

By the Committees on Health Regulation; Community Affairs; and
Agriculture; and Senator Dean

588-05226A-10

2010382c3

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 369.20, F.S.; requiring
4 the Fish and Wildlife Conservation Commission to enter
5 into an agreement with the Department of Environmental
6 Protection relating to the uniform application of
7 pesticides to the waters of the state; revising
8 exemptions from water pollution permits; amending s.
9 373.1391, F.S.; requiring that the agricultural use of
10 land present at the time of fee simple acquisition be
11 given priority regarding the management of the land;
12 amending s. 403.088, F.S.; requiring a permit for
13 applying pesticide to the waters of the state;
14 requiring the Department of Environmental Protection
15 to enter into agreements with the Department of
16 Agriculture and Consumer Services and the Fish and
17 Wildlife Conservation Commission relating to the
18 uniform application of pesticides to the waters of the
19 state; providing a temporary deviation from the acute
20 toxicity provisions provided by rule for pesticide
21 application under certain circumstances; amending s.
22 403.9336, F.S.; revising a reference to the Model
23 Ordinance for Florida-Friendly Fertilizer Use on Urban
24 Landscapes; amending s. 487.163, F.S.; requiring the
25 Department of Agriculture and Consumer Services to
26 enter into an agreement with the Department of
27 Environmental Protection relating to the uniform
28 application of pesticides to the waters of the state;
29 amending s. 493.6102, F.S.; specifying that provisions

588-05226A-10

2010382c3

30 regulating security officers do not apply to certain
31 law enforcement, correctional, and probation officers
32 performing off-duty activities; amending s. 493.6105,
33 F.S.; revising the application requirements and
34 procedures for certain private investigative, private
35 security, recovery agent, and firearm licenses;
36 specifying application requirements for firearms
37 instructor licenses; amending s. 493.6106, F.S.;
38 revising citizenship requirements and documentation
39 for certain private investigative, private security,
40 and recovery agent licenses; prohibiting the licensure
41 of applicants for a statewide firearm license or
42 firearms instructor license who are prohibited from
43 purchasing or possessing firearms; requiring that
44 private investigative, security, and recovery agencies
45 notify the Department of Agriculture and Consumer
46 Services of changes to their branch office locations;
47 amending s. 493.6107, F.S.; requiring the department
48 to accept certain methods of payment for certain fees;
49 amending s. 493.6108, F.S.; revising requirements for
50 criminal history checks of license applicants whose
51 fingerprints are not legible; requiring the
52 investigation of the mental and emotional fitness of
53 applicants for firearms instructor licenses; amending
54 s. 493.6111, F.S.; requiring a security officer school
55 or recovery agent school to obtain the department's
56 approval for use of a fictitious name; specifying that
57 a licensee may not conduct business under more than
58 one fictitious name; amending s. 493.6113, F.S.;

588-05226A-10

2010382c3

59 revising application renewal procedures and
60 requirements; amending s. 493.6115, F.S.; conforming
61 cross-references; amending s. 493.6118, F.S.;
62 authorizing disciplinary action against statewide
63 firearm licensees and firearms instructor licensees
64 who are prohibited from purchasing or possessing
65 firearms; amending s. 493.6121, F.S.; deleting
66 provisions for the department's access to certain
67 criminal history records provided to licensed gun
68 dealers, manufacturers, and exporters; amending s.
69 493.6202, F.S.; requiring the department to accept
70 certain methods of payment for certain fees; amending
71 s. 493.6203, F.S.; prohibiting bodyguard services from
72 being credited toward certain license requirements;
73 revising the training requirements for private
74 investigator intern license applicants; requiring the
75 automatic suspension of an intern's license under
76 certain circumstances; providing an exception;
77 amending s. 493.6302, F.S.; requiring the department
78 to accept certain methods of payment for certain fees;
79 amending s. 493.6303, F.S.; revising the training
80 requirements for security officer license applicants;
81 amending s. 493.6304, F.S.; revising application
82 requirements and procedures for security officer
83 school licenses; amending s. 493.6401, F.S.; revising
84 terminology for recovery agent schools and training
85 facilities; amending s. 493.6402, F.S.; revising
86 terminology for recovery agent schools and training
87 facilities; requiring the department to accept certain

588-05226A-10

2010382c3

88 methods of payment for certain fees; amending s.
89 493.6406, F.S.; revising terminology; requiring
90 recovery agent school and instructor licenses;
91 providing license application requirements and
92 procedures; amending s. 500.033, F.S.; revising the
93 membership of the Florida Food Safety and Food Defense
94 Advisory Council; amending ss. 501.605 and 501.607,
95 F.S.; revising application requirements for commercial
96 telephone seller and salesperson licenses; amending s.
97 501.913, F.S.; specifying the sample size required for
98 antifreeze registration application; amending s.
99 525.01, F.S.; revising requirements for petroleum fuel
100 affidavits; amending s. 525.09, F.S.; imposing an
101 inspection fee on certain alternative fuels containing
102 alcohol; amending s. 526.50, F.S.; defining terms
103 applicable to regulation of the sale of brake fluid;
104 amending s. 526.51, F.S.; revising application
105 requirements for brake fluid permits; amending s.
106 526.52, F.S.; revising requirements for printed
107 statements on brake fluid containers; amending s.
108 526.53, F.S.; revising requirements and procedures for
109 brake fluid stop-sale orders; authorizing businesses
110 to dispose of unregistered brake fluid under certain
111 circumstances; amending s. 527.0201, F.S.; revising
112 requirements for liquefied petroleum gas qualifying
113 examinations; increasing continuing education
114 requirements for certain liquefied petroleum gas
115 qualifiers; amending s. 527.12, F.S.; providing for
116 the issuance of certain stop orders; amending ss.

588-05226A-10

2010382c3

117 559.805 and 559.928, F.S.; deleting social security
118 numbers as a listing requirement on registration
119 affidavits for independent agents of sellers of
120 business opportunities; amending s. 570.0725, F.S.;
121 revising provisions for public information about food
122 banks and similar food recovery programs; authorizing
123 the department to adopt rules; amending ss. 570.53 and
124 570.54, F.S.; conforming cross-references; amending s.
125 570.55, F.S.; revising requirements for identifying
126 sellers or handlers of tropical or subtropical fruit
127 or vegetables; amending s. 570.902, F.S.; conforming
128 terminology to the repeal by the act of provisions
129 establishing the Florida Agricultural Museum; amending
130 s. 570.903, F.S.; revising provisions for direct-
131 support organizations for certain agricultural
132 programs to conform to the repeal by the act of
133 provisions establishing the Florida Agricultural
134 Museum; deleting provisions for a direct-support
135 organization for the Florida State Collection of
136 Arthropods; amending s. 573.118, F.S.; requiring the
137 department to maintain records of marketing orders;
138 requiring an audit at the request of an advisory
139 council; requiring that the advisory council receive a
140 copy of the audit within a specified time; amending s.
141 581.011, F.S.; deleting terminology relating to the
142 Florida State Collection of Arthropods; revising the
143 term "nursery" for purposes of plant industry
144 regulations; amending s. 581.211, F.S.; increasing the
145 maximum fine for violations of plant industry

588-05226A-10

2010382c3

146 regulations; amending s. 583.13, F.S.; deleting a
147 prohibition on the sale of poultry without displaying
148 the poultry grade; amending s. 585.61, F.S.;
149 designating the animal disease diagnostic laboratory
150 complex in Osceola County; amending s. 590.125, F.S.;
151 revising terminology for open burning authorizations;
152 specifying purposes of certified prescribed burning;
153 requiring the authorization of the Division of
154 Forestry for certified pile burning; providing pile
155 burning requirements; limiting the liability of
156 property owners or agents engaged in pile burning;
157 providing for the certification of pile burners;
158 providing penalties for violations by certified pile
159 burners; requiring rules; authorizing the division to
160 adopt rules regulating certified pile burning;
161 revising notice requirements for wildfire hazard
162 reduction treatments; providing for approval of local
163 government open burning authorization programs;
164 providing program requirements; authorizing the
165 division to close local government programs under
166 certain circumstances; providing penalties for
167 violations of local government open burning
168 requirements; amending s. 590.14, F.S.; authorizing
169 fines for violations of any division rule; providing
170 penalties for certain violations; providing
171 legislative intent; amending s. 599.004, F.S.;
172 revising standards that a winery must meet to qualify
173 as a certified Florida Farm Winery; amending s.
174 604.15, F.S.; revising the term "agricultural

588-05226A-10

2010382c3

175 products" to make tropical foliage exempt from
176 regulation under provisions relating to dealers in
177 agricultural products; defining the term "responsible
178 position"; amending s. 604.19, F.S.; revising
179 requirements for late fees on agricultural products
180 dealer applications; amending s. 604.25, F.S.;
181 revising conditions under which the department may
182 deny, refuse to renew, suspend, or revoke agricultural
183 products dealer licenses; deleting a provision
184 prohibiting certain persons from holding a responsible
185 position with a licensee; amending s. 616.242, F.S.;
186 authorizing the issuance of stop-operation orders for
187 amusement rides under certain circumstances; amending
188 s. 624.4095, F.S.; prohibiting certain gross written
189 premiums for federal multiple-peril crop insurance
190 from being included in certain insurer calculations;
191 amending s. 686.201, F.S.; exempting contracts to
192 which a seller of travel is a party from provisions
193 governing certain contracts involving commissions;
194 amending s. 790.06, F.S.; authorizing a concealed
195 firearm license applicant to submit fingerprints
196 administered by the Division of Licensing; repealing
197 ss. 570.071 and 570.901, F.S., relating to the Florida
198 Agricultural Exposition and the Florida Agricultural
199 Museum; creating s. 828.126, F.S.; providing a
200 definition for the term "sexual activities" as it
201 involves animals; prohibiting persons from engaging in
202 sexual activities with animals; providing penalties;
203 providing that such prohibition does not apply to

588-05226A-10

2010382c3

204 normal and ordinary animal husbandry practices,
205 conformation judging practices, or accepted veterinary
206 medical practices; requiring that the department and
207 representatives of the state pest control industry
208 prepare a report for the President of the Senate, the
209 Speaker of the House of Representatives, and the
210 chairpersons of specified legislative committees by a
211 certain date; requiring that the report include
212 recommendations for changes in the law to provide for
213 disciplinary action against licensees of the pest
214 control industry under certain circumstances;
215 providing that the report may also address additional
216 issues of concern to members of the industry;
217 providing an effective date.

218

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

220

221 Section 1. Subsections (4) and (9) of section 369.20,
222 Florida Statutes, are amended to read:

223 369.20 Florida Aquatic Weed Control Act.—

224 (4) The commission shall also promote, develop, and support
225 research activities directed toward the more effective and
226 efficient control of aquatic plants. In the furtherance of this
227 purpose, the commission may ~~is authorized to~~:

228 (a) Accept donations and grants of funds and services from
229 both public and private sources;

230 (b) Contract or enter into agreements with public or
231 private agencies or corporations for research and development of
232 aquatic plant control methods or for the performance of aquatic

588-05226A-10

2010382c3

233 plant control activities. The commission may enter into an
234 agreement with the Department of Environmental Protection to
235 ensure the uniform regulation of pesticides applied to the
236 waters of the state, including provision for coordinating agency
237 staff and resources, through the implementation of permitting,
238 compliance, and enforcement activities under ss. 403.088 and
239 403.0885;

240 (c) Construct, acquire, operate, and maintain facilities
241 and equipment; and

242 (d) Enter upon, or authorize the entry upon, private
243 property for purposes of making surveys and examinations and to
244 engage in aquatic plant control activities; and such entry shall
245 not be deemed a trespass.

246 (9) ~~A permit issued pursuant to this section for~~ The
247 application of herbicides to waters of ~~in~~ the state for the
248 control of aquatic plants, algae, or invasive exotic plants is
249 exempt from the requirement to obtain a water pollution
250 operation permit except as provided in ss. ~~pursuant to s.~~
251 403.088 and 403.0885.

