

27 written notification to the department within 120 days
 28 of certain conditions; providing that any indebtedness
 29 by the department shall be paid by the health studio
 30 to the department within 30 days of the Order being
 31 entered, for distribution to the consumer; providing
 32 that the department may collect payment from the
 33 surety if the health studio is unable to comply;
 34 providing that the department may file an action in
 35 Circuit Court to recover payment; providing that the
 36 department shall be allowed all court costs incurred
 37 therein and also reasonable attorney fees to be fixed
 38 and collected as a part of the costs of the suit;
 39 repealing ss. 501.057, 501.0571, 501.0573, 501.0575,
 40 501.0577, 501.0579, 501.0581, 501.0583, F.S.; relating
 41 to the Commercial Weight Loss Practices Act and s.
 42 501.143, F.S.; relating to the Dance Studio Act;
 43 amending s. 501.059, F.S.; providing that a person may
 44 not contact a donor or potential donor who has
 45 previously communicated to that person that he or she
 46 does not wish to receive an outbound telephone call;
 47 amending s. 501.603, F.S.; defining novelty payment as
 48 any payment method that does not provide systematic
 49 monitoring to detect and deter fraud; providing
 50 definitions for such payment methods; amending s.
 51 501.611, F.S.; revising requirements related to
 52 security under The Florida Telemarketing Act;

53 providing that claims against the bond shall be filed
 54 upon a form affidavit adopted by rule of the
 55 department; providing that any consumer filing a claim
 56 against the bond shall provide written notification to
 57 the department within 120 days of certain conditions;
 58 providing that any indebtedness by the department
 59 shall be paid by the telemarketer to the department
 60 within 30 days of the Order being entered, for
 61 distribution to the consumer; providing that the
 62 department may collect payment from the surety if the
 63 telemarketer is unable to comply; providing that the
 64 department may file an action in Circuit Court to
 65 recover payment; providing that the department shall
 66 be allowed all court costs incurred therein and also
 67 reasonable attorney fees to be fixed and collected as
 68 a part of the costs of the suit; amending s. 501.616,
 69 F.S.; specifying that it is unlawful for any
 70 commercial telephone seller or salesperson to accept a
 71 novelty payment; providing specific novelty payments;
 72 s. 501.913, F.S.; revising requirements related to
 73 antifreeze registration certification; amending s.
 74 525.16, F.S.; revising requirements related to
 75 gasoline and oil inspection; creating s. 526.015,
 76 F.S.; revising lubricating oil standards and labeling
 77 requirements; providing that it is unlawful to sell or
 78 distribute lubricating oil which fail to meet any

79 | standard or labeling requirements adopted by rule of
 80 | the department; requiring the department to place a
 81 | stop sale order for failure to comply with department
 82 | rule; providing requirements to issue a release order;
 83 | amending s. 526.50, F.S.; deleting reference to permit
 84 | year; amending s. 526.51, F.S.; revising requirements
 85 | related to the application for registration of brake
 86 | fluid; amending s. 539.001, F.S.; revising
 87 | requirements related to eligibility for licensure
 88 | under The Florida Pawnbroking Act; providing that
 89 | claims against the bond shall be filed upon a form
 90 | affidavit adopted by rule of the department; providing
 91 | that any consumer filing a claim against the bond
 92 | shall provide written notification to the department
 93 | within 120 days of certain conditions; providing that
 94 | any indebtedness by the department shall be paid by
 95 | the pawnbroker to the department within 30 days of the
 96 | Order being entered, for distribution to the consumer;
 97 | providing that the department may collect payment from
 98 | the surety if the pawnbroker is unable to comply;
 99 | providing that the department may file an action in
 100 | Circuit Court to recover payment; providing that the
 101 | department shall be allowed all court costs incurred
 102 | therein and also reasonable attorney fees to be fixed
 103 | and collected as a part of the costs of the suit;
 104 | revising administrative fines and civil penalties;

105 requiring the front of a pawnbroker transaction form
 106 to stipulate that weight must be obtained from a
 107 device properly approved by the department; amending
 108 s. 559.929, F.S; revising security requirements for
 109 Sellers of Travel; providing that claims against the
 110 bond shall be filed upon a form affidavit adopted by
 111 rule of the department; providing that any consumer
 112 filing a claim against the bond shall provide written
 113 notification to the department within 120 days of
 114 certain conditions; providing that any indebtedness by
 115 the department shall be paid by the pawnbroker to the
 116 department within 30 days of the Order being entered,
 117 for distribution to the consumer; providing that the
 118 department may collect payment from the surety if the
 119 pawnbroker is unable to comply; providing that the
 120 department may file an action in Circuit Court to
 121 recover payment; providing that the department shall
 122 be allowed all court costs incurred therein and also
 123 reasonable attorney fees to be fixed and collected as
 124 a part of the costs of the suit; amending s. 570.07,
 125 F.S.; revising the service requirements for
 126 administrative complaints against licensees of the
 127 Division of Licensing; providing additional notice
 128 requirements if proof of service requirements are not
 129 provided to the department; amending s. 943.059, F.S.;
 130 revising exceptions related to accessing court-ordered

131 sealing of criminal history records; providing the
 132 Bureau of License Issuance access to such records for
 133 use in the determination of an applicant's eligibility
 134 to carry a concealed weapon or firearm; providing an
 135 effective date.

136

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

138

139 Section 1. Paragraph (a) of subsection (1) of section
 140 493.6108, Florida Statutes, is amended to read:

141 493.6108 Investigation of applicants by Department of
 142 Agriculture and Consumer Services.—

143 (1) Except as otherwise provided, the department must
 144 investigate an applicant for a license under this chapter before
 145 it may issue the license. The investigation must include:

146 (a)1. An examination of fingerprint records and police
 147 records. If a criminal history record check of any applicant
 148 under this chapter is performed by means of fingerprint
 149 identification, the time limitations prescribed by s. 120.60(1)
 150 shall be tolled during the time the applicant's fingerprints are
 151 under review by the Department of Law Enforcement or the United
 152 States Department of Justice, Federal Bureau of Investigation.

