

## **CONSUMER SERVICES**

### **HB 481 — Unlawful Use of Personal Identification Information**

by Rep. Waters and others (CS/SB 284 by Judiciary Committee and Senators Aronberg, Fasano, Lynn, Crist, Miller, Campbell, Klein, and Wilson)

This committee substitute provides that any person who willfully and fraudulently uses or possesses with the intent to use, personal identification information concerning a deceased individual commits a third-degree felony. The committee substitute also provides for enhanced penalties and the imposition of three-, five-, or ten-year minimum mandatory sentences depending on the value of the pecuniary benefit or injury or the number of deceased individuals whose personal identification information is used. The committee substitute creates a third-degree felony offense for willfully and fraudulently creating, using, or possessing with the intent to use, counterfeit or fictitious personal identification information for the purpose of committing a fraud upon another person.

The committee substitute also provides for the reclassification of an identity theft offense that involves misrepresenting oneself to be a law enforcement officer, or an employee of a bank, credit card company, credit counseling company, or a credit reporting agency, or any person who wrongfully represents that he or she is seeking to assist the victim with a problem with the victim's credit history.

The committee substitute also requires a person who maintains computerized personal identification information for another person or business entity to notify the person or business entity for whom computerized records are maintained when there is a breach of security in the system.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 38-0; House 112-0*

### **CS/SB 552 — Game Promotion / Consumer Products**

by Commerce and Consumer Services Committee and Senators Margolis and Crist

This committee substitute amends s. 849.094, F.S., to provide that an operator of a game promotion in which the total announced value of prizes offered is greater than \$5,000 need include only material terms of rules and regulations of a game in all advertising copy used in connection therewith if advertising copy contains information for obtaining full rules and regulations of game.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 117-0*

### **CS/CS/SB 572 — Consumer Protection/Emergencies**

by Criminal Justice Committee; Commerce and Consumer Services Committee; and Senators Garcia, Fasano, Lynn, and Crist

This committee substitute provides that upon the Governor's declaration of a state of emergency, any person who offers goods and services for sale to the public during a declared state of emergency without possessing an occupational license commits a second-degree misdemeanor. The committee substitute provides an exemption for religious, charitable, fraternal, civic, educational, or social organizations.

This committee substitute also authorizes the Governor, during the emergency period, to exempt businesses who sell essential commodities from curfew restrictions. In addition, the Governor may authorize solid waste disposal facilities to operate with extended hours to ensure the health, safety, and welfare of the general public.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 38-0; House 114-0*

### **CS/SB 1312 — Pilot RV Mediation and Arbitration Program**

by Commerce and Consumer Services Committee and Senator Carlton

This committee substitute provides that the Department of Transportation is to incorporate markers on logo signs for RV friendly establishments. This committee substitute also provides that the current recreational vehicles mediation and arbitration pilot program becomes a permanent program for the mediation of disputes between recreational vehicle manufacturers and consumers. This committee substitute removes the department's responsibility for administrative oversight of the mediation and arbitration programs, requires additional training and impartiality of program arbitrators and mediators, and retains department oversight of final settlements and awards, requiring regular reports to the Department of Legal Affairs.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 40-0; House 118-0*

### **CS/SB 1438 — Repossession Services**

by Criminal Justice Committee and Senator Wise

The committee substitute expands state regulation of recovery agents and agencies, to require agents who repossess aircraft, personal watercraft, all-terrain vehicles, farm equipment, or industrial equipment be licensed.

This committee substitute limits the insurance requirements for licensure by the Department of Agriculture and Consumer Services by only applying them to a Class “B” license as a security agent, thus eliminating the requirement for private investigators not licensed as security agents and all recovery agents. This committee substitute revises the insurance requirements for a Class “B” licensed security agent by removing the requirement for comprehensive general liability coverage for false arrest, detention or imprisonment, malicious prosecution, libel, slander, defamation of character, and violation to the right of privacy.

This committee substitute also provides additional grounds for disciplining recovery agencies, agents, and interns, and provides that it is a third degree felony for these newly defined recovery agents who violate certain terms of the existing statutes.

Further, this committee substitute removes recovery agents from the group of people exempted from s. 493.6102, F.S., thereby requiring them to be licensed and regulated under ch. 493, F.S.

If approved by the Governor, these provisions take effect October 1, 2005.