252 Section 2. Paragraph (d) of subsection (1) of section
253 373.1391, Florida Statutes, is amended to read:

254 373.1391 Management of real property.-

255 (1)

256 (d) For any fee simple acquisition of a parcel which is or
257 will be leased back for agricultural purposes, or for any
258 acquisition of a less-than-fee interest in lands that is or will
259 be used for agricultural purposes, the district governing board
260 shall first consider having a soil and water conservation
261 district created pursuant to chapter 582 manage and monitor such

588-05226A-10

2010382c3

262 interest. Priority shall be given to the agricultural use
263 present at the time of fee simple acquisition of the parcel.

264 Section 3. Subsection (1) of section 403.088, Florida
265 Statutes, is amended to read:

266 403.088 Water pollution operation permits; conditions.—

267 (1) ~~No person,~~ Without the written authorization of the
268 department, a person may not shall discharge any waste into the
269 waters of within the state ~~any waste~~ which, by itself or in
270 combination with the wastes of other sources, reduces the
271 quality of the receiving waters below the classification
272 established for such waters ~~them~~. However, this section does
273 ~~shall not be deemed to~~ prohibit the application of pesticides to
274 such waters in the state for the control of insects, aquatic
275 weeds, ~~or~~ algae, or other pests if provided the application is
276 performed in accordance with this section:

277 (a) Upon execution of the agreement provided in s.
278 487.163(3), the department may develop a permit or other
279 authorization as required by 33 U.S.C. s. 1342 for the
280 application of pesticides. A person must obtain such permit or
281 other authorization before applying pesticides to the waters of
282 the state.

283 (b) In consultation with the Department of Agriculture and
284 Consumer Services and the Fish and Wildlife Conservation
285 Commission, the department shall also develop a general permit
286 under s. 403.0885(2) for the application of pesticides.

287 (c) The department shall also enter into agreements with
288 the Department of Agriculture and Consumer Services pursuant to
289 a program approved by the Department of Health, in the case of
290 insect or other pest control, and with ~~or~~ the Fish and Wildlife

588-05226A-10

2010382c3

291 Conservation Commission, in the case of aquatic weed, other
292 aquatic pests, or algae control. ~~The department is directed to~~
293 ~~enter into interagency agreements to establish the procedures~~
294 ~~for program approval.~~ Such agreements must ~~shall~~ provide for
295 public health, welfare, and safety, as well as environmental
296 factors, and must ensure the uniform regulation of pesticides
297 applied to waters of the state, including provisions for the
298 coordination of agency staff and resources, through the
299 implementation of permitting, compliance, and enforcement
300 activities under this section and s. 403.0885. Pesticides that
301 are ~~Approved programs must provide that only chemicals~~ approved
302 for a ~~the~~ particular use by the United States Environmental
303 Protection Agency or by the Department of Agriculture and
304 Consumer Services ~~may be employed and that they be~~ applied in
305 accordance with registered label instructions, state standards
306 for such application, including any permit or other
307 authorization required by this subsection, and the provisions of
308 the Florida Pesticide Law, part I of chapter 487, are allowed a
309 temporary deviation from the acute toxicity provisions of the
310 department's water quality rule, not to exceed the time
311 necessary to control the target pests, only if the application
312 does not reduce the quality of the receiving waters below the
313 classification for such waters and is not likely to adversely
314 affect any threatened or endangered species.

315 Section 4. Section 403.9336, Florida Statutes, is amended
316 to read:

317 403.9336 Legislative findings.—The Legislature finds that
318 ~~the~~ implementation of the Model Ordinance for Florida-Friendly
319 Fertilizer Use on Urban Landscapes (2008), ~~which was developed~~

588-05226A-10

2010382c3

320 ~~by the department in conjunction with the Florida Consumer~~
321 ~~Fertilizer Task Force, the Department of Agriculture and~~
322 ~~Consumer Services, and the University of Florida Institute of~~
323 ~~Food and Agricultural Sciences,~~ will assist in protecting the
324 quality of Florida's surface water and groundwater resources.
325 The Legislature further finds that local conditions, including
326 variations in the types and quality of water bodies, site-
327 specific soils and geology, and urban or rural densities and
328 characteristics, may necessitate ~~the implementation of~~
329 additional or more stringent fertilizer management practices at
330 the local government level.

331 Section 5. Subsection (3) is added to section 487.163,
332 Florida Statutes, to read:

333 487.163 Information; interagency cooperation.—

334 (3) The department shall enter into an agreement with the
335 Department of Environmental Protection to ensure the uniform
336 regulation of pesticides applied to waters of the state,
337 including provisions for the coordination of agency staff and
338 resources, through the implementation of permitting, compliance,
339 and enforcement activities under ss. 403.088 and 403.0885.

340 Section 6. Subsection (1) of section 493.6102, Florida
341 Statutes, is amended to read:

342 493.6102 Inapplicability of this chapter.—This chapter
343 shall not apply to:

344 (1) An ~~Any~~ individual who is an "officer" as defined in s.
345 943.10(14), or is a law enforcement officer of the United States
346 Government, while such local, state, or federal officer is
347 engaged in her or his official duties, or when performing off-
348 duty as a security officer provided such activity is activities

588-05226A-10

2010382c3

349 approved by her or his superiors.

350 Section 7. Section 493.6105, Florida Statutes, is amended
351 to read:

352 493.6105 Initial application for license.—

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

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

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

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

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

373 (a) Name and any aliases.

374 (b) Age and date of birth.

375 (c) Place of birth.

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

588-05226A-10

2010382c3

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

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

383 (f) ~~(g)~~ A statement of all criminal convictions, findings of
384 guilt, and pleas of guilty or nolo contendere, regardless of
385 adjudication of guilt.

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

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

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

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

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

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

588-05226A-10

2010382c3

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

415 (4)~~(5)~~ In addition to the application requirements outlined
416 under subsection (3), the applicant for a Class "C," Class "E,"
417 Class "M," Class "MA," Class "MB," or Class "MR" license shall
418 include a statement on a form provided by the department of the
419 experience which he or she believes will qualify him or her for
420 such license.

421 (5)~~(6)~~ In addition to the requirements outlined in
422 subsection (3), an applicant for a Class "G" license shall
423 satisfy minimum training criteria for firearms established by
424 rule of the department, which training criteria shall include,
425 but is not limited to, 28 hours of range and classroom training
426 taught and administered by a Class "K" licensee; however, no
427 more than 8 hours of such training shall consist of range
428 training. If the applicant can show proof that he or she is an
429 active law enforcement officer currently certified under the
430 Criminal Justice Standards and Training Commission or has
431 completed the training required for that certification within
432 the last 12 months, or if the applicant submits one of the
433 certificates specified in paragraph (6)(a) ~~(7)(a)~~, the
434 department may waive the foregoing firearms training
435 requirement.

588-05226A-10

2010382c3

436 (6)~~(7)~~ In addition to the requirements under subsection
437 (3), an applicant for a Class "K" license shall:

438 (a) Submit one of the following certificates:

439 1. The Florida Criminal Justice Standards and Training
440 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
441 the commission that the applicant is authorized to provide
442 firearms instruction.

443 2. The National Rifle Association Law Enforcement ~~Police~~
444 Firearms Instructor's Certificate.

445 ~~3. The National Rifle Association Security Firearms~~
446 ~~Instructor's Certificate.~~

447 3.4. A firearms instructor's training certificate issued by
448 any branch of the United States Armed Forces, from a federal law
449 enforcement academy or agency, state, county, or municipal
450 ~~police~~ academy in this state recognized as such by the Criminal
451 Justice Standards and Training Commission ~~or by the Department~~
452 ~~of Education.~~

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

457 (7)~~(8)~~ In addition to the application requirements for
458 individuals, partners, or officers outlined under subsection
459 (3), the application for an agency license shall contain the
460 following information:

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

463 (b) The street address, mailing address, and telephone
464 numbers of the principal location at which business is to be

588-05226A-10

2010382c3

465 conducted in this state.

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

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

470 ~~(8)~~ ~~(9)~~ Upon submission of a complete application, a Class
471 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
472 Class "MA," Class "MB," or Class "MR" applicant may commence
473 employment or appropriate duties for a licensed agency or branch
474 office. However, the Class "C" or Class "E" applicant must work
475 under the direction and control of a sponsoring licensee while
476 his or her application is being processed. If the department
477 denies application for licensure, the employment of the
478 applicant must be terminated immediately, unless he or she
479 performs only unregulated duties.

480 Section 8. Paragraph (f) of subsection (1) and paragraph
481 (a) of subsection (2) of section 493.6106, Florida Statutes, are
482 amended, and paragraph (g) is added to subsection (1) of that
483 section, to read:

484 493.6106 License requirements; posting.—

485 (1) Each individual licensed by the department must:

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

491 1. An applicant for a Class "C," Class "CC," Class "D,"
492 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
493 "MB," Class "MR," or Class "RI" license who is not a United

588-05226A-10

2010382c3

494 States citizen must submit proof of current employment
495 authorization issued by the Citizenship and Immigration Services
496 or proof that she or he is deemed a permanent legal resident
497 alien by the Citizenship and Immigration Services.

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

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

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

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

520 (a) If an agency or branch office desires to change the
521 physical location of the business, as it appears on the ~~agency~~
522 license, the department must be notified within 10 days of the

588-05226A-10

2010382c3

523 change, and, except upon renewal, the fee prescribed in s.
524 493.6107 must be submitted for each license requiring revision.
525 Each license requiring revision must be returned with such
526 notification.

527 Section 9. Subsection (3) of section 493.6107, Florida
528 Statutes, is amended to read:

529 493.6107 Fees.—

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

537 Section 10. Paragraph (a) of subsection (1) and subsection
538 (3) of section 493.6108, Florida Statutes, are amended to read:

539 493.6108 Investigation of applicants by Department of
540 Agriculture and Consumer Services.—

541 (1) Except as otherwise provided, prior to the issuance of
542 a license under this chapter, the department shall make an
543 investigation of the applicant for a license. The investigation
544 shall include:

545 (a)1. An examination of fingerprint records and police
546 records. When a criminal history analysis of any applicant under
547 this chapter is performed by means of fingerprint card
548 identification, the time limitations prescribed by s. 120.60(1)
549 shall be tolled during the time the applicant's fingerprint card
550 is under review by the Department of Law Enforcement or the
551 United States Department of Justice, Federal Bureau of

588-05226A-10

2010382c3

552 Investigation.

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

567 (3) The department shall also investigate the mental
568 history and current mental and emotional fitness of any Class
569 "G" or Class "K" applicant, and may deny a Class "G" or Class
570 "K" license to anyone who has a history of mental illness or
571 drug or alcohol abuse.

572 Section 11. Subsection (4) of section 493.6111, Florida
573 Statutes, is amended to read:

574 493.6111 License; contents; identification card.—

575 (4) Notwithstanding the existence of a valid Florida
576 corporate registration, an ~~ne~~ agency or school licensee may not
577 conduct activities regulated under this chapter under any
578 fictitious name without prior written authorization from the
579 department to use that name in the conduct of activities
580 regulated under this chapter. The department may not authorize

588-05226A-10

2010382c3

581 the use of a name which is so similar to that of a public
582 officer or agency, or of that used by another licensee, that the
583 public may be confused or misled thereby. The authorization for
584 the use of a fictitious name shall require, as a condition
585 precedent to the use of such name, the filing of a certificate
586 of engaging in business under a fictitious name under s. 865.09.
587 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
588 under more than one fictitious name except as separately
589 licensed nor shall the license be valid to protect any licensee
590 who is engaged in ~~the~~ business under any name other than that
591 specified in the license. An agency desiring to change its
592 licensed name shall notify the department and, except upon
593 renewal, pay a fee not to exceed \$30 for each license requiring
594 revision including those of all licensed employees except Class
595 "D" or Class "G" licensees. Upon the return of such licenses to
596 the department, revised licenses shall be provided.

