

By the Committees on Judiciary; and Commerce and Tourism; and
Senator Young

590-02719-17

2017498c2

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 288.1175, F.S.;
4 specifying that applications for funding for certain
5 agriculture education and promotion facilities must be
6 postmarked or electronically submitted by a certain
7 date; amending s. 472.003, F.S.; specifying that
8 certain persons under contract with registered or
9 certified surveyors and mappers are not subject to the
10 provisions of ch. 472, F.S.; amending s. 472.005,
11 F.S.; redefining the terms "practice of surveying and
12 mapping" and "subordinate"; amending s. 472.013, F.S.;
13 revising the standards for when an applicant is
14 eligible to take the licensure examination to practice
15 as a surveyor and mapper; amending s. 472.015, F.S.;
16 revising the qualifications for licensure by
17 endorsement; revising the requirements for a certain
18 notice relating to insurance coverage; amending s.
19 472.018, F.S.; revising the continuing education
20 requirements for new licensees and license renewal;
21 authorizing the board to provide by rule the method of
22 delivery of, criteria for, and provisions to carryover
23 hours for continuing education requirements; deleting
24 a requirement that the board approve courses;
25 requiring the board to issue cease and desist orders
26 and enact certain penalties for continuing education
27 providers failing to conform to board rules; requiring
28 the department to establish a system for the
29 administration of continuing education requirements

590-02719-17

2017498c2

30 adopted by the board; amending s. 472.025, F.S.;

31 deleting a requirement that registrant seals be of

32 impression-type metal; amending s. 472.0366, F.S.;

33 revising the requirements for copies of evaluation

34 certificates that must be submitted to the Division of

35 Emergency Management within the Executive Office of

36 the Governor; requiring that certain copies of

37 evaluation certificates be retained in the surveyor

38 and mapper's records; amending s. 487.2041, F.S.;

39 requiring the department to adopt by rule certain

40 United States Environmental Protection Agency

41 regulations relating to labeling requirements for

42 pesticides and devices; amending s. 493.6101, F.S.;

43 specifying that a manager of a private investigative

44 agency may manage up to three offices, subject to

45 certain requirements; amending s. 493.6105, F.S.;

46 exempting certain partners and corporate officers from

47 fingerprint retention requirements; revising the

48 submission requirements for applications for Class "K"

49 licenses; amending s. 493.6107, F.S.; deleting a

50 specification that license fees are biennial; amending

51 s. 493.6108, F.S.; providing an authorization to the

52 Department of Law Enforcement to release certain

53 mental health and substance abuse history of Class "G"

54 or Class "K" applicants and licensees for the purpose

55 of determining licensure eligibility; requiring

56 licensees to notify their employer of an arrest within

57 a specified period; amending s. 493.6112, F.S.;

58 revising the notification requirements for changes of

590-02719-17

2017498c2

59 certain partners, officers, and employees of private
60 investigative, security, and recovery agencies;
61 amending s. 493.6113, F.S.; specifying that Class "G"
62 licensees must complete requalification training for
63 each type and caliber of firearm carried in the course
64 of performing regulated duties; conforming
65 terminology; amending s. 493.6115, F.S.; conforming a
66 cross-reference; revising the circumstances under
67 which certain licensees may carry a concealed firearm;
68 revising the conditions under which the department may
69 issue a temporary Class "G" license; amending s.
70 493.6118, F.S.; providing that failure of a licensee
71 to timely notify his or her employer of an arrest is
72 grounds for disciplinary action by the department;
73 requiring the department to temporarily suspend
74 specified licenses of a licensee arrested or formally
75 charged with certain crimes until disposition of the
76 case; requiring the department to notify a licensee of
77 administrative hearing rights; specifying that any
78 hearing must be limited to a determination as to
79 whether the licensee has been arrested or charged with
80 a disqualifying crime; providing that the suspension
81 may be lifted under certain circumstances; requiring
82 the department to proceed with revocation under
83 certain circumstances; amending s. 493.6202, F.S.;

84 deleting a specification that license fees are
85 biennial; amending s. 493.6203, F.S.; deleting a
86 requirement that certain training be provided in two
87 parts; amending s. 493.6302, F.S.; deleting a

590-02719-17

2017498c2

88 specification that license fees are biennial; amending
89 s. 493.6303, F.S.; deleting a requirement that certain
90 training be provided in two parts; deleting obsolete
91 provisions; making technical changes; deleting a
92 provision requiring that if a license is suspended,
93 revoked, or expired for at least 1 year, that the
94 applicant must submit proof of certain training before
95 issuance of a new license; amending s. 493.6304, F.S.;
96 making technical changes; amending s. 493.6402, F.S.;
97 deleting a specification that license fees are
98 biennial; amending s. 493.6403, F.S.; requiring that
99 applicants for Class "E" and "EE" licenses submit
100 proof of successful completion of certain training,
101 rather than just completion of such training; amending
102 s. 501.013, F.S.; providing that a program or facility
103 offered by an organization for the exclusive use of
104 its employees and their family members is not subject
105 to certain health studio regulations; amending s.
106 501.059, F.S.; removing a limitation on the length of
107 time for which the department must place certain
108 persons on a no sales solicitation list; amending s.
109 507.04, F.S.; making a technical change; amending s.
110 531.37, F.S.; redefining the term "weights and
111 measures" to exclude taximeters and digital networks;
112 amending s. 531.61, F.S.; deleting certain taximeters
113 from a permitting requirements for commercially
114 operated or tested weights or measures instruments or
115 devices; repealing s. 531.63(2)(g), F.S.; relating to
116 maximum permit fees for taximeters; amending s.

590-02719-17

2017498c2

117 534.021, F.S.; specifying that a detailed drawing,
118 rather than a facsimile, of a brand must accompany an
119 application for the recording of certain marks and
120 brands; amending s. 534.041, F.S.; extending the
121 registration and renewal period for certain mark or
122 brand certificates; eliminating a renewal fee;
123 repealing s. 534.061, F.S., relating to the transfer
124 of ownership of cattle; amending s. 570.07, F.S.;
125 authorizing the department to perform certain food
126 safety inspection services relating to raw
127 agricultural commodities; amending s. 573.118, F.S.;
128 specifying that the Division of Fruit and Vegetables,
129 rather than the Division of Marketing and Development,
130 must file a specified certification; amending s.
131 590.02, F.S.; specifying that the department has
132 exclusive authority to enforce the Florida Building
133 Code as it relates to Florida Forest Service
134 facilities under the jurisdiction of the department;
135 amending s. 597.004, F.S.; authorizing certain
136 saltwater products dealers to sell certain aquaculture
137 products without restriction under a specified
138 circumstance; amending s. 604.16, F.S.; specifying
139 that dealers in agricultural products who pay by
140 credit card are exempt from certain dealer
141 requirements; amending s. 790.06, F.S.; revising the
142 requirements to obtain a license to carry a concealed
143 weapon or firearm; revising the requirements of the
144 application form; revising the license fees to obtain
145 or renew such license; providing an effective date.

590-02719-17

2017498c2

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

Section 1. Subsection (8) of section 288.1175, Florida Statutes, is amended to read:

288.1175 Agriculture education and promotion facility.—

(8) Applications must be postmarked or electronically submitted by October 1 of each year. The Department of Agriculture and Consumer Services may not recommend funding for less than the requested amount to any applicant certified as an agriculture education and promotion facility; however, funding of certified applicants shall be subject to the amount provided by the Legislature in the General Appropriations Act for this program.

Section 2. Paragraph (d) is added to subsection (5) of section 472.003, Florida Statutes, to read:

472.003 Persons not affected by ss. 472.001-472.037.—

Sections 472.001-472.037 do not apply to:

(5)

(d) Persons who are under contract with an individual registered or legal entity certified under this chapter and who are under the supervision of and subordinate to a person in responsible charge registered under this chapter, to the extent that such supervision meets standards adopted by rule by the board, if any.

Section 3. Subsections (4) and (10) of section 472.005, Florida Statutes, are amended to read:

472.005 Definitions.—As used in ss. 472.001-472.037:

(4) (a) "Practice of surveying and mapping" means, among

590-02719-17

2017498c2

175 other things, any professional service or work, the adequate
176 performance of which involves the application of special
177 knowledge of the principles of mathematics, the related physical
178 and applied sciences, and the relevant requirements of law for
179 adequate evidence of the act of measuring, locating,
180 establishing, or reestablishing lines, angles, elevations,
181 natural and manmade features in the air, on the surface and
182 immediate subsurface of the earth, within underground workings,
183 and on the beds or surface of bodies of water, for the purpose
184 of determining, establishing, describing, displaying, or
185 interpreting the facts of size, volume, shape, topography, tidal
186 datum planes, and legal or geodetic location or relocation, ~~and~~
187 ~~orientation of improved or unimproved real property and~~
188 ~~appurtenances thereto, including acreage and condominiums.~~

189 (b) The practice of surveying and mapping also includes,
190 but is not limited to, photogrammetric control; orientation of
191 improved or unimproved real property and appurtenances and
192 personal property attached thereto, including acreage and
193 condominiums; the monumentation and remonumentation of property
194 boundaries and subdivisions; the measurement of and preparation
195 of plans showing existing improvements after construction; the
196 layout of proposed improvements; the preparation of descriptions
197 for use in legal instruments of conveyance of real property and
198 property rights; the preparation of subdivision planning maps
199 and record plats, as provided for in chapter 177; the
200 determination of, but not the design of, grades and elevations
201 of roads and land in connection with subdivisions or divisions
202 of land; and the creation and perpetuation of alignments related
203 to maps, record plats, field note records, reports, property

590-02719-17

2017498c2

204 descriptions, and plans and drawings that represent them.