153 2. If a legible set of fingerprints, as determined by the
 154 Department of Law Enforcement or the Federal Bureau of
 155 Investigation, cannot be obtained after two attempts, the
 156 Department of Agriculture and Consumer Services may determine

157 the applicant's eligibility based upon a criminal history record
 158 check under the applicant's name conducted by the Department of
 159 Law Enforcement ~~if the fingerprints are taken by a law~~
 160 ~~enforcement agency or the department and the applicant submits a~~
 161 ~~written statement signed by the fingerprint technician or a~~
 162 ~~licensed physician stating that there is a physical condition~~
 163 ~~that precludes obtaining a legible set of fingerprints or that~~
 164 ~~the fingerprints taken are the best that can be obtained.~~

165 Section 2. Paragraph (b) of subsection (3) of section
 166 493.6113, Florida Statutes, is amended to read:

167 493.6113 Renewal application for licensure.—

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

172 (b) Each Class "G" licensee shall additionally submit
 173 proof that he or she has received during each year of the
 174 license period a minimum of 4 hours of firearms recertification
 175 training taught by a Class "K" licensee and has complied with
 176 such other health and training requirements which the department
 177 shall adopt by rule. Proof of completion of firearms
 178 recertification training shall be submitted to the department
 179 upon completion of the training. If the licensee fails to
 180 complete the required 4 hours of annual training during the
 181 first year of the 2-year term of the license, the license shall
 182 be automatically suspended. The license holder must complete the

183 minimum number of hours of range and classroom training required
 184 at the time of initial licensure and submit proof of having
 185 completed such training to the department before the license
 186 will be reinstated. If the licensee fails to complete the
 187 required annual 4 hours of training during the second year of
 188 the 2-year term of the license, the license holder must complete
 189 the minimum number of hours of range and classroom training
 190 required at the time of initial licensure and submit proof of
 191 having completed such training to the department before the
 192 license can be renewed. The department may waive the firearms
 193 training requirement if ~~If documentation of completion of the~~
 194 ~~required training is not submitted by the end of the first year~~
 195 ~~of the 2-year term of the license, the individual's license~~
 196 ~~shall be automatically suspended until proof of the required~~
 197 ~~training is submitted to the department. If documentation of~~
 198 ~~completion of the required training is not submitted by the end~~
 199 ~~of the second year of the 2-year term of the license, the~~
 200 ~~license shall not be renewed unless the renewal applicant~~
 201 ~~completes the minimum number of hours of range and classroom~~
 202 ~~training required at the time of initial licensure. The~~
 203 ~~department may waive the firearms training requirement if:~~
 204 1. The applicant provides proof that he or she is
 205 currently certified as a law enforcement officer or correctional
 206 officer under the Criminal Justice Standards and Training
 207 Commission and has completed law enforcement firearms
 208 requalification training annually during the previous 2 years of

209 the licensure period;

210 2. The applicant provides proof that he or she is
 211 currently certified as a federal law enforcement officer and has
 212 received law enforcement firearms training administered by a
 213 federal law enforcement agency annually during the previous 2
 214 years of the licensure period; or

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

219 Section 3. Subsection (6) of section 493.6115, Florida
 220 Statutes, is amended to read:

221 493.6115 Weapons and firearms.—

222 (6) In addition to any other firearm approved by the
 223 department, a licensee who has been issued a Class "G" license
 224 may carry a .38 caliber revolver; or a .380 caliber or 9
 225 millimeter semiautomatic pistol; or a .357 caliber revolver with
 226 .38 caliber ammunition only; or a .40 caliber handgun; or a .45
 227 ACP handgun while performing duties authorized under this
 228 chapter. No licensee may carry more than two firearms upon her
 229 or his person when performing her or his duties. A licensee may
 230 only carry a firearm of the specific type and caliber with which
 231 she or he is qualified pursuant to the firearms training
 232 referenced in subsection (8) or s. 493.6113(3) (b).

233 Section 4. Subsection (4) is added to section 493.6305,
 234 Florida Statutes, to read:

235 493.6305 Uniforms, required wear; exceptions.—
 236 (4) Class "D" licensees who are also Class "G" licensees
 237 and who are performing bodyguard or executive protection
 238 services may carry their authorized firearm concealed while
 239 wearing plain clothes as needed to provide contracted service to
 240 the client.

241 Section 5. Section 501.016, Florida Statutes, is amended,
 242 to read:

243 501.016 Health studios; security requirements.—Each health
 244 studio that sells contracts for health studio services shall
 245 meet the following requirements:

246 (1) Each health studio shall maintain for each separate
 247 business location a bond issued by a surety company admitted to
 248 do business in this state. The principal sum of the bond shall
 249 be \$25,000, and the bond, when required, shall be obtained
 250 before a business tax receipt may be issued under chapter 205.
 251 Upon issuance of a business tax receipt, the licensing authority
 252 shall immediately notify the department of such issuance in a
 253 manner established by the department by rule. The bond shall be
 254 in favor of the department ~~state~~ for the benefit of any person
 255 injured as a result of a violation of ss. 501.012-501.019.
 256 Liability for these injuries may be determined in an
 257 administrative proceeding of the department or through a civil
 258 action in a court of competent jurisdiction. However, claims
 259 against the bond or certificate of deposit must only be paid, in
 260 amounts not to exceed the determined liability for these

261 injuries, by order of the department in an administrative
 262 proceeding. The aggregate liability of the surety to all persons
 263 for all breaches of the conditions of the bonds provided herein
 264 shall in no event exceed the amount of the bond. The original
 265 surety bond required by this section shall be filed with the
 266 department on a form adopted by rule of the department.

267 (2) In lieu of maintaining the bond required in subsection
 268 (1), the health studio may furnish to the department on a form
 269 adopted by rule of the department:

270 (a) An irrevocable letter of credit from any foreign or
 271 domestic bank in the amount of \$25,000; or

272 (b) A guaranty agreement that is secured by a certificate
 273 of deposit in the amount of \$25,000.

274 (3) Any consumer may file a claim against the bond or
 275 other form of security which shall be made in writing to the
 276 department within 120 days after an alleged injury has occurred
 277 or is discovered to have occurred or judgment has been obtained
 278 by a court of competent jurisdiction. The claim shall be filed
 279 upon a form affidavit adopted by rule of the department. The
 280 proceedings shall be held in accordance with Chapter 120. For
 281 proceedings held in accordance with ss. 120.569 and 120.57, the
 282 department shall act only as a nominal party.

283 (4) Any indebtedness determined by Final Order of the
 284 department shall be paid by the health studio to the department
 285 within 30 days of the Order being entered, for distribution to
 286 the consumer. If the health studio fails to make payment within

287 the 30 days then the department shall make demand upon the
 288 surety, which includes an institution issuing a letter of credit
 289 or depository on a certificate of deposit. Upon failure of a
 290 surety to comply with a demand for payment pursuant to a Final
 291 Order, the department may file an action in Circuit Court to
 292 recover payment, not to exceed the amount of the bond or other
 293 form of security, pursuant to s. 120.69. If the department is
 294 successful and the court affirms the department's demand for
 295 payment from the surety, the department shall be allowed all
 296 court costs incurred therein and also reasonable attorney fees
 297 to be fixed and collected as a part of the costs of the suit.

298
 299 The original letter of credit or certificate of deposit
 300 submitted in lieu of the bond shall be filed with the
 301 department. The department shall decide whether the security
 302 furnished in lieu of bond by the health studio is in compliance
 303 with the requirements of this section.

304
 305 (5)-(3) A health studio which sells contracts for future
 306 health studio services and which collects direct payment on a
 307 monthly basis for those services shall be exempt from the
 308 security requirements of subsections (1) and (2) provided that
 309 any service fee charged is a reasonable and fair service fee.
 310 The number of monthly payments in such a contract shall be equal
 311 to the number of months in the contract. The contract shall
 312 conform to all the requirements for future health studio

313 services contracts as specified in ss. 501.012-501.019 and shall
 314 specify in the terms of the contract the charges to be assessed
 315 for those health studio services.