*Vote: Senate 39-0; House 118-0*

### **CS/SB 1454 — Public Lodging Establishments**

by Judiciary Committee and Senator Webster

This committee substitute prohibits the distribution of handbills at or in a public lodging establishment without permission where, in a conspicuous manner, a sign is posted stating that advertising or solicitation is prohibited. This committee substitute also makes it a first-degree misdemeanor to violate this prohibition or to direct another person to violate the prohibition. Further, a person who directs another to violate the prohibition is subject to pay a minimum fine of \$500.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 116-0*

### **CS/CS/CS/SB 1520 — Consumer Protection**

by General Government Appropriations Committee; Judiciary Committee; Commerce and Consumer Services Committee; and Senator Lynn

The committee substitute directs the State Technology Office to provide, through the state's official website, linkages and information relating to consumer protection and human and social services. The committee substitute designates the Department of Agriculture and Consumer Services' (department) Division of Consumer Services as the state clearinghouse for matters relating to consumer protection, information, and services and deletes the requirement of an outdated report.

The committee substitute revises the following programs and activities under the jurisdiction of the department:

- Requires an applicant for a Class "D" security license to complete terrorism training or other specialized training prescribed by the department.
- Incorporates within the state's anti-telephone solicitation law a prohibition against transmission of unsolicited advertising materials via facsimile.
- Preempts the regulation of refunds by retail sales establishments to the department.
- Clarifies provisions prohibiting local governments from imposing a monetary penalty on owners of shopping carts removed from their premises.
- Repeals the provisions of the Amusement Ride and Attraction Insurance Act under ch. 546, F.S., while retaining comparable insurance provisions in s. 616.242, F.S.
- Clarifies the statutory definition of a business opportunity.
- Exempts certain governmental entities from amusement ride insurance requirements.
- Defines "travel clubs" for the purposes of the Florida Sellers of Travel Act.
- Authorizes operators of game promotions to include only the material terms of a game promotion in advertisements – if the advertisement includes a website, toll-free telephone number, or mailing address where the full rules and regulations may be heard, viewed, or obtained.
- Clarifies that amusement games or machines that operate using "other currency" are not included in the prohibition against gambling as provided under ch. 849, F.S.

If approved by the Governor, these provisions take effect October 1, 2005.

*Vote: Senate 40-0; House 116-0*

### **CS/SB 1602 — State Tax Funds**

by Commerce and Consumer Services Committee and Senator Baker

This committee substitute provides that, in any action by a purchaser against a retailer, dealer, or vendor, to recover taxes collected: the purchaser has the burden of proving all elements by clear and convincing evidence; the damages available is the difference between what was collected and what was paid to the taxing authority; and it is an affirmative defense if the tax collected by the retailer, dealer, or vendor from the purchaser was remitted to the appropriate taxing authority.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 40-0; House 113-0*

### **CS/SB 2228 — Asbestos-related Claims**

by Judiciary Committee and Senator Webster

This committee substitute limits the liability of successor corporations that have assumed asbestos-related liabilities as the result of a merger or consolidation that occurred prior to January 1, 1972. The liability of the successor corporations is limited to the adjusted fair market value of the total gross assets of the merged or consolidated corporation on the date of the merger or consolidation.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 112-0*

### **CS/SB 2278 — Private Security Officers/Firearms**

by Criminal Justice Committee and Senators Baker and Jones

This committee substitute permits private investigator, private investigator intern, and security officer licensees who have been issued a Class “G” statewide firearm license by the Department of Agriculture and Consumer Services, to carry a .380 caliber or 9 millimeter semiautomatic pistol.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 35-2; House 117-0*

## **ECONOMIC DEVELOPMENT**

### **SB 114 — Entertainment Industry Financial Trust Fund**

by Senators Saunders, Crist, and Bullard

Senate Bill 114 creates the Entertainment Industry Financial Incentive Trust Fund within the Governor's Office of Tourism, Trade, and Economic Development. The trust fund is created to facilitate the payment of incentives under the entertainment industry financial incentive program as outlined in s. 288.1254, F.S.

The bill also requires that balances in the trust fund at the end of each fiscal year not revert to the General Revenue Fund or other trust funds.

The trust fund is terminated on July 1, 2009, and must be reviewed before that date.

