



615634

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/19/2018	.	
	.	
	.	
	.	

---

The Committee on Appropriations (Stargel) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (c) of subsection (6) of section  
193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment;  
mandated eradication or quarantine program.—

(6)

(c)1. For purposes of the income methodology approach to



615634

11 assessment of property used for agricultural purposes,  
12 irrigation systems, including pumps and motors, physically  
13 attached to the land shall be considered a part of the average  
14 yields per acre and shall have no separately assessable  
15 contributory value.

16 2. Litter containment structures located on producing  
17 poultry farms and animal waste nutrient containment structures  
18 located on producing dairy farms shall be assessed by the  
19 methodology described in subparagraph 1.

20 3. Structures or improvements used in horticultural  
21 production for frost or freeze protection and screen enclosed  
22 structures used in citrus production for pest exclusion, which  
23 are consistent with the interim measures or best management  
24 practices adopted by the Department of Agriculture and Consumer  
25 Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be  
26 assessed by the methodology described in subparagraph 1.

27 Section 2. Paragraphs (b), (d), and (i) of subsection (5)  
28 of section 379.361, Florida Statutes, are amended to read:

29 379.361 Licenses.—

30 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

31 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the  
32 Apalachicola Bay without a valid Apalachicola Bay oyster  
33 harvesting license issued by the City of Apalachicola ~~Department~~  
34 ~~of Agriculture and Consumer Services~~. This requirement does  
35 ~~shall~~ not apply to anyone harvesting noncommercial quantities of  
36 oysters in accordance with commission rules, or to any person  
37 less than 18 years old.

38 (d) The City of Apalachicola ~~Department of Agriculture and~~  
39 ~~Consumer Services~~ shall collect an annual fee of \$100 from state



615634

40 residents and \$500 from nonresidents for the issuance of an  
41 Apalachicola Bay oyster harvesting license. The license year  
42 shall begin on July 1 of each year and end on June 30 of the  
43 following year. The license shall be valid only for the  
44 licensee. Only bona fide residents of the state Florida may  
45 obtain a resident license pursuant to this subsection.

46 (i) The proceeds from Apalachicola Bay oyster harvesting  
47 license fees shall be deposited by the City of Apalachicola into  
48 a trust account ~~in the General Inspection Trust Fund~~ and, less  
49 reasonable administrative costs, must ~~shall~~ be used or  
50 distributed by the City of Apalachicola Department of  
51 ~~Agriculture and Consumer Services~~ for the following purposes in  
52 Apalachicola Bay:

53 1. An Apalachicola Bay oyster shell recycling program  
54 ~~Relaying and transplanting live oysters.~~

55 2. Shell planting to construct or rehabilitate oyster bars.

56 3. Education programs for licensed oyster harvesters on  
57 oyster biology, aquaculture, boating and water safety,  
58 sanitation, resource conservation, small business management,  
59 marketing, and other relevant subjects.

60 4. Research directed toward the enhancement of oyster  
61 production in the bay and the water management needs of the bay.

62 Section 3. Paragraphs (a), (b), and (i) of subsection (1)  
63 of section 487.041, Florida Statutes, are amended to read:

64 487.041 Registration.—

65 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,  
66 as defined in s. 487.021, which is distributed, sold, or offered  
67 for sale, except as provided in this section, within this state  
68 or delivered for transportation or transported in intrastate



615634

69 commerce or between points within this state through any point  
70 outside this state must be registered in the office of the  
71 department, and such registration shall be renewed biennially.  
72 Emergency exemptions from registration may be authorized in  
73 accordance with the rules of the department. The registrant  
74 shall file with the department a statement including:

75 1. The name, business mailing address, and street address  
76 of the registrant.

77 2. The name of the brand of pesticide.

78 3. An ingredient statement and a complete current copy of  
79 the labeling accompanying the brand of pesticide, which must  
80 conform to the registration, and a statement of all claims to be  
81 made for it, including directions for use and a guaranteed  
82 analysis showing the names and percentages by weight of each  
83 active ingredient, the total percentage of inert ingredients,  
84 and the names and percentages by weight of each "added  
85 ingredient."

86 (b) ~~Effective January 1, 2009,~~ For the purpose of defraying  
87 expenses of the department in connection with carrying out the  
88 provisions of this part, each registrant shall pay a biennial  
89 registration fee for each registered brand of pesticide. The  
90 registration of each brand of pesticide shall cover a designated  
91 2-year period beginning on January 1 of each odd-numbered year  
92 and expiring on December 31 of the following year.

93 ~~(i) Effective January 1, 2013, all payments of any~~  
94 ~~pesticide registration fees, including late fees, shall be~~  
95 ~~submitted electronically using the department's Internet website~~  
96 ~~for registration of pesticide product brands.~~

97 Section 4. Paragraph (a) of subsection (6) of section



615634

98 493.6105, Florida Statutes, is amended to read:

99 493.6105 Initial application for license.—

100 (6) In addition to the requirements under subsection (3),  
101 an applicant for a Class “K” license must:

102 (a) Submit one of the following:

103 1. The Florida Criminal Justice Standards and Training  
104 Commission Instructor Certificate and written confirmation by  
105 the commission that the applicant possesses an active firearms  
106 certification.

107 2. A valid National Rifle Association Private Security  
108 Firearm Instructor Certificate issued not more than 3 years  
109 before the submission of the applicant’s Class “K” application.

110 3. A valid firearms instructor certificate issued by a  
111 federal law enforcement agency issued not more than 3 years  
112 before the submission of the applicant’s Class “K” application.

113 4. A valid DD form 214 issued by the United States  
114 Department of Defense, an acceptable form as specified by the  
115 Department of Veterans’ Affairs, or other official military  
116 documentation. Such form or documentation must be issued not  
117 more than 3 years before the submission of the applicant’s Class  
118 “K” application, indicating that the applicant has been  
119 honorably discharged and has served as a military firearms  
120 instructor within the last 3 years of service.

121 Section 5. Paragraph (d) of subsection (3) of section  
122 493.6113, Florida Statutes, is amended to read:

123 493.6113 Renewal application for licensure.—

124 (3) Each licensee is responsible for renewing his or her  
125 license on or before its expiration by filing with the  
126 department an application for renewal accompanied by payment of



615634

127 the renewal fee and the fingerprint retention fee to cover the  
128 cost of ongoing retention in the statewide automated biometric  
129 identification system established in s. 943.05(2)(b). Upon the  
130 first renewal of a license issued under this chapter before  
131 January 1, 2017, the licensee shall submit a full set of  
132 fingerprints and fingerprint processing fees to cover the cost  
133 of entering the fingerprints into the statewide automated  
134 biometric identification system pursuant to s. 493.6108(4)(a)  
135 and the cost of enrollment in the Federal Bureau of  
136 Investigation's national retained print arrest notification  
137 program. Subsequent renewals may be completed without submission  
138 of a new set of fingerprints.

139 (d) Each Class "K" licensee shall additionally submit:

140 1. One of the certificates specified under s. 493.6105(6)  
141 as proof that he or she remains certified to provide firearms  
142 instruction; or

143 2. Proof of having taught no less than six 28-hour firearms  
144 instruction courses to Class "G" applicants, as specified in s.  
145 493.6105(5), during the previous triennial licensure period.

146 Section 6. Subsection (19) is added to section 496.415,  
147 Florida Statutes, to read:

148 496.415 Prohibited acts.—It is unlawful for any person in  
149 connection with the planning, conduct, or execution of any  
150 solicitation or charitable or sponsor sales promotion to:

151 (19) Commingle charitable contributions with noncharitable  
152 funds.

153 Section 7. Section 496.418, Florida Statutes, is amended to  
154 read:

155 496.418 Recordkeeping and accounting ~~Records.~~—



615634

156       (1) Each charitable organization, sponsor, professional  
157 fundraising consultant, and professional solicitor that collects  
158 or takes control or possession of contributions made for a  
159 charitable purpose must keep records to permit accurate  
160 reporting and auditing as required by law, must not commingle  
161 contributions with noncharitable funds as specified in s.  
162 496.415(19), and must be able to account for the funds. When  
163 expenditures are not properly documented and disclosed by  
164 records, there exists a rebuttable presumption that the  
165 charitable organization, sponsor, professional fundraising  
166 consultant, or professional solicitor did not properly expend  
167 such funds. Noncharitable funds include any funds that are not  
168 used or intended to be used for the operation of the charity or  
169 for charitable purposes.