316 (6)~~(4)~~ If the health studio furnishes the department with
 317 evidence satisfactory to the department that the aggregate
 318 dollar amount of all current outstanding contracts of the health
 319 studio is less than \$5,000, the department may, at its
 320 discretion, reduce the principal amount of the surety bond or
 321 other sufficient financial responsibility required in
 322 subsections (1) and (2) to a sum of not less than \$10,000.
 323 However, at any time the aggregate dollar amount of such
 324 contracts exceeds \$5,000, the health studio shall so notify the
 325 department and shall thereupon provide the bond or other
 326 documentation as required in subsections (1) and (2). Health
 327 studios whose bonds have been reduced must provide the
 328 department with an annually updated list of members. Failure to
 329 file an annual report will result in the department raising the
 330 security requirement to \$25,000.

331 (7)~~(5)~~ Each health studio shall furnish the department
 332 with a copy of the escrow account which would contain all funds
 333 received for future consumer services, whether by contract or
 334 otherwise, sold prior to the business location's full operation
 335 and specify a date certain for opening, if such an escrow
 336 account is established.

337 (8)~~(6)~~ Subsections (1) and (2) shall not apply to a health
 338 studio that has been operating continuously under the same

339 ownership and control for the most recent 5-year period in
 340 compliance with ss. 501.012-501.019 and the rules adopted
 341 thereunder and that has not had any civil, criminal, or
 342 administrative adjudication against it by any state or federal
 343 agency; and that has a satisfactory consumer complaint history.
 344 As used in this subsection, the term "satisfactory consumer
 345 complaint history" means that no unresolved consumer complaints
 346 regarding the health studio are on file with the department. A
 347 consumer complaint is unresolved if a health studio has not
 348 responded to the department's efforts to mediate the complaint
 349 or if there has been an adjudication that the health studio has
 350 violated ss. 501.012-501.019 or the rules adopted thereunder.
 351 Such exemption extends to all current and future business
 352 locations of an exempt health studio.

353 (9)~~(7)~~ A business, otherwise defined as a health studio,
 354 which sells a single contract of 30 days or less to any member
 355 without any option for renewal or any other condition which
 356 establishes any right in the member beyond the term of such
 357 contract is exempt from the provisions of this section. This
 358 exemption shall not apply if the business offers any other
 359 health studio contract of whatever duration at any time during
 360 or prior to the existence of such single contract of 30 days or
 361 less.

362 (10)~~(8)~~ Except in the case of a natural disaster or an act
 363 of God, a health studio that is exempt from the requirements of
 364 subsections (1) and (2), but that has no business locations open

365 for 14 consecutive days, waives its exemption and is considered
 366 to be a new health studio for the purposes of ss. 501.012-
 367 501.019.

368 Section 6. Sections 501.057, 501.0571, 501.0573, 501.0575,
 369 501.0577, 501.0579, 501.0581, 501,0583, and 501.143 Florida
 370 Statutes, are repealed.

371 Section 7. Subsection (5) of section 501.059, Florida
 372 Statutes, is amended to read:

373 501.059 Telephone solicitation.-

374 (5) A telephone solicitor or person may not initiate an
 375 outbound telephone call to a consumer or donor or potential
 376 donor who has previously communicated to the telephone solicitor
 377 or person that he or she does not wish to receive an outbound
 378 telephone call:

379 (a) Made by or on behalf of the seller whose goods or
 380 services are being offered; or

381 (b) Made on behalf of a charitable organization for which
 382 a charitable contribution is being solicited.

383 Section 8. Subsection (12) of section 501.603, Florida
 384 Statutes, is added to that section, to read:

385 501.603 Definitions.-As used in this part, unless the
 386 context otherwise requires, the term:

387 (12) "Novelty Payment" refers to any payment method that
 388 does not provide systematic monitoring to detect and deter fraud
 389 including, but not limited to:

390 (a) A "remotely created check" which means a check that is

391 not created by the paying bank and that does not bear a
392 signature applied, or purported to be applied, by the person on
393 whose account the check is drawn.

394 (b) A "remotely created payment order" which means a
395 payment instruction or order drawn on a person's account that is
396 initiated or created by the payee and that does not bear a
397 signature applied, or purported to be applied, by the person on
398 whose account the order is drawn, and which is cleared through
399 the check clearing system.

400 (c) A "cash-to-cash money transfer" which means the
401 electronic transfer of the value of cash received from one
402 person to another person in a different location that is sent by
403 a money transfer provider and received in the form of cash. For
404 purposes of this definition, money transfer provider means any
405 person or financial institution that provides cash-to-cash money
406 transfers for a person in the normal course of its business,
407 whether or not the person holds an account with such person or
408 financial institution.

409 (d) A "cash reload mechanism" which makes it possible to
410 convert cash into an electronic form that a person can use to
411 add money to a general-use prepaid card or an online account
412 with a payment intermediary. For purposes of this definition, a
413 cash reload mechanism (1) is purchased by a person on a prepaid
414 basis, (2) enables access to the funds via an authorization code
415 or other security measure, and (3) is not itself a general-use
416 prepaid card.

417 Section 9. Subsections (2), (3), and (4) of section
 418 501.611, Florida Statutes, are amended, and subsections (5) and
 419 (6) are added to that section, to read:

420 501.611 Security.—

421 (2) The amount of the bond, letter of credit, or
 422 certificate of deposit must be a minimum of \$50,000, and the
 423 bond, letter of credit, or certificate of deposit shall be in
 424 favor of the department for the use and benefit of any purchaser
 425 who is injured by the fraud, misrepresentation, breach of
 426 contract, financial failure, or violation of any provision of
 427 this part by the applicant ~~must be conditioned upon compliance~~
 428 ~~by the applicant with the provisions of this part.~~ The
 429 department may, at its discretion, establish a bond of a greater
 430 amount to ensure the general welfare of the public and the
 431 interests of the telemarketing industry.

432 (3) The bond shall be posted with the department and shall
 433 remain in force throughout the period of licensure with the
 434 department on a form adopted by rule of the department.

435 (4) The department or any governmental agency, on behalf
 436 of any injured purchaser or any purchaser herself or himself who
 437 is injured by ~~the bankruptcy of the applicant or her or his~~
 438 ~~breach of any agreement entered into in her or his capacity as a~~
 439 ~~licensee,~~ may bring and maintain an action to recover against
 440 the bond, letter of credit, or certificate of deposit.

441 (5) Any purchaser may file a claim against the bond or
 442 other form of security which shall be made in writing to the

443 department within 120 days after an alleged injury has occurred
 444 or is discovered to have occurred or judgment has been obtained
 445 by a court of competent jurisdiction. The claim shall be filed
 446 upon a form affidavit adopted by rule of the department. The
 447 proceedings shall be held in accordance with Chapter 120. For
 448 proceedings held in accordance with ss. 120.569 and 120.57, the
 449 department shall act only as a nominal party.