The bill creates an unnumbered section of the Florida Statutes.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 38-0; House 115-0*

### **CS/SB 1056 — Business Entities**

by Judiciary Committee and Senators Klein, Lynn, Campbell, and Aronberg

This committee substitute replaces the Florida Revised Uniform Limited Partnership Act (1986) with the Florida Revised Uniform Limited Partnership Act (2005), to incorporate reforms from the model act developed by the National Conference of Commissioners on Uniform State Laws (NCCUSL) and modified by the Florida Bar. This committee substitute also incorporates some of these organizational and administrative reforms into provisions relating to other business entities regulated by the state (corporations, limited liability companies, not-for-profit corporations, and partnerships). This includes harmonization of the merger and conversion provisions, to allow the conversion of business entities from one form to another in a one-step process.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 40-0; House 112-0*

### **CS/HB 1129 — Economic Development/Entertainment**

by Tourism and Rep. Davis (CS/SB 1372 by Commerce and Consumer Services Committee and Senators Saunders and Crist)

The committee substitute:

- Increases financial incentive program reimbursement caps to \$2 million for television productions, music videos, commercials, industrial films, and educational films.
- Expands the definition of “filmed entertainment” and applies it in the context of qualified productions for the financial incentive program, thereby qualifying promotional videos and films, documentary films, and new types of television programming for financial incentives.
- Establishes two “queues” for the distribution of incentive funds.
- Broadens and clarifies several definitions.
- Changes the due date for the Office of Film and Entertainment’s annual report.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 116-0*

### **CS/SB 1154 — Enterprise Florida, Inc. Board**

by Commerce and Consumer Services Committee and Senator Dockery

This committee substitute revises a number of provisions regarding the duties and management of Enterprise Florida, Inc. (EFI). Specifically, the committee substitute:

- Removes references to solar energy industry promotion and workforce development.
- Deletes a requirement that EFI report on whether the Office of Tourism, Trade, and Economic Development “managed and expended in a prudent, fiducially sound manner,” the funds appropriated by the Legislature to the Economic Development Incentives Account.
- Repeals a requirement that EFI and the Florida Seaport Transportation and Economic Development Council establish the International Trade Data Resource and Research Center.
- Allows for the appointment of at-large board members to an executive committee and an extension of their terms from one to three years.
- Deletes an obsolete requirement that EFI, through its Workforce Development Board, develop a comprehensive approach to workforce development.
- Revises return-on-investment and customer satisfaction reporting requirements.

- Revises requirements for supermajority votes and restrictions on contracts between EFI and organizations represented on EFI's board.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 95-14*

### **HB 1483 — Tax Refund Program/Defense Contractors**

by Economic Development, Trade and Banking Committee and Rep. Bilirakis and others (CS/SB 2216 by Transportation and Economic Development Appropriations Committee and Senators Saunders, Klein, Haridopolos, King, Dockery, and Lynn)

This bill extends the expiration date of the Qualified Target Industry (QTI) and Qualified Defense Contractor (QDC) programs to 2010, and amends these programs to:

- Require tax refunds under QTI and QDC be paid in the order they are approved.
- Require the Office of Tourism, Trade and Economic Development (OTTED) to pay tax refunds that exceed the appropriation for a given fiscal year from appropriations for the following year, and to report anticipated shortfall in funds needed to satisfy the refunds.
- Require OTTED to report its success in amending tax refund agreements to require claims to be submitted by January 31, and report on refund claims for the previous year.
- Clarify that communications services taxes are eligible for refund and authorize OTTED to make retroactive payments to October 1, 2001, for taxes paid.
- Revise QDC application requirements to show the number of jobs to be retained and to eliminate an application requirement to show prior taxes paid.
- Allow a QTI or QDC business to seek up to a 2 year "economic stimulus exemption" due to the effects of a named hurricane or tropical storm.
- Authorize OTTED to waive the 20 percent local financial support requirement for certain counties through FY 2006-2007 in response to the named hurricanes of 2004, but only if OTTED determines that the local financial support cannot be provided or that doing so would impose a demonstrable hardship on the local government providing the support.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 112-2*

## **HB 1725 — Enterprise Zone Program Re-enactment**

by Economic Development, Trade and Banking Committee and Rep. Bilirakis and others (CS/CS/CS/SB 1770 by Government Efficiency Appropriations Committee; Community Affairs Committee; Commerce and Consumer Services Committee; and Senator Crist)

This bill reenacts and extends the Florida Enterprise Zone program, and it's related various state and local enterprise zone incentives, until 2015. Additionally, this bill:

- Establishes a maximum number of enterprise zones (58).
- Requires re-designation of existing enterprise zones, establishes a procedure for the designation of new zones (if an existing zone is not re-designated), and establishes a procedure for zone boundary changes.
- Revises the “Building Materials Used in an Enterprise Zone” incentive to provide more time to an enterprise zone resident or business to file for the refund, and to allow a resident or business to use the incentive more than one time per parcel, as long as the refund amount is a minimum of \$500.
- Provides greater flexibility to a governing body when making appointments to an enterprise zone development agency (EZDA).
- Revises the powers and responsibilities of the EZDA to, among other things, require an annual review and update of the zone’s strategic plan or measurable goals.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 116-0*