597 Section 12. Subsection (2) and paragraph (a) of subsection
598 (3) of section 493.6113, Florida Statutes, are amended to read:
599 493.6113 Renewal application for licensure.-

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

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

609 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~

588-05226A-10

2010382c3

610 licensee shall additionally submit on a form prescribed by the
611 department a certification of insurance which evidences that the
612 licensee maintains coverage as required under s. 493.6110.

613 Section 13. Subsection (8), paragraph (d) of subsection
614 (12), and subsection (16) of section 493.6115, Florida Statutes,
615 are amended to read:

616 493.6115 Weapons and firearms.—

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

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

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

625 (16) If the criminal history record check program
626 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
627 department may issue a temporary "G" license on a case-by-case
628 basis, provided that the applicant has met all statutory
629 requirements for the issuance of a temporary "G" license as
630 specified in subsection (12), excepting the criminal history
631 record check stipulated there; provided, that the department
632 requires that the licensed employer of the applicant conduct a
633 criminal history record check of the applicant pursuant to
634 standards set forth in rule by the department, and provide to
635 the department an affidavit containing such information and
636 statements as required by the department, including a statement
637 that the criminal history record check did not indicate the
638 existence of any criminal history that would prohibit licensure.

588-05226A-10

2010382c3

639 Failure to properly conduct such a check, or knowingly providing
640 incorrect or misleading information or statements in the
641 affidavit shall constitute grounds for disciplinary action
642 against the licensed agency, including revocation of license.

643 Section 14. Paragraph (u) of subsection (1) of section
644 493.6118, Florida Statutes, is redesignated as paragraph (v),
645 and a new paragraph (u) is added to that subsection to read:

646 493.6118 Grounds for disciplinary action.-

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

652 (u) For a Class "G" or a Class "K" applicant or licensee,
653 being prohibited from purchasing or possessing a firearm by
654 state or federal law.

655 Section 15. Subsections (7) and (8) of section 493.6121,
656 Florida Statutes, are renumbered as subsections (6) and (7),
657 respectively, and present subsection (6) of that section is
658 amended, to read:

659 493.6121 Enforcement; investigation.-

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

588-05226A-10

2010382c3

668 ~~access to the program.~~

669 Section 16. Subsection (3) of section 493.6202, Florida
670 Statutes, is amended to read:

671 493.6202 Fees.—

672 (3) The fees set forth in this section must be paid by
673 ~~certified check or money order or, at the discretion of the~~
674 ~~department, by agency check~~ at the time the application is
675 approved, except that the applicant for a Class "G," Class "C,"
676 Class "CC," Class "M," or Class "MA" license must pay the
677 license fee at the time the application is made. If a license is
678 revoked or denied or if the application is withdrawn, the
679 license fee shall not be refunded.

680 Section 17. Subsections (2), (4), and (6) of section
681 493.6203, Florida Statutes, are amended to read:

682 493.6203 License requirements.—In addition to the license
683 requirements set forth elsewhere in this chapter, each
684 individual or agency shall comply with the following additional
685 requirements:

686 (2) An applicant for a Class "MA" license shall have 2
687 years of lawfully gained, verifiable, full-time experience, or
688 training in:

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

691 (b) Work as a Class "CC" licensed intern;

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

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

695 (e) No more than 1 year using:

696 1. College coursework related to criminal justice,

588-05226A-10

2010382c3

697 criminology, or law enforcement administration; or

698 2. Successfully completed law enforcement-related training
699 received from any federal, state, county, or municipal agency;
700 or

701 (f) Experience described in paragraph (a) for 1 year and
702 work in a managerial or supervisory capacity for 1 year.

703

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

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

710 (a) Private investigative work or related fields of work
711 that provided equivalent experience or training.

712 (b) College coursework related to criminal justice,
713 criminology, or law enforcement administration, or successful
714 completion of any law enforcement-related training received from
715 any federal, state, county, or municipal agency, except that no
716 more than 1 year may be used from this category.

717 (c) Work as a Class "CC" licensed intern.

718

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

721 (6) (a) A Class "CC" licensee shall serve an internship
722 under the direction and control of a designated sponsor, who is
723 a Class "C," Class "MA," or Class "M" licensee.

724 (b) Effective January 1, 2011 ~~September 1, 2008~~, before
725 submission of an application to the department, the an applicant

588-05226A-10

2010382c3

726 for a Class "CC" license must have completed a minimum of 40 ~~at~~
727 ~~least 24~~ hours of professional training ~~a 40-hour course~~
728 pertaining to general investigative techniques and this chapter,
729 which course is offered by a state university or by a school,
730 community college, college, or university under the purview of
731 the Department of Education, and the applicant must pass an
732 examination. The training must be provided in two parts, one 24-
733 hour course and one 16-hour course. The certificate evidencing
734 satisfactory completion of the 40 ~~at least 24~~ hours of
735 professional training ~~a 40-hour course~~ must be submitted with
736 the application for a Class "CC" license. ~~The remaining 16 hours~~
737 ~~must be completed and an examination passed within 180 days. If~~
738 ~~documentation of completion of the required training is not~~
739 ~~submitted within the specified timeframe, the individual's~~
740 ~~license is automatically suspended or his or her authority to~~
741 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
742 ~~until such time as proof of certificate of completion is~~
743 ~~provided to the department.~~ The training course specified in
744 this paragraph may be provided by face-to-face presentation,
745 online technology, or a home study course in accordance with
746 rules and procedures of the Department of Education. The
747 administrator of the examination must verify the identity of
748 each applicant taking the examination.

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

588-05226A-10

2010382c3

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

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

761 (c) An individual who submits an application for a Class
762 "CC" license on or after September 1, 2008, through December 31,
763 2010, who has not completed the 16-hour course must submit proof
764 of successful completion of the course within 180 days after the
765 date the application is submitted. If documentation of
766 completion of the required training is not submitted by that
767 date, the individual's license is automatically suspended until
768 proof of the required training is submitted to the department.
769 An individual licensed on or before August 31, 2008, is not
770 required to complete additional training hours in order to renew
771 an active license beyond the required total amount of training,
772 and within the timeframe, in effect at the time he or she was
773 licensed.

774 Section 18. Subsection (3) of section 493.6302, Florida
775 Statutes, is amended to read:

776 493.6302 Fees.—

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

588-05226A-10

2010382c3

784 refunded.

785 Section 19. Subsection (4) of section 493.6303, Florida
786 Statutes, is amended to read:

787 493.6303 License requirements.—In addition to the license
788 requirements set forth elsewhere in this chapter, each
789 individual or agency shall comply with the following additional
790 requirements:

791 (4) (a) Effective January 1, 2011, an applicant for a Class
792 "D" license must submit proof of successful completion of
793 ~~complete~~ a minimum of 40 hours of professional training at a
794 school or training facility licensed by the department. The
795 training must be provided in two parts, one 24-hour course and
796 one 16-hour course. The department shall by rule establish the
797 general content and number of hours of each subject area to be
798 taught.

799 (b) An individual who submits an application for a Class
800 "D" license on or after January 1, 2007, through December 31,
801 2010, who has not completed the 16-hour course must submit proof
802 of successful completion of the course within 180 days after the
803 date the application is submitted. If documentation of
804 completion of the required training is not submitted by that
805 date, the individual's license is automatically suspended until
806 proof of the required training is submitted to the department.
807 This section does not require a person licensed before January
808 1, 2007, to complete additional training hours in order to renew
809 an active license beyond the required total amount of training
810 within the timeframe prescribed by law at the time he or she was
811 licensed. An applicant may fulfill the training requirement
812 ~~prescribed in paragraph (a) by submitting proof of:~~

588-05226A-10

2010382c3

813 ~~1. Successful completion of the total number of required~~
814 ~~hours of training before initial application for a Class "D"~~
815 ~~license; or~~

816 ~~2. Successful completion of 24 hours of training before~~
817 ~~initial application for a Class "D" license and successful~~
818 ~~completion of the remaining 16 hours of training within 180 days~~
819 ~~after the date that the application is submitted. If~~
820 ~~documentation of completion of the required training is not~~
821 ~~submitted within the specified timeframe, the individual's~~
822 ~~license is automatically suspended until such time as proof of~~
823 ~~the required training is provided to the department.~~

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

588-05226A-10

2010382c3

842 Section 20. Subsection (2) of section 493.6304, Florida
843 Statutes, is amended to read:

844 493.6304 Security officer school or training facility.—

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

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

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

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

855 Section 21. Subsections (7) and (8) of section 493.6401,
856 Florida Statutes, are amended to read:

857 493.6401 Classes of licenses.—

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

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

865 Section 22. Paragraphs (f) and (g) of subsection (1) and
866 subsection (3) of section 493.6402, Florida Statutes, are
867 amended to read:

868 493.6402 Fees.—

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

588-05226A-10

2010382c3

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

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

875 (3) The fees set forth in this section must be paid by
876 ~~certified check or money order, or, at the discretion of the~~
877 ~~department, by agency check~~ at the time the application is
878 approved, except that the applicant for a Class "E," Class "EE,"
879 or Class "MR" license must pay the license fee at the time the
880 application is made. If a license is revoked or denied, or if an
881 application is withdrawn, the license fee shall not be refunded.

882 Section 23. Section 493.6406, Florida Statutes, is amended
883 to read:

884 493.6406 Recovery agent ~~Repossession services~~ school or
885 training facility.-

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

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

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

588-05226A-10

2010382c3

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

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

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

908 Section 24. Section 500.033, Florida Statutes, is amended
909 to read:

910 500.033 Florida Food Safety and Food Defense Advisory
911 Council.—

912 (1) There is created the Florida Food Safety and Food
913 Defense Advisory Council for the purpose of serving as a forum
914 for presenting, investigating, and evaluating issues of current
915 importance to the assurance of a safe and secure food supply to
916 the citizens of Florida. The Florida Food Safety and Food
917 Defense Advisory Council shall consist of, but not be limited
918 to: the Commissioner of Agriculture or his or her designee; the
919 State Surgeon General or his or her designee; the Secretary of
920 Business and Professional Regulation or his or her designee; the
921 person responsible for domestic security with the Department of
922 Law Enforcement; members representing the production,
923 processing, distribution, and sale of foods; members
924 representing small farmers; consumers or members of citizens
925 groups; representatives of food industry groups; scientists or
926 other experts in aspects of food safety from state universities;
927 representatives from local, state, and federal agencies that are
928 charged with responsibilities for food safety or food defense;

588-05226A-10

2010382c3

929 the chairs of the Agriculture Committees of the Senate and the
930 House of Representatives or their designees; and the chairs of
931 the committees of the Senate and the House of Representatives
932 with jurisdictional oversight of home defense issues or their
933 designees. The Commissioner of Agriculture shall appoint the
934 remaining members. The council shall make periodic reports to
935 the Department of Agriculture and Consumer Services concerning
936 findings and recommendations in the area of food safety and food
937 defense.

938 (2) The council shall consider the development of
939 appropriate advice or recommendations on food safety or food
940 defense issues. In the discharge of their duties, the council
941 members may receive for review confidential data exempt from the
942 provisions of s. 119.07(1); however, it is unlawful for any
943 member of the council to use the data for his or her advantage
944 or reveal the data to the general public.

945 Section 25. Paragraph (a) of subsection (2) of section
946 501.605, Florida Statutes, is amended to read:

947 501.605 Licensure of commercial telephone sellers.—

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

952 (a) The true name, date of birth, driver's license number,
953 ~~social security number~~, and home address of the applicant,
954 including each name under which he or she intends to do
955 business.

956
957 The application shall be accompanied by a copy of any: Script,

588-05226A-10

2010382c3

958 outline, or presentation the applicant will require or suggest a
959 salesperson to use when soliciting, or, if no such document is
960 used, a statement to that effect; sales information or
961 literature to be provided by the applicant to a salesperson; and
962 sales information or literature to be provided by the applicant
963 to a purchaser in connection with any solicitation.