205 (10) "Subordinate" means a person ~~an employee~~ who performs
206 work under the direction, supervision, and responsible charge of
207 a person who is registered under this chapter.

208 Section 4. Subsections (2) and (3) of section 472.013,
209 Florida Statutes, are amended to read:

210 472.013 Examinations, prerequisites.-

211 (2) An applicant shall be entitled to take the licensure
212 examination to practice in this state as a surveyor and mapper
213 if the applicant is of good moral character and has satisfied
214 one of the following requirements:

215 (a) The applicant has received a bachelor's degree, its
216 equivalent, or higher in surveying and mapping or a similarly
217 titled program, including, but not limited to, geomatics,
218 geomatics engineering, and land surveying, ~~of 4 years or more in~~
219 ~~a surveying and mapping degree program~~ from a college or
220 university recognized by the board and has a specific experience
221 record of 4 or more years as a subordinate to a professional
222 surveyor and mapper in the active practice of surveying and
223 mapping, which experience is of a nature indicating that the
224 applicant was in responsible charge of the accuracy and
225 correctness of the surveying and mapping work performed. ~~The~~
226 ~~completed surveying and mapping degree of 4 years or more in a~~
227 ~~surveying and mapping degree program must have included not~~
228 ~~fewer than 32 semester hours of study, or its academic~~
229 ~~equivalent, in the science of surveying and mapping or in board-~~
230 ~~approved surveying and mapping related courses.~~ Work experience
231 acquired as a part of the education requirement may ~~shall~~ not be
232 construed as experience in responsible charge.

590-02719-17

2017498c2

233 (b) The applicant has received a bachelor's degree, its
234 equivalent, or higher in a ~~is a graduate of a 4-year~~ course of
235 study, other than in surveying and mapping, at an accredited
236 college or university recognized by the board, and has a
237 specific experience record of 6 or more years as a subordinate
238 to a registered surveyor and mapper in the active practice of
239 surveying and mapping, 5 years of which shall be of a nature
240 indicating that the applicant was in responsible charge of the
241 accuracy and correctness of the surveying and mapping work
242 performed. ~~The course of study in disciplines other than~~
243 ~~surveying and mapping must have included not fewer than 32~~
244 ~~semester hours of study or its academic equivalent.~~ The
245 applicant must have completed a minimum of 25 semester hours
246 from a college or university approved by the board in surveying
247 and mapping subjects or in any combination of courses in civil
248 engineering, surveying, mapping, mathematics, photogrammetry,
249 forestry, or land law and the physical sciences. Any of the
250 required 25 semester hours of study completed not as a part of
251 the bachelor's degree, its equivalent, or higher may ~~4-year~~
252 ~~course of study~~ shall be approved at the discretion of the
253 board. Work experience acquired as a part of the education
254 requirement may ~~shall~~ not be construed as experience in
255 responsible charge.

256 (3) A person shall be entitled to take an examination for
257 the purpose of determining whether he or she is qualified ~~to~~
258 ~~practice in this state~~ as a surveyor and mapper intern if:

259 (a) The person is in good standing in his or her final year
260 of, or is a graduate of, a 4-year degree program of a college or
261 university and has obtained a minimum of 25 semester hours in

590-02719-17

2017498c2

262 surveying, mapping, mathematics, photogrammetry, forestry, civil
263 engineering, or land law and the physical sciences, or any
264 combination thereof. Any of the required 25 semester hours of
265 study completed not as a part of the 4-year course of study may
266 be approved at the discretion of the board. If the person is in
267 his or her final academic year, a letter of good standing will
268 be required from the advisor; or

269 (b) The person has completed 2 years of study in a college
270 or university and has obtained a minimum of 15 semester hours in
271 surveying, mapping, mathematics, photogrammetry, forestry, civil
272 engineering, or land law and the physical sciences, or any
273 combination thereof, and has a specific surveying and mapping
274 experience record of 2 or more years as a subordinate to a
275 registered surveyor and mapper. Any of the required 15 semester
276 hours of study completed not as a part of the 2-year course of
277 study may be approved at the discretion of the board.

278
279 This subsection may not be construed as a substitute for the
280 degree requirement to take the exams for licensure as outlined
281 in subsection (2) the person is in the final year, or is a
282 graduate, of an approved surveying and mapping curriculum in a
283 school that has been approved by the board.

284 Section 5. Paragraph (a) of subsection (5) and subsection
285 (12) of section 472.015, Florida Statutes, are amended to read:
286 472.015 Licensure.—

287 (5) (a) The board shall certify as qualified for a license
288 by endorsement an applicant who, at the time of application:

289 1. Holds a valid license to practice surveying and mapping
290 issued before ~~prior to~~ July 1, 1999, by another state or

590-02719-17

2017498c2

291 territory of the United States; has passed a national, regional,
292 state, or territorial licensing examination that is
293 substantially equivalent to the examination required by s.
294 472.013; and has a specific experience record of at least 8
295 years as a subordinate to a registered surveyor and mapper in
296 the active practice of surveying and mapping, 6 years of which
297 must be of a nature indicating that the applicant was in
298 responsible charge of the accuracy and correctness of the
299 surveying and mapping work performed; or

300 2. Holds a valid license to practice surveying and mapping
301 issued by another state or territory of the United States if the
302 criteria for issuance of the license were substantially the same
303 as the licensure criteria that existed in Florida at the time
304 the license was issued. ; ~~or~~

305 ~~3. Is a practicing photogrammetrist who holds the Certified~~
306 ~~Photogrammetrist designation of the American Society for~~
307 ~~Photogrammetry and Remote Sensing and held such designation on~~
308 ~~or before July 1, 2005; is a graduate of a 4-year course of~~
309 ~~study at an accredited college or university; and has a specific~~
310 ~~experience record of 6 or more years as a subordinate to a~~
311 ~~Certified Photogrammetrist of the American Society for~~
312 ~~Photogrammetry and Remote Sensing in the active practice of~~
313 ~~surveying and mapping, 5 years of which shall be of a nature~~
314 ~~indicating that the applicant was in responsible charge of the~~
315 ~~accuracy and correctness of the surveying and mapping work~~
316 ~~performed. The course of study must have included not fewer than~~
317 ~~32 semester hours of study or its academic equivalent. The~~
318 ~~applicant must have completed a minimum of 25 semester hours~~
319 ~~from a college or university approved by the board in surveying~~

590-02719-17

2017498c2

320 ~~and mapping subjects or in any combination of courses in civil~~
321 ~~engineering, surveying, mapping, mathematics, photogrammetry,~~
322 ~~forestry, or land law and the physical sciences. Any of the~~
323 ~~required 25 semester hours of study completed not as a part of~~
324 ~~the 4 year course of study shall be approved at the discretion~~
325 ~~of the board. Work experience acquired as a part of the~~
326 ~~education requirement shall not be construed as experience in~~
327 ~~responsible charge. The applicant must have applied to the~~
328 ~~department for licensure on or before July 1, 2007.~~

329 (12) A licensee or business entity that meets the
330 requirements of this section or s. 472.021 must carry
331 professional liability insurance or provide notice to any person
332 or entity to which surveying and mapping services are offered
333 that the licensee or business entity does not carry professional
334 liability insurance. The notice must consist of ~~a sign~~
335 ~~prominently displayed in the reception area and~~ written
336 statements provided in a form and frequency as required by rule
337 of the Board of Professional Surveyors and Mappers.

338 Section 6. Section 472.018, Florida Statutes, is amended to
339 read:

340 472.018 Continuing education.—The department may not renew
341 a license until the licensee submits proof satisfactory to the
342 board that the licensee has met the continuing education
343 requirements for renewal as established by the board and during
344 ~~the 2 years before her or his application for renewal the~~
345 ~~licensee has completed at least 24 hours of continuing education~~
346 before license renewal.