170       (2) Each charitable organization, sponsor, professional  
171 fundraising consultant, and professional solicitor must keep for  
172 a period of at least 3 years true and accurate records as to its  
173 activities in this state which are covered by ss. 496.401-  
174 496.424. The records must be made available, without subpoena,  
175 to the department for inspection and must be furnished no later  
176 than 10 working days after requested.

177       Section 8. Paragraph (b) of subsection (3) and paragraph  
178 (i) of subsection (5) of section 500.459, Florida Statutes, are  
179 amended to read:

180       500.459 Water vending machines.—

181       (3) PERMITTING REQUIREMENTS.—

182       (b) An application for an operating permit must be made ~~in~~  
183 ~~writing~~ to the department on forms provided by the department  
184 and must be accompanied by a fee as provided in subsection (4).



615634

185 The application must state the location of each water vending  
186 machine, the source of the water to be vended, the treatment the  
187 water will receive prior to being vended, and any other  
188 information considered necessary by the department.

189 (5) OPERATING STANDARDS.—

190 (i) The operator shall place on each water vending machine,  
191 in a position clearly visible to customers, the following  
192 information: the name and address of the operator; ~~the operating~~  
193 ~~permit number~~; the fact that the water is obtained from a public  
194 water supply; the method of treatment used; the method of  
195 postdisinfection used; and a local or toll-free telephone number  
196 that may be called for obtaining further information, reporting  
197 problems, or making complaints.

198 Section 9. Paragraph (g) of subsection (1) of section  
199 501.059, Florida Statutes, is amended, and paragraph (i) is  
200 added to that subsection, and subsection (5), paragraph (c) of  
201 subsection (8), and subsection (9) of that section are amended,  
202 to read:

203 501.059 Telephone solicitation.—

204 (1) As used in this section, the term:

205 (g) "Telephonic sales call" means a telephone call, ~~or~~ text  
206 message, or voicemail transmission to a consumer for the purpose  
207 of soliciting a sale of any consumer goods or services,  
208 soliciting an extension of credit for consumer goods or  
209 services, or obtaining information that will or may be used for  
210 the direct solicitation of a sale of consumer goods or services  
211 or an extension of credit for such purposes.

212 (i) "Voicemail transmission" means technologies that  
213 deliver a voice message directly to a voicemail application,





615634

214 service, or device.

215 (5) A telephone solicitor or other person may not initiate  
216 an outbound telephone call, ~~or~~ text message, or voicemail  
217 transmission to a consumer, business, or donor or potential  
218 donor who has previously communicated to the telephone solicitor  
219 or other person that he or she does not wish to receive an  
220 outbound telephone call, ~~or~~ text message, or voicemail  
221 transmission:

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

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

226 (8)

227 (c) It shall be unlawful for any person who makes a  
228 telephonic sales call or causes a telephonic sales call to be  
229 made to fail to transmit or cause not to be transmitted the  
230 originating telephone number and, when made available by the  
231 telephone solicitor's carrier, the name of the telephone  
232 solicitor to any caller identification service in use by a  
233 recipient of a telephonic sales call. However, it shall not be a  
234 violation to substitute, for the name and telephone number used  
235 in or billed for making the call, the name of the seller on  
236 behalf of which a telephonic sales call is placed and the  
237 seller's customer service telephone number, which is answered  
238 during regular business hours. If a telephone number is made  
239 available through a caller identification service as a result of  
240 a telephonic sales call, the solicitor must ensure that  
241 telephone number is capable of receiving telephone calls and  
242 must connect the original call recipient, upon calling such



615634

243 number, to the telephone solicitor or to the seller on behalf of  
244 which a telephonic sales call was placed. For purposes of this  
245 section, the term "caller identification service" means a  
246 service that allows a telephone subscriber to have the telephone  
247 number and, where available, the name of the calling party  
248 transmitted contemporaneously with the telephone call and  
249 displayed on a device in or connected to the subscriber's  
250 telephone.

251 (9) (a) The department shall investigate any complaints  
252 received concerning violations of this section. If, after  
253 investigating a complaint, the department finds that there has  
254 been a violation of this section, the department or the  
255 Department of Legal Affairs may bring an action to impose a  
256 civil penalty and to seek other relief, including injunctive  
257 relief, as the court deems appropriate against the telephone  
258 solicitor. The civil penalty shall be in the Class IV ~~III~~  
259 category pursuant to s. 570.971 for each violation and shall be  
260 deposited in the General Inspection Trust Fund if the action or  
261 proceeding was brought by the department, or the Legal Affairs  
262 Revolving Trust Fund if the action or proceeding was brought by  
263 the Department of Legal Affairs. This civil penalty may be  
264 recovered in any action brought under this part by the  
265 department, or the department may terminate any investigation or  
266 action upon agreement by the person to pay a stipulated civil  
267 penalty. The department or the court may waive any civil penalty  
268 if the person has previously made full restitution or  
269 reimbursement or has paid actual damages to the consumers who  
270 have been injured by the violation.

271 (b) The department may, as an alternative to the civil



615634

272 penalties provided in paragraph (a), impose an administrative  
273 fine in the Class III ± category pursuant to s. 570.971 for each  
274 act or omission that constitutes a violation of this section. An  
275 administrative proceeding that could result in the entry of an  
276 order imposing an administrative penalty must be conducted  
277 pursuant to chapter 120.

278 Section 10. Section 501.6175, Florida Statutes, is created  
279 to read:

280 501.6175 Recordkeeping.—A commercial telephone seller shall  
281 keep all of the following information for 2 years after the date  
282 the information first becomes part of the seller's business  
283 records:

284 (1) The name and telephone number of each consumer  
285 contacted by a telephone sales call.

286 (2) All express requests authorizing the telephone  
287 solicitor to contact the consumer.

288 (3) Any script, outline, or presentation the applicant  
289 requires or suggests a salesperson use when soliciting; sales  
290 information or literature to be provided by the commercial  
291 telephone seller to a salesperson; and sales information or  
292 literature to be provided by the commercial telephone seller to  
293 a consumer in connection with any solicitation.

294  
295 Within 10 days of an oral or written request by the department,  
296 including a written request transmitted by electronic mail, a  
297 commercial telephone seller must make the records it keeps  
298 pursuant to this section available for inspection and copying by  
299 the department during the department's normal business hours.

300 This section does not limit the department's ability to inspect



615634

301 and copy material pursuant to any other law.

302 Section 11. Section 501.912, Florida Statutes, is amended  
303 to read:

304 501.912 Definitions.—As used in ss. 501.91-501.923:

305 (1) "Antifreeze" means any substance or preparation,  
306 including, but not limited to, antifreeze-coolant, antifreeze  
307 and summer coolant, or summer coolant, that is sold,  
308 distributed, or intended for use:

309 (a) As the cooling liquid, or to be added to the cooling  
310 liquid, in the cooling system of internal combustion engines of  
311 motor vehicles to prevent freezing of the cooling liquid or to  
312 lower its freezing point; or

313 (b) To raise the boiling point of water or for the  
314 prevention of engine overheating, whether or not the liquid is  
315 used as a year-round cooling system fluid.

316 ~~(2) "Antifreeze-coolant," "antifreeze and summer coolant,"~~  
317 ~~or "summer coolant" means any substance as defined in subsection~~  
318 ~~(1) which also is sold, distributed, or intended for raising the~~  
319 ~~boiling point of water or for the prevention of engine~~  
320 ~~overheating whether or not used as a year-round cooling system~~  
321 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~  
322 ~~"antifreeze," "antifreeze-coolant," "antifreeze and summer~~  
323 ~~coolant," and "summer coolant."~~

324 (2)(3) "Department" means the Department of Agriculture and  
325 Consumer Services.

326 (3)(4) "Distribute" means to hold with an intent to sell,  
327 offer for sale, sell, barter, or otherwise supply to the  
328 consumer.

329 (4)(5) "Package" means a sealed, tamperproof retail



615634

330 package, drum, or other container designed for the sale of  
331 antifreeze directly to the consumer or a container from which  
332 the antifreeze may be installed directly by the seller into the  
333 cooling system. However, this term, ~~but~~ does not include  
334 shipping containers containing properly labeled inner  
335 containers.

336 (5) ~~(6)~~ "Label" means any display of written, printed, or  
337 graphic matter on, or attached to, a package or to the outside  
338 individual container or wrapper of the package.

339 (6) ~~(7)~~ "Labeling" means the labels and any other written,  
340 printed, or graphic matter accompanying a package.