964 Section 26. Paragraph (a) of subsection (1) of section
965 501.607, Florida Statutes, is amended to read:

966 501.607 Licensure of salespersons.—

967 (1) An applicant for a license as a salesperson must submit
968 to the department, in such form as it prescribes, a written
969 application for a license. The application must set forth the
970 following information:

971 (a) The true name, date of birth, driver's license number,
972 ~~social security number~~, and home address of the applicant.

973 Section 27. Subsection (2) of section 501.913, Florida
974 Statutes, is amended to read:

975 501.913 Registration.—

976 (2) The completed application shall be accompanied by:

977 (a) Specimens or facsimiles of the label for each brand of
978 antifreeze;

979 (b) An application fee of \$200 for each brand; and

980 (c) A properly labeled sample of at least 1 gallon, but not
981 more than 2 gallons, of each brand of antifreeze.

982 Section 28. Subsection (2) of section 525.01, Florida
983 Statutes, is amended to read:

984 525.01 Gasoline and oil to be inspected.—

985 (2) All petroleum fuels are ~~shall be~~ subject to inspection
986 and analysis by the department. Before selling or offering for

588-05226A-10

2010382c3

987 sale in this state any petroleum fuel, all manufacturers,
988 terminal suppliers, wholesalers, and importers as defined in s.
989 206.01 ~~jobbers~~ shall file with the department:

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

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

995 Section 29. Subsections (1) and (3) of section 525.09,
996 Florida Statutes, are amended to read:

997 525.09 Inspection fee.—

998 (1) For the purpose of defraying the expenses incident to
999 inspecting, testing, and analyzing petroleum fuels in this
1000 state, there shall be paid to the department a charge of one-
1001 eighth cent per gallon on all gasoline, alternative fuel
1002 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
1003 kerosene (except when used as aviation turbine fuel), and #1
1004 fuel oil for sale or use in this state. This inspection fee
1005 shall be imposed in the same manner as the motor fuel tax
1006 pursuant to s. 206.41. Payment shall be made on or before the
1007 25th day of each month.

1008 (3) All remittances to the department for the inspection
1009 tax herein provided shall be accompanied by a detailed report
1010 under oath showing the number of gallons of gasoline,
1011 alternative fuel containing alcohol as defined in s.
1012 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
1013 in each county.

1014 Section 30. Section 526.50, Florida Statutes, is amended to
1015 read:

588-05226A-10

2010382c3

1016 526.50 Definition of terms.—As used in this part:

1017 (1) "Brake fluid" means the fluid intended for use as the
1018 liquid medium through which force is transmitted in the
1019 hydraulic brake system of a vehicle operated upon the highways.

1020 (2) "Brand" means the product name appearing on the label
1021 of a container of brake fluid.

1022 (3) "Container" means any receptacle in which brake fluid
1023 is immediately contained when sold, but does not mean a carton
1024 or wrapping in which a number of such receptacles are shipped or
1025 stored or a tank car or truck.

1026 (4)~~(2)~~ "Department" means the Department of Agriculture and
1027 Consumer Services.

1028 (5) "Formula" means the name of the chemical mixture or
1029 composition of the brake fluid product.

1030 (6) "Labeling" includes all written, printed or graphic
1031 representations, in any form whatsoever, imprinted upon or
1032 affixed to any container of brake fluid.

1033 (7) "Permit year" means a period of 12 months commencing
1034 July 1 and ending on the next succeeding June 30.

1035 (8) "Registrant" means any manufacturer, packer,
1036 distributor, seller, or other person who has registered a brake
1037 fluid with the department.

1038 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
1039 trade, keep for sale, offer for sale or expose for sale, in any
1040 of their variant forms.

1041 ~~(4) "Labeling" includes all written, printed or graphic~~
1042 ~~representations, in any form whatsoever, imprinted upon or~~
1043 ~~affixed to any container of brake fluid.~~

1044 ~~(5) "Container" means any receptacle in which brake fluid~~

588-05226A-10

2010382c3

1045 ~~is immediately contained when sold, but does not mean a carton~~
1046 ~~or wrapping in which a number of such receptacles are shipped or~~
1047 ~~stored or a tank car or truck.~~

1048 ~~(6) "Permit year" means a period of 12 months commencing~~
1049 ~~July 1 and ending on the next succeeding June 30.~~

1050 ~~(7) "Registrant" means any manufacturer, packer,~~
1051 ~~distributor, seller, or other person who has registered a brake~~
1052 ~~fluid with the department.~~

1053 Section 31. Section 526.51, Florida Statutes, is amended to
1054 read:

1055 526.51 Registration; renewal and fees; departmental
1056 expenses; cancellation or refusal to issue or renew.—

1057 (1) (a) Application for registration of each brand of brake
1058 fluid shall be made on forms to be supplied by the department.
1059 The applicant shall give his or her name and address and the
1060 brand name of the brake fluid, state that he or she owns the
1061 brand name and has complete control over the product sold
1062 thereunder in Florida, and provide the name and address of the
1063 resident agent in Florida. If the applicant does not own the
1064 brand name but wishes to register the product with the
1065 department, a notarized affidavit that gives the applicant full
1066 authorization to register the brand name and that is signed by
1067 the owner of the brand name must accompany the application for
1068 registration. The affidavit must include all affected brand
1069 names, the owner's company or corporate name and address, the
1070 applicant's company or corporate name and address, and a
1071 statement from the owner authorizing the applicant to register
1072 the product with the department. The owner of the brand name
1073 shall maintain complete control over each product sold under

588-05226A-10

2010382c3

1074 that brand name in this state. All first-time brand-formula
1075 combination ~~new-product~~ applications must be accompanied by a
1076 certified report from an independent testing laboratory, setting
1077 forth the analysis of the brake fluid which shall show its
1078 quality to be not less than the specifications established by
1079 the department for brake fluids. A sample of not less than 24
1080 fluid ounces of brake fluid shall be submitted, in a container
1081 or containers, with labels representing exactly how the
1082 containers of brake fluid will be labeled when sold, and the
1083 sample and container shall be analyzed and inspected by the
1084 Division of Standards in order that compliance with the
1085 department's specifications and labeling requirements may be
1086 verified. Upon approval of the application, the department shall
1087 register the brand name of the brake fluid and issue to the
1088 applicant a permit authorizing the registrant to sell the brake
1089 fluid in this state during the permit year specified in the
1090 permit.

1091 (b) Each applicant shall pay a fee of \$100 with each
1092 application. A permit may be renewed by application to the
1093 department, accompanied by a renewal fee of \$50 on or before the
1094 last day of the permit year immediately preceding the permit
1095 year for which application is made for renewal of registration.
1096 To any fee not paid when due, there shall accrue a penalty of
1097 \$25, which shall be added to the renewal fee. Renewals will be
1098 accepted only on brake fluids that have no change in formula,
1099 composition, or brand name. Any change in formula, composition,
1100 or brand name of any brake fluid constitutes a new product that
1101 must be registered in accordance with this part.

1102 (2) All fees collected under the provisions of this section

588-05226A-10

2010382c3

1103 shall be credited to the General Inspection Trust Fund of the
1104 department and all expenses incurred in the enforcement of this
1105 part shall be paid from said fund.

1106 (3) The department may cancel, refuse to issue or refuse to
1107 renew any registration and permit after due notice and
1108 opportunity to be heard if it finds that the brake fluid is
1109 adulterated or misbranded or that the registrant has failed to
1110 comply with the provisions of this part or the rules and
1111 regulations promulgated thereunder.

1112 Section 32. Paragraph (a) of subsection (3) of section
1113 526.52, Florida Statutes, is amended to read:

1114 526.52 Specifications; adulteration and misbranding.—

1115 (3) Brake fluid is deemed to be misbranded:

1116 (a) If its container does not bear on its side or top a
1117 label on which is printed the name and place of business of the
1118 registrant of the product, the words "brake fluid," and a
1119 statement that the product therein equals or exceeds the minimum
1120 specification of the Society of Automotive Engineers for heavy-
1121 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
1122 Safety Standard No. 116 adopted by the United States Department
1123 of Transportation, ~~heavy-duty-type~~. By regulation the department
1124 may require that the duty-type classification appear on the
1125 label.

1126 Section 33. Subsection (2) of section 526.53, Florida
1127 Statutes, is amended to read:

1128 526.53 Enforcement; inspection and analysis, stop-sale and
1129 disposition, regulations.—

1130 (2) (a) When any brake fluid is sold in violation of any of
1131 the provisions of this part, all such affected brake fluid of

588-05226A-10

2010382c3

1132 the same brand name ~~on the same premises on which the violation~~
1133 ~~occurred~~ shall be placed under a stop-sale order by the
1134 department by serving the owner of the brand name, distributor,
1135 or other entity responsible for selling or distributing the
1136 product in the state with the stop-sale order. The department
1137 shall withdraw its stop-sale order upon the removal of the
1138 violation or upon voluntary destruction of the product, or other
1139 disposal approved by the department, under the supervision of
1140 the department.

1141 (b) In addition to being subject to the stop-sale
1142 procedures above, unregistered brake fluid shall be held by the
1143 department or its representative, at a place to be designated in
1144 the stop-sale order, until properly registered and released in
1145 writing by the department or its representative. If application
1146 is has not been made for registration of the such product within
1147 30 days after issue of the stop-sale order, such product shall
1148 be disposed of by the department, or, with the department's
1149 consent, by the business, to any tax-supported institution or
1150 agency of the state if the brake fluid meets legal
1151 specifications or by other disposal authorized by rule of the
1152 department if it fails to meet legal specifications.

1153 Section 34. Subsections (1) and (3) and paragraphs (a) and
1154 (c) of subsection (5) of section 527.0201, Florida Statutes, are
1155 amended to read:

1156 527.0201 Qualifiers; master qualifiers; examinations.—

1157 (1) In addition to the requirements of s. 527.02, any
1158 person applying for a license to engage in the activities of a
1159 pipeline system operator, category I liquefied petroleum gas
1160 dealer, category II liquefied petroleum gas dispenser, category

588-05226A-10

2010382c3

1161 IV liquefied petroleum gas dispenser and recreational vehicle
1162 servicer, category V liquefied petroleum gases dealer for
1163 industrial uses only, LP gas installer, specialty installer,
1164 requalifier ~~requalification~~ of cylinders, or fabricator,
1165 repairer, and tester of vehicles and cargo tanks must prove
1166 competency by passing a written examination administered by the
1167 department or its agent with a grade of at least 75 percent in
1168 each area tested ~~or above~~. Each applicant for examination shall
1169 submit a \$20 nonrefundable fee. The department shall by rule
1170 specify the general areas of competency to be covered by each
1171 examination and the relative weight to be assigned in grading
1172 each area tested.

1173 (3) Qualifier cards issued to category I liquefied
1174 petroleum gas dealers and liquefied petroleum gas installers
1175 shall expire 3 years after the date of issuance. All category I
1176 liquefied petroleum gas dealer qualifiers and liquefied
1177 petroleum gas installer qualifiers holding a valid qualifier
1178 card upon the effective date of this act shall retain their
1179 qualifier status until July 1, 2003, and may sit for the master
1180 qualifier examination at any time during that time period. All
1181 such category I liquefied petroleum gas dealer qualifiers and
1182 liquefied petroleum gas installer qualifiers may renew their
1183 qualification on or before July 1, 2003, upon application to the
1184 department, payment of a \$20 renewal fee, and documentation of
1185 the completion of a minimum of 16 ~~12~~ hours of approved
1186 continuing education courses, as defined by department rule,
1187 during the previous 3-year period. Applications for renewal must
1188 be made 30 calendar days prior to expiration. Persons failing to
1189 renew prior to the expiration date must reapply and take a

588-05226A-10

2010382c3

1190 qualifier competency examination in order to reestablish
1191 category I liquefied petroleum gas dealer qualifier and
1192 liquefied petroleum gas installer qualifier status. If a
1193 category I liquefied petroleum gas qualifier or liquefied
1194 petroleum gas installer qualifier becomes a master qualifier at
1195 any time during the effective date of the qualifier card, the
1196 card shall remain in effect until expiration of the master
1197 qualifier certification.

