An inactive status certificate  
583 shall be void after four ~~a 2-year periods period~~. The biennial  
584 renewal fee for an inactive status certificate shall be \$75. An  
585 inactive status certificate may be reactivated upon application

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586 to the State Fire Marshal and payment of the initial application  
587 fee.

588 Section 28. Subsections (8) through (23) of section  
589 681.102, Florida Statutes, are renumbered as subsections (7)  
590 through (22), respectively, and present subsection (7) of that  
591 section, is amended to read:

592 681.102 Definitions.—As used in this chapter, the term:

593 ~~(7) "Division" means the Division of Consumer Services of~~  
594 ~~the Department of Agriculture and Consumer Services.~~

595 Section 29. Subsection (3) of section 681.103, Florida  
596 Statutes, is amended to read:

597 681.103 Duty of manufacturer to conform a motor vehicle to  
598 the warranty.—

599 (3) At the time of acquisition, the manufacturer shall  
600 inform the consumer clearly and conspicuously in writing how and  
601 where to file a claim with a certified procedure if such  
602 procedure has been established by the manufacturer pursuant to  
603 s. 681.108. The nameplate manufacturer of a recreational vehicle  
604 shall, at the time of vehicle acquisition, inform the consumer  
605 clearly and conspicuously in writing how and where to file a  
606 claim with a program pursuant to s. 681.1096. The manufacturer  
607 shall provide to the dealer and, at the time of acquisition, the  
608 dealer shall provide to the consumer a written statement that  
609 explains the consumer's rights under this chapter. The written  
610 statement shall be prepared by the Department of Legal Affairs  
611 and shall contain a toll-free number for the department ~~division~~  
612 that the consumer can contact to obtain information regarding  
613 the consumer's rights and obligations under this chapter or to

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614 commence arbitration. If the manufacturer obtains a signed  
 615 receipt for timely delivery of sufficient quantities of this  
 616 written statement to meet the dealer's vehicle sales  
 617 requirements, it shall constitute prima facie evidence of  
 618 compliance with this subsection by the manufacturer. The  
 619 consumer's signed acknowledgment of receipt of materials  
 620 required under this subsection shall constitute prima facie  
 621 evidence of compliance by the manufacturer and dealer. The form  
 622 of the acknowledgments shall be approved by the Department of  
 623 Legal Affairs, and the dealer shall maintain the consumer's  
 624 signed acknowledgment for 3 years.

625 Section 30. Section 681.108, Florida Statutes, is amended  
 626 to read:

627 681.108 Dispute-settlement procedures.—

628 (1) If a manufacturer has established a procedure, which  
 629 the department ~~division~~ has certified as substantially complying  
 630 with the provisions of 16 C.F.R. part 703, in effect October 1,  
 631 1983, and with the provisions of this chapter and the rules  
 632 adopted under this chapter, and has informed the consumer how  
 633 and where to file a claim with such procedure pursuant to s.  
 634 681.103(3), the provisions of s. 681.104(2) apply to the  
 635 consumer only if the consumer has first resorted to such  
 636 procedure. The decisionmakers for a certified procedure shall,  
 637 in rendering decisions, take into account all legal and  
 638 equitable factors germane to a fair and just decision,  
 639 including, but not limited to, the warranty; the rights and  
 640 remedies conferred under 16 C.F.R. part 703, in effect October  
 641 1, 1983; the provisions of this chapter; and any other equitable

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642 | considerations appropriate under the circumstances.  
 643 | Decisionmakers and staff of a procedure shall be trained in the  
 644 | provisions of this chapter and in 16 C.F.R. part 703, in effect  
 645 | October 1, 1983. In an action brought by a consumer concerning  
 646 | an alleged nonconformity, the decision that results from a  
 647 | certified procedure is admissible in evidence.

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

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

- 659 |             (a) Name and address of the consumer;
- 660 |             (b) Name of the manufacturer and address of the dealership  
 661 | from which the motor vehicle was purchased;
- 662 |             (c) Date the claim was received and the location of the  
 663 | procedure office that handled the claim;
- 664 |             (d) Relief requested by the consumer;
- 665 |             (e) Name of each decisionmaker rendering the decision or  
 666 | person approving the settlement;
- 667 |             (f) Statement of the terms of the settlement or decision;
- 668 |             (g) Date of the settlement or decision; and
- 669 |             (h) Statement of whether the decision was accepted or



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670 | rejected by the consumer.

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

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

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

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

697 |         (8) The department ~~division~~ shall adopt rules to

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698 administer ~~implement~~ this section.

699 Section 31. Section 681.109, Florida Statutes, is amended  
700 to read:

701 681.109 Florida New Motor Vehicle Arbitration Board;  
702 dispute eligibility.—

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

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

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

725 (4) A consumer must request arbitration before the board

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726 with respect to a claim arising during the Lemon Law rights  
 727 period no later than 60 days after the expiration of the Lemon  
 728 Law rights period, or within 30 days after the final action of a  
 729 certified procedure, whichever date occurs later.