347 (1) The board shall adopt rules to establish the criteria
348 ~~and course content~~ for continuing education providers ~~courses.~~

590-02719-17

2017498c2

349 The rules may provide that up to a maximum of 25 percent of the
350 required continuing education hours may be fulfilled by the
351 performance of pro bono services to the indigent or to
352 underserved populations or in areas of critical need within the
353 state where the licensee practices. The board must require that
354 any pro bono services be approved in advance in order to receive
355 credit for continuing education under this section. The board
356 shall use the standard recognized by the Federal Poverty Income
357 Guidelines produced by the United States Department of Health
358 and Human Services in determining indigency. The board may adopt
359 rules that may provide that a part of the continuing education
360 hours may be fulfilled by performing research in critical need
361 areas or for training leading to advanced professional
362 certification. The board may adopt rules to define underserved
363 and critical need areas. The department shall adopt rules for
364 the administration of continuing education requirements adopted
365 by the board.

366 (2) The board may provide by rule the method of delivery
367 and criteria that ~~distance learning~~ may be used to satisfy
368 continuing education requirements. The board may provide by rule
369 provisions for continuing education hours carryover for each
370 license renewal cycle.

371 (3) The board may prorate the required continuing education
372 hours in the following circumstances:

373 (a) For new licensees:

374 1. By requiring half of the required continuing education
375 hours for any applicant who becomes licensed with more than half
376 the renewal period remaining and no continuing education for any
377 applicant who becomes licensed with half or less than half of

590-02719-17

2017498c2

378 the renewal period remaining; or

379 2. Requiring no continuing education hours until the first
380 full renewal cycle of the licensee.

381 (b) When the number of hours required is increased by law
382 or the board.

383 (4) Upon the request of a licensee, the provider must also
384 furnish to the department information regarding courses
385 completed by the licensee, in an electronic format required by
386 rule of the department.

387 (5) Each continuing education provider shall retain all
388 records relating to a licensee's completion of continuing
389 education courses for at least 4 years after completion of a
390 course.

391 (6) A continuing education provider may not be approved,
392 and the approval may not be renewed, unless the provider agrees
393 in writing to provide such cooperation under this section as
394 required by the department.

395 (7) For the purpose of determining which persons or
396 entities must meet the reporting, recordkeeping, and access
397 provisions of this section, the board by rule shall adopt a
398 definition of the term "continuing education provider"
399 applicable to the profession's continuing education
400 requirements. The intent of the rule is to ensure that all
401 records and information necessary to carry out the requirements
402 of this section are maintained and transmitted accordingly and
403 to minimize disputes as to what person or entity is responsible
404 for maintaining and reporting such records and information.

405 (8) The board shall approve the providers of continuing
406 education. The approval of continuing education providers ~~and~~

590-02719-17

2017498c2

407 ~~courses~~ must be for a specified period of time, not to exceed 4
408 years. An approval that does not include such a time limitation
409 may remain in effect under this chapter or the rules adopted
410 under this chapter.

411 (9) The department may fine, suspend, or revoke approval of
412 any continuing education provider that fails to comply with its
413 duties under this section. The fine may not exceed \$500 per
414 violation. Investigations and prosecutions of a provider's
415 failure to comply with its duties under this section shall be
416 conducted pursuant to s. 472.033.

417 (10) The board shall issue an order requiring a person or
418 entity to cease and desist from offering any continuing
419 education programs for licensees, and fining, suspending, or
420 revoking any approval of the provider previously granted by the
421 board if the board determines that the person or entity failed
422 to provide appropriate continuing education services that
423 conform to board rules ~~approved course material~~. The fine may
424 not exceed \$500 per violation. Investigations and prosecutions
425 of a provider's failure to comply with its duties under this
426 section shall be conducted under s. 472.033.

427 (11) The board may establish, by rule, a fee not to exceed
428 \$250 for anyone seeking approval to provide continuing education
429 courses and may establish, by rule, a biennial fee not to exceed
430 \$250 for the renewal of providership of such courses. Such
431 postlicensure education courses are subject to the reporting,
432 monitoring, and compliance provisions of this section.

433 (12) The department shall establish a system for the
434 administration of continuing education requirements adopted by
435 the board. The department and the board may adopt rules under

590-02719-17

2017498c2

436 ss. 120.536(1) and 120.54 to administer this section.

437 (13) Each continuing education provider shall provide to
438 the department, in an electronic format determined by the
439 department, information regarding the continuing education
440 status of licensees which the department determines is necessary
441 to carry out its duties under this chapter. After a licensee
442 completes a course, the information must be submitted
443 electronically by the continuing education provider to the
444 department within 30 calendar days after completion. However,
445 beginning on the 30th day before the renewal deadline or before
446 the renewal date, whichever occurs sooner, the continuing
447 education provider shall electronically report such information
448 to the department within 10 business days after completion.

449 (14) The department shall establish a system to monitor
450 licensee compliance with continuing education requirements and
451 to determine the continuing education status of each licensee.
452 As used in this subsection, the term "monitor" means the act of
453 determining, for each licensee, whether the licensee is in full
454 compliance with applicable continuing education requirements as
455 of the date of the licensee's application for license renewal.

456 (15) The department may refuse to renew a license until the
457 licensee has satisfied all applicable continuing education
458 requirements. This subsection does not preclude the department
459 or board from imposing additional penalties pursuant to this
460 chapter or rules adopted pursuant this chapter.

461 Section 7. Subsection (1) of section 472.025, Florida
462 Statutes, is amended to read:

463 472.025 Seals.—

464 (1) The board shall adopt, by rule, a form of seal to be

590-02719-17

2017498c2

465 used by all registrants holding valid certificates of
466 registration, whether the registrants are corporations,
467 partnerships, or individuals. Each registrant shall obtain a ~~an~~
468 ~~impression-type metal~~ seal in that form; and all final drawings,
469 plans, specifications, plats, or reports prepared or issued by
470 the registrant in accordance with the standards of practice
471 established by the board shall be signed by the registrant,
472 dated, and stamped with his or her seal. This signature, date,
473 and seal shall be evidence of the authenticity of that to which
474 they are affixed. Each registrant may in addition register his
475 or her seal electronically in accordance with ss. 668.001-
476 668.006. Drawings, plans, specifications, reports, or documents
477 prepared or issued by a registrant may be transmitted
478 electronically and may be signed by the registrant, dated, and
479 stamped electronically with such seal in accordance with ss.
480 668.001-668.006.

481 Section 8. Subsection (2) of section 472.0366, Florida
482 Statutes, is amended to read:

483 472.0366 Elevation certificates; requirements for surveyors
484 and mappers.—

485 (2) Beginning January 1, 2017, a surveyor and mapper shall,
486 within 30 days after completion, submit to the division a copy
487 of each elevation certificate that he or she completes. The copy
488 must be unaltered, except that the surveyor and mapper may
489 redact the name of the property owner. The copy need not be
490 signed and sealed when submitted to the division; however, an
491 original signed and sealed copy must be retained in the surveyor
492 and mapper's records as prescribed by rule of the board.

493 Section 9. Section 487.2041, Florida Statutes, is amended

590-02719-17

2017498c2

494 to read:

495 487.2041 Enforcement of federal worker protection
496 regulations.—The department shall, to the extent that resources
497 are available, continue to operate under the United States
498 Environmental Protection Agency regulations regarding the
499 Labeling Requirement for Pesticides and Devices, 40 C.F.R. part
500 156, and the Worker Protection Standard, 40 C.F.R. part 170,
501 which the department shall adopt ~~adopted~~ by rule ~~during the~~
502 ~~1995-1996 fiscal year and published in the Florida~~
503 ~~Administrative Code~~. Any provision of this part not preempted by
504 federal law shall continue to apply.

505 Section 10. Subsection (13) of section 493.6101, Florida
506 Statutes, is amended to read:

507 493.6101 Definitions.—

508 (13) "Manager" means any licensee who directs the
509 activities of licensees at any agency or branch office. The
510 manager shall be assigned to and shall primarily operate from
511 the agency or branch office location for which he or she has
512 been designated as manager. The manager of a private
513 investigative agency may, however, manage up to three offices
514 within a 150-mile radius of the location listed on the agency's
515 Class "A" license, provided that these three offices consist of
516 either:

517 (a) The location listed on the agency's Class "A" license
518 and up two branch offices; or

519 (b) Up to three branch offices.

520 Section 11. Paragraph (j) of subsection (3) and paragraph
521 (a) of subsection (6) of section 493.6105, Florida Statutes, are
522 amended to read:

590-02719-17

2017498c2

523 493.6105 Initial application for license.—

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

526 (j) A full set of fingerprints, a fingerprint processing
527 fee, and a fingerprint retention fee. The fingerprint processing
528 and retention fees shall be established by rule of the
529 department based upon costs determined by state and federal
530 agency charges and department processing costs, which must
531 include the cost of retaining the fingerprints in the statewide
532 automated biometric identification system established in s.
533 943.05(2)(b) and the cost of enrolling the fingerprints in the
534 national retained print arrest notification program as required
535 under s. 493.6108. An applicant who has, within the immediately
536 preceding 6 months, submitted such fingerprints and fees for
537 licensing purposes under this chapter and who still holds a
538 valid license is not required to submit another set of
539 fingerprints or another fingerprint processing fee. An applicant
540 who holds multiple licenses issued under this chapter is
541 required to pay only a single fingerprint retention fee.
542 Partners and corporate officers who do not possess licenses
543 subject to renewal under s. 493.6113 are exempt from the
544 fingerprint retention requirements of this chapter.