1198 (5) In addition to all other licensing requirements, each
1199 category I liquefied petroleum gas dealer and liquefied
1200 petroleum gas installer must, at the time of application for
1201 licensure, identify to the department one master qualifier who
1202 is a full-time employee at the licensed location. This person
1203 shall be a manager, owner, or otherwise primarily responsible
1204 for overseeing the operations of the licensed location and must
1205 provide documentation to the department as provided by rule. The
1206 master qualifier requirement shall be in addition to the
1207 requirements of subsection (1).

1208 (a) In order to apply for certification as a master
1209 qualifier, each applicant must be a category I liquefied
1210 petroleum gas dealer qualifier or liquefied petroleum gas
1211 installer qualifier, must be employed by a licensed category I
1212 liquefied petroleum gas dealer, liquefied petroleum gas
1213 installer, or applicant for such license, must provide
1214 documentation of a minimum of 1 year's work experience in the
1215 gas industry, and must pass a master qualifier competency
1216 examination. Master qualifier examinations shall be based on
1217 Florida's laws, rules, and adopted codes governing liquefied
1218 petroleum gas safety, general industry safety standards, and

588-05226A-10

2010382c3

1219 administrative procedures. The examination must be successfully
1220 passed ~~completed~~ by the applicant with a grade of at least 75
1221 percent ~~or more~~. Each applicant for master qualifier status
1222 shall submit to the department a nonrefundable \$30 examination
1223 fee prior to the examination.

1224 (c) Master qualifier status shall expire 3 years after the
1225 date of issuance of the certificate and may be renewed by
1226 submission to the department of documentation of completion of
1227 at least 16 ~~12~~ hours of approved continuing education courses
1228 during the 3-year period; proof of employment with a licensed
1229 category I liquefied petroleum gas dealer, liquefied petroleum
1230 gas installer, or applicant; and a \$30 certificate renewal fee.
1231 The department shall define, by rule, approved courses of
1232 continuing education.

1233 Section 35. Section 527.12, Florida Statutes, is amended to
1234 read:

1235 527.12 Cease and desist orders; stop-use orders; stop-
1236 operation orders; stop-sale orders; administrative fines.-

1237 (1) Whenever the department has ~~shall have~~ reason to
1238 believe that any person is violating or has violated ~~been~~
1239 ~~violating provisions of~~ this chapter or any rules adopted under
1240 this chapter pursuant thereto, the department ~~it~~ may issue a
1241 cease and desist order, or ~~or~~ impose a civil penalty, or do both
1242 ~~may issue such cease and desist order and impose a civil~~
1243 ~~penalty.~~

1244 (2) Whenever a person or liquefied petroleum gas system or
1245 storage facility, or any part or component thereof, fails to
1246 comply with this chapter or any rules adopted under this
1247 chapter, the department may issue a stop-use order, stop-

588-05226A-10

2010382c3

1248 operation order, or stop-sale order.

1249 Section 36. Subsection (1) of section 559.805, Florida
1250 Statutes, is amended to read:

1251 559.805 Filings with the department; disclosure of
1252 advertisement identification number.—

1253 (1) Every seller of a business opportunity shall annually
1254 file with the department a copy of the disclosure statement
1255 required by s. 559.803 before ~~prior to~~ placing an advertisement
1256 or making any other representation designed to offer to, sell
1257 to, or solicit an offer to buy a business opportunity from a
1258 prospective purchaser in this state and shall update this filing
1259 by reporting any material change in the required information
1260 within 30 days after the material change occurs. An
1261 advertisement is not placed in the state merely because the
1262 publisher circulates, or there is circulated on his or her
1263 behalf in the state, any bona fide newspaper or other
1264 publication of general, regular, and paid circulation which has
1265 had more than two-thirds of its circulation during the past 12
1266 months outside the state or because a radio or television
1267 program originating outside the state is received in the state.
1268 If the seller is required by s. 559.807 to provide a bond or
1269 establish a trust account or guaranteed letter of credit, he or
1270 she shall contemporaneously file with the department a copy of
1271 the bond, a copy of the formal notification by the depository
1272 that the trust account is established, or a copy of the
1273 guaranteed letter of credit. Every seller of a business
1274 opportunity shall file with the department a list of independent
1275 agents who will engage in the offer or sale of business
1276 opportunities on behalf of the seller in this state. This list

588-05226A-10

2010382c3

1277 must be kept current and shall include the following
1278 information: name, home and business address, telephone number,
1279 present employer, ~~social security number~~, and birth date. A ~~No~~
1280 person may not ~~shall be allowed to~~ offer or sell business
1281 opportunities unless the required information is ~~has been~~
1282 provided to the department.

1283 Section 37. Subsection (3) of section 559.928, Florida
1284 Statutes, is amended to read:

1285 559.928 Registration.—

1286 (3) Each independent agent shall annually file an affidavit
1287 with the department before ~~prior to~~ engaging in business in this
1288 state. This affidavit must include the independent agent's full
1289 name, legal business or trade name, mailing address, business
1290 address, telephone number, ~~social security number~~, and the name
1291 or names and addresses of each seller of travel represented by
1292 the independent agent. A letter evidencing proof of filing must
1293 be issued by the department and must be prominently displayed in
1294 the independent agent's primary place of business. Each
1295 independent agent must also submit an annual registration fee of
1296 \$50. All moneys collected pursuant to the imposition of the fee
1297 shall be deposited by the Chief Financial Officer into the
1298 General Inspection Trust Fund of the Department of Agriculture
1299 and Consumer Services for the sole purpose of administrating
1300 this part. As used in this subsection, the term "independent
1301 agent" means a person who represents a seller of travel by
1302 soliciting persons on its behalf; who has a written contract
1303 with a seller of travel which is operating in compliance with
1304 this part and any rules adopted thereunder; who does not receive
1305 a fee, commission, or other valuable consideration directly from

588-05226A-10

2010382c3

1306 the purchaser for the seller of travel; who does not at any time
1307 have any unissued ticket stock or travel documents in his or her
1308 possession; and who does not have the ability to issue tickets,
1309 vacation certificates, or any other travel document. The term
1310 "independent agent" does not include an affiliate of the seller
1311 of travel, as that term is used in s. 559.935(3), or the
1312 employees of the seller of travel or of such affiliates.

1313 Section 38. Subsection (7) of section 570.0725, Florida
1314 Statutes, is amended to read:

1315 570.0725 Food recovery; legislative intent; department
1316 functions.—

1317 (7) For public information purposes, the department may
1318 ~~shall~~ develop and provide a public information brochure
1319 detailing the need for food banks and similar ~~of~~ food recovery
1320 programs, the benefit of such ~~food recovery~~ programs, the manner
1321 in which ~~such~~ organizations may become involved in such ~~food~~
1322 ~~recovery~~ programs, and the protection afforded to such programs
1323 under s. 768.136, ~~and the food recovery entities or food banks~~
1324 ~~that exist in the state. This brochure must be updated annually.~~
1325 A food bank or similar food recovery organization seeking to be
1326 included on a list of such organizations must notify the
1327 department and provide the information required by rule of the
1328 department. Such organizations are responsible for updating the
1329 information and providing the updated information to the
1330 department. The department may adopt rules to implement this
1331 section.

1332 Section 39. Paragraph (e) of subsection (6) of section
1333 570.53, Florida Statutes, is amended to read:

1334 570.53 Division of Marketing and Development; powers and

588-05226A-10

2010382c3

1335 duties.—The powers and duties of the Division of Marketing and
1336 Development include, but are not limited to:

1337 (6)

1338 (e) Extending in every practicable way the distribution and
1339 sale of Florida agricultural products throughout the markets of
1340 the world as required of the department by s. ss. 570.07(7),
1341 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1342 Section 40. Subsection (2) of section 570.54, Florida
1343 Statutes, is amended to read:

1344 570.54 Director; duties.—

1345 (2) It shall be the duty of the director of this division
1346 to supervise, direct, and coordinate the activities authorized
1347 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
1348 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
1349 chapters 504, 571, 573, and 574 and to exercise other powers and
1350 authority as authorized by the department.

1351 Section 41. Subsection (4) of section 570.55, Florida
1352 Statutes, is amended to read:

1353 570.55 Identification of sellers or handlers of tropical or
1354 subtropical fruit and vegetables; containers specified;
1355 penalties.—

1356 (4) IDENTIFICATION OF HANDLER.—At the time of each
1357 transaction involving the handling or sale of 55 pounds or more
1358 of tropical or subtropical fruit or vegetables in the primary
1359 channel of trade, the buyer or receiver of the tropical or
1360 subtropical fruit or vegetables shall demand a bill of sale,
1361 invoice, sales memorandum, or other document listing the date of
1362 the transaction, the quantity of the tropical or subtropical
1363 fruit or vegetables involved in the transaction, and the

588-05226A-10

2010382c3

1364 identification of the seller or handler as it appears on the
1365 driver's license of the seller or handler, including the
1366 driver's license number. If the seller or handler does not
1367 possess a driver's license, the buyer or receiver shall use any
1368 other acceptable means of identification, which may include, but
1369 is not limited to, i.e., voter's registration card and number,
1370 draft card, ~~social security card,~~ or other identification.
1371 However, no less than two identification documents shall be
1372 used. The identification of the seller or handler shall be
1373 recorded on the bill of sale, sales memorandum, invoice, or
1374 voucher, which shall be retained by the buyer or receiver for a
1375 period of not less than 1 year from the date of the transaction.

1376 Section 42. Subsection (3) of section 570.902, Florida
1377 Statutes, is amended to read:

1378 570.902 Definitions; ss. 570.902 and 570.903.—For the
1379 purpose of ss. 570.902 and 570.903:

1380 ~~(3) "Museum" means the Florida Agricultural Museum which is~~
1381 ~~designated as the museum for agriculture and rural history of~~
1382 ~~the State of Florida.~~

1383 Section 43. Section 570.903, Florida Statutes, is amended
1384 to read:

1385 570.903 Direct-support organization.—

1386 (1) When the Legislature authorizes the establishment of a
1387 direct-support organization to provide assistance for ~~the~~
1388 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
1389 ~~Florida State Collection of Arthropods,~~ the Friends of the
1390 Florida State Forests Program of the Division of Forestry, and
1391 the Forestry Arson Alert Program, and other programs of the
1392 department, the following provisions shall govern the creation,

588-05226A-10

2010382c3

1393 use, powers, and duties of the direct-support organization.

1394 (a) The department shall enter into a memorandum or letter
1395 of agreement with the direct-support organization, which shall
1396 specify the approval of the department, the powers and duties of
1397 the direct-support organization, and rules with which the
1398 direct-support organization shall comply.

1399 (b) The department may permit, without charge, appropriate
1400 use of property, facilities, and personnel of the department by
1401 a direct-support organization, subject to the provisions of ss.
1402 570.902 and 570.903. The use shall be directly in keeping with
1403 the approved purposes of the direct-support organization and
1404 shall not be made at times or places that would unreasonably
1405 interfere with opportunities for the general public to use
1406 department facilities for established purposes.

1407 (c) The department shall prescribe by contract or by rule
1408 conditions with which a direct-support organization shall comply
1409 in order to use property, facilities, or personnel of the
1410 department ~~or museum~~. Such rules shall provide for budget and
1411 audit review and oversight by the department.

1412 (d) The department shall not permit the use of property,
1413 facilities, or personnel of the ~~museum~~, department, or
1414 designated program by a direct-support organization which does
1415 not provide equal employment opportunities to all persons
1416 regardless of race, color, religion, sex, age, or national
1417 origin.

1418 (2) (a) The direct-support organization shall be empowered
1419 to conduct programs and activities; raise funds; request and
1420 receive grants, gifts, and bequests of money; acquire, receive,
1421 hold, invest, and administer, in its own name, securities,

588-05226A-10

2010382c3

1422 funds, objects of value, or other property, real or personal;
1423 and make expenditures to or for the direct or indirect benefit
1424 of the ~~museum or~~ designated program.