450 (6) Any indebtedness determined by Final Order of the
 451 Department shall be paid by the commercial telephone seller to
 452 the department within 30 days of the Order being entered, for
 453 distribution to the purchaser. If the commercial telephone
 454 seller fails to make payment within the 30 days then the
 455 department shall make demand upon the surety, which includes an
 456 institution issuing a letter of credit or depository on a
 457 certificate of deposit. Upon failure of a surety to comply with
 458 a demand for payment pursuant to a Final Order, the department
 459 may file an action in Circuit Court to recover payment, not to
 460 exceed the amount of the bond or other form of security,
 461 pursuant to s. 120.69. If the department is successful and the
 462 court affirms the department's demand for payment from the
 463 surety, the department shall be allowed all court costs incurred
 464 therein and also reasonable attorney fees to be fixed and
 465 collected as a part of the costs of the suit.

466 Section 10. Subsection (1) of section 501.616, Florida
 467 Statutes, is amended to read:

468 501.616 Unlawful acts and practices.—

469 (1) It shall be unlawful for any commercial telephone
 470 seller or salesperson to accept a novelty payment, directly or
 471 indirectly, which shall include but not be limited to a cash-to-
 472 cash money transfer, cash reload mechanism, remotely created
 473 check, remotely created payment order or any novelty payment as
 474 defined by rule of the Department as payment for goods or
 475 services offered or sold through telemarketing ~~It shall be~~
 476 ~~unlawful for any commercial telephone seller or salesperson to~~
 477 ~~require that payment be by credit card authorization or~~
 478 ~~otherwise to announce a preference for that method of payment.~~

479 Section 11. Subsection (1) of section 501.913, Florida
 480 Statutes, is amended to read:

481 501.913 Registration.—

482 (1) Each brand of antifreeze to be distributed in this
 483 state shall be registered with the department before
 484 distribution. The person whose name appears on the label, the
 485 manufacturer, or the packager shall make application to the
 486 department on forms provided by the department annually ~~no later~~
 487 ~~than July 1 of each year.~~ The registration certificate shall
 488 expire one year from the date of issue. The registrant assumes,
 489 by application to register the brand, full responsibility for
 490 the registration, quality, and quantity of the product sold,
 491 offered, or exposed for sale in this state. If a registered
 492 brand is not in production for distribution in this state and to
 493 ensure any remaining product that is still available for sale in
 494 the state is properly registered, the registrant must submit a

495 | notarized affidavit on company letterhead to the department
 496 | certifying that:

- 497 | (a) The stated brand is no longer in production;
- 498 | (b) The stated brand will not be distributed in this
 499 | state; and
- 500 | (c) All existing product of the stated brand will be
 501 | removed by the registrant from the state within 30 days after
 502 | expiration of the registration or the registrant will reregister
 503 | the brand for two subsequent registration periods.

504 |
 505 | If production resumes, the brand must be reregistered before it
 506 | is distributed in this state.

507 | Section 12. Subsection (1) of section 525.16, Florida
 508 | Statutes, is amended to read:

509 | 525.16 Administrative fine; penalties; prosecution of
 510 | cases by state attorney.—

511 | (1) (a) The department may enter an order imposing one or
 512 | more of the following penalties against any person who violates
 513 | any of the provisions of this chapter or the rules adopted under
 514 | this chapter or impedes, obstructs, or hinders the department in
 515 | the performance of its duty in connection with the provisions of
 516 | this chapter:

- 517 | 1. Issuance of a warning letter.
- 518 | 2. Imposition of an administrative fine of not more than
 519 | \$1,000 per violation for a first-time offender. For a second-
 520 | time or repeat offender, or any person who is shown to have

521 willfully and intentionally violated any provision of this
 522 chapter, the administrative fine shall not exceed \$5,000 per
 523 violation. When imposing any fine under this section, the
 524 department shall consider the degree and extent of harm caused
 525 by the violation, the cost of rectifying the damage, the amount
 526 of money the violator benefited from by noncompliance, whether
 527 the violation was committed willfully, and the compliance record
 528 of the violator.

529 3. Revocation or suspension of any registration issued by
 530 the department.

531 (b) If, 3 years after the date ~~day of issuance~~ of the last
 532 ~~stop-sale order for a~~ violation under this chapter, no new
 533 violation has occurred at the same location during the
 534 proprietorship of the same person, all previous fines shall be
 535 disregarded when administering a fine for the next violation.

536 Section 13. Section 526.015, Florida Statutes, is created
 537 to read:

538 526.015 .-Lubricating oil standards and labeling
 539 requirements.-

540 (1) It is unlawful to sell or distribute, or offer for
 541 sale or distribution, any lubricating oil which fails to meet
 542 any standard or labeling requirement adopted by rule of the
 543 department.

544 (2) Any product which fails to meet any standard or
 545 labeling requirement adopted by rule shall be placed under a
 546 stop-sale order by the department and the lot identified and

547 tagged by the department to prohibit sale of said product.

548 (3) It shall be unlawful to sell, distribute, or offer for
 549 sale or distribution, any product that has been placed under
 550 stop-sale order.

551 (4) If the product is made to conform to standards and
 552 labeling requirements or is removed from the premises in a
 553 manner approved by the department, the department shall issue a
 554 release order.

555 Section 14. Section 526.50, Florida Statutes, is amended
 556 to read:

557 526.50 Definition of terms.—As used in this part:

558 (1) "Brake fluid" means the fluid intended for use as the
 559 liquid medium through which force is transmitted in the
 560 hydraulic brake system of a vehicle operated upon the highways.

561 (2) "Department" means the Department of Agriculture and
 562 Consumer Services.

563 (3) "Sell" includes give, distribute, barter, exchange,
 564 trade, keep for sale, offer for sale or expose for sale, in any
 565 of their variant forms.

566 (4) "Labeling" includes all written, printed or graphic
 567 representations, in any form whatsoever, imprinted upon or
 568 affixed to any container of brake fluid.

569 (5) "Container" means any receptacle in which brake fluid
 570 is immediately contained when sold, but does not mean a carton
 571 or wrapping in which a number of such receptacles are shipped or
 572 stored or a tank car or truck.

573 (6) ~~"Permit year" means a period of 12 months commencing~~
 574 ~~July 1 and ending on the next succeeding June 30.~~

575 ~~(7)~~ "Registrant" means any manufacturer, packer,
 576 distributor, seller, or other person who has registered a brake
 577 fluid with the department.

578 (7)~~(8)~~ "Brand" means the product name appearing on the
 579 label of a container of brake fluid.

580 (8)~~(9)~~ "Formula" means the name of the chemical mixture or
 581 composition of the brake fluid product.