341 Section 12. Section 501.913, Florida Statutes, is amended  
342 to read:

343 501.913 Registration.—

344 (1) Each brand of antifreeze to be distributed in this  
345 state must ~~shall~~ be registered with the department before  
346 distribution. The person whose name appears on the label, the  
347 manufacturer, or the packager shall make application annually or  
348 biennially to the department on forms provided by the  
349 department. The registration certificate expires ~~shall expire~~ 12  
350 or 24 months after the date of issue, as indicated on the  
351 registration certificate. The registrant assumes, by application  
352 to register the brand, full responsibility for the registration,  
353 quality, and quantity of the product sold, offered, or exposed  
354 for sale in this state. ~~If a registered brand is not in~~  
355 ~~production for distribution in this state and to ensure any~~  
356 ~~remaining product that is still available for sale in the state~~  
357 ~~is properly registered, the registrant must submit a notarized~~  
358 ~~affidavit on company letterhead to the department certifying~~



615634

359 that:

360 ~~(a) The stated brand is no longer in production;~~

361 ~~(b) The stated brand will not be distributed in this state;~~

362 and

363 ~~(c) All existing product of the stated brand will be~~  
364 ~~removed by the registrant from the state within 30 days after~~  
365 ~~expiration of the registration or the registrant will reregister~~  
366 ~~the brand for two subsequent registration periods.~~

367

368 ~~If production resumes, the brand must be reregistered before it~~  
369 ~~is distributed in this state.~~

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

371 (a) Specimens or copies ~~facsimiles~~ of the label for each  
372 brand of antifreeze;

373 (b) An application fee of \$200 for a 12-month registration  
374 or \$400 for a 24-month registration for each brand of  
375 antifreeze; and

376 (c) For first-time applications, a certified report from an  
377 independent testing laboratory, dated no more than 6 months  
378 before the registration application, providing analysis showing  
379 that the antifreeze conforms to minimum standards required for  
380 antifreeze by this part or rules of the department and is not  
381 adulterated ~~A properly labeled sample of between 1 and 2 gallons~~  
382 ~~for each brand of antifreeze.~~

383 (3) The department may analyze or inspect the antifreeze to  
384 ensure that it:

385 (a) Meets the labeling claims;

386 (b) Conforms to minimum standards required for antifreeze  
387 by this part ~~chapter~~ or rules of the department; and



615634

388 (c) Is not adulterated as prescribed for antifreeze by this  
389 part ~~chapter~~.

390 (4) (a) If the registration requirements are met, and, if  
391 the antifreeze meets the minimum standards, is not adulterated,  
392 and meets the labeling claims, the department shall issue a  
393 certificate of registration authorizing the distribution of that  
394 antifreeze in the state for the permit period ~~year~~.

395 (b) If registration requirements are not met, or, if the  
396 antifreeze fails to meet the minimum standards, is adulterated,  
397 or fails to meet the labeling claims, the department shall  
398 refuse to register the antifreeze.

399 Section 13. Section 501.917, Florida Statutes, is amended  
400 to read:

401 501.917 Inspection by department; sampling and analysis.—  
402 The department has ~~shall have~~ the right to have access at  
403 reasonable hours to all places and property where antifreeze is  
404 stored, distributed, or offered or intended to be offered for  
405 sale, including the right to inspect and examine all antifreeze  
406 and to take reasonable samples of antifreeze for analysis  
407 together with specimens of labeling. Collected samples must be  
408 analyzed by the department. The certificate of analysis by the  
409 department shall be prima facie evidence of the facts stated  
410 therein in any legal proceeding in this state ~~All samples taken~~  
411 ~~shall be properly sealed and sent to a laboratory designated by~~  
412 ~~the department for examination together with all labeling~~  
413 ~~pertaining to such samples. It shall be the duty of said~~  
414 ~~laboratory to examine promptly all samples received in~~  
415 ~~connection with the administration and enforcement of this act.~~

416 Section 14. Section 501.92, Florida Statutes, is amended to



615634

417 read:

418           501.92 Formula may be required.—The department may, if  
419 required for the analysis of antifreeze by ~~the laboratory~~  
420 ~~designated by the department for the purpose of registration,~~  
421 require the applicant to furnish a statement of the formula of  
422 such antifreeze, unless the applicant can furnish other  
423 satisfactory evidence that such antifreeze is not adulterated or  
424 misbranded. Such statement need not include inhibitor or other  
425 minor ingredients which total less than 5 percent by weight of  
426 the antifreeze; and, if over 5 percent, the composition of the  
427 inhibitor and such other ingredients may be given in generic  
428 terms.

429           Section 15. Paragraph (e) of subsection (10) of section  
430 525.07, Florida Statutes, is redesignated as paragraph (f), and  
431 a new paragraph (e) is added to that subsection, to read:

432           525.07 Powers and duties of department; inspections;  
433 unlawful acts.—

434           (10)

435           (e) The department may seize without warrant any skimming  
436 device, as defined in s. 817.625, for use as evidence.

437           Section 16. Subsection (4) is added to section 526.304,  
438 Florida Statutes, to read:

439           526.304 Predatory practices unlawful; exceptions.—

440           (4) The Department of Agriculture and Consumer Services may  
441 by emergency order, in furtherance of executing emergency plans  
442 or to aid in the recovery of an emergency-impacted area,  
443 temporarily suspend enforcement of this section during a state  
444 of emergency declared pursuant to s. 252.36.

445           Section 17. Subsection (6) is added to section 526.305,





615634

446 Florida Statutes, to read:

447 526.305 Discriminatory practices unlawful; exceptions.—

448 (6) The Department of Agriculture and Consumer Services may  
449 by emergency order, in furtherance of executing emergency plans  
450 or to aid in the recovery of an emergency-impacted area,  
451 temporarily suspend enforcement of this section during a state  
452 of emergency declared pursuant to s. 252.36.

453 Section 18. Subsection (1) of section 526.51, Florida  
454 Statutes, is amended to read:

455 526.51 Registration; renewal and fees; departmental  
456 expenses; cancellation or refusal to issue or renew.—

457 (1) (a) Application for registration of each brand of brake  
458 fluid shall be made on forms supplied by the department. The  
459 applicant shall give his or her name and address and the brand  
460 name of the brake fluid, state that he or she owns the brand  
461 name and has complete control over the product sold thereunder  
462 in this state, and provide the name and address of the resident  
463 agent in this state. If the applicant does not own the brand  
464 name but wishes to register the product with the department, a  
465 notarized affidavit that gives the applicant full authorization  
466 to register the brand name and that is signed by the owner of  
467 the brand name must accompany the application for registration.  
468 The affidavit must include all affected brand names, the owner's  
469 company or corporate name and address, the applicant's company  
470 or corporate name and address, and a statement from the owner  
471 authorizing the applicant to register the product with the  
472 department. The owner of the brand name shall maintain complete  
473 control over each product sold under that brand name in this  
474 state.



615634

475 (b) The completed application must be accompanied by the  
476 following:

477 1. Specimens or copies of the label for each brand of brake  
478 fluid.

479 2. An application fee of \$50 for a 12-month registration or  
480 \$100 for a 24-month registration for each brand of brake fluid.

481 3. For All first-time applications for a brand and formula  
482 combination, ~~must be accompanied by a certified report from an~~  
483 independent testing laboratory, dated no more than 6 months  
484 before the registration application, setting forth the analysis  
485 of the brake fluid which shows its quality to be not less than  
486 the specifications established by the department for brake  
487 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~  
488 ~~shall be submitted, in a container with a label printed in the~~  
489 ~~same manner that it will be labeled when sold, and the sample~~  
490 ~~and container shall be analyzed and inspected by the department~~  
491 ~~in order that compliance with the department's specifications~~  
492 ~~and labeling requirements may be verified.~~

493  
494 Upon approval of the application, the department shall register  
495 the brand name of the brake fluid and issue to the applicant a  
496 permit authorizing the registrant to sell the brake fluid in  
497 this state. The registration certificate expires ~~shall expire~~ 12  
498 or 24 months after the date of issue, as indicated on the  
499 registration certificate.

500 (c) ~~(b) Each applicant shall pay a fee of \$100 with each~~  
501 ~~application.~~ A permit may be renewed by application to the  
502 department, accompanied by a renewal fee of \$50 for a 12-month  
503 registration, or \$100 for a 24-month registration, on or before



615634

504 the expiration of the previously issued permit. To reregister a  
505 previously registered brand and formula combination, an  
506 applicant must submit a completed application and all materials  
507 as required in this section to the department before the  
508 expiration of the previously issued permit. A brand and formula  
509 combination for which a completed application and all materials  
510 required in this section are not received before the expiration  
511 of the previously issued permit may not be registered with the  
512 department until a completed application and all materials  
513 required in this section have been received and approved. If the  
514 brand and formula combination was previously registered with the  
515 department and a fee, application, or materials required in this  
516 section are received after the expiration of the previously  
517 issued permit, a penalty of \$25 accrues, which shall be added to  
518 the fee. Renewals shall be accepted only on brake fluids that  
519 have no change in formula, composition, or brand name. Any  
520 change in formula, composition, or brand name of a brake fluid  
521 constitutes a new product that must be registered in accordance  
522 with this part.