545 (6) In addition to the requirements under subsection (3),
546 an applicant for a Class "K" license must:

547 (a) Submit one of the following:

548 1. The Florida Criminal Justice Standards and Training
549 Commission Instructor Certificate and written confirmation by
550 the commission that the applicant possesses an active firearms
551 certification.

590-02719-17

2017498c2

552 2. A valid ~~The~~ National Rifle Association Private Security
553 Firearm Instructor Certificate issued not more than 3 years
554 before the submission of the applicant's Class "K" application.

555 3. A valid firearms instructor certificate issued by a
556 federal law enforcement agency not more than 3 years before the
557 submission of the applicant's Class "K" application.

558 Section 12. Subsection (1) of section 493.6107, Florida
559 Statutes, is amended to read:

560 493.6107 Fees.—

561 (1) The department shall establish by rule examination and
562 ~~biennial~~ license fees, ~~which shall not to~~ exceed the following:

563 (a) Class "M" license—manager Class "AB" agency: \$75.

564 (b) Class "G" license—statewide firearm license: \$150.

565 (c) Class "K" license—firearms instructor: \$100.

566 (d) Fee for the examination for firearms instructor: \$75.

567 Section 13. Subsections (3) and (5) of section 493.6108,
568 Florida Statutes, are amended to read:

569 493.6108 Investigation of applicants by Department of
570 Agriculture and Consumer Services.—

571 (3) The department must also investigate the mental history
572 and current mental and emotional fitness of any Class "G" or
573 Class "K" applicant and may deny a Class "G" or Class "K"
574 license to anyone who has a history of mental illness or drug or
575 alcohol abuse. Notwithstanding s. 790.065(2)(a)4.f., the
576 Department of Law Enforcement may, for the limited purpose of
577 determining eligibility of Class "G" or Class "K" applicants and
578 licensees under this chapter, provide the department with mental
579 health and substance abuse data of individuals who are
580 prohibited from purchasing a firearm.

590-02719-17

2017498c2

581 (5) A person licensed under this chapter must notify his or
582 her employer within 3 calendar days if he or she is arrested for
583 any offense. If the department receives information about an
584 arrest within the state of a person who holds a valid license
585 issued under this chapter for a crime that could potentially
586 disqualify the person from holding such a license, the
587 department must provide the arrest information to the agency
588 that employs the licensee.

589 Section 14. Section 493.6112, Florida Statutes, is amended
590 to read:

591 493.6112 Notification to Department of Agriculture and
592 Consumer Services of changes of partner or officer or
593 employees.—

594 (1) After filing the application, unless the department
595 declines to issue the license or revokes it after issuance, an
596 agency ~~or school~~ shall, within 5 working days of the withdrawal,
597 removal, replacement, or addition of any or all partners or
598 officers, notify and file with the department complete
599 applications for such individuals. The agency's ~~or school's~~ good
600 standing under this chapter shall be contingent upon the
601 department's approval of any new partner or officer.

602 (2) Each agency ~~or school~~ shall, upon the employment or
603 termination of employment of a licensee, report such employment
604 or termination within 15 calendar days ~~immediately~~ to the
605 department and, in the case of a termination, report the reason
606 or reasons therefor. The report shall be submitted
607 electronically in a manner ~~on a form~~ prescribed by the
608 department.

609 Section 15. Paragraph (b) of subsection (3) of section

590-02719-17

2017498c2

610 493.6113, Florida Statutes, is amended to read:

611 493.6113 Renewal application for licensure.—

612 (3) Each licensee is responsible for renewing his or her
613 license on or before its expiration by filing with the
614 department an application for renewal accompanied by payment of
615 the renewal fee and the fingerprint retention fee to cover the
616 cost of ongoing retention in the statewide automated biometric
617 identification system established in s. 943.05(2)(b). Upon the
618 first renewal of a license issued under this chapter before
619 January 1, 2017, the licensee shall submit a full set of
620 fingerprints and fingerprint processing fees to cover the cost
621 of entering the fingerprints into the statewide automated
622 biometric identification system pursuant to s. 493.6108(4)(a)
623 and the cost of enrollment in the Federal Bureau of
624 Investigation's national retained print arrest notification
625 program. Subsequent renewals may be completed without submission
626 of a new set of fingerprints.

627 (b) Each Class "G" licensee shall additionally submit proof
628 that he or she has received during each year of the license
629 period a minimum of 4 hours of firearms requalification
630 ~~recertification~~ training taught by a Class "K" licensee and has
631 complied with such other health and training requirements that
632 the department shall adopt by rule. Proof of completion of
633 firearms requalification ~~recertification~~ training shall be
634 submitted to the department upon completion of the training. A
635 Class "G" licensee must successfully complete this
636 requalification training for each type and caliber of firearm
637 carried in the course of performing his or her regulated duties.
638 If the licensee fails to complete the required 4 hours of annual

590-02719-17

2017498c2

639 training during the first year of the 2-year term of the
640 license, the license shall be automatically suspended. The
641 licensee must complete the minimum number of hours of range and
642 classroom training required at the time of initial licensure and
643 submit proof of completion of such training to the department
644 before the license may be reinstated. If the licensee fails to
645 complete the required 4 hours of annual training during the
646 second year of the 2-year term of the license, the licensee must
647 complete the minimum number of hours of range and classroom
648 training required at the time of initial licensure and submit
649 proof of completion of such training to the department before
650 the license may be renewed. The department may waive the
651 firearms training requirement if:

652 1. The applicant provides proof that he or she is currently
653 certified as a law enforcement officer or correctional officer
654 under the Criminal Justice Standards and Training Commission and
655 has completed law enforcement firearms requalification training
656 annually during the previous 2 years of the licensure period;

657 2. The applicant provides proof that he or she is currently
658 certified as a federal law enforcement officer and has received
659 law enforcement firearms training administered by a federal law
660 enforcement agency annually during the previous 2 years of the
661 licensure period; or

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

666 Section 16. Subsection (4) of section 493.6115, Florida
667 Statutes, is amended, present paragraphs (b), (c), and (d) of

590-02719-17

2017498c2

668 subsection (12) of that section are redesignated as paragraphs
669 (c), (d), and (e), respectively, and a new paragraph (b) is
670 added to that subsection, to read:

671 493.6115 Weapons and firearms.—

672 (4) A Class "C" or Class "CC" licensee who is 21 years of
673 age or older and ~~who~~ has also been issued a Class "G" license
674 may carry, in the performance of her or his duties, a concealed
675 firearm. A Class "D" licensee who is 21 years of age or older
676 and ~~who~~ has also been issued a Class "G" license may carry a
677 concealed firearm in the performance of her or his duties under
678 the conditions specified in s. 493.6305(3) or (4) ~~493.6305(2)~~.
679 The Class "G" license must ~~shall~~ clearly indicate such
680 authority. The authority of any such licensee to carry a
681 concealed firearm is ~~shall be~~ valid in any location throughout
682 the state, ~~in any location~~, while performing services within the
683 scope of the license.

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

686 (b) The department has reviewed the mental health and
687 substance abuse data provided by the Department of Law
688 Enforcement as authorized in s. 493.6108(3) and has determined
689 the applicant is not prohibited from licensure based upon this
690 data.

691 Section 17. Subsection (1) of section 493.6118, Florida
692 Statutes, is amended, and subsections (8) and (9) are added to
693 that section, to read:

694 493.6118 Grounds for disciplinary action.—

695 (1) The following constitute grounds for which disciplinary
696 action specified in subsection (2) may be taken by the

590-02719-17

2017498c2

697 department against any licensee, agency, or applicant regulated
698 by this chapter, or any unlicensed person engaged in activities
699 regulated under this chapter:-

700 (a) Fraud or willful misrepresentation in applying for or
701 obtaining a license.

702 (b) Use of any fictitious or assumed name by an agency
703 unless the agency has department approval and qualifies under s.
704 865.09.

705 (c) Being found guilty of or entering a plea of guilty or
706 nolo contendere to, regardless of adjudication, or being
707 convicted of a crime that directly relates to the business for
708 which the license is held or sought. A plea of nolo contendere
709 shall create a rebuttable presumption of guilt to the underlying
710 criminal charges, and the department shall allow the individual
711 being disciplined or denied an application for a license to
712 present any mitigating circumstances surrounding his or her
713 plea.

714 (d) A false statement by the licensee that any individual
715 is or has been in his or her employ.

716 (e) A finding that the licensee or any employee is guilty
717 of willful betrayal of a professional secret or any unauthorized
718 release of information acquired as a result of activities
719 regulated under this chapter.

720 (f) Proof that the applicant or licensee is guilty of fraud
721 or deceit, or of negligence, incompetency, or misconduct, in the
722 practice of the activities regulated under this chapter.