## **HB 1817 — Public Records – Certified Capital Company Act**

by Governmental Operations Committee and Rep. Kottkamp (CS/SB 1024 by Government Efficiency Appropriations Committee and Commerce and Consumer Services Committee)

This committee substitute reenacts the public records exemption for information related to an investigation or Office of Financial Regulation (OFR) review of a certified capital company (CAPCO). In addition, this committee substitute removes the exemption for:

- Personal information of OFR employees who may be involved in an investigation or review of such nature as to endanger their lives or physical safety or that of their families;
- All information obtained by the office from any person which is only made available on a confidential or similarly restricted basis; and

- The social security number of any customer of a CAPCO, complainant, or person associated with a CAPCO or qualified business.

The committee substitute also removes the requirement for a future Open Government Sunset Review and removes the repeal date.

The committee substitute repeals Program Two of the Certified Capital Company Act, and repeals, in five years, Program One and the related public records exemption.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 113-0*

### **SB 1980 — Florida Commission on Tourism**

by Senator Sebesta

This bill adds a member of the restaurant industry to the Florida Commission on Tourism; revises financial disclosure requirements for commission members; and deletes the requirement that the commission establish a statewide nature and heritage tourism advisory committee.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 40-0; House 114-0*

## **WORKFORCE**

### **HB 307 — Physical Examinations**

by Rep. Brown and others (SB 1042 by Senators Crist and Wilson)

This bill authorizes physician assistants and advanced registered nurse practitioners to conduct physical examinations of Class “G” permit (security officers and private investigators) and firefighting applicants.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 40-0; House 111-0*

### **HB 691 — Citizen Soldier Grant Program**

by Rep. Seiler and others (CS/SB 72 by Transportation and Economic Development Appropriations Committee; and Senators Geller, Klein, Crist, and Wilson)

The bill directs the Agency for Workforce Innovation (AWI) to establish the Citizen Soldier Matching Grant Program. This program will provide for matching grants to private sector

employers in this state which pay wages to their employees who are Florida residents serving on federal active duty in the United States Armed Forces Reserves or the Florida National Guard. The bill limits each grant to one-half of the difference between:

- The amount of monthly wages paid by the employer to the employee at the level paid before the employee was called to federal active duty; and
- The amount of the employee's active duty base pay and benefit package.

The bill further limits each grant to one-half of the monthly wages paid by the employer to the employee for the actual period of federal active duty, which in effect requires the employer, at a minimum, to match the state grant dollar-for-dollar. The bill appropriates \$1.8 million from General Revenue and two positions to AWI to implement this program.

This bill also provides that a professional license issued in the state to activated members of the Florida National Guard and US Armed Forces Reserves remains active until, and is extended for up to, 90 days after his or her return from federal active duty.

This bill creates unnumbered sections of the Florida Statutes.

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 118-0*

### **HB 747 — Citizen Soldier Matching Grant Trust Fund**

by Rep. Seiler and others (CS/SB 74 by Transportation and Economic Development Appropriations Committee; and Senators Geller, Klein, Crist, and Wilson)

This bill creates the Citizen Soldier Matching Grant Trust Fund to be administered by the Agency for Workforce Innovation in conjunction with the Citizen Soldier Grant Program created by HB 691 (CS/SB 72). The program authorizes matching grants for private sector employers who pay wages to employees serving in the United States Armed Forces Reserves or the Florida National Guard while those employees are on federal active duty.

The bill provides the trust fund will terminate on July 1, 2009 unless terminated earlier. Pursuant to s. 215.3206, F.S., the trust fund shall be reviewed by the Legislature prior to this termination date to determine whether it should be terminated or re-created.

If approved by the Governor, these provisions take effect July 1, 2005 if HB 691 (CS/SB 72 or similar legislation) is also passed and approved by the Governor.

*Vote: Senate 39-0; House 118-0*

**CS/CS/SB 1650 — Workforce Innovation**

by Governmental Oversight and Productivity Committee; Commerce and Consumer Services Committee; and Senators King and Lynn

This committee substitute makes substantive and technical changes to the statutes related to the Agency for Workforce Innovation (AWI), Workforce Florida, Inc. (WFI), and regional workforce boards, including:

- Deleting descriptions of the specific duties of AWI and its offices.
- Imposing term limits on WFI board members, increases the length of terms from 2 to 3 years, provides for staggered terms, and authorizes the board to conduct its meetings through any method of telecommunications.
- Granting WFI increased program flexibility in designing a workforce development strategy for the state, and requiring WFI to establish an operational plan to implement the state strategic plan.
- Authorizing regional workforce boards to conduct its meetings through any method of telecommunications.
- Granting WFI the authority to establish a dispute resolution procedure to address disputes that may arise between AWI and the regional workforce boards.
- Deleting descriptions of a limited number of regional workforce boards' specific duties.
- Deleting a number of references to obsolete or repealed programs.
- Repealing a number of unfunded or obsolete programs.