523 ~~(c) If a registered brand and formula combination is no~~  
524 ~~longer in production for distribution in this state, in order to~~  
525 ~~ensure that any remaining product still available for sale in~~  
526 ~~this state is properly registered, the registrant must submit a~~  
527 ~~notarized affidavit on company letterhead to the department~~  
528 ~~certifying that:~~

529 ~~1. The stated brand and formula combination is no longer in~~  
530 ~~production;~~

531 ~~2. The stated brand and formula combination will not be~~  
532 ~~distributed in this state; and~~



615634

533 ~~3. Either all existing product of the stated brand and~~  
534 ~~formula combination will be removed by the registrant from the~~  
535 ~~state within 30 days after the expiration of the registration or~~  
536 ~~that the registrant will reregister the brand and formula~~  
537 ~~combination for 2 subsequent years.~~

538  
539 ~~If production resumes, the brand and formula combination must be~~  
540 ~~reregistered before it is again distributed in this state.~~

541 Section 19. Subsection (1) of section 526.53, Florida  
542 Statutes, is amended to read:

543 526.53 Enforcement; inspection and analysis, stop-sale and  
544 disposition, regulations.—

545 (1) The department shall enforce ~~the provisions of this~~  
546 part through the department, and may sample, inspect, analyze,  
547 and test any brake fluid manufactured, packed, or sold within  
548 this state. Collected samples must be analyzed by the  
549 department. The certificate of analysis by the department shall  
550 be prima facie evidence of the facts stated therein in any legal  
551 proceeding in this state. The department has ~~shall have~~ free  
552 access during business hours to all premises, buildings,  
553 vehicles, cars, or vessels used in the manufacture, packing,  
554 storage, sale, or transportation of brake fluid, and may open  
555 any box, carton, parcel, or container of brake fluid and take  
556 samples for inspection and analysis or for evidence.

557 Section 20. Section 527.01, Florida Statutes, is amended to  
558 read:

559 527.01 Definitions.—As used in this chapter:

560 (1) "Liquefied petroleum gas" means any material which is  
561 composed predominantly of any of the following hydrocarbons, or



615634

562 mixtures of the same: propane, propylene, butanes (normal butane  
563 or isobutane), and butylenes.

564 (2) "Person" means any individual, firm, partnership,  
565 corporation, company, association, organization, or cooperative.

566 (3) "Ultimate Consumer" means the person last purchasing  
567 liquefied petroleum gas in its liquid or vapor state for  
568 industrial, commercial, or domestic use.

569 (4) "Department" means the Department of Agriculture and  
570 Consumer Services.

571 (5) "Qualifier" means any person who has passed a  
572 competency examination administered by the department and is  
573 employed by a licensed category I, category II, or category V  
574 business. ~~in one or more of the following classifications:~~

575 ~~(a) Category I liquefied petroleum gas dealer.~~

576 ~~(b) Category II liquefied petroleum gas dispenser.~~

577 ~~(c) LP gas installer.~~

578 ~~(d) Specialty installer.~~

579 ~~(e) Regualifier of cylinders.~~

580 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~  
581 ~~tanks.~~

582 ~~(g) Category IV liquefied petroleum gas dispensing unit~~  
583 ~~operator and recreational vehicle servicer.~~

584 ~~(h) Category V liquefied petroleum gases dealer for~~  
585 ~~industrial uses only.~~

586 (6) "Category I liquefied petroleum gas dealer" means any  
587 person selling or offering to sell by delivery or at a  
588 stationary location any liquefied petroleum gas to the ultimate  
589 consumer for industrial, commercial, or domestic use; any person  
590 leasing or offering to lease, or exchanging or offering to



615634

591 exchange, any apparatus, appliances, and equipment for the use  
592 of liquefied petroleum gas; any person installing, servicing,  
593 altering, or modifying apparatus, piping, tubing, appliances,  
594 and equipment for the use of liquefied petroleum or natural gas;  
595 any person installing carburetion equipment; or any person  
596 requalifying cylinders.

597 (7) "Category II liquefied petroleum gas dispenser" means  
598 any person engaging in the business of operating a liquefied  
599 petroleum gas dispensing unit for the purpose of serving liquid  
600 products to the ~~ultimate~~ consumer for industrial, commercial, or  
601 domestic use, and selling or offering to sell, or leasing or  
602 offering to lease, apparatus, appliances, and equipment for the  
603 use of liquefied petroleum gas, including maintaining a cylinder  
604 storage rack at the licensed business location for the purpose  
605 of storing cylinders filled by the licensed business for sale or  
606 use at a later date.

607 (8) "Category III liquefied petroleum gas cylinder exchange  
608 operator" means any person operating a storage facility used for  
609 the purpose of storing filled propane cylinders of not more than  
610 43.5 pounds propane capacity or 104 pounds water capacity, while  
611 awaiting sale to the ~~ultimate~~ consumer, or a facility used for  
612 the storage of empty or filled containers which have been  
613 offered for exchange.

614 (9) "Category IV dealer in appliances and equipment  
615 ~~liquefied petroleum gas dispenser and recreational vehicle~~  
616 ~~servicer~~" means any person selling or offering to sell, or  
617 leasing or offering to lease, apparatus, appliances, and  
618 equipment for the use of liquefied petroleum gas ~~engaging in the~~  
619 ~~business of operating a liquefied petroleum gas dispensing unit~~



615634

620 ~~for the purpose of serving liquid product to the ultimate~~  
621 ~~consumer for industrial, commercial, or domestic use, and~~  
622 ~~selling or offering to sell, or leasing or offering to lease,~~  
623 ~~apparatus, appliances, and equipment for the use of liquefied~~  
624 ~~petroleum gas, and whose services include the installation,~~  
625 ~~service, or repair of recreational vehicle liquefied petroleum~~  
626 ~~gas appliances and equipment.~~

627 (10) "Category V LP gas installer" means any person who is  
628 engaged in the liquefied petroleum gas business and whose  
629 services include the installation, servicing, altering, or  
630 modifying of apparatus, piping, tubing, tanks, and equipment for  
631 the use of liquefied petroleum or natural gas and selling or  
632 offering to sell, or leasing or offering to lease, apparatus,  
633 appliances, and equipment for the use of liquefied petroleum or  
634 natural gas.

635 (11) "Category VI miscellaneous operator" means any person  
636 who is engaged in operation as a manufacturer of LP gas  
637 appliances and equipment; a fabricator, repairer, and tester of  
638 vehicles and cargo tanks; a regualifier of LP gas cylinders; or  
639 a pipeline system operator ~~Specialty installer" means any person~~  
640 ~~involved in the installation, service, or repair of liquefied~~  
641 ~~petroleum or natural gas appliances and equipment, and selling~~  
642 ~~or offering to sell, or leasing or offering to lease, apparatus,~~  
643 ~~appliances, and equipment for the use of liquefied petroleum~~  
644 ~~gas, whose activities are limited to specific types of~~  
645 ~~appliances and equipment as designated by department rule.~~

646 ~~(12) "Dealer in appliances and equipment for use of~~  
647 ~~liquefied petroleum gas" means any person selling or offering to~~  
648 ~~sell, or leasing or offering to lease, apparatus, appliances,~~



615634

649 ~~and equipment for the use of liquefied petroleum gas.~~

650       (12)~~(13)~~ "Manufacturer of liquefied petroleum gas  
651 appliances and equipment" means any person in this state  
652 manufacturing and offering for sale or selling tanks, cylinders,  
653 or other containers and necessary appurtenances for use in the  
654 storage, transportation, or delivery of such gas to the ~~ultimate~~  
655 consumer, or manufacturing and offering for sale or selling  
656 apparatus, appliances, and equipment for the use of liquefied  
657 petroleum gas to the ~~ultimate~~ consumer.

658       (13)~~(14)~~ "Wholesaler" means any person, as defined by  
659 subsection (2), selling or offering to sell any liquefied  
660 petroleum gas for industrial, commercial, or domestic use to any  
661 person except the ~~ultimate~~ consumer.