582 Section 15. Subsection (1) of section 526.51, Florida
 583 Statutes, is amended to read:

584 526.51 Registration; renewal and fees; departmental
 585 expenses; cancellation or refusal to issue or renew.—

586 (1) (a) Application for registration of each brand of brake
 587 fluid shall be made on forms supplied by the department. The
 588 applicant shall give his or her name and address and the brand
 589 name of the brake fluid, state that he or she owns the brand
 590 name and has complete control over the product sold thereunder
 591 in this state, and provide the name and address of the resident
 592 agent in this state. If the applicant does not own the brand
 593 name but wishes to register the product with the department, a
 594 notarized affidavit that gives the applicant full authorization
 595 to register the brand name and that is signed by the owner of
 596 the brand name must accompany the application for registration.
 597 The affidavit must include all affected brand names, the owner's
 598 company or corporate name and address, the applicant's company

599 or corporate name and address, and a statement from the owner
600 authorizing the applicant to register the product with the
601 department. The owner of the brand name shall maintain complete
602 control over each product sold under that brand name in this
603 state. All first-time applications for a brand and formula
604 combination must be accompanied by a certified report from an
605 independent testing laboratory, setting forth the analysis of
606 the brake fluid which shows its quality to be not less than the
607 specifications established by the department for brake fluids. A
608 sample of not less than 24 fluid ounces of brake fluid shall be
609 submitted, in a container or containers, with labels
610 representing exactly how the containers of brake fluid will be
611 labeled when sold, and the sample and container shall be
612 analyzed and inspected by the department in order that
613 compliance with the department's specifications and labeling
614 requirements may be verified. Upon approval of the application,
615 the department shall register the brand name of the brake fluid
616 and issue to the applicant a permit authorizing the registrant
617 to sell the brake fluid in this state which shall be effective
618 for a period of 12 months commencing on the date the permit was
619 issued and expiring 12 months from that day ~~during the permit~~
620 ~~year specified in the permit.~~

621 (b) Each applicant shall pay a fee of \$100 with each
622 application. A permit may be renewed by application to the
623 department, accompanied by a renewal fee of \$50 on or before the
624 expiration of the previously issued permit ~~last day of the~~

625 ~~permit year immediately preceding the permit year for which~~
626 ~~application is made for renewal of registration.~~ To reregister a
627 previously registered brand and formula combination, an
628 applicant must submit a completed application and all materials
629 as required in this section to the department before the
630 expiration of the previously issued permit ~~first day of the~~
631 ~~permit year~~. A brand and formula combination for which a
632 completed application and all materials required in this section
633 are not received before expiration of the previously issued
634 permit ~~the first day of the permit year~~ may not be registered
635 with the department until a completed application and all
636 materials required in this section have been received and
637 approved. If the brand and formula combination was previously
638 registered with the department and a fee, application, or
639 materials required in this section are received after expiration
640 of the previously issued permit ~~the first day of the permit~~
641 ~~year~~, a penalty of \$25 accrues, which shall be added to the fee.
642 Renewals shall be accepted only on brake fluids that have no
643 change in formula, composition, or brand name. Any change in
644 formula, composition, or brand name of any brake fluid
645 constitutes a new product that must be registered in accordance
646 with this part.

647 (c) In order to ensure that any remaining product still
648 available for sale in this state is properly registered, if a
649 registered brand and formula combination is no longer in
650 production for distribution in this state, the registrant must

651 submit a notarized affidavit on company letterhead to the
 652 department certifying that:

653 1. The stated brand and formula combination is no longer
 654 in production;

655 2. The stated brand and formula combination will not be
 656 distributed in this state; and

657 3. All existing product of the stated brand and formula
 658 combination will be removed by the registrant from the state
 659 within 30 days after the expiration of the registration or that
 660 the registrant will reregister the brand and formula combination
 661 for two subsequent years ~~registration periods~~.

662

663 If production resumes, the brand and formula combination must be
 664 reregistered before it is again distributed in this state.

665 Section 16. Paragraph (a) of subsection (4), paragraphs
 666 (b) and (d) of subsection (7), and paragraph (b) of subsection
 667 (8) of section 539.001, Florida Statutes, are amended to read:

668 539.001 The Florida Pawnbroking Act.—

669 (4) ELIGIBILITY FOR LICENSE.—

670 (a) To be eligible for a pawnbroker's license, an
 671 applicant must:

672 1. Be of good moral character;

673 2. Have a net worth of at least \$50,000 or file with the
 674 agency a bond issued by a surety company qualified to do
 675 business in this state in the amount of \$10,000 for each
 676 license. In lieu of the bond required in this section, the

677 applicant may establish a certificate of deposit or an
 678 irrevocable letter of credit in a Florida banking institution in
 679 the amount of the bond. The original bond, certificate of
 680 deposit, or letter of credit shall be filed with the agency on a
 681 form adopted by rule of the agency, and the agency shall be the
 682 beneficiary to said document. The bond, certificate of deposit,
 683 or letter of credit shall be in favor of the agency for the use
 684 and benefit of any consumer who is injured by the fraud,
 685 misrepresentation, breach of contract, financial failure, or
 686 violation of any provision of this section by the pawnbroker.
 687 Such liability may be enforced either by proceeding in an
 688 administrative action or by filing a judicial suit at law in a
 689 court of competent jurisdiction. However, in such court suit,
 690 the bond, certificate of deposit, or letter of credit posted
 691 with the agency shall not be amenable or subject to any judgment
 692 or other legal process issuing out of or from such court in
 693 connection with such lawsuit, but such bond, certificate of
 694 deposit, or letter of credit shall be amenable to and
 695 enforceable only by and through administrative proceedings
 696 before the agency. It is the intent of the Legislature that such
 697 bond, certificate of deposit, or letter of credit shall be
 698 applicable and liable only for the payment of claims duly
 699 adjudicated by order of the agency. The bond, certificate of
 700 deposit, or letter of credit shall be payable on a pro rata
 701 basis as determined by the agency, but the aggregate amount may
 702 not exceed the amount of the bond, certificate of deposit, or

703 letter of credit. Any consumer may file a claim against the bond
 704 or other form of security which shall be made in writing to the
 705 agency within 120 days after an alleged injury has occurred or
 706 is discovered to have occurred or judgment has been obtained by
 707 a court of competent jurisdiction. The claim shall be filed upon
 708 a form affidavit adopted by rule of the agency. The proceedings
 709 shall be held in accordance with Chapter 120. For proceedings
 710 held in accordance with ss. 120.569 and 120.57, the agency shall
 711 act only as a nominal party. Any indebtedness determined by
 712 Final Order of the agency shall be paid by the pawnbroker to the
 713 agency within 30 days of the Order being entered, for
 714 distribution to the consumer. If the pawnbroker fails to make
 715 payment within the 30 days then the agency shall make demand
 716 upon the surety, which includes an institution issuing a letter
 717 of credit or depository on a certificate of deposit. Upon
 718 failure of a surety to comply with a demand for payment pursuant
 719 to a Final Order, the agency may file an action in Circuit Court
 720 to recover payment, not to exceed the amount of the bond or
 721 other form of security, pursuant to s. 120.69. If the agency is
 722 successful and the court affirms the agency's demand for payment
 723 from the surety, the agency shall be allowed all court costs
 724 incurred therein and also reasonable attorney fees to be fixed
 725 and collected as a part of the costs of the suit;