1425 (b) Notwithstanding the provisions of s. 287.057, the
1426 direct-support organization may enter into contracts or
1427 agreements with or without competitive bidding for the
1428 ~~restoration of objects, historical buildings, and other~~
1429 ~~historical materials or for the purchase of objects, historical~~
1430 ~~buildings, and other historical materials which are to be added~~
1431 ~~to the collections of the museum, or benefit of~~ the designated
1432 program. However, before the direct-support organization may
1433 enter into a contract or agreement without competitive bidding,
1434 the direct-support organization shall file a certification of
1435 conditions and circumstances with the internal auditor of the
1436 department justifying each contract or agreement.

1437 (c) Notwithstanding the provisions of s. 287.025(1)(e), the
1438 direct-support organization may enter into contracts to insure
1439 property of the ~~museum or~~ designated programs ~~and may insure~~
1440 ~~objects or collections on loan from others in satisfying~~
1441 ~~security terms of the lender.~~

1442 (3) The direct-support organization shall provide for an
1443 annual financial audit in accordance with s. 215.981.

1444 (4) Neither a designated program ~~or a museum,~~ nor a
1445 nonprofit corporation trustee or employee may:

1446 (a) Receive a commission, fee, or financial benefit in
1447 connection with the sale or exchange of property ~~historical~~
1448 ~~objects or properties~~ to the direct-support organization, ~~the~~
1449 ~~museum,~~ or the designated program; or

1450 (b) Be a business associate of any individual, firm, or

588-05226A-10

2010382c3

1451 organization involved in the sale or exchange of property to the
1452 direct-support organization,~~the museum,~~ or the designated
1453 program.

1454 (5) All moneys received by the direct-support organization
1455 shall be deposited into an account of the direct-support
1456 organization and shall be used by the organization in a manner
1457 consistent with the goals of the ~~museum or~~ designated program.

1458 (6) The identity of a donor or prospective donor who
1459 desires to remain anonymous and all information identifying such
1460 donor or prospective donor are confidential and exempt from the
1461 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1462 Constitution.

1463 (7) The Commissioner of Agriculture, or the commissioner's
1464 designee, may serve on the board of trustees and the executive
1465 committee of any direct-support organization established to
1466 benefit ~~the museum or~~ any designated program.

1467 ~~(8) The department shall establish by rule archival~~
1468 ~~procedures relating to museum artifacts and records. The rules~~
1469 ~~shall provide procedures which protect the museum's artifacts~~
1470 ~~and records equivalent to those procedures which have been~~
1471 ~~established by the Department of State under chapters 257 and~~
1472 ~~267.~~

1473 Section 44. Subsection (4) of section 573.118, Florida
1474 Statutes, is amended to read:

1475 573.118 Assessment; funds; audit; loans.—

1476 (4) In the event of levying and collecting of assessments,
1477 for each fiscal year in which assessment funds are received by
1478 the department, the department shall maintain records of
1479 collections and expenditures for each marketing order separately

588-05226A-10

2010382c3

1480 within the state's accounting system. If requested by an
1481 advisory council, department staff shall cause to be made a
1482 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~
1483 ~~public accountant~~, such audit to be completed within 60 days
1484 after the request is received ~~end of the fiscal year~~. The
1485 advisory council ~~department and all producers and handlers~~
1486 ~~covered by the marketing order~~ shall be provided a copy of the
1487 ~~properly advised of the details of the annual official~~ audit of
1488 the accounts ~~as shown by the certified public accountant~~ within
1489 30 days after completion of the audit.

1490 Section 45. Subsections (18) through (30) of section
1491 581.011, Florida Statutes, are renumbered as subsections (17)
1492 through (29), respectively, and present subsections (17) and
1493 (20) of that section are amended to read:

1494 581.011 Definitions.—As used in this chapter:

1495 ~~(17) "Museum" means the Florida State Collection of~~
1496 ~~Arthropods.~~

1497 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in
1498 which nursery stock is grown, propagated, or held for sale or
1499 distribution, including ~~except where~~ aquatic plant species ~~are~~
1500 tended for harvest in the natural environment.

1501 Section 46. Paragraph (a) of subsection (3) of section
1502 581.211, Florida Statutes, is amended to read:

1503 581.211 Penalties for violations.—

1504 (3)(a)1. In addition to any other provision of law, the
1505 department may, after notice and hearing, impose an
1506 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1507 violation of this chapter, upon any person, nurseryman, stock
1508 dealer, agent or plant broker. The fine, when paid, shall be

588-05226A-10

2010382c3

1509 deposited in the Plant Industry Trust Fund. In addition, the
1510 department may place the violator on probation for up to 1 year,
1511 with conditions.

1512 2. The imposition of a fine or probation pursuant to this
1513 subsection may be in addition to or in lieu of the suspension or
1514 revocation of a certificate of registration or certificate of
1515 inspection.

1516 Section 47. Section 583.13, Florida Statutes, is amended to
1517 read:

1518 583.13 Labeling and advertising requirements for dressed
1519 poultry; unlawful acts.—

1520 (1) It is unlawful for any dealer or broker to sell, offer
1521 for sale, or hold for the purpose of sale in the state any
1522 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1523 is packed in a container clearly bearing a label, not less than
1524 3 inches by 5 inches, on which shall be plainly and legibly
1525 printed, in letters of not less than 1/4 inch high ~~in height~~,
1526 ~~the grade and the part name or whole-bird statement of such~~
1527 ~~poultry. The grade may be expressed in the term "premium,"~~
1528 ~~"good," or "standard," or as the grade of another state or~~
1529 ~~federal agency the standards of quality of which, by law, are~~
1530 ~~equal to the standards of quality provided by this law and rules~~
1531 ~~promulgated hereunder.~~

1532 (2) It is unlawful to sell unpackaged dressed or ready-to-
1533 cook poultry at retail unless such poultry is labeled by a
1534 placard immediately adjacent to the poultry or unless each bird
1535 is individually labeled to show ~~the grade and the part name or~~
1536 ~~whole-bird statement.~~ The placard shall be no smaller than 7
1537 inches by 7 inches in size, and the required labeling

588-05226A-10

2010382c3

1538 information shall be legibly and plainly printed on the placard
1539 in letters not smaller than 1 inch in height.

1540 (3) It is unlawful to sell packaged dressed or ready-to-
1541 cook poultry at retail unless such poultry is labeled to show
1542 ~~the grade,~~ the part name or whole-bird statement, the net weight
1543 of the poultry, and the name and address of the dealer. The size
1544 of the type on the label must be one-eighth inch or larger. A
1545 placard immediately adjacent to such poultry may be used to
1546 indicate ~~the grade and~~ the part name or whole-bird statement,
1547 but not the net weight of the poultry or the name and address of
1548 the dealer.

1549 (4) It is unlawful to use dressed or ready-to-cook poultry
1550 in bulk in the preparation of food served to the public, or to
1551 hold such poultry for the purpose of such use, unless the
1552 poultry when received was packed in a container clearly bearing
1553 a label, not less than 3 inches by 5 inches, on which was
1554 plainly and legibly printed, in letters not less than 1/4 ~~one-~~
1555 ~~fourth~~ inch high ~~in height,~~ ~~the grade and~~ the part name or
1556 whole-bird statement of such poultry. ~~The grade may be expressed~~
1557 ~~in the term "premium," "good," or "standard," or as the grade of~~
1558 ~~another state or federal agency the standards of quality of~~
1559 ~~which, by law, are equal to the standards of quality provided by~~
1560 ~~this law and rules promulgated hereunder.~~

1561 (5) It is unlawful to offer dressed or ready-to-cook
1562 poultry for sale in any advertisement in a newspaper or
1563 circular, on radio or television, or in any other form of
1564 advertising without plainly designating in such advertisement
1565 ~~the grade and~~ the part name or whole-bird statement of such
1566 poultry.

588-05226A-10

2010382c3

1567 Section 48. Subsection (1) of section 585.61, Florida
1568 Statutes, is amended to read:

1569 585.61 Animal disease diagnostic laboratories.—

1570 (1) There is hereby created and established an animal
1571 disease diagnostic laboratory in Osceola County and Suwannee
1572 County. The laboratory complex in Osceola County is designated
1573 as "The Bronson Animal Disease Diagnostic Laboratory."

1574 Section 49. Section 590.125, Florida Statutes, is amended
1575 to read:

1576 590.125 Open burning authorized by the division.—

1577 (1) DEFINITIONS.—As used in this section, the term:

1578 (a) "Certified pile burner" means an individual who
1579 successfully completes the division's pile burning certification
1580 program and possesses a valid pile burner certification number.

1581 ~~(a) "Prescribed burning" means the controlled application~~
1582 ~~of fire in accordance with a written prescription for vegetative~~
1583 ~~fuels under specified environmental conditions while following~~
1584 ~~appropriate precautionary measures that ensure that the fire is~~
1585 ~~confined to a predetermined area to accomplish the planned fire~~
1586 ~~or land-management objectives.~~

1587 (b) "Certified prescribed burn manager" means an individual
1588 who successfully completes the certified prescribed burning
1589 ~~certification~~ program of the division and possesses a valid
1590 certification number.

1591 ~~(c) "Prescription" means a written plan establishing the~~
1592 ~~criteria necessary for starting, controlling, and extinguishing~~
1593 ~~a prescribed burn.~~

1594 (c)-(d) "Extinguished" means: that no spreading flame

1595 1. For wild land burning or certified prescribed burning,

588-05226A-10

2010382c3

1596 that no spreading flames exist. ~~and no visible flame, smoke, or~~
1597 ~~emissions~~

1598 2. For vegetative land-clearing debris burning or pile
1599 burning, that no visible flames exist.

1600 3. For vegetative land-clearing debris burning or pile
1601 burning in an area designated as smoke sensitive by the
1602 division, that no visible flames, smoke, or emissions exist.

1603 (d) "Land-clearing operation" means the uprooting or
1604 clearing of vegetation in connection with the construction of
1605 buildings and rights-of-way, land development, and mineral
1606 operations. The term does not include the clearing of yard
1607 trash.

1608 (e) "Pile burning" means the burning of silvicultural,
1609 agricultural, or land-clearing and tree-cutting debris
1610 originating onsite, which is stacked together in a round or
1611 linear fashion, including, but not limited to, a windrow.

1612 (f) "Prescribed burning" means the controlled application
1613 of fire in accordance with a written prescription for vegetative
1614 fuels under specified environmental conditions while following
1615 appropriate precautionary measures that ensure that the fire is
1616 confined to a predetermined area to accomplish the planned fire
1617 or land-management objectives.

1618 (g) "Prescription" means a written plan establishing the
1619 criteria necessary for starting, controlling, and extinguishing
1620 a prescribed burn.

1621 (h) "Yard trash" means vegetative matter resulting from
1622 landscaping and yard maintenance operations and other such
1623 routine property cleanup activities. The term includes materials
1624 such as leaves, shrub trimmings, grass clippings, brush, and

588-05226A-10

2010382c3

1625 palm fronds.

1626 (2) NONCERTIFIED BURNING.—

1627 (a) Persons may be authorized to burn wild land or
1628 vegetative land-clearing debris in accordance with this
1629 subsection if:

1630 1. There is specific consent of the landowner or his or her
1631 designee;

1632 2. Authorization has been obtained from the division or its
1633 designated agent before starting the burn;

1634 3. There are adequate firebreaks at the burn site and
1635 sufficient personnel and firefighting equipment for the control
1636 of the fire;

1637 4. The fire remains within the boundary of the authorized
1638 area;

1639 5. Someone is present at the burn site until the fire is
1640 extinguished;

1641 6. The division does not cancel the authorization; and

1642 7. The division determines that air quality and fire danger
1643 are favorable for safe burning.

1644 (b) A person who burns wild land or vegetative land-
1645 clearing debris in a manner that violates any requirement of
1646 this subsection commits a misdemeanor of the second degree,
1647 punishable as provided in s. 775.082 or s. 775.083.