662       (14)~~(15)~~ "Requalifier of cylinders" means any person  
663 involved in the retesting, repair, qualifying, or requalifying  
664 of liquefied petroleum gas tanks or cylinders manufactured under  
665 specifications of the United States Department of Transportation  
666 ~~or former Interstate Commerce Commission.~~

667       (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and  
668 cargo tanks" means any person involved in the hydrostatic  
669 testing, fabrication, repair, or requalifying of any motor  
670 vehicles or cargo tanks used for the transportation of liquefied  
671 petroleum gases, when such tanks are permanently attached to or  
672 forming a part of the motor vehicle.

673       ~~(17) "Recreational vehicle" means a motor vehicle designed~~  
674 ~~to provide temporary living quarters for recreational, camping,~~  
675 ~~or travel use, which has its own propulsion or is mounted on or~~  
676 ~~towed by another motor vehicle.~~

677       (16)~~(18)~~ "Pipeline system operator" means any person who





615634

678 owns or operates a liquefied petroleum gas pipeline system that  
679 is used to transmit liquefied petroleum gas from a common source  
680 to the ultimate customer and that serves 10 or more customers.

681 ~~(19) "Category V liquefied petroleum gases dealer for~~  
682 ~~industrial uses only" means any person engaged in the business~~  
683 ~~of filling, selling, and transporting liquefied petroleum gas~~  
684 ~~containers for use in welding, forklifts, or other industrial~~  
685 ~~applications.~~

686 ~~(17)(20) "License period year" means the period 1 to 3~~  
687 ~~years from the issuance of the license from September 1 through~~  
688 ~~the following August 31, or April 1 through the following March~~  
689 ~~31, depending upon the type of license.~~

690 Section 21. Section 527.02, Florida Statutes, is amended to  
691 read:

692 527.02 License; penalty; fees.—

693 (1) It is unlawful for any person to engage in this state  
694 in the activities defined in s. 527.01(6) through (11) ~~of a~~  
695 ~~pipeline system operator, category I liquefied petroleum gas~~  
696 ~~dealer, category II liquefied petroleum gas dispenser, category~~  
697 ~~III liquefied petroleum gas cylinder exchange operator, category~~  
698 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~  
699 ~~servicer, category V liquefied petroleum gas dealer for~~  
700 ~~industrial uses only, LP gas installer, specialty installer,~~  
701 ~~dealer in liquefied petroleum gas appliances and equipment,~~  
702 ~~manufacturer of liquefied petroleum gas appliances and~~  
703 ~~equipment, requalifier of cylinders, or fabricator, repairer,~~  
704 ~~and tester of vehicles and cargo tanks without first obtaining~~  
705 ~~from the department a license to engage in one or more of these~~  
706 ~~businesses. The sale of liquefied petroleum gas cylinders with a~~



615634

707 volume of 10 pounds water capacity or 4.2 pounds liquefied  
708 petroleum gas capacity or less is exempt from the requirements  
709 of this chapter. It is a felony of the third degree, punishable  
710 as provided in s. 775.082, s. 775.083, or s. 775.084, to  
711 intentionally or willfully engage in any of said activities  
712 without first obtaining appropriate licensure from the  
713 department.

714 (2) Each business location of a person having multiple  
715 locations must ~~shall~~ be separately licensed and must meet the  
716 requirements of this section. Such license shall be granted to  
717 any applicant determined by the department to be competent,  
718 qualified, and trustworthy who files with the department a  
719 surety bond, insurance affidavit, or other proof of insurance,  
720 as hereinafter specified, and pays for such license the  
721 following annual license ~~original application~~ fee for new  
722 ~~licenses and annual renewal fees for existing licenses:~~

723

License Category	<u>License</u> <del>Original</del>	<del>Renewal</del>
	<del>Application</del> Fee <u>Per Year</u>	Fee

724

Category I	<u>\$400</u> <del>\$525</del>	<del>\$425</del>
liquefied petroleum gas dealer		

725

Category II	<u>\$400</u> <del>525</del>	<del>375</del>
liquefied petroleum gas dispenser		



615634

726	Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> <del>100</del>	<del>65</del>
727	Category IV <u>dealer in</u> <u>appliances and</u> <u>equipment</u> <del>liquefied</del> <del>petroleum</del> gas dispenser and recreational vehicle servicer	<u>\$65</u> <del>525</del>	<del>400</del>
728	Category V <u>LP gas</u> <u>installer</u> <del>liquefied</del> petroleum gases dealer for industrial uses only	<u>\$200</u> <del>300</del>	<del>200</del>
729	<u>Category VI</u> <u>miscellaneous</u>	<u>\$200</u> <del>300</del>	<del>200</del>



615634

730	<del>operator LP gas installer</del>		
	Specialty installer	300	200
731	<del>Dealer in appliances and equipment for use of liquefied petroleum gas</del>	50	45
732	<del>Manufacturer of liquefied petroleum gas appliances and equipment</del>	525	375
733	<del>Qualifier of cylinders</del>	525	375
734	<del>Fabricator, repairer, and tester of vehicles and cargo tanks</del>	525	375
735			
736			



615634

737           (3) (a) ~~An applicant for an original license who submits an~~  
738 ~~application during the last 6 months of the license year may~~  
739 ~~have the original license fee reduced by one half for the 6-~~  
740 ~~month period. This provision applies only to those companies~~  
741 ~~applying for an original license and may not be applied to~~  
742 ~~licensees who held a license during the previous license year~~  
743 ~~and failed to renew the license.~~ The department may refuse to  
744 issue an initial license to an applicant who is under  
745 investigation in any jurisdiction for an action that would  
746 constitute a violation of this chapter until such time as the  
747 investigation is complete.

748           (b) The department shall waive the initial license fee for  
749 1 year for an honorably discharged veteran of the United States  
750 Armed Forces, the spouse of such a veteran, or a business entity  
751 that has a majority ownership held by such a veteran or spouse  
752 if the department receives an application, in a format  
753 prescribed by the department, within 60 months after the date of  
754 the veteran's discharge from any branch of the United States  
755 Armed Forces. To qualify for the waiver, a veteran must provide  
756 to the department a copy of his or her DD Form 214, as issued by  
757 the United States Department of Defense or another acceptable  
758 form of identification as specified by the Department of  
759 Veterans' Affairs; the spouse of a veteran must provide to the  
760 department a copy of the veteran's DD Form 214, as issued by the  
761 United States Department of Defense, or another acceptable form  
762 of identification as specified by the Department of Veterans'  
763 Affairs, and a copy of a valid marriage license or certificate  
764 verifying that he or she was lawfully married to the veteran at  
765 the time of discharge; or a business entity must provide to the



615634

766 department proof that a veteran or the spouse of a veteran holds  
767 a majority ownership in the business, a copy of the veteran's DD  
768 Form 214, as issued by the United States Department of Defense,  
769 or another acceptable form of identification as specified by the  
770 Department of Veterans' Affairs, and, if applicable, a copy of a  
771 valid marriage license or certificate verifying that the spouse  
772 of the veteran was lawfully married to the veteran at the time  
773 of discharge.

774 (4) Any licensee submitting a material change in their  
775 information for licensing, before the date for renewal, must  
776 submit such change to the department in the manner prescribed by  
777 the department, along with a fee in the amount of \$10 ~~Any person~~  
778 ~~applying for a liquefied petroleum gas license as a specialty~~  
779 ~~installer, as defined by s. 527.01(11), shall upon application~~  
780 ~~to the department identify the specific area of work to be~~  
781 ~~performed. Upon completion of all license requirements set forth~~  
782 ~~in this chapter, the department shall issue the applicant a~~  
783 ~~license specifying the scope of work, as identified by the~~  
784 ~~applicant and defined by rule of the department, for which the~~  
785 ~~person is authorized.~~

786 ~~(5) The license fee for a pipeline system operator shall be~~  
787 ~~\$100 per system owned or operated by the person, not to exceed~~  
788 ~~\$400 per license year. Such license fee applies only to a~~  
789 ~~pipeline system operator who owns or operates a liquefied~~  
790 ~~petroleum gas pipeline system that is used to transmit liquefied~~  
791 ~~petroleum gas from a common source to the ultimate customer and~~  
792 ~~that serves 10 or more customers.~~

793 (5)(6) The department shall adopt ~~promulgate~~ rules  
794 specifying acts deemed by the department to demonstrate a lack



615634

795 of trustworthiness to engage in activities requiring a license  
796 or qualifier identification card under this section.