726 3. Not have been convicted of, or found guilty of, or pled
 727 guilty or nolo contendere to, or not have been incarcerated
 728 within the last 10 years as a result of having previously been

729 convicted of, or found guilty of, or pled guilty or nolo
 730 contendere to, regardless of adjudication, a felony within the
 731 last 10 years and not be acting as a beneficial owner for
 732 someone who has been convicted of, or found guilty of, or pled
 733 guilty or nolo contendere to, regardless of adjudication, a
 734 felony within the last 10 years; and

735 4. Not have been convicted of, or found guilty of, or pled
 736 guilty or nolo contendere to, or not have been incarcerated
 737 within the last 10 years as a result of having previously been
 738 convicted of, or found guilty of, or pled guilty or nolo
 739 contendere to, regardless of adjudication, a crime that involves
 740 theft, larceny, dealing in stolen property, receiving stolen
 741 property, burglary, embezzlement, obtaining property by false
 742 pretenses, possession of altered property, or any other
 743 fraudulent or dishonest dealing within the last 10 years, and
 744 not be acting as a beneficial owner for someone who has been
 745 convicted, of, or found guilty of, or pled guilty or nolo
 746 contendere to, or has been incarcerated within the last 10 years
 747 as a result of having previously been convicted of, or found
 748 guilty of, or pled guilty or nolo contendere to, regardless of
 749 adjudication, a crime that involves theft, larceny, dealing in
 750 stolen property, receiving stolen property, burglary,
 751 embezzlement, obtaining property by false pretenses, possession
 752 of altered property, or any other fraudulent or dishonest
 753 dealing within the last 10 years.

754 (7) ORDERS IMPOSING PENALTIES.—

755 (b) Upon a finding as set forth in paragraph (a), the
 756 agency may enter an order doing one or more of the following:

757 1. Issuing a notice of noncompliance pursuant to s.
 758 120.695.

759 2. Imposing an administrative fine not to exceed the
 760 greater of \$5,000 or the maximum fine allowed under s. 570.400
 761 in the Class II category for each act which constitutes a
 762 violation of this section or a rule or an order.

763 3. Directing that the pawnbroker cease and desist
 764 specified activities.

765 4. Refusing to license or revoking or suspending a
 766 license.

767 5. Placing the licensee on probation for a period of time,
 768 subject to such conditions as the agency may specify.

769 (d)1. When the agency, if a violation of this section
 770 occurs, has reasonable cause to believe that a person is
 771 operating in violation of this section, the agency may bring a
 772 civil action in the appropriate court for temporary or permanent
 773 injunctive relief and may seek other appropriate civil relief,
 774 including a civil penalty not to exceed the greater of \$5,000 or
 775 the maximum fine allowed under s. 570.400 in the Class II
 776 category for each violation, restitution and damages for injured
 777 customers, court costs, and reasonable attorney's fees.

778 2. The agency may terminate any investigation or action
 779 upon agreement by the offender to pay a stipulated civil
 780 penalty, to make restitution or pay damages to customers, or to

781 satisfy any other relief authorized herein and requested by the
782 agency.

783 (8) PAWNBROKER TRANSACTION FORM.—

784 (b) The front of the pawnbroker transaction form must
785 include:

786 1. The name and address of the pawnshop.

787 2. A complete and accurate description of the pledged
788 goods or purchased goods, including the following information,
789 if applicable:

790 a. Brand name.

791 b. Model number.

792 c. Manufacturer's serial number.

793 d. Size.

794 e. Color, as apparent to the untrained eye.

795 f. Precious metal type, weight, and content, if known. Any
796 Weight must be obtained from a device properly approved by the
797 Department of Agriculture and Consumer Services, and in
798 compliance with s. 531.39, 531.40, and any other appropriate
799 provision of Chapter 531.

800 g. Gemstone description, including the number of stones.

801 h. In the case of firearms, the type of action, caliber or
802 gauge, number of barrels, barrel length, and finish.

803 i. Any other unique identifying marks, numbers, names, or
804 letters.

805

806 Notwithstanding sub-subparagraphs a.-i., in the case of multiple

807 items of a similar nature delivered together in one transaction
 808 which do not bear serial or model numbers and which do not
 809 include precious metal or gemstones, such as musical or video
 810 recordings, books, and hand tools, the description of the items
 811 is adequate if it contains the quantity of items and a
 812 description of the type of items delivered.

813 3. The name, address, home telephone number, place of
 814 employment, date of birth, physical description, and right
 815 thumbprint of the pledgor or seller.

816 4. The date and time of the transaction.

817 5. The type of identification accepted from the pledgor or
 818 seller, including the issuing agency and the identification
 819 number.

820 6. In the case of a pawn:

821 a. The amount of money advanced, which must be designated
 822 as the amount financed;

823 b. The maturity date of the pawn, which must be 30 days
 824 after the date of the pawn;

825 c. The default date of the pawn and the amount due on the
 826 default date;

827 d. The total pawn service charge payable on the maturity
 828 date, which must be designated as the finance charge;

829 e. The amount financed plus the finance charge that must
 830 be paid to redeem the pledged goods on the maturity date, which
 831 must be designated as the total of payments;

832 f. The annual percentage rate, computed according to the

833 regulations adopted by the Federal Reserve Board under the
 834 federal Truth in Lending Act; and

835 g. The front or back of the pawnbroker transaction form
 836 must include a statement that:

837 (I) Any personal property pledged to a pawnbroker within
 838 this state which is not redeemed within 30 days following the
 839 maturity date of the pawn, if the 30th day is not a business
 840 day, then the following business day, is automatically forfeited
 841 to the pawnbroker, and absolute right, title, and interest in
 842 and to the property vests in and is deemed conveyed to the
 843 pawnbroker by operation of law, and no further notice is
 844 necessary;

845 (II) The pledgor is not obligated to redeem the pledged
 846 goods; and

847 (III) If the pawnbroker transaction form is lost,
 848 destroyed, or stolen, the pledgor must immediately advise the
 849 issuing pawnbroker in writing by certified or registered mail,
 850 return receipt requested, or in person evidenced by a signed
 851 receipt.

852 (IV) A pawn may be extended upon mutual agreement of the
 853 parties.

854 7. In the case of a purchase, the amount of money paid for
 855 the goods or the monetary value assigned to the goods in
 856 connection with the transaction.

857 8. A statement that the pledgor or seller of the item
 858 represents and warrants that it is not stolen, that it has no

859 liens or encumbrances against it, and that the pledgor or seller
 860 is the rightful owner of the goods and has the right to enter
 861 into the transaction.

862 Any person who knowingly gives false verification of ownership
 863 or gives a false or altered identification and who receives
 864 money from a pawnbroker for goods sold or pledged commits:

865 a. If the value of the money received is less than
 866 \$300, a felony of the third degree, punishable as provided in s.
 867 775.082, s. 775.083, or s. 775.084.