723 (g) Conducting activities regulated under this chapter
724 without a license or with a revoked or suspended license.

725 (h) Failure of the licensee to maintain in full force and

590-02719-17

2017498c2

726 effect the commercial general liability insurance coverage
727 required by s. 493.6110.

728 (i) Impersonating, or permitting or aiding and abetting an
729 employee to impersonate, a law enforcement officer or an
730 employee of the state, the United States, or any political
731 subdivision thereof by identifying himself or herself as a
732 federal, state, county, or municipal law enforcement officer or
733 official representative, by wearing a uniform or presenting or
734 displaying a badge or credentials that would cause a reasonable
735 person to believe that he or she is a law enforcement officer or
736 that he or she has official authority, by displaying any
737 flashing or warning vehicular lights other than amber colored,
738 or by committing any act that is intended to falsely convey
739 official status.

740 (j) Commission of an act of violence or the use of force on
741 any person except in the lawful protection of one's self or
742 another from physical harm.

743 (k) Knowingly violating, advising, encouraging, or
744 assisting the violation of any statute, court order, *capias*,
745 warrant, injunction, or cease and desist order, in the course of
746 business regulated under this chapter.

747 (l) Soliciting business for an attorney in return for
748 compensation.

749 (m) Transferring or attempting to transfer a license issued
750 pursuant to this chapter.

751 (n) Employing or contracting with any unlicensed or
752 improperly licensed person or agency to conduct activities
753 regulated under this chapter, or performing any act that
754 assists, aids, or abets a person or business entity in engaging

590-02719-17

2017498c2

755 in unlicensed activity, when the licensure status was known or
756 could have been ascertained by reasonable inquiry.

757 (o) Failure or refusal to cooperate with or refusal of
758 access to an authorized representative of the department engaged
759 in an official investigation pursuant to this chapter.

760 (p) Failure of any partner, principal corporate officer, or
761 licensee to have his or her identification card in his or her
762 possession while on duty.

763 (q) Failure of any licensee to have his or her license in
764 his or her possession while on duty, as specified in s.
765 493.6111(1).

766 (r) Failure or refusal by a sponsor to certify a biannual
767 written report on an intern or to certify completion or
768 termination of an internship to the department within 15 working
769 days.

770 (s) Failure to report to the department any person whom the
771 licensee knows to be in violation of this chapter or the rules
772 of the department.

773 (t) Violating any provision of this chapter.

774 (u) For a Class "G" licensee, failing to timely complete
775 requalification ~~recertification~~ training as required in s.
776 493.6113(3)(b).

777 (v) For a Class "K" licensee, failing to maintain active
778 certification specified under s. 493.6105(6).

779 (w) For a Class "G" or a Class "K" applicant or licensee,
780 being prohibited from purchasing or possessing a firearm by
781 state or federal law.

782 (x) In addition to the grounds for disciplinary action
783 prescribed in paragraphs (a)-(t), Class "R" recovery agencies,

590-02719-17

2017498c2

784 Class "E" recovery agents, and Class "EE" recovery agent interns
785 are prohibited from committing the following acts:

786 1. Recovering a motor vehicle, mobile home, motorboat,
787 aircraft, personal watercraft, all-terrain vehicle, farm
788 equipment, or industrial equipment that has been sold under a
789 conditional sales agreement or under the terms of a chattel
790 mortgage before authorization has been received from the legal
791 owner or mortgagee.

792 2. Charging for expenses not actually incurred in
793 connection with the recovery, transportation, storage, or
794 disposal of repossessed property or personal property obtained
795 in a repossession.

796 3. Using any repossessed property or personal property
797 obtained in a repossession for the personal benefit of a
798 licensee or an officer, director, partner, manager, or employee
799 of a licensee.

800 4. Selling property recovered under the provisions of this
801 chapter, except with written authorization from the legal owner
802 or the mortgagee thereof.

803 5. Failing to notify the police or sheriff's department of
804 the jurisdiction in which the repossessed property is recovered
805 within 2 hours after recovery.

806 6. Failing to remit moneys collected in lieu of recovery of
807 a motor vehicle, mobile home, motorboat, aircraft, personal
808 watercraft, all-terrain vehicle, farm equipment, or industrial
809 equipment to the client within 10 working days.

810 7. Failing to deliver to the client a negotiable instrument
811 that is payable to the client, within 10 working days after
812 receipt of such instrument.

590-02719-17

2017498c2

813 8. Falsifying, altering, or failing to maintain any
814 required inventory or records regarding disposal of personal
815 property contained in or on repossessed property pursuant to s.
816 493.6404(1).

817 9. Carrying any weapon or firearm when he or she is on
818 private property and performing duties under his or her license
819 whether or not he or she is licensed pursuant to s. 790.06.

820 10. Soliciting from the legal owner the recovery of
821 property subject to repossession after such property has been
822 seen or located on public or private property if the amount
823 charged or requested for such recovery is more than the amount
824 normally charged for such a recovery.

825 11. Wearing, presenting, or displaying a badge in the
826 course of performing a repossession regulated by this chapter.

827 (y) Installation of a tracking device or tracking
828 application in violation of s. 934.425.

829 (z) Failure of any licensee to notify his or her employer
830 within 3 calendar days if he or she is arrested for any offense.

831 (8)(a) Upon notification by a law enforcement agency, a
832 court, or the Department of Law Enforcement and upon subsequent
833 written verification, the department shall temporarily suspend a
834 Class "G" or Class "K" license if the licensee is arrested or
835 charged with a firearms-related crime that would disqualify such
836 person from licensure under this chapter. The department shall
837 notify the licensee suspended under this section of his or her
838 right to a hearing pursuant to chapter 120. A hearing conducted
839 regarding this temporary suspension must be for the limited
840 purpose of determining whether the licensee has been arrested or
841 charged with a disqualifying firearms-related crime.

590-02719-17

2017498c2

842 (b) If the criminal case results in a nondisqualifying
843 disposition, the department shall issue an order lifting the
844 suspension upon the licensee's submission of a certified copy of
845 the final resolution.

846 (c) If the criminal case results in a disqualifying
847 disposition, the suspension remains in effect and the department
848 shall proceed with revocation proceedings pursuant to chapter
849 120.

850 (9) (a) Upon notification by a law enforcement agency, a
851 court, or the Department of Law Enforcement and upon subsequent
852 written verification, the department shall temporarily suspend a
853 license if the licensee is arrested or charged with a forcible
854 felony as defined in s. 776.08. The department shall notify the
855 licensee suspended under this section of his or her right to a
856 hearing pursuant to chapter 120. A hearing conducted regarding
857 this temporary suspension must be for the limited purpose of
858 determining whether the licensee has been arrested or charged
859 with a forcible felony.

860 (b) If the criminal case results in a nondisqualifying
861 disposition, the department shall issue an order lifting the
862 suspension upon the licensee's submission to the department of a
863 certified copy of the final resolution.

864 (c) If criminal case results in a disqualifying
865 disposition, the suspension remains in effect and the department
866 shall proceed with revocation proceedings pursuant to chapter
867 120.

868 Section 18. Subsection (1) of section 493.6202, Florida
869 Statutes, is amended to read:

870 493.6202 Fees.—

590-02719-17

2017498c2

871 (1) The department shall establish by rule examination and
872 ~~biennial~~ license fees, ~~which shall not to~~ exceed the following:

873 (a) Class "A" license—private investigative agency: \$450.

874 (b) Class "AA" or "AB" license—branch office: \$125.

875 (c) Class "MA" license—private investigative agency
876 manager: \$75.

877 (d) Class "C" license—private investigator: \$75.

878 (e) Class "CC" license—private investigator intern: \$60.

879 Section 19. Subsection (5) and paragraphs (b) and (c) of
880 subsection (6) of section 493.6203, Florida Statutes, are
881 amended to read:

882 493.6203 License requirements.—In addition to the license
883 requirements set forth elsewhere in this chapter, each
884 individual or agency shall comply with the following additional
885 requirements:

886 (5) ~~Effective January 1, 2008,~~ An applicant for a Class
887 "MA," Class "M," or Class "C" license must pass an examination
888 that covers the provisions of this chapter and is administered
889 by the department or by a provider approved by the department.
890 The applicant must pass the examination before applying for
891 licensure and must submit proof with the license application on
892 a form approved by rule of the department that he or she has
893 passed the examination. The administrator of the examination
894 shall verify the identity of each applicant taking the
895 examination.

896 (a) The examination requirement in this subsection does not
897 apply to an individual who holds a valid Class "CC," Class "C,"
898 Class "MA," or Class "M" license.

899 (b) Notwithstanding the exemption provided in paragraph

590-02719-17

2017498c2

900 (a), if the license of an applicant for relicensure has been
901 invalid for more than 1 year, the applicant must take and pass
902 the examination.

903 (c) The department shall establish by rule the content of
904 the examination, the manner and procedure of its administration,
905 and an examination fee that may not exceed \$100.