797 ~~(7) Any license issued by the department may be transferred~~  
798 ~~to any person, firm, or corporation for the remainder of the~~  
799 ~~current license year upon written request to the department by~~  
800 ~~the original licenseholder. Prior to approval of any transfer,~~  
801 ~~all licensing requirements of this chapter must be met by the~~  
802 ~~transferee. A license transfer fee of \$50 shall be charged for~~  
803 ~~each such transfer.~~

804 Section 22. Section 527.0201, Florida Statutes, is amended  
805 to read:

806 527.0201 Qualifiers; master qualifiers; examinations.—

807 (1) In addition to the requirements of s. 527.02, any  
808 person applying for a license to engage in category I, category  
809 II, or category V ~~the activities of a pipeline system operator,~~  
810 ~~category I liquefied petroleum gas dealer, category II liquefied~~  
811 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~  
812 ~~dispenser and recreational vehicle servicer, category V~~  
813 ~~liquefied petroleum gases dealer for industrial uses only, LP~~  
814 ~~gas installer, specialty installer, requalifier of cylinders, or~~  
815 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~  
816 must prove competency by passing a written examination  
817 administered by the department or its agent with a grade of 70  
818 ~~75~~ percent or above in each area tested. Each applicant for  
819 examination shall submit a \$20 nonrefundable fee. The department  
820 shall by rule specify the general areas of competency to be  
821 covered by each examination and the relative weight to be  
822 assigned in grading each area tested.

823 (2) Application for examination for competency may be made



615634

824 by an individual or by an owner, a partner, or any person  
825 employed by the license applicant. Upon successful completion of  
826 the competency examination, the department shall register ~~issue~~  
827 ~~a qualifier identification card to the examinee.~~

828 (a) Qualifier registration automatically expires if  
829 ~~identification cards, except those issued to category I~~  
830 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~  
831 ~~installers, shall remain in effect as long as the individual~~  
832 ~~shows to the department proof of active employment in the area~~  
833 ~~of examination and all continuing education requirements are~~  
834 ~~met. Should the individual terminates terminate active~~  
835 ~~employment in the area of examination for a period exceeding 24~~  
836 ~~months, or fails fail to provide documentation of continuing~~  
837 ~~education, the individual's qualifier status shall automatically~~  
838 ~~expire. If the qualifier registration status has expired, the~~  
839 ~~individual must apply for and successfully complete an~~  
840 ~~examination by the department in order to reestablish qualifier~~  
841 ~~status.~~

842 (b) Every business organization in license category I,  
843 category II, or category V shall employ at all times a full-time  
844 qualifier who has successfully completed an examination in the  
845 corresponding category of the license held by the business  
846 organization. A person may not act as a qualifier for more than  
847 one licensed location.

848 (3) Qualifier registration expires ~~cards issued to category~~  
849 ~~I liquefied petroleum gas dealers and liquefied petroleum gas~~  
850 ~~installers shall expire 3 years after the date of issuance. All~~  
851 ~~category I liquefied petroleum gas dealer qualifiers and~~  
852 ~~liquefied petroleum gas installer qualifiers holding a valid~~





615634

853 ~~qualifier card upon the effective date of this act shall retain~~  
854 ~~their qualifier status until July 1, 2003, and may sit for the~~  
855 ~~master qualifier examination at any time during that time~~  
856 ~~period. All such category I liquefied petroleum gas dealer~~  
857 ~~qualifiers and liquefied petroleum gas installer qualifiers may~~  
858 ~~renew their qualification on or before July 1, 2003, upon~~  
859 ~~application to the department, payment of a \$20 renewal fee, and~~  
860 ~~documentation of the completion of a minimum of 16 hours of~~  
861 ~~approved continuing education courses, as defined by department~~  
862 ~~rule, during the previous 3-year period. Applications for~~  
863 ~~renewal must be made 30 calendar days before expiration. Persons~~  
864 ~~failing to renew before the expiration date must reapply and~~  
865 ~~take a qualifier competency examination in order to reestablish~~  
866 ~~category I liquefied petroleum gas dealer qualifier and~~  
867 ~~liquefied petroleum gas installer qualifier status. If a~~  
868 ~~category I liquefied petroleum gas qualifier or liquefied~~  
869 ~~petroleum gas installer qualifier becomes a master qualifier at~~  
870 ~~any time during the effective date of the qualifier card, the~~  
871 ~~card shall remain in effect until expiration of the master~~  
872 ~~qualifier certification.~~

873 (4) A qualifier for a business ~~organization involved in~~  
874 ~~installation, repair, maintenance, or service of liquefied~~  
875 ~~petroleum gas appliances, equipment, or systems~~ must actually  
876 function in a supervisory capacity of other company employees  
877 performing licensed activities installing, repairing,  
878 ~~maintaining, or servicing liquefied petroleum gas appliances,~~  
879 ~~equipment, or systems.~~ A separate qualifier shall be required  
880 for every 10 such employees. ~~Additional qualifiers are required~~  
881 ~~for those business organizations employing more than 10~~



615634

882 ~~employees that install, repair, maintain, or service liquefied~~  
883 ~~petroleum gas equipment and systems.~~

884 (5) In addition to all other licensing requirements, each  
885 category I and category V licensee ~~liquefied petroleum gas~~  
886 ~~dealer and liquefied petroleum gas installer~~ must, at the time  
887 of application for licensure, identify to the department one  
888 master qualifier who is a full-time employee at the licensed  
889 location. This person shall be a manager, owner, or otherwise  
890 primarily responsible for overseeing the operations of the  
891 licensed location and must provide documentation to the  
892 department as provided by rule. The master qualifier requirement  
893 shall be in addition to the requirements of subsection (1).

894 (a) In order to apply for certification as a master  
895 qualifier, each applicant must have been a registered ~~be a~~  
896 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~  
897 ~~petroleum gas installer~~ qualifier for a minimum of 3 years  
898 immediately preceding submission of the application, must be  
899 employed by a licensed category I or category V licensee  
900 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~  
901 ~~installer,~~ or applicant for such license, ~~must provide~~  
902 ~~documentation of a minimum of 1 year's work experience in the~~  
903 ~~gas industry,~~ and must pass a master qualifier competency  
904 examination. Master qualifier examinations shall be based on  
905 Florida's laws, rules, and adopted codes governing liquefied  
906 petroleum gas safety, general industry safety standards, and  
907 administrative procedures. The applicant must successfully pass  
908 the examination with a grade of 70 ~~75~~ percent or above. Each  
909 applicant for master qualifier registration ~~status~~ must submit  
910 to the department a nonrefundable \$30 examination fee before the



615634

911 examination.

912 (b) Upon successful completion of the master qualifier  
913 examination, the department shall issue the examinee a  
914 ~~certificate of master qualifier registration status which shall~~  
915 ~~include the name of the licensed company for which the master~~  
916 ~~qualifier is employed.~~ A master qualifier may transfer from one  
917 licenseholder to another upon becoming employed by the company  
918 and providing a written request to the department.

919 (c) ~~A master qualifier registration expires status shall~~  
920 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and  
921 may be renewed by submission to the department of documentation  
922 of completion of at least 16 hours of approved continuing  
923 education courses during the 3-year period; proof of employment  
924 ~~with a licensed category I liquefied petroleum gas dealer,~~  
925 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30  
926 certificate renewal fee. The department shall define, by rule, approved  
927 courses of continuing education.

928 ~~(d) Each category I liquefied petroleum gas dealer or~~  
929 ~~liquefied petroleum gas installer licensed as of August 31,~~  
930 ~~2000, shall identify to the department one current category I~~  
931 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~  
932 ~~gas installer qualifier who will be the designated master~~  
933 ~~qualifier for the licenseholder. Such individual must provide~~  
934 ~~proof of employment for 3 years or more within the liquefied~~  
935 ~~petroleum gas industry, and shall, upon approval of the~~  
936 ~~department, be granted a master qualifier certificate. All other~~  
937 ~~requirements with regard to master qualifier certificate~~  
938 ~~expiration, renewal, and continuing education shall apply.~~

939 (6) A vacancy in a qualifier or master qualifier position



615634

940 in a business organization which results from the departure of  
941 the qualifier or master qualifier shall be immediately reported  
942 to the department by the departing qualifier or master qualifier  
943 and the licensed company.