868 b. If the value of the money received is \$300 or more, a
 869 felony of the second degree, punishable as provided in s.
 870 775.082, s. 775.083, or s. 775.084.

871 Section 17. Section 559.929, Florida Statutes, is amended
 872 to read:

873 559.929 Security requirements.—

874 (1) An application must be accompanied by a performance
 875 bond in an amount set by the department under paragraph (a),
 876 paragraph (b), or paragraph (c). The surety on such bond shall
 877 be a surety company authorized to do business in the state.

878 (a) Each seller of travel that certifies its business
 879 activities under s. 559.9285(1)(a) shall provide a performance
 880 bond in an amount not to exceed \$25,000, or in the amount of
 881 \$50,000 if the seller of travel is offering vacation
 882 certificates.

883 (b) Each seller of travel that certifies its business
 884 activities under s. 559.9285(1)(b) shall provide a performance

885 | bond in an amount not to exceed \$100,000, or in the amount of
 886 | \$150,000 if the seller of travel is offering vacation
 887 | certificates.

888 | (c) Each seller of travel that certifies its business
 889 | activities under s. 559.9285(1)(c) shall provide a performance
 890 | bond in an amount not to exceed \$250,000, or in the amount of
 891 | \$300,000 if the seller of travel is offering vacation
 892 | certificates.

893 | (2) The bond shall be in favor of the department on a form
 894 | adopted by rule of the department for the use and benefit of any
 895 | traveler who is injured by the fraud, misrepresentation, breach
 896 | of contract, financial failure, or violation of any provision of
 897 | this part by the seller of travel. Such liability may be
 898 | enforced either by proceeding in an administrative action as
 899 | specified in subsection (3) or by filing a judicial suit at law
 900 | in a court of competent jurisdiction. However, in such court
 901 | suit the bond posted with the department shall not be amenable
 902 | or subject to any judgment or other legal process issuing out of
 903 | or from such court in connection with such lawsuit, but such
 904 | bond shall be amenable to and enforceable only by and through
 905 | administrative proceedings before the department. It is the
 906 | intent of the Legislature that such bond shall be applicable and
 907 | liable only for the payment of claims duly adjudicated by order
 908 | of the department. The bond shall be open to successive claims,
 909 | but the aggregate amount may not exceed the amount of the bond.
 910 | In addition to the foregoing, a bond provided by a registrant or

911 applicant for registration which certifies its business
 912 activities under s. 559.9285(1)(b) or (c) shall be in favor of
 913 the department, with payment in the following order of priority:

914 (a) All expenses for prosecuting the registrant or
 915 applicant in any administrative or civil action under this part,
 916 including fees for attorneys and other professionals, court
 917 costs or other costs of the proceedings, and all other expenses
 918 incidental to the action.

919 (b) All costs and expenses of investigation prior to the
 920 commencement of an administrative or civil action under this
 921 part.

922 (c) Any unpaid administrative fine imposed by final order
 923 or any unpaid civil penalty imposed by final judgment under this
 924 part.

925 (d) Damages or compensation for any traveler injured as
 926 provided in this subsection.

927 (3) Any traveler may file a claim against the bond which
 928 shall be made in writing to the department within 120 days after
 929 an alleged injury has occurred or is discovered to have occurred
 930 or judgment has been obtained by a court of competent
 931 jurisdiction. The claim shall be filed upon a form affidavit
 932 adopted by rule of the department. The proceedings shall be
 933 held in accordance with Chapter 120. For ~~The~~ proceedings ~~shall~~
 934 be held in accordance with ss. 120.569 and 120.57, the
 935 department shall act only as a nominal party.

936 (4) Any indebtedness determined by Final Order of the

937 Department shall be paid by the seller of travel to the
 938 department within 30 days of the Order being entered, for
 939 distribution to the traveler. If the seller of travel fails to
 940 make payment within the 30 days then the department shall make
 941 demand upon the surety, which includes an institution issuing a
 942 letter of credit or depository on a certificate of deposit. Upon
 943 failure of a surety to comply with a demand for payment pursuant
 944 to a Final Order, the department may file an action in Circuit
 945 Court to recover payment, not to exceed the amount of the bond
 946 or other form of security, pursuant to s. 120.69. If the
 947 department is successful and the court affirms the department's
 948 demand for payment from the surety, the department shall be
 949 allowed all court costs incurred therein and also reasonable
 950 attorney fees to be fixed and collected as a part of the costs
 951 of the suit.

952 (5)~~(4)~~ In any situation in which the seller of travel is
 953 currently the subject of an administrative, civil, or criminal
 954 action by the department, the Department of Legal Affairs, or
 955 the state attorney concerning compliance with this part, the
 956 right to proceed against the bond as provided in subsection (3)
 957 shall be suspended until after any enforcement action becomes
 958 final.

959 (6)~~(5)~~ The department may waive the bond requirement on an
 960 annual basis if the seller of travel has had 5 or more
 961 consecutive years of experience as a seller of travel in Florida
 962 in compliance with this part, has not had any civil, criminal,

963 or administrative action instituted against the seller of travel
 964 in the vacation and travel business by any governmental agency
 965 or any action involving fraud, theft, misappropriation of
 966 property, violation of any statute pertaining to business or
 967 commerce with any terrorist state, or moral turpitude, and has a
 968 satisfactory consumer complaint history with the department, and
 969 certifies its business activities under s. 559.9285. Such waiver
 970 may be revoked if the seller of travel violates any provision of
 971 this part. A seller of travel that certifies its business
 972 activities under s. 559.9285(1)(b) or (c) is not entitled to the
 973 waiver provided in this subsection.

974 Section 18. Subsection (43) is added to section 570.07,
 975 Florida Statutes, to read:

976 570.07 Department of Agriculture and Consumer Services;
 977 functions, powers, and duties.—The department shall have and
 978 exercise the following functions, powers, and duties:

979 (43) (a) Notwithstanding any provision of law, when an
 980 administrative complaint is served on a licensee of the Division
 981 of Licensing pursuant to s. 790.06, the division shall provide
 982 service by regular mail to the licensee's last known address of
 983 record, by certified mail to the last known address of record,
 984 and, if possible, by e-mail.

985 (b) If service, as provided in paragraph (a), does not
 986 provide the division with proof of service and the individual
 987 has an address on file with the division in some other state
 988 than this state or in a foreign territory or country, the

989 division shall call, if available, the last known telephone
 990 number of record, shall publish notice in a newspaper of general
 991 circulation in Leon County, and shall cause a short, plain
 992 notice to the license to be posted on the front page of the
 993 Department of Agriculture and Consumer Services website.