1648 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1649 PURPOSE.—

1650 (a) The application of prescribed burning is a land
1651 management tool that benefits the safety of the public, the
1652 environment, and the economy of the state. The Legislature finds
1653 that:

588-05226A-10

2010382c3

1654 1. Prescribed burning reduces vegetative fuels within wild
1655 land areas. Reduction of the fuel load reduces the risk and
1656 severity of wildfire, thereby reducing the threat of loss of
1657 life and property, particularly in urban areas.

1658 2. Most of Florida's natural communities require periodic
1659 fire for maintenance of their ecological integrity. Prescribed
1660 burning is essential to the perpetuation, restoration, and
1661 management of many plant and animal communities. Significant
1662 loss of the state's biological diversity will occur if fire is
1663 excluded from fire-dependent systems.

1664 3. Forestland and rangeland constitute significant
1665 economic, biological, and aesthetic resources of statewide
1666 importance. Prescribed burning on forestland prepares sites for
1667 reforestation, removes undesirable competing vegetation,
1668 expedites nutrient cycling, and controls or eliminates certain
1669 forest pathogens. On rangeland, prescribed burning improves the
1670 quality and quantity of herbaceous vegetation necessary for
1671 livestock production.

1672 4. The state purchased hundreds of thousands of acres of
1673 land for parks, preserves, wildlife management areas, forests,
1674 and other public purposes. The use of prescribed burning for
1675 management of public lands is essential to maintain the specific
1676 resource values for which these lands were acquired.

1677 5. A public education program is necessary to make citizens
1678 and visitors aware of the public safety, resource, and economic
1679 benefits of prescribed burning.

1680 6. Proper training in the use of prescribed burning is
1681 necessary to ensure maximum benefits and protection for the
1682 public.

588-05226A-10

2010382c3

1683 7. As Florida's population continues to grow, pressures
1684 from liability issues and nuisance complaints inhibit the use of
1685 prescribed burning. Therefore, the division is urged to maximize
1686 the opportunities for prescribed burning conducted during its
1687 daytime and nighttime authorization process.

1688 (b) Certified prescribed burning pertains only to broadcast
1689 burning for purposes of silviculture, wildlife management,
1690 ecological maintenance and restoration, hazardous fuels
1691 reduction, and range and pasture management. It must be
1692 conducted in accordance with this subsection and:

1693 1. May be accomplished only when a certified prescribed
1694 burn manager is present on site with a copy of the prescription
1695 from ignition of the burn to its completion.

1696 2. Requires that a written prescription be prepared before
1697 receiving authorization to burn from the division.

1698 3. Requires that the specific consent of the landowner or
1699 his or her designee be obtained before requesting an
1700 authorization.

1701 4. Requires that an authorization to burn be obtained from
1702 the division before igniting the burn.

1703 5. Requires that there be adequate firebreaks at the burn
1704 site and sufficient personnel and firefighting equipment for the
1705 control of the fire.

1706 6. Is considered to be in the public interest and does not
1707 constitute a public or private nuisance when conducted under
1708 applicable state air pollution statutes and rules.

1709 7. Is considered to be a property right of the property
1710 owner if vegetative fuels are burned as required in this
1711 subsection.

588-05226A-10

2010382c3

1712 (c) Neither a property owner nor his or her agent is liable
1713 pursuant to s. 590.13 for damage or injury caused by the fire or
1714 resulting smoke or considered to be in violation of subsection
1715 (2) for burns conducted in accordance with this subsection
1716 unless gross negligence is proven.

1717 (d) Any certified burner who violates this section commits
1718 a misdemeanor of the second degree, punishable as provided in s.
1719 775.082 or s. 775.083.

1720 (e) The division shall adopt rules for the use of
1721 prescribed burning and for certifying and decertifying certified
1722 prescribed burn managers based on their past experience,
1723 training, and record of compliance with this section.

1724 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1725 PURPOSE.—

1726 (a) Pile burning is a tool that benefits current and future
1727 generations in Florida by disposing of naturally occurring
1728 vegetative debris through burning rather than disposing of the
1729 debris in landfills.

1730 (b) Certified pile burning pertains to the disposal of
1731 piled, naturally occurring debris from an agricultural,
1732 silvicultural, or temporary land-clearing operation. A land-
1733 clearing operation is temporary if it operates for 6 months or
1734 less. Certified pile burning must be conducted in accordance
1735 with this subsection, and:

1736 1. A certified pile burner must ensure, before ignition,
1737 that the piles are properly placed and that the content of the
1738 piles is conducive to efficient burning.

1739 2. A certified pile burner must ensure that the piles are
1740 properly extinguished no later than 1 hour after sunset. If the

588-05226A-10

2010382c3

1741 burn is conducted in an area designated by the division as smoke
1742 sensitive, a certified pile burner must ensure that the piles
1743 are properly extinguished at least 1 hour before sunset.

1744 3. A written pile burn plan must be prepared before
1745 receiving authorization from the division to burn.

1746 4. The specific consent of the landowner or his or her
1747 agent must be obtained before requesting authorization to burn.

1748 5. An authorization to burn must be obtained from the
1749 division or its designated agent before igniting the burn.

1750 6. There must be adequate firebreaks and sufficient
1751 personnel and firefighting equipment at the burn site to control
1752 the fire.

1753 (c) If a burn is conducted in accordance with this
1754 subsection, the property owner and his or her agent are not
1755 liable under s. 590.13 for damage or injury caused by the fire
1756 or resulting smoke, and are not in violation of subsection (2),
1757 unless gross negligence is proven.

1758 (d) A certified pile burner who violates this section
1759 commits a misdemeanor of the second degree, punishable as
1760 provided in s. 775.082 or s. 775.083.

1761 (e) The division shall adopt rules regulating certified
1762 pile burning. The rules shall include procedures and criteria
1763 for certifying and decertifying certified pile burn managers
1764 based on past experience, training, and record of compliance
1765 with this section.

1766 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1767 DIVISION.—The division may conduct fuel reduction initiatives,
1768 including, but not limited to, burning and mechanical and
1769 chemical treatment, on any area of wild land within the state

588-05226A-10

2010382c3

1770 which is reasonably determined to be in danger of wildfire in
1771 accordance with the following procedures:

1772 (a) Describe the areas that will receive fuels treatment to
1773 the affected local governmental entity.

1774 (b) Publish a treatment notice, including a description of
1775 the area to be treated, in a conspicuous manner in at least one
1776 newspaper of general circulation in the area of the treatment
1777 not less than 10 days before the treatment.

1778 (c) Prepare, and send ~~the county tax collector shall~~
1779 ~~include with the annual tax statement,~~ a notice to be sent to
1780 all landowners in each area ~~township~~ designated by the division
1781 as a wildfire hazard area. The notice must describe particularly
1782 the area to be treated and the tentative date or dates of the
1783 treatment and must list the reasons for and the expected
1784 benefits from the wildfire hazard reduction.

1785 (d) Consider any landowner objections to the fuels
1786 treatment of his or her property. The landowner may apply to the
1787 director of the division for a review of alternative methods of
1788 fuel reduction on the property. If the director or his or her
1789 designee does not resolve the landowner objection, the director
1790 shall convene a panel made up of the local forestry unit
1791 manager, the fire chief of the jurisdiction, and the affected
1792 county or city manager, or any of their designees. If the
1793 panel's recommendation is not acceptable to the landowner, the
1794 landowner may request further consideration by the Commissioner
1795 of Agriculture or his or her designee and shall thereafter be
1796 entitled to an administrative hearing pursuant to the provisions
1797 of chapter 120.

1798 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING

588-05226A-10

2010382c3

1799 AUTHORIZATION PROGRAMS.—

1800 (a) A county or municipality may exercise the division's
1801 authority, if delegated by the division under this subsection,
1802 to issue authorizations for the burning of yard trash or debris
1803 from land-clearing operations. A county's or municipality's
1804 existing or proposed open burning authorization program must:

1805 1. Be approved by the division. The division shall not
1806 approve a program if it fails to meet the requirements of
1807 subsections (2) and (4) and any rules adopted under those
1808 subsections.

1809 2. Provide by ordinance or local law the requirements for
1810 obtaining and performing a burn authorization that comply with
1811 subsections (2) and (4) and any rules adopted under those
1812 subsections.

1813 3. Provide for the enforcement of the program's
1814 requirements.

1815 4. Provide financial, personnel, and other resources needed
1816 to carry out the program.

1817 (b) If the division determines that a county's or
1818 municipality's open burning authorization program does not
1819 comply with subsections (2) and (4) and any rules adopted under
1820 those subsections, the division shall require the county or
1821 municipality to take necessary corrective actions within a
1822 reasonable period, not to exceed 90 days.

1823 1. If the county or municipality fails to take the
1824 necessary corrective actions within the required period, the
1825 division shall resume administration of the open burning
1826 authorization program in the county or municipality and the
1827 county or municipality shall cease administration of its

588-05226A-10

2010382c3

1828 program.

1829 2. Each county and municipality administering an open
1830 burning authorization program must cooperate with and assist the
1831 division in carrying out the division's powers, duties, and
1832 functions.

1833 3. A person who violates the requirements of a county's or
1834 municipality's open burning authorization program, as provided
1835 by ordinance or local law enacted pursuant to this section,
1836 commits a violation of this chapter, punishable as provided in
1837 s. 590.14.

1838 (7)~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
1839 shall incorporate, where feasible and appropriate, the issues of
1840 fuels treatment, including prescribed burning, into its
1841 educational materials.

1842 Section 50. Section 590.14, Florida Statutes, is amended to
1843 read:

1844 590.14 Notice of violation; penalties.—

1845 (1) If a division employee determines that a person has
1846 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1847 the division to administer provisions of law conferring duties
1848 upon the division, the division employee ~~he or she~~ may issue a
1849 notice of violation indicating the statute violated. This notice
1850 will be filed with the division and a copy forwarded to the
1851 appropriate law enforcement entity for further action if
1852 necessary.

1853 (2) In addition to any penalties provided by law, any
1854 person who causes a wildfire or permits any authorized fire to
1855 escape the boundaries of the authorization or to burn past the
1856 time of the authorization is liable for the payment of all

588-05226A-10

2010382c3

1857 reasonable costs and expenses incurred in suppressing the fire
1858 or \$150, whichever is greater. All costs and expenses incurred
1859 by the division shall be payable to the division. When such
1860 costs and expenses are not paid within 30 days after demand, the
1861 division may take proper legal proceedings for the collection of
1862 the costs and expenses. Those costs incurred by an agency acting
1863 at the division's direction are recoverable by that agency.

1864 (3) The department may also impose an administrative fine,
1865 not to exceed \$1,000 per violation of any section of chapter 589
1866 or this chapter or violation of any rule adopted by the division
1867 to administer provisions of law conferring duties upon the
1868 division. The fine shall be based upon the degree of damage, the
1869 prior violation record of the person, and whether the person
1870 knowingly provided false information to obtain an authorization.
1871 The fines shall be deposited in the Incidental Trust Fund of the
1872 division.

1873 (4) A person may not:

1874 (a) Fail to comply with any rule or order adopted by the
1875 division to administer provisions of law conferring duties upon
1876 the division; or

1877 (b) Knowingly make any false statement or representation in
1878 any application, record, plan, or other document required by
1879 this chapter or any rules adopted under this chapter.

1880 (5) A person who violates paragraph (4) (a) or paragraph
1881 (4) (b) commits a misdemeanor of the second degree, punishable as
1882 provided in s. 775.082 or s. 775.083.

1883 (6) It is the intent of the Legislature that a penalty
1884 imposed by a court under subsection (5) be of a severity that
1885 ensures immediate and continued compliance with this section.

588-05226A-10

2010382c3

1886 ~~(7)~~(4) The penalties provided in this section shall extend
1887 to both the actual violator and the person or persons, firm, or
1888 corporation causing, directing, or permitting the violation.