906 (6)

907 (b) ~~Effective January 1, 2012,~~ Before submission of an
908 application to the department, the applicant for a Class "CC"
909 license must have completed a minimum of 40 hours of
910 professional training pertaining to general investigative
911 techniques and this chapter, which course is offered by a state
912 university or by a school, community college, college, or
913 university under the purview of the Department of Education, and
914 the applicant must pass an examination. ~~The training must be
915 provided in two parts, one 24-hour course and one 16-hour
916 course.~~ The certificate evidencing satisfactory completion of
917 the 40 hours of professional training must be submitted with the
918 application for a Class "CC" license. The training specified in
919 this paragraph may be provided by face-to-face presentation,
920 online technology, or a home study course in accordance with
921 rules and procedures of the Department of Education. The
922 administrator of the examination must verify the identity of
923 each applicant taking the examination.

924 1. Upon an applicant's successful completion of each part
925 of the approved training and passage of any required
926 examination, the school, community college, college, or
927 university shall issue a certificate of completion to the
928 applicant. The certificates must be on a form established by

590-02719-17

2017498c2

929 rule of the department.

930 2. The department shall establish by rule the general
931 content of the professional training and the examination
932 criteria.

933 3. If the license of an applicant for relicensure is
934 invalid for more than 1 year, the applicant must complete the
935 required training and pass any required examination.

936 ~~(c) An individual who submits an application for a Class~~
937 ~~"CC" license on or after September 1, 2008, through December 31,~~
938 ~~2011, who has not completed the 16-hour course must submit proof~~
939 ~~of successful completion of the course within 180 days after the~~
940 ~~date the application is submitted. If documentation of~~
941 ~~completion of the required training is not submitted by that~~
942 ~~date, the individual's license shall be automatically suspended~~
943 ~~until proof of the required training is submitted to the~~
944 ~~department.~~ An individual licensed on or before August 31, 2008,
945 is not required to complete additional training hours in order
946 to renew an active license beyond the total required hours, and
947 the timeframe for completion in effect at the time he or she was
948 licensed applies.

949 Section 20. Subsection (1) of section 493.6302, Florida
950 Statutes, is amended to read:

951 493.6302 Fees.—

952 (1) The department shall establish by rule ~~biennial~~ license
953 fees, ~~which shall~~ not to exceed the following:

954 (a) Class "B" license—security agency: \$450.

955 (b) Class "BB" or Class "AB" license—branch office: \$125.

956 (c) Class "MB" license—security agency manager: \$75.

957 (d) Class "D" license—security officer: \$45.

590-02719-17

2017498c2

958 (e) Class "DS" license-security officer school or training
959 facility: \$60.

960 (f) Class "DI" license-security officer school or training
961 facility instructor: \$60.

962 Section 21. Subsection (4) of section 493.6303, Florida
963 Statutes, is amended to read:

964 493.6303 License requirements.—In addition to the license
965 requirements set forth elsewhere in this chapter, each
966 individual or agency must comply with the following additional
967 requirements:

968 (4) ~~(a) Effective January 1, 2012,~~ An applicant for a Class
969 "D" license must submit proof of successful completion of a
970 minimum of 40 hours of professional training at a school or
971 training facility licensed by the department. ~~The training must~~
972 ~~be provided in two parts, one 24-hour course and one 16-hour~~
973 ~~course.~~ The department shall by rule establish the general
974 content and number of hours of each subject area to be taught.

975 ~~(b) An individual who submits an application for a Class~~
976 ~~"D" license on or after January 1, 2007, through December 31,~~
977 ~~2011, who has not completed the 16-hour course must submit proof~~
978 ~~of successful completion of the course within 180 days after the~~
979 ~~date the application is submitted. If documentation of~~
980 ~~completion of the required training is not submitted by that~~
981 ~~date, the individual's license shall be automatically suspended~~
982 ~~until proof of the required training is submitted to the~~
983 ~~department. A person licensed before January 1, 2007, is not~~
984 ~~required to complete additional training hours in order to renew~~
985 ~~an active license beyond the total required hours, and the~~
986 ~~timeframe for completion in effect at the time he or she was~~

590-02719-17

2017498c2

987 ~~licensed applies.~~

988 ~~(c) An individual whose license is suspended or revoked~~
989 ~~pursuant to paragraph (b), or is expired for at least 1 year, is~~
990 ~~considered, upon reapplication for a license, an initial~~
991 ~~applicant and must submit proof of successful completion of 40~~
992 ~~hours of professional training at a school or training facility~~
993 ~~licensed by the department as provided in paragraph (a) before a~~
994 ~~license is issued.~~

995 Section 22. Subsection (1) of section 493.6304, Florida
996 Statutes, is amended to read:

997 493.6304 Security officer school or training facility.—

998 (1) Any school, training facility, or instructor who offers
999 the training specified ~~outlined~~ in s. 493.6303(4) for Class "D"
1000 applicants shall, before licensure of such school, training
1001 facility, or instructor, file with the department an application
1002 accompanied by an application fee in an amount to be determined
1003 by rule, not to exceed \$60. The fee is ~~shall~~ not ~~be~~ refundable.

1004 Section 23. Subsection (1) of section 493.6402, Florida
1005 Statutes, is amended to read:

1006 493.6402 Fees.—

1007 (1) The department shall establish by rule ~~biennial~~ license
1008 fees, ~~that shall~~ not to exceed the following:

1009 (a) Class "R" license-recovery agency: \$450.

1010 (b) Class "RR" license-branch office: \$125.

1011 (c) Class "MR" license-recovery agency manager: \$75.

1012 (d) Class "E" license-recovery agent: \$75.

1013 (e) Class "EE" license-recovery agent intern: \$60.

1014 (f) Class "RS" license-recovery agent school or training
1015 facility: \$60.

590-02719-17

2017498c2

1016 (g) Class "RI" license-recovery agent school or training
1017 facility instructor: \$60.

1018 Section 24. Subsection (2) of section 493.6403, Florida
1019 Statutes, is amended to read:

1020 493.6403 License requirements.—

1021 (2) ~~Beginning October 1, 1994,~~ An applicant for a Class "E"
1022 or a Class "EE" license must submit proof of successful
1023 completion ~~have completed a minimum~~ of 40 hours of professional
1024 training at a school or training facility licensed by the
1025 department. The department shall by rule establish the general
1026 content for the training.

1027 Section 25. Subsection (6) is added to section 501.013,
1028 Florida Statutes, to read:

1029 501.013 Health studios; exemptions.—The following
1030 businesses or activities may be declared exempt from the
1031 provisions of ss. 501.012-501.019 upon the filing of an
1032 affidavit with the department establishing that the stated
1033 qualifications are met:

1034 (6) A program or facility offered by an organization for
1035 the exclusive use of its employees and their family members.

1036 Section 26. Paragraph (a) of subsection (3) of section
1037 501.059, Florida Statutes, is amended to read:

1038 501.059 Telephone solicitation.—

1039 (3) (a) If any residential, mobile, or telephonic paging
1040 device telephone subscriber notifies the department of his or
1041 her desire to be placed on a "no sales solicitation calls"
1042 listing indicating that the subscriber does not wish to receive
1043 unsolicited telephonic sales calls, the department shall place
1044 the subscriber on that listing ~~for 5 years~~.

590-02719-17

2017498c2

1045 Section 27. Paragraph (a) of subsection (1) and subsection
1046 (3) of section 507.04, Florida Statutes, are amended to read:

1047 507.04 Required insurance coverages; liability limitations;
1048 valuation coverage.—

1049 (1) LIABILITY INSURANCE.—

1050 (a)1. Except as provided in paragraph (b), each mover
1051 operating in this state must maintain current and valid
1052 liability insurance coverage of at least \$10,000 per shipment
1053 for the loss or damage of household goods resulting from the
1054 negligence of the mover or its employees or agents.

1055 2. The mover must provide the department with evidence of
1056 liability insurance coverage before the mover is registered with
1057 the department under s. 507.03. All insurance coverage
1058 maintained by a mover must remain in effect throughout the
1059 mover's registration period. A mover's failure to maintain
1060 insurance coverage in accordance with this paragraph constitutes
1061 an immediate threat to the public health, safety, and welfare.
1062 ~~If a mover fails to maintain insurance coverage, the department~~
1063 ~~may immediately suspend the mover's registration or eligibility~~
1064 ~~for registration, and the mover must immediately cease operating~~
1065 ~~as a mover in this state. In addition, and notwithstanding the~~
1066 ~~availability of any administrative relief pursuant to chapter~~
1067 ~~120, the department may seek from the appropriate circuit court~~
1068 ~~an immediate injunction prohibiting the mover from operating in~~
1069 ~~this state until the mover complies with this paragraph, a civil~~
1070 ~~penalty not to exceed \$5,000, and court costs.~~

1071 (3) INSURANCE COVERAGES.—The insurance coverages required
1072 under paragraph (1) (a) and subsection (2) must be issued by an
1073 insurance company or carrier licensed to transact business in

590-02719-17

2017498c2

1074 this state under the Florida Insurance Code as designated in s.
1075 624.01. The department shall require a mover to present a
1076 certificate of insurance of the required coverages before
1077 issuance or renewal of a registration certificate under s.
1078 507.03. The department shall be named as a certificateholder in
1079 the certificate and must be notified at least 10 days before
1080 cancellation of insurance coverage. If a mover fails to maintain
1081 insurance coverage, the department may immediately suspend the
1082 mover's registration or eligibility for registration, and the
1083 mover must immediately cease operating as a mover in this state.
1084 In addition, and notwithstanding the availability of any
1085 administrative relief pursuant to chapter 120, the department
1086 may seek from the appropriate circuit court an immediate
1087 injunction prohibiting the mover from operating in this state
1088 until the mover complies with this section, a civil penalty not
1089 to exceed \$5,000, and court costs.