944 (a) If a business organization no longer possesses a duly  
945 designated qualifier, as required by this section, its liquefied  
946 petroleum gas licenses shall be suspended by order of the  
947 department after 20 working days. The license shall remain  
948 suspended until a competent qualifier has been employed, the  
949 order of suspension terminated by the department, and the  
950 license reinstated. A vacancy in the qualifier position for a  
951 period of more than 20 working days shall be deemed to  
952 constitute an immediate threat to the public health, safety, and  
953 welfare. ~~Failure to obtain a replacement qualifier within 60~~  
954 ~~days after the vacancy occurs shall be grounds for revocation of~~  
955 ~~licensure or eligibility for licensure.~~

956 (b) Any category I or category V licensee ~~liquefied~~  
957 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses  
958 a master qualifier but currently employs a ~~category I liquefied~~  
959 ~~petroleum gas dealer or LP gas installer~~ qualifier as required  
960 by this section, has ~~shall have~~ 60 days within which to replace  
961 the master qualifier. If the company fails to replace the master  
962 qualifier within the 60-day ~~time~~ period, the license of the  
963 company shall be suspended by order of the department. The  
964 license shall remain suspended until a competent master  
965 qualifier has been employed, the order of suspension has been  
966 terminated by the department, and the license reinstated.  
967 ~~Failure to obtain a replacement master qualifier within 90 days~~  
968 ~~after the vacancy occurs shall be grounds for revocation of~~



615634

969 ~~licensure or eligibility for licensure.~~

970 (7) The department may deny, refuse to renew, suspend, or  
971 revoke any qualifier ~~card~~ or master qualifier registration  
972 ~~certificate~~ for any of the following causes:

973 (a) Violation of any provision of this chapter or any rule  
974 or order of the department;

975 (b) Falsification of records relating to the qualifier ~~card~~  
976 or master qualifier registration ~~certificate~~; or

977 (c) Failure to meet any of the renewal requirements.

978 (8) Any individual having competency qualifications on file  
979 with the department may request the transfer of such  
980 qualifications to any existing licenseholder by making a written  
981 request to the department for such transfer. Any individual  
982 having a competency examination on file with the department may  
983 use such examination for a new license application after making  
984 application in writing to the department. All examinations are  
985 confidential and exempt from the provisions of s. 119.07(1).

986 (9) If a duplicate license, qualifier ~~card~~, or master  
987 qualifier registration certificate is requested by the licensee,  
988 a fee of \$10 must be received before issuance of the duplicate  
989 license or certificate ~~card~~. ~~If a facsimile transmission of an~~  
990 ~~original license is requested, upon completion of the~~  
991 ~~transmission a fee of \$10 must be received by the department~~  
992 ~~before the original license may be mailed to the requester.~~

993 (10) All revenues collected herein shall be deposited in  
994 the General Inspection Trust Fund for the purpose of  
995 administering the provisions of this chapter.

996 Section 23. Section 527.021, Florida Statutes, is amended  
997 to read:



615634

998 527.021 Registration of transport vehicles.-

999 (1) Each liquefied petroleum gas bulk delivery vehicle  
1000 owned or leased by a liquefied petroleum gas licensee must be  
1001 registered with the department as part of the licensing  
1002 application or when placed into service annually.

1003 (2) For the purposes of this section, a "liquefied  
1004 petroleum gas bulk delivery vehicle" means any vehicle that is  
1005 used to transport liquefied petroleum gas on any public street  
1006 or highway as liquid cargo in a cargo tank, which tank is  
1007 mounted on a conventional truck chassis or is an integral part  
1008 of a transporting vehicle in which the tank constitutes, in  
1009 whole or in part, the stress member used as a frame and is a  
1010 permanent part of the transporting vehicle.

1011 ~~(3) Vehicle registrations shall be submitted by the vehicle~~  
1012 ~~owner or lessee in conjunction with the annual renewal of his or~~  
1013 ~~her liquefied petroleum gas license, but no later than August 31~~  
1014 ~~of each year. A dealer who fails to register a vehicle with the~~  
1015 ~~department does not submit the required vehicle registration by~~  
1016 ~~August 31 of each year is subject to the penalties in s. 527.13.~~

1017 (4) The department shall issue a decal to be placed on each  
1018 vehicle that is inspected by the department and found to be in  
1019 compliance with applicable codes.

1020 Section 24. Section 527.03, Florida Statutes, is amended to  
1021 read:

1022 527.03 ~~Annual~~ Renewal of license.-All licenses required  
1023 under this chapter shall be renewed annually, biennially, or  
1024 triennially, as elected by the licensee, subject to the license  
1025 fees prescribed in s. 527.02. All renewals must meet the same  
1026 requirements and conditions as an annual license for each



615634

1027 ~~licensed year All licenses, except Category III Liquefied~~  
1028 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~  
1029 ~~Dealer in Appliances and Equipment for Use of Liquefied~~  
1030 ~~Petroleum Gas licenses, shall be renewed for the period~~  
1031 ~~beginning September 1 and shall expire on the following August~~  
1032 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~  
1033 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~  
1034 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~  
1035 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~  
1036 ~~period beginning April 1 and shall expire on the following March~~  
1037 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~  
1038 Any license allowed to expire will ~~shall~~ become inoperative  
1039 because of failure to renew. The fee for restoration of a  
1040 license is equal to the original license fee and must be paid  
1041 before the licensee may resume operations.

1042 Section 25. Section 527.04, Florida Statutes, is amended to  
1043 read:

1044 527.04 Proof of insurance required.—

1045 (1) Before any license is issued, except to a category IV  
1046 ~~dealer in appliances and equipment for use of liquefied~~  
1047 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder  
1048 exchange operator, the applicant must deliver to the department  
1049 satisfactory evidence that the applicant is covered by a primary  
1050 policy of bodily injury liability and property damage liability  
1051 insurance that covers the products and operations with respect  
1052 to such business and is issued by an insurer authorized to do  
1053 business in this state for an amount not less than \$1 million  
1054 and that the premium on such insurance is paid. An insurance  
1055 certificate, affidavit, or other satisfactory evidence of



615634

1056 acceptable insurance coverage shall be accepted as proof of  
1057 insurance. In lieu of an insurance policy, the applicant may  
1058 deliver a good and sufficient bond in the amount of \$1 million,  
1059 payable to the Commissioner of Agriculture ~~Governor of Florida~~,  
1060 with the applicant as principal and a surety company authorized  
1061 to do business in this state as surety. The bond must be  
1062 conditioned upon the applicant's compliance with this chapter  
1063 and the rules of the department with respect to the conduct of  
1064 such business and shall indemnify and hold harmless all persons  
1065 from loss or damage by reason of the applicant's failure to  
1066 comply. However, the aggregated liability of the surety may not  
1067 exceed \$1 million. If the insurance policy is canceled or  
1068 otherwise terminated or the bond becomes insufficient, the  
1069 department may require new proof of insurance or a new bond to  
1070 be filed, and if the licenseholder fails to comply, the  
1071 department shall cancel the license issued and give the  
1072 licenseholder written notice that it is unlawful to engage in  
1073 business without a license. A new bond is not required as long  
1074 as the original bond remains sufficient and in force. If the  
1075 licenseholder's insurance coverage as required by this  
1076 subsection is canceled or otherwise terminated, the insurer must  
1077 notify the department within 30 days after the cancellation or  
1078 termination.

1079 (2) Before any license is issued to a category ~~class~~ III  
1080 liquefied petroleum gas cylinder exchange operator, the  
1081 applicant must deliver to the department satisfactory evidence  
1082 that the applicant is covered by a primary policy of bodily  
1083 injury liability and property damage liability insurance that  
1084 covers the products and operations with respect to the business





615634

1085 and is issued by an insurer authorized to do business in this  
1086 state for an amount not less than \$300,000 and that the premium  
1087 on the insurance is paid. An insurance certificate, affidavit,  
1088 or other satisfactory evidence of acceptable insurance coverage  
1089 shall be accepted as proof of insurance. In lieu of an insurance  
1090 policy, the applicant may deliver a good and sufficient bond in  
1091 the amount of \$300,000, payable to the Commissioner of  
1092 Agriculture ~~Governor~~, with the applicant as principal and a  
1093 surety company authorized to do business in this state as  
1094 surety. The bond must be conditioned upon the applicant's  
1095 compliance with this chapter and the rules of the department  
1096 with respect to the conduct of such business and must indemnify  
1097 and hold harmless all persons from loss or damage by reason of  
1098 the applicant's failure to comply. However, the aggregated  
1099 liability of the surety may not exceed \$300,000. If the  
1100 insurance policy is canceled or otherwise terminated or the bond  
1101 becomes insufficient, the department may require new proof of  
1102 insurance or a new bond to be filed, and if the licenseholder  
1103 fails to comply, the department shall cancel the license issued  
1104 and give the licenseholder written notice that it is unlawful to  
1105 engage in business without a license. A new bond is not required  
1106 as long as the original bond remains sufficient and in force. If  
1107 the licenseholder's insurance coverage required by this  
1108 subsection is canceled or otherwise terminated, the insurer must  
1109 notify the department within 30 days after the cancellation or  
1110 termination.