994 Section 19. Subsection (4) of section 943.059, Florida
 995 Statutes, is amended to read:

996 943.059 Court-ordered sealing of criminal history
 997 records.—The courts of this state shall continue to have
 998 jurisdiction over their own procedures, including the
 999 maintenance, sealing, and correction of judicial records
 1000 containing criminal history information to the extent such
 1001 procedures are not inconsistent with the conditions,
 1002 responsibilities, and duties established by this section. Any
 1003 court of competent jurisdiction may order a criminal justice
 1004 agency to seal the criminal history record of a minor or an
 1005 adult who complies with the requirements of this section. The
 1006 court shall not order a criminal justice agency to seal a
 1007 criminal history record until the person seeking to seal a
 1008 criminal history record has applied for and received a
 1009 certificate of eligibility for sealing pursuant to subsection
 1010 (2). A criminal history record that relates to a violation of s.
 1011 393.135, s. 394.4593, s. 787.025, chapter 794, s. 796.03, s.
 1012 800.04, s. 810.14, s. 817.034, s. 825.1025, s. 827.071, chapter
 1013 839, s. 847.0133, s. 847.0135, s. 847.0145, s. 893.135, s.
 1014 916.1075, a violation enumerated in s. 907.041, or any violation

1015 specified as a predicate offense for registration as a sexual
 1016 predator pursuant to s. 775.21, without regard to whether that
 1017 offense alone is sufficient to require such registration, or for
 1018 registration as a sexual offender pursuant to s. 943.0435, may
 1019 not be sealed, without regard to whether adjudication was
 1020 withheld, if the defendant was found guilty of or pled guilty or
 1021 nolo contendere to the offense, or if the defendant, as a minor,
 1022 was found to have committed or pled guilty or nolo contendere to
 1023 committing the offense as a delinquent act. The court may only
 1024 order sealing of a criminal history record pertaining to one
 1025 arrest or one incident of alleged criminal activity, except as
 1026 provided in this section. The court may, at its sole discretion,
 1027 order the sealing of a criminal history record pertaining to
 1028 more than one arrest if the additional arrests directly relate
 1029 to the original arrest. If the court intends to order the
 1030 sealing of records pertaining to such additional arrests, such
 1031 intent must be specified in the order. A criminal justice agency
 1032 may not seal any record pertaining to such additional arrests if
 1033 the order to seal does not articulate the intention of the court
 1034 to seal records pertaining to more than one arrest. This section
 1035 does not prevent the court from ordering the sealing of only a
 1036 portion of a criminal history record pertaining to one arrest or
 1037 one incident of alleged criminal activity. Notwithstanding any
 1038 law to the contrary, a criminal justice agency may comply with
 1039 laws, court orders, and official requests of other jurisdictions
 1040 relating to sealing, correction, or confidential handling of

1041 criminal history records or information derived therefrom. This
 1042 section does not confer any right to the sealing of any criminal
 1043 history record, and any request for sealing a criminal history
 1044 record may be denied at the sole discretion of the court.

1045 (4) EFFECT OF CRIMINAL HISTORY RECORD SEALING.—A criminal
 1046 history record of a minor or an adult which is ordered sealed by
 1047 a court of competent jurisdiction pursuant to this section is
 1048 confidential and exempt from the provisions of s. 119.07(1) and
 1049 s. 24(a), Art. I of the State Constitution and is available only
 1050 to the person who is the subject of the record, to the subject's
 1051 attorney, to criminal justice agencies for their respective
 1052 criminal justice purposes, which include conducting a criminal
 1053 history background check for approval of firearms purchases or
 1054 transfers as authorized by state or federal law, to judges in
 1055 the state courts system for the purpose of assisting them in
 1056 their case-related decisionmaking responsibilities, as set forth
 1057 in s. 943.053(5), or to those entities set forth in
 1058 subparagraphs (a)1., 4., 5., 6., and 8., ~~and 8.~~ for their
 1059 respective licensing, access authorization, and employment
 1060 purposes.

1061 (a) The subject of a criminal history record sealed under
 1062 this section or under other provisions of law, including former
 1063 s. 893.14, former s. 901.33, and former s. 943.058, may lawfully
 1064 deny or fail to acknowledge the arrests covered by the sealed
 1065 record, except when the subject of the record:

- 1066 1. Is a candidate for employment with a criminal justice

1067 agency;

1068 2. Is a defendant in a criminal prosecution;

1069 3. Concurrently or subsequently petitions for relief under
1070 this section, s. 943.0583, or s. 943.0585;

1071 4. Is a candidate for admission to The Florida Bar;

1072 5. Is seeking to be employed or licensed by or to contract
1073 with the Department of Children and Families, the Division of
1074 Vocational Rehabilitation within the Department of Education,
1075 the Agency for Health Care Administration, the Agency for
1076 Persons with Disabilities, the Department of Health, the
1077 Department of Elderly Affairs, or the Department of Juvenile
1078 Justice or to be employed or used by such contractor or licensee
1079 in a sensitive position having direct contact with children, the
1080 disabled, or the elderly;

1081 6. Is seeking to be employed or licensed by the Department
1082 of Education, any district school board, any university
1083 laboratory school, any charter school, any private or parochial
1084 school, or any local governmental entity that licenses child
1085 care facilities; or

1086 7. Is attempting to purchase a firearm from a licensed
1087 importer, licensed manufacturer, or licensed dealer and is
1088 subject to a criminal history check under state or federal law;
1089 or-

1090 8. Is seeking to be licensed by the Bureau of License
1091 Issuance of the Division of Licensing within the Department of
1092 Agriculture and Consumer Services to carry a concealed weapon or

1093 concealed firearm. This exception may only apply for use in the
 1094 determination of an applicant's eligibility in accordance with
 1095 s. 790.06.

1096 (b) Subject to the exceptions in paragraph (a), a person
 1097 who has been granted a sealing under this section, former s.
 1098 893.14, former s. 901.33, or former s. 943.058 may not be held
 1099 under any provision of law of this state to commit perjury or to
 1100 be otherwise liable for giving a false statement by reason of
 1101 such person's failure to recite or acknowledge a sealed criminal
 1102 history record.

1103 (c) Information relating to the existence of a sealed
 1104 criminal record provided in accordance with the provisions of
 1105 paragraph (a) is confidential and exempt from the provisions of
 1106 s. 119.07(1) and s. 24(a), Art. I of the State Constitution,
 1107 except that the department shall disclose the sealed criminal
 1108 history record to the entities set forth in subparagraphs (a)1.,
 1109 4., 5., 6., and 8., ~~and 8.~~ for their respective licensing,
 1110 access authorization, and employment purposes. It is unlawful
 1111 for any employee of an entity set forth in subparagraph (a)1.,
 1112 subparagraph (a)4., subparagraph (a)5., subparagraph (a)6., or
 1113 subparagraph (a)8., ~~or subparagraph (a)8.~~ to disclose
 1114 information relating to the existence of a sealed criminal
 1115 history record of a person seeking employment, access
 1116 authorization, or licensure with such entity or contractor,
 1117 except to the person to whom the criminal history record relates
 1118 or to persons having direct responsibility for employment,

PCB BPRS 14-01

ORIGINAL

2014

1119 | access authorization, or licensure decisions. Any person who
1120 | violates the provisions of this paragraph commits a misdemeanor
1121 | of the first degree, punishable as provided in s. 775.082 or s.
1122 | 775.083.

1123 | Section 20. This act shall take effect July 1, 2014.