1090 Section 28. Subsection (1) of section 531.37, Florida
1091 Statutes, is amended to read:

1092 531.37 Definitions.—As used in this chapter:

1093 (1) "Weights and measures" means all weights and measures
1094 of every kind, instruments, and devices for weighing and
1095 measuring, and any appliance and accessories associated with any
1096 or all such instruments and devices, excluding taximeters,
1097 digital networks, and those weights and measures used for the
1098 purpose of inspecting the accuracy of devices used in
1099 conjunction with aviation fuel.

1100 Section 29. Section 531.61, Florida Statutes, is amended to
1101 read:

1102 531.61 Exemptions from permit requirement.—Commercial

590-02719-17

2017498c2

1103 weights or measures instruments or devices are exempt from the
1104 requirements of ss. 531.60-531.66 if:

1105 (1) ~~The device is a taximeter that is licensed, permitted,~~
1106 ~~or registered by a municipality, county, or other local~~
1107 ~~government and is tested for accuracy and compliance with state~~
1108 ~~standards by the local government in cooperation with the state~~
1109 ~~as authorized in s. 531.421.~~

1110 ~~(2)~~ The device is used exclusively for weighing railroad
1111 cars and is tested for accuracy and compliance with state
1112 standards by a private testing agency.

1113 (2) ~~(3)~~ The device is used exclusively for measuring
1114 aviation fuel or petroleum products inspected under chapter 525.

1115 Section 30. Paragraph (g) of subsection (2) of section
1116 531.63, Florida Statutes, is repealed.

1117 Section 31. Section 534.021, Florida Statutes, is amended
1118 to read:

1119 534.021 Recording of marks or brands.—The department shall
1120 be the recorder of livestock marks or brands, and the marks or
1121 brands may not be recorded elsewhere in the state. Any livestock
1122 owner who uses a mark or brand to identify her or his livestock
1123 must register the mark or brand by applying to the department.
1124 The application must be made on a form prescribed by the
1125 department and must be accompanied by a detailed drawing
1126 ~~facsimile~~ of the brand applied for and a statement identifying
1127 the county in which the applicant has or expects to have
1128 livestock bearing the mark or brand to be recorded. The
1129 department shall, upon its satisfaction that the application
1130 meets the requirements of this chapter, record the mark or brand
1131 for exclusive statewide use by the applicant. If an application

590-02719-17

2017498c2

1132 is made to record a mark or brand previously recorded, the
1133 department shall determine whether the county in which the mark
1134 or brand will be used is near enough to another county in which
1135 the previously recorded mark or brand is used to cause confusion
1136 or to aid theft or dishonesty, and if so, the department must
1137 decline to admit to record the mark or brand. If a conflict
1138 arises between the owner of any recorded mark or brand and
1139 another claiming the right to record the same mark or brand, the
1140 department must give preference to the present owner. The
1141 department shall charge and collect at the time of recording a
1142 fee of \$10 for each mark or brand. A person may not use any mark
1143 or brand to which another has a prior right of record. It is
1144 unlawful to brand any animal with a brand not registered with
1145 the department.

1146 Section 32. Section 534.041, Florida Statutes, is amended
1147 to read:

1148 534.041 Renewal of certificate of mark or brand.—The
1149 registration of a mark or brand entitles the registered owner to
1150 exclusive ownership and use of the mark or brand for a period
1151 ending at midnight on the last day of the month 10 ~~5~~ years from
1152 the date of registration. Upon application, registration may be
1153 renewed, ~~upon application and payment of a renewal fee of \$5,~~
1154 for successive 10-year ~~5-year~~ periods, each ending at midnight
1155 on the last day of the month 10 ~~5~~ years from the date of
1156 renewal. At least 60 days before ~~prior to~~ the expiration of a
1157 registration, the department shall notify by letter the
1158 registered owner of the mark or brand that, upon application for
1159 renewal and payment of the renewal fee, the department will
1160 issue a renewal certificate granting the registered owner

590-02719-17

2017498c2

1161 exclusive ownership and use of the mark or brand for another 10-
1162 year ~~5-year~~ period ending at midnight on the last day of the
1163 month 10 ~~5~~ years from the date of renewal. Failure to make
1164 application for renewal within the month of expiration of a
1165 registration will cause the department to send a second notice
1166 to the registered owner by mail at her or his last known
1167 address. Failure of the registered owner to make application for
1168 renewal within 30 days after receipt of the second notice will
1169 cause the owner's mark or brand to be placed on an inactive list
1170 for a period of 12 months, after which it will be canceled and
1171 become subject to registration by another person.

1172 Section 33. Section 534.061, Florida Statutes, is repealed.

1173 Section 34. Subsection (45) is added to section 570.07,
1174 Florida Statutes, to read:

1175 570.07 Department of Agriculture and Consumer Services;
1176 functions, powers, and duties.—The department shall have and
1177 exercise the following functions, powers, and duties:

1178 (45) To perform food safety inspection services where raw
1179 agricultural commodities are grown, produced, harvested, held,
1180 packed, or repacked.

1181 Section 35. Subsection (1) of section 573.118, Florida
1182 Statutes, is amended to read:

1183 573.118 Assessment; funds; review of accounts; loans.—

1184 (1) To provide funds to defray the necessary expenses
1185 incurred by the department in the formulation, issuance,
1186 administration, and enforcement of any marketing order, every
1187 person engaged in the production, distributing, or handling of
1188 agricultural commodities within this state, and directly
1189 affected by any marketing order, shall pay to the department, at

590-02719-17

2017498c2

1190 such times and in such installments as the department may
1191 prescribe, such person's pro rata share of necessary expenses.
1192 Each person's share of expenses shall be that proportion which
1193 the total volume of agricultural commodities produced,
1194 distributed, or handled by the person during the current
1195 marketing season, or part thereof covered by such marketing
1196 order, is of the total volume of the commodities produced,
1197 distributed, or handled by all such persons during the same
1198 current marketing season or part thereof. The department, after
1199 receiving the recommendations of the advisory council, shall fix
1200 the rate of assessment on the volume of agricultural commodities
1201 sold or some other equitable basis. For convenience of
1202 collection, upon request of the department, handlers of the
1203 commodities shall pay any producer assessments. Handlers paying
1204 assessments for and on behalf of any producers may collect the
1205 producer assessments from any moneys owed by the handlers to the
1206 producers. The collected assessments shall be deposited into the
1207 appropriate trust fund and used for the sole purpose of
1208 implementing the marketing order for which the assessment was
1209 collected. The department is not subject to s. 287.057 in the
1210 expenditure of these funds. However, the director of the
1211 Division of Fruit and Vegetables Marketing and Development shall
1212 file with the internal auditor of the department a certification
1213 of conditions and circumstances justifying each contract or
1214 agreement entered into without competitive bidding.

1215 Section 36. Paragraph (b) of subsection (4) of section
1216 590.02, Florida Statutes, is amended to read:

1217 590.02 Florida Forest Service; powers, authority, and
1218 duties; liability; building structures; Withlacoochee Training

590-02719-17

2017498c2

1219 Center.—

1220 (4)

1221 (b) Notwithstanding s. 553.80(1), the department shall
1222 exclusively enforce the Florida Building Code as it pertains to
1223 wildfire, ~~and law enforcement,~~ and other Florida Forest Service
1224 facilities under the jurisdiction of the department.

1225 Section 37. Paragraph (a) of subsection (5) of section
1226 597.004, Florida Statutes, is amended to read:

1227 597.004 Aquaculture certificate of registration.—

1228 (5) SALE OF AQUACULTURE PRODUCTS.—

1229 (a) Aquaculture products, except shellfish, snook, and any
1230 fish of the genus *Micropterus*, and prohibited and restricted
1231 freshwater and marine species identified by rules of the Fish
1232 and Wildlife Conservation Commission, may be sold by an
1233 aquaculture producer certified pursuant to this section or by a
1234 dealer licensed pursuant to part VII of chapter 379 without
1235 restriction so long as the product origin can be identified.