If approved by the Governor, these provisions take effect on July 1, 2005.

*Vote: Senate 40-0; House 113-4*

**HB 1693 — Unemployment Compensation**

by Economic Development, Trade & Banking Committee and Rep. Bilirakis and others (CS/CS/SB 1652 by Criminal Justice Committee; Commerce and Consumer Services Committee; and Senators King and Lynn)

This bill amends Florida's Unemployment Compensation (UC) law to prevent "SUTA dumping," a tax avoidance plan used by some employers to decrease their tax rate. These amendments are required by the Federal "SUTA (State Unemployment Tax Avoidance) Dumping Prevention Act of 2004."

This bill also makes technical and substantive changes to the administration and enforcement of the UC program by:

- Exempting special deputies from the Administrative Procedure Act (APA) uniform rules of procedure.
- Creating new penalties and standards of evidence related to “remote filing” for UC benefits.
- Clarifying benefit eligibility for persons in approved training programs.
- Authorizing an official seal for AWI.
- Streamlining the claims appeal process.
- Extending time for recovery of non-fraud overpayments by one year.
- Including the “creation of fictitious employer scheme to commit unemployment compensation fraud” in the definition of racketeering activity under the “Florida RICO Act.”

If approved by the Governor, these provisions take effect July 1, 2005.

*Vote: Senate 39-0; House 117-0*

### **HB 1695 — Voluntary Pre-K Education Program**

by Rep. Arza and others (CS/SB 2220 by Governmental Oversight and Productivity Committee and Senators King, Lynn, and Crist)

This bill makes confidential and exempt individual records of children enrolled in Florida’s Voluntary Prekindergarten Program (VPK) held by an early learning coalition, the Agency for Workforce Innovation, or a Voluntary Prekindergarten Education Program provider. The exemption is retroactive in effect.

The bill authorizes a parent to inspect and review the record of his or her child and to obtain a copy. The bill also authorizes release of these records to specified governmental and other appropriate entities. These entities are required to preserve the confidentiality of the identity of the enrolled child or his or her parents in the records.

The provisions of this bill are subject to the Open Government Sunset Review Act of 1995 and will be repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 39-0; House 116-0*

### **HB 1861—School Readiness Record/OGSR**

by Governmental Operations Committee and Rep. Kottkamp (CS/SB 1028 by Governmental Oversight and Productivity Committee; Commerce and Consumer Services Committee; and Senator Crist)

This bill reenacts the public records exemption for school readiness outlined in s. 411.011, F.S. Under the bill, the records of children enrolled in school readiness programs are confidential and exempt from public disclosure. The exemption applies to such records when held by an early learning coalition or the Agency for Workforce Innovation.

The bill authorizes a parent to inspect and review the record of his or her child and to obtain a copy. The bill also authorizes release of these records to specified governmental and other appropriate entities. These entities are required to preserve the confidentiality of the identity of the enrolled child or his or her parents in the records.

If approved by the Governor, these provisions take effect October 1, 2005.

*Vote: Senate 40-0; House 116-0*

### **CS/CS/SB 1910 — Workforce Innovation**

by Transportation and Economic Development Appropriations Committee; Children and Families Committee; and Senators King, Lynn, and Crist

This committee substitute permits Workforce Florida, Inc. (WFI), to expand the Passport to Economic Progress demonstration program statewide. The committee substitute authorizes WFI to designate regional workforce boards to participate in the program. The committee substitute permits WFI to offer incentive bonuses, provides requirements for those bonuses and specifies that such bonuses are not entitlements. This committee substitute amends s. 445.048, F.S.

The committee substitute also creates the Florida Youth Summer Jobs Pilot Program, which will provide summer jobs to at-risk and disadvantaged youth between the ages of 14 and 18 in workforce development district 22 in Broward County. The committee substitute requires educational enrichment and life skills training as part of the program. The program will be funded by specific legislative appropriations.

If approved by the Governor, these provisions take effect upon becoming law.

*Vote: Senate 38-0; House 116-1*