730 (5) The department ~~division~~ shall screen all requests for  
 731 arbitration before the board to determine eligibility. The  
 732 consumer's request for arbitration before the board shall be  
 733 made on a form prescribed by the department. The department  
 734 ~~division~~ shall assign forward to the board all disputes that the  
 735 department ~~division~~ determines are potentially entitled to  
 736 relief under this chapter.

737 (6) The department ~~division~~ may reject a dispute that it  
 738 determines to be fraudulent or outside the scope of the board's  
 739 authority. Any dispute deemed by the department ~~division~~ to be  
 740 ineligible for arbitration by the board due to insufficient  
 741 evidence may be reconsidered upon the submission of new  
 742 information regarding the dispute. Following a second review,  
 743 the department ~~division~~ may reject a dispute if the evidence is  
 744 clearly insufficient to qualify for relief. If the department  
 745 rejects a dispute, notice of such rejection ~~Any dispute rejected~~  
 746 ~~by the division shall be forwarded to the department and a copy~~  
 747 shall be sent by registered mail to the consumer and the  
 748 manufacturer, containing a brief explanation as to the reason  
 749 for rejection.

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

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754 ~~division~~, any determination made to reject a dispute is  
 755 admissible in evidence.

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

759 Section 32. Subsections (2), (4), (5), (11), and (12) of  
 760 section 681.1095, Florida Statutes, are amended to read:

761 681.1095 Florida New Motor Vehicle Arbitration Board;  
 762 creation and function.—

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

772 (4) Before filing a civil action on a matter subject to s.  
 773 681.104, the consumer must first submit the dispute to the  
 774 department ~~division~~, and to the board if such dispute is deemed  
 775 eligible for arbitration.

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

780 (11) All provisions in this section and s. 681.109  
 781 pertaining to compulsory arbitration before the board, the

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782 | dispute eligibility screening by the department ~~division~~, the  
 783 | proceedings and decisions of the board, and any appeals thereof,  
 784 | are exempt from the provisions of chapter 120.

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

794 |       Section 33. Subsections (2) and (4) of section 681.1096,  
 795 | Florida Statutes, are amended to read:

796 |       681.1096 RV Mediation and Arbitration Program; creation  
 797 | and qualifications.—

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

805 |       (4) The department shall monitor the program for  
 806 | compliance with this chapter. If the program is determined not  
 807 | qualified or if qualification is revoked, then disputes shall be  
 808 | subject to the provisions of ss. 681.109 and 681.1095. If the  
 809 | program is determined not qualified or if qualification is

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810 | revoked as to a manufacturer, all those manufacturers  
 811 | potentially involved in the eligible consumer dispute shall be  
 812 | required to submit to arbitration conducted by the board if such  
 813 | arbitration is requested by a consumer and the dispute is deemed  
 814 | eligible for arbitration by the department ~~division~~ pursuant to  
 815 | s. 681.109. A consumer having a dispute involving one or more  
 816 | manufacturers for which the program has been determined not  
 817 | qualified, or for which qualification has been revoked, is not  
 818 | required to submit the dispute to the program irrespective of  
 819 | whether the program may be qualified as to some of the  
 820 | manufacturers potentially involved in the dispute.

821 |       Section 34. Subsection (2) of section 681.112, Florida  
 822 | Statutes, is amended to read:

823 |       681.112 Consumer remedies.—

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

830 |       Section 35. Subsection (1) of section 681.117, Florida  
 831 | Statutes, is amended to read:

832 |       681.117 Fee.—

833 |       (1) A \$2 fee shall be collected by a motor vehicle dealer,  
 834 | or by a person engaged in the business of leasing motor  
 835 | vehicles, from the consumer at the consummation of the sale of a  
 836 | motor vehicle or at the time of entry into a lease agreement for  
 837 | a motor vehicle. Such fees shall be remitted to the county tax

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838 collector or private tag agency acting as agent for the  
 839 Department of Revenue. If the purchaser or lessee removes the  
 840 motor vehicle from the state for titling and registration  
 841 outside this state, the fee shall be remitted to the Department  
 842 of Revenue. All fees, less the cost of administration, shall be  
 843 transferred monthly to the Department of Legal Affairs for  
 844 deposit into the Motor Vehicle Warranty Trust Fund. ~~The~~  
 845 ~~Department of Legal Affairs shall distribute monthly an amount~~  
 846 ~~not exceeding one-fourth of the fees received to the Division of~~  
 847 ~~Consumer Services of the Department of Agriculture and Consumer~~  
 848 ~~Services to carry out the provisions of ss. 681.108 and 681.109.~~  
 849 ~~The Department of Legal Affairs shall contract with the Division~~  
 850 ~~of Consumer Services for payment of services performed by the~~  
 851 ~~division pursuant to ss. 681.108 and 681.109.~~

852 Section 36. (1) Effective upon this act becoming a law,  
 853 section 10 of chapter 2010-84, Laws of Florida, is amended to  
 854 read:

855 Section 10. This act shall take effect July 1, 2014 ~~2011~~.

856 (2) If this act becomes a law after June 30, 2011, this  
 857 section shall operate retroactively to June 30, 2011.

858 Section 37. Except as otherwise expressly provided in this  
 859 act and except for this section, which shall take effect upon  
 860 this act becoming a law, this act shall take effect July 1,  
 861 2011.