1236 Section 38. Subsection (2) of section 604.16, Florida
1237 Statutes, is amended to read:

1238 604.16 Exceptions to provisions of ss. 604.15-604.34.—

1239 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
1240 not apply to:

1241 (2) A dealer in agricultural products who pays at the time
1242 of purchase with United States cash currency or a cash
1243 equivalent, such as a money order, cashier's check, wire
1244 transfer, electronic funds transfer, or PIN-based debit
1245 transaction, or who pays with a credit card as defined in s.
1246 658.995(2)(a).

1247 Section 39. Subsections (2) and (4), and paragraph (b) of

590-02719-17

2017498c2

1248 subsection (5) of section 790.06, Florida Statutes, are amended
1249 to read:

1250 790.06 License to carry concealed weapon or firearm.—

1251 (2) The Department of Agriculture and Consumer Services
1252 shall issue a license if the applicant:

1253 (a) Is a resident of the United States and a citizen of the
1254 United States or a permanent resident alien of the United
1255 States, as determined by the United States Bureau of Citizenship
1256 and Immigration Services, or is a consular security official of
1257 a foreign government that maintains diplomatic relations and
1258 treaties of commerce, friendship, and navigation with the United
1259 States and is certified as such by the foreign government and by
1260 the appropriate embassy in this country;

1261 (b) Is 21 years of age or older;

1262 (c) Does not suffer from a physical infirmity which
1263 prevents the safe handling of a weapon or firearm;

1264 (d) Is not ineligible to possess a firearm pursuant to s.
1265 790.23 by virtue of having been convicted of a felony;

1266 (e) Has not been: ~~committed for the abuse of a controlled~~
1267 ~~substance or been~~

1268 1. Found guilty of a crime under the provisions of chapter
1269 893 or similar laws of any other state relating to controlled
1270 substances within a 3-year period immediately preceding the date
1271 on which the application is submitted; or

1272 2. Committed for the abuse of a controlled substance under
1273 chapter 397 or under the provisions of former chapter 396 or
1274 similar laws of any other state. An applicant who has been
1275 granted relief from firearms disabilities pursuant to s.
1276 790.065(2)(a)4.d. or pursuant to the law of the state where the

590-02719-17

2017498c2

1277 commitment occurred is deemed not to be committed for the abuse
1278 of a controlled substance under this subparagraph;

1279 (f) Does not chronically and habitually use alcoholic
1280 beverages or other substances to the extent that his or her
1281 normal faculties are impaired. It shall be presumed that an
1282 applicant chronically and habitually uses alcoholic beverages or
1283 other substances to the extent that his or her normal faculties
1284 are impaired if the applicant has been ~~committed under chapter~~
1285 ~~397 or under the provisions of former chapter 396 or has been~~
1286 convicted under s. 790.151 or has been deemed a habitual
1287 offender under s. 856.011(3), or has had two or more convictions
1288 under s. 316.193 or similar laws of any other state, within the
1289 3-year period immediately preceding the date on which the
1290 application is submitted;

1291 (g) Desires a legal means to carry a concealed weapon or
1292 firearm for lawful self-defense;

1293 (h) Demonstrates competence with a firearm by any one of
1294 the following:

1295 1. Completion of any hunter education or hunter safety
1296 course approved by the Fish and Wildlife Conservation Commission
1297 or a similar agency of another state;

1298 2. Completion of any National Rifle Association firearms
1299 safety or training course;

1300 3. Completion of any firearms safety or training course or
1301 class available to the general public offered by a law
1302 enforcement agency, junior college, college, or private or
1303 public institution or organization or firearms training school,
1304 using instructors certified by the National Rifle Association,
1305 Criminal Justice Standards and Training Commission, or the

590-02719-17

2017498c2

1306 Department of Agriculture and Consumer Services;

1307 4. Completion of any law enforcement firearms safety or

1308 training course or class offered for security guards,

1309 investigators, special deputies, or any division or subdivision

1310 of a law enforcement agency or security enforcement;

1311 5. Presents evidence of equivalent experience with a

1312 firearm through participation in organized shooting competition

1313 or military service;

1314 6. Is licensed or has been licensed to carry a firearm in

1315 this state or a county or municipality of this state, unless

1316 such license has been revoked for cause; or

1317 7. Completion of any firearms training or safety course or

1318 class conducted by a state-certified or National Rifle

1319 Association certified firearms instructor;

1320

1321 A photocopy of a certificate of completion of any of the courses

1322 or classes; an affidavit from the instructor, school, club,

1323 organization, or group that conducted or taught such course or

1324 class attesting to the completion of the course or class by the

1325 applicant; or a copy of any document that shows completion of

1326 the course or class or evidences participation in firearms

1327 competition shall constitute evidence of qualification under

1328 this paragraph. A person who conducts a course pursuant to

1329 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as

1330 an instructor, attests to the completion of such courses, must

1331 maintain records certifying that he or she observed the student

1332 safely handle and discharge the firearm in his or her physical

1333 presence and that the discharge of the firearm included live

1334 fire using a firearm and ammunition as defined in s. 790.001;

590-02719-17

2017498c2

1335 (i) Has not been adjudicated an incapacitated person under
1336 s. 744.331, or similar laws of any other state. An applicant who
1337 has been granted relief from firearms disabilities pursuant to
1338 s. 790.065(2)(a)4.d. or pursuant to the law of the state where
1339 the adjudication occurred is deemed not to have been adjudicated
1340 an incapacitated person under this paragraph, ~~unless 5 years~~
1341 ~~have elapsed since the applicant's restoration to capacity by~~
1342 ~~court order;~~

1343 (j) Has not been committed to a mental institution under
1344 chapter 394, or similar laws of any other state. An applicant
1345 who has been granted relief from firearms disabilities pursuant
1346 to s. 790.065(2)(a)4.d. or pursuant to the law of the state
1347 where the commitment occurred is deemed not to have been
1348 committed in a mental institution under this paragraph, ~~unless~~
1349 ~~the applicant produces a certificate from a licensed~~
1350 ~~psychiatrist that he or she has not suffered from disability for~~
1351 ~~at least 5 years before the date of submission of the~~
1352 ~~application;~~

1353 (k) Has not had adjudication of guilt withheld or
1354 imposition of sentence suspended on any felony unless 3 years
1355 have elapsed since probation or any other conditions set by the
1356 court have been fulfilled, or expunction has occurred;

1357 (l) Has not had adjudication of guilt withheld or
1358 imposition of sentence suspended on any misdemeanor crime of
1359 domestic violence unless 3 years have elapsed since probation or
1360 any other conditions set by the court have been fulfilled, or
1361 the record has been expunged;

1362 (m) Has not been issued an injunction that is currently in
1363 force and effect and that restrains the applicant from

590-02719-17

2017498c2

1364 committing acts of domestic violence or acts of repeat violence;
1365 and

1366 (n) Is not prohibited from purchasing or possessing a
1367 firearm by any other provision of Florida or federal law.

1368 (4) The application shall be completed, under oath, on a
1369 form adopted by the Department of Agriculture and Consumer
1370 Services and shall include:

1371 (a) The name, address, place of birth, date of birth, and
1372 race of the applicant;

1373 (b) A statement that the applicant is in compliance with
1374 criteria contained within subsections (2) and (3);

1375 (c) A statement that the applicant has been furnished a
1376 copy of or a website link to this chapter and is knowledgeable
1377 of its provisions;

1378 (d) A conspicuous warning that the application is executed
1379 under oath and that a false answer to any question, or the
1380 submission of any false document by the applicant, subjects the
1381 applicant to criminal prosecution under s. 837.06;

1382 (e) A statement that the applicant desires a concealed
1383 weapon or firearms license as a means of lawful self-defense;
1384 and

1385 (f) Directions for an applicant who is a servicemember, as
1386 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
1387 request expedited processing of his or her application.

1388 (5) The applicant shall submit to the Department of
1389 Agriculture and Consumer Services or an approved tax collector
1390 pursuant to s. 790.0625:

1391 (b) A nonrefundable license fee of up to \$55 ~~\$60~~ if he or
1392 she has not previously been issued a statewide license or of up

590-02719-17

2017498c2

1393 to \$45 ~~\$50~~ for renewal of a statewide license. The cost of
1394 processing fingerprints as required in paragraph (c) shall be
1395 borne by the applicant. However, an individual holding an active
1396 certification from the Criminal Justice Standards and Training
1397 Commission as a law enforcement officer, correctional officer,
1398 or correctional probation officer as defined in s. 943.10(1),
1399 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
1400 requirements of this section. If such individual wishes to
1401 receive a concealed weapon or firearm license, he or she is
1402 exempt from the background investigation and all background
1403 investigation fees but must pay the current license fees
1404 regularly required to be paid by nonexempt applicants. Further,
1405 a law enforcement officer, a correctional officer, or a
1406 correctional probation officer as defined in s. 943.10(1), (2),
1407 or (3) is exempt from the required fees and background
1408 investigation for 1 year after his or her retirement.

1409 Section 40. This act shall take effect July 1, 2017.

1410