1889 Section 51. Paragraph (a) of subsection (1) of section
1890 599.004, Florida Statutes, is amended to read:

1891 599.004 Florida Farm Winery Program; registration; logo;
1892 fees.—

1893 (1) The Florida Farm Winery Program is established within
1894 the Department of Agriculture and Consumer Services. Under this
1895 program, a winery may qualify as a tourist attraction only if it
1896 is registered with and certified by the department as a Florida
1897 Farm Winery. A winery may not claim to be certified unless it
1898 has received written approval from the department.

1899 (a) To qualify as a certified Florida Farm Winery, a winery
1900 shall meet the following standards:

1901 1. Produce or sell less than 250,000 gallons of wine
1902 annually.

1903 2. Maintain a minimum of 10 acres of owned or managed land
1904 ~~vineyards~~ in Florida which produces commodities used in the
1905 production of wine.

1906 3. Be open to the public for tours, tastings, and sales at
1907 least 30 hours each week.

1908 4. Make annual application to the department for
1909 recognition as a Florida Farm Winery, on forms provided by the
1910 department.

1911 5. Pay an annual application and registration fee of \$100.

1912 Section 52. Subsection (1) of section 604.15, Florida
1913 Statutes, is amended, and subsection (11) is added to that
1914 section, to read:

588-05226A-10

2010382c3

1915 604.15 Dealers in agricultural products; definitions.—For
1916 the purpose of ss. 604.15-604.34, the following words and terms,
1917 when used, shall be construed to mean:

1918 (1) "Agricultural products" means the natural products of
1919 the farm, nursery, grove, orchard, vineyard, garden, and apiary
1920 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
1921 livestock; milk and milk products; poultry and poultry products;
1922 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
1923 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
1924 Persian, Tahiti, Bearss, or Florida Key limes); and any other
1925 nonexempt agricultural products produced in the state, except
1926 tobacco, sugarcane, tropical foliage, timber and timber
1927 byproducts, forest products as defined in s. 591.17, and citrus
1928 other than limes.

1929 (11) "Responsible position" means a position within the
1930 business of a dealer in agricultural products that has the
1931 authority to negotiate or make the purchase of agricultural
1932 products on behalf of the dealer's business or has principal
1933 active management authority over the business decisions,
1934 actions, and activities of the dealer's business in this state.

1935 Section 53. Section 604.19, Florida Statutes, is amended to
1936 read:

1937 604.19 License; fee; bond; certificate of deposit;
1938 penalty.—Unless the department refuses the application on one or
1939 more of the grounds provided in this section, it shall issue to
1940 an applicant, upon the payment of required fees and the
1941 execution and delivery of a bond or certificate of deposit as
1942 provided in this section, a state license entitling the
1943 applicant to conduct business as a dealer in agricultural

588-05226A-10

2010382c3

1944 products for a 1-year period to coincide with the effective
1945 period of the bond or certificate of deposit furnished by the
1946 applicant. During the 1-year period covered by a license, if the
1947 supporting surety bond or certificate of deposit is canceled for
1948 any reason, the license shall automatically expire on the date
1949 the surety bond or certificate of deposit terminates, unless an
1950 acceptable replacement is in effect before the date of
1951 termination so that continual coverage occurs for the remaining
1952 period of the license. A surety company shall give the
1953 department a 30-day written notice of cancellation by certified
1954 mail in order to cancel a bond. Cancellation of a bond or
1955 certificate of deposit does ~~shall~~ not relieve a surety company
1956 or financial institution of liability for purchases or sales
1957 occurring while the bond or certificate of deposit was in
1958 effect. The license fee, which must be paid for the principal
1959 place of business for a dealer in agricultural products, shall
1960 be based upon the amount of the dealer's surety bond or
1961 certificate of deposit furnished by each dealer under the
1962 provisions of s. 604.20 and may not exceed \$500. For each
1963 additional place in which the applicant desires to conduct
1964 business and which the applicant names in the application, the
1965 additional license fee must be paid but may not exceed \$100
1966 annually. If a ~~Should any~~ dealer in agricultural products fails,
1967 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
1968 qualify for the renewal of a license on or before its ~~the date~~
1969 ~~of expiration date thereof~~, a penalty not to exceed \$100 shall
1970 apply to and be added to the ~~original~~ license fee for the
1971 principal place of business and to the license fee for each
1972 additional place of business named in the application and shall

588-05226A-10

2010382c3

1973 be paid by the applicant before the renewal license may be
 1974 issued. The department by rule shall prescribe fee amounts
 1975 sufficient to fund ss. 604.15-604.34.

1976 Section 54. Section 604.25, Florida Statutes, is amended to
 1977 read:

1978 604.25 Denial of, refusal to renew ~~grant~~, or suspension or
 1979 revocation of ~~7~~ license.-

1980 ~~(1)~~ The department may deny, refuse to renew, decline to
 1981 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
 1982 ~~granted~~ if the applicant or licensee has:

1983 (1) ~~(a)~~ Suffered a monetary judgment entered against the
 1984 applicant or licensee ~~upon which is execution has been returned~~
 1985 unsatisfied;

1986 (2) ~~(b)~~ Made false charges for handling or services
 1987 rendered;

1988 (3) ~~(c)~~ Failed to account promptly and properly or to make
 1989 settlements with any producer;

1990 (4) ~~(d)~~ Made any false statement or statements as to
 1991 condition, quality, or quantity of goods received or held for
 1992 sale when the true condition, quality, or quantity could have
 1993 been ascertained by reasonable inspection;

1994 (5) ~~(e)~~ Made any false or misleading statement or statements
 1995 as to market conditions or service rendered;

1996 (6) ~~(f)~~ Been guilty of a fraud in the attempt to procure, or
 1997 the procurement of, a license;

1998 (7) ~~(g)~~ Directly or indirectly sold agricultural products
 1999 received on consignment or on a net return basis for her or his
 2000 own account, without prior authority from the producer
 2001 consigning the same, or without notifying such producer;

588-05226A-10

2010382c3

2002 (8)(h) Failed to prevent a person from holding a position
2003 as the applicant's or licensee's owner, officer, director,
2004 general or managing partner, or employee ~~Employed~~ in a
2005 responsible position a person, or holding any other similarly
2006 situated position, if the person holds or has held a similar
2007 position with any entity that an officer of a corporation, who
2008 has failed to fully comply with an order of the department, has
2009 not satisfied a civil judgment held by the department, has
2010 pending any administrative or civil enforcement action by the
2011 department, or has pending any criminal charges pursuant to s.
2012 604.30 at any time within 1 year after issuance;

2013 (9)(i) Violated any statute or rule relating to the
2014 purchase or sale of any agricultural product, whether or not
2015 such transaction is subject to the provisions of this chapter;
2016 ~~or~~

2017 (10)(j) Failed to submit to the department an application,
2018 appropriate license fees, and an acceptable surety bond or
2019 certificate of deposit; or-

2020 (11)(2) Failed If a licensee fails or refused refuses to
2021 comply in full with an order of the department or failed to
2022 satisfy a civil judgment owed to the department, her or his
2023 license may be suspended or revoked, in which case she or he
2024 shall not be eligible for license for a period of 1 year or
2025 until she or he has fully complied with the order of the
2026 department.

2027 ~~(3) No person, or officer of a corporation, whose license~~
2028 ~~has been suspended or revoked for failure to comply with an~~
2029 ~~order of the department may hold a responsible position with a~~
2030 ~~licensee for a period of 1 year or until the order of the~~

588-05226A-10

2010382c3

2031 ~~department has been fully complied with.~~

2032 Section 55. Subsections (18) and (19) of section 616.242,
2033 Florida Statutes, are renumbered as subsections (19) and (20),
2034 respectively, and a new subsection (18) is added to that section
2035 to read:

2036 616.242 Safety standards for amusement rides.—

2037 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride
2038 fails to comply with this chapter or any rule adopted under this
2039 chapter, the department may issue a stop-operation order.

2040 Section 56. Subsection (7) is added to section 624.4095,
2041 Florida Statutes, to read:

2042 624.4095 Premiums written; restrictions.—

2043 (7) For purposes of this section and s. 624.407, with
2044 regard to required capital and surplus, gross written premiums
2045 for federal multiple-peril crop insurance which are ceded to the
2046 Federal Crop Insurance Corporation and authorized reinsurers may
2047 not be included when calculating the insurer's gross writing
2048 ratio. The liabilities for the ceded reinsurance premiums shall
2049 be netted against the asset for amounts recoverable from
2050 reinsurers. Each insurer that writes other insurance products
2051 together with federal multiple-peril crop insurance must
2052 disclose in the notes to the annual and quarterly financial
2053 statement, or file a supplement to the financial statement which
2054 discloses, a breakout of the gross written premiums for federal
2055 multiple-peril crop insurance.

2056 Section 57. Subsection (4) of section 686.201, Florida
2057 Statutes, is amended to read:

2058 686.201 Sales representative contracts involving
2059 commissions; requirements; termination of agreement; civil

588-05226A-10

2010382c3

2060 remedies.—

2061 (4) This section does not apply to persons licensed
2062 pursuant to chapter 475 who are performing services within the
2063 scope of their license or to contracts to which a seller of
2064 travel, as defined in s. 559.927, is a party.

2065 Section 58. Paragraph (c) of subsection (5) of section
2066 790.06, Florida Statutes, is amended to read:

2067 790.06 License to carry concealed weapon or firearm.—

2068 (5) The applicant shall submit to the Department of
2069 Agriculture and Consumer Services:

2070 (c) A full set of fingerprints of the applicant
2071 administered by a law enforcement agency or the Division of
2072 Licensing of the Department of Agriculture and Consumer
2073 Services.

2074 Section 59. Sections 570.071 and 570.901, Florida Statutes,
2075 are repealed.

2076 Section 60. Section 828.126, Florida Statutes, is created
2077 to read:

2078 828.126 Sexual activities involving animals.—

2079 (1) As used in this section, the term "sexual activities"
2080 means oral, anal, or vaginal penetration by, or union with, the
2081 sexual organ of an animal or the anal or vaginal penetration of
2082 an animal by any object.

2083 (2) A person may not knowingly:

2084 (a) Engage in a sexual activities with an animal;

2085 (b) Cause, aid, or abet another person to engage in sexual
2086 activities with an animal;

2087 (c) Permit any sexual activities with an animal to be
2088 conducted on any premises under his or her control; or

588-05226A-10

2010382c3

2089 (d) Organize, promote, conduct, advertise, aid, abet,
2090 participate in as an observer, or perform any service in the
2091 furtherance of an act involving any sexual activities with an
2092 animal for a commercial or recreational purpose.

2093 (3) A person who violates this section commits a
2094 misdemeanor of the first degree, punishable as provided in s.
2095 775.082 or s. 775.083.

2096 (4) This section does not apply to normal and ordinary
2097 animal husbandry practices, conformation judging practices, or
2098 accepted veterinary medical practices.

2099 Section 61. The Department of Agriculture and Consumer
2100 Services shall meet with duly authorized representatives of
2101 established organizations representing the Florida pest control
2102 industry and prepare a report that shall be submitted to the
2103 President of the Senate, the Speaker of the House of
2104 Representatives, the chairperson of the Senate Committee on
2105 Agriculture, and the chairperson of the House Committee on
2106 Agribusiness by January 1, 2011. The report shall include
2107 recommended amendments to chapter 482, Florida Statutes, which
2108 provide for disciplinary action to be taken against licensees
2109 who violate laws or rules pertaining to the pretreatment of soil
2110 to protect newly constructed homes, pest control at sensitive
2111 facilities such as schools and nursing homes, and also the
2112 fumigation of existing homes for protection against termite
2113 damage, thereby providing additional safeguards for consumers.
2114 The report may also address other issues of concern to the
2115 department and to members of the industry, such as changes to
2116 requirements for professional liability insurance coverage or
2117 the amount of bond required, duties and responsibilities of a

588-05226A-10

2010382c3

2118 certified operator, issuance of a centralized pest control
2119 service center license, and limited certification for commercial
2120 wildlife management personnel.

2121 Section 62. This act shall take effect July 1, 2010.