1111 (3) Any person having a cause of action on the bond may  
1112 bring suit against the principal and surety, and a copy of such  
1113 bond duly certified by the department shall be received in



615634

1114 evidence in the courts of this state without further proof. The  
1115 department shall furnish a certified copy of the ~~such~~ bond upon  
1116 payment to it of its lawful fee for making and certifying such  
1117 copy.

1118 Section 26. Section 527.0605, Florida Statutes, is amended  
1119 to read:

1120 527.0605 Liquefied petroleum gas bulk storage locations;  
1121 jurisdiction.—

1122 (1) The provisions of this chapter ~~shall~~ apply to liquefied  
1123 petroleum gas bulk storage locations when:

1124 (a) A single container in the bulk storage location has a  
1125 capacity of 2,000 gallons or more;

1126 (b) The aggregate container capacity of the bulk storage  
1127 location is 4,000 gallons or more; or

1128 (c) A container or containers are installed for the purpose  
1129 of serving the public the liquid product.

1130 ~~(2) Prior to the installation of any bulk storage~~  
1131 ~~container, the licensee must submit to the department a site~~  
1132 ~~plan of the facility which shows the proposed location of the~~  
1133 ~~container and must obtain written approval of such location from~~  
1134 ~~the department.~~

1135 ~~(3) A fee of \$200 shall be assessed for each site plan~~  
1136 ~~reviewed by the division. The review shall include~~  
1137 ~~preconstruction inspection of the proposed site, plan review,~~  
1138 ~~and final inspection of the completed facility.~~

1139 (2) ~~(4)~~ No newly installed container may be placed in  
1140 operation until it has been inspected and approved by the  
1141 department.

1142 Section 27. Subsection (1) of section 527.065, Florida



615634

1143 Statutes, is amended to read:

1144 527.065 Notification of accidents; leak calls.—

1145 (1) Immediately upon discovery, all liquefied petroleum gas  
1146 licensees shall notify the department of any liquefied petroleum  
1147 gas-related accident involving a liquefied petroleum gas  
1148 licensee or customer account:

1149 (a) Which caused a death or personal injury requiring  
1150 professional medical treatment;

1151 (b) Where uncontrolled ignition of liquefied petroleum gas  
1152 resulted in death, personal injury, or property damage exceeding  
1153 \$3,000 ~~\$1,000~~; or

1154 (c) Which caused estimated damage to property exceeding  
1155 \$3,000 ~~\$1,000~~.

1156 Section 28. Subsection (3) is added to section 527.067,  
1157 Florida Statutes, to read:

1158 527.067 Responsibilities of persons engaged in servicing  
1159 liquefied petroleum gas equipment and systems and consumers, end  
1160 users, or owners of liquefied petroleum gas equipment or  
1161 systems.—

1162 (3) A category I liquefied petroleum gas dealer may not  
1163 render a consumer's liquefied petroleum gas equipment or system  
1164 inoperable or discontinue service without providing written or  
1165 electronic notification to the consumer at least 5 business days  
1166 before rendering the liquefied petroleum gas equipment or system  
1167 inoperable or discontinuing service. This notification does not  
1168 apply in the event of a hazardous condition known to the  
1169 category I liquefied petroleum gas dealer.

1170 Section 29. Section 527.10, Florida Statutes, is amended to  
1171 read:



615634

1172           527.10 Restriction on use of unsafe container or system.—No  
1173 liquefied petroleum gas shall be introduced into or removed from  
1174 any container or system in this state that has been identified  
1175 by the department or its duly authorized inspectors as not  
1176 complying with the rules pertaining to such container or system,  
1177 until such violations as specified have been satisfactorily  
1178 corrected and authorization for continued service or removal  
1179 granted by the department. A statement of violations of the  
1180 rules that render such a system unsafe for use shall be  
1181 furnished in writing by the department to the ~~ultimate~~ consumer  
1182 or dealer in liquefied petroleum gas.

1183           Section 30. Subsections (3) and (17) of section 527.21,  
1184 Florida Statutes, are amended to read:

1185           527.21 Definitions relating to Florida Propane Gas  
1186 Education, Safety, and Research Act.—As used in ss. 527.20-  
1187 527.23, the term:

1188           (3) “Dealer” means a business engaged primarily in selling  
1189 propane gas and its appliances and equipment to the ~~ultimate~~  
1190 consumer or to retail propane gas dispensers.

1191           (17) “Wholesaler” or “reseller” means a seller of propane  
1192 gas who is not a producer and who does not sell propane gas to  
1193 the ~~ultimate~~ consumer.

1194           Section 31. Paragraph (a) of subsection (2) of section  
1195 527.22, Florida Statutes, is amended to read:

1196           527.22 Florida Propane Gas Education, Safety, and Research  
1197 Council established; membership; duties and responsibilities.—

1198           (2) (a) ~~Within 90 days after the effective date of this act,~~  
1199 ~~the commissioner shall make a call to qualified industry~~  
1200 ~~organizations for nominees to the council.~~ The commissioner



615634

1201 shall appoint members of the council from a list of nominees  
1202 submitted by qualified industry organizations. The commissioner  
1203 may require such reports or documentation as is necessary to  
1204 document the nomination process for members of the council.  
1205 Qualified industry organizations, in making nominations, and the  
1206 commissioner, in making appointments, shall give due regard to  
1207 selecting a council that is representative of the industry and  
1208 the geographic regions of the state. Other than the public  
1209 member, council members must be full-time employees or owners of  
1210 propane gas producers or dealers doing business in this state.

1211 Section 32. Section 531.67, Florida Statutes, is amended to  
1212 read:

1213 531.67 Expiration of sections.—Sections 531.60, 531.61,  
1214 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,  
1215 2025 ~~2020~~.

1216 Section 33. Section 534.47, Florida Statutes, is amended to  
1217 read:

1218 534.47 Definitions.—As used in ss. 534.48-534.54, the term  
1219 ~~ss. 534.48-534.53~~:

1220 (1) "Dealer" means a person, not a market agency, engaged  
1221 in the business of buying or selling in commerce livestock  
1222 either on his or her own account or as the employee or agent of  
1223 a vendor or purchaser.

1224 (2) ~~(1)~~ "Department" means the Department of Agriculture and  
1225 Consumer Services.

1226 (3) "Livestock" has the same meaning as in s. 585.01(13).

1227 (4) ~~(2)~~ "Livestock market" means any location in the state  
1228 where livestock is assembled and sold at public auction or on a  
1229 commission basis during regularly scheduled or special sales.



615634

1230 The term "livestock market" does ~~shall~~ not include private farms  
1231 or ranches or sales made at livestock shows, fairs, exhibitions,  
1232 or special breed association sales.

1233 (5) "Packer" means a person engaged in the business of  
1234 buying livestock in commerce for purposes of slaughter, or of  
1235 manufacturing or preparing meats or meat food products for sale  
1236 or shipment in commerce, or of marketing meats, meat food  
1237 products, or livestock products in an unmanufactured form acting  
1238 as a wholesaler broker, dealer, or distributor in commerce.

1239 (6) "Purchaser" means a person, partnership, firm,  
1240 corporation, or other organization owning, managing, producing,  
1241 or dealing in livestock, including, but not limited to, a packer  
1242 or dealer, that buys livestock for breeding, feeding, reselling,  
1243 slaughter, or other purpose.

1244 (7) "Registered and approved livestock market" means a  
1245 livestock market fully registered, bonded, and approved as a  
1246 market agency pursuant to the Stockyards Act and governing  
1247 regulations of the United States Department of Agriculture Grain  
1248 Inspection, Packers and Stockyards Administration.

1249 (8) "Seller" means a person, partnership, firm,  
1250 corporation, or other organization owning, managing, producing,  
1251 financing, or dealing in livestock, including, but not limited  
1252 to, a registered and approved livestock market as consignee or a  
1253 dealer, that sells livestock for breeding, feeding, reselling,  
1254 slaughter, or other purpose.

1255 (9) "Stockyards Act" means the Packers and Stockyards Act  
1256 of 1921, 7 U.S.C. ss. 181-229 and the regulations promulgated  
1257 pursuant to that act under 9 C.F.R. part 201.

1258 ~~(3) "Buyer" means the party to whom title of livestock~~



615634

1259 ~~passes or who is responsible for the purchase price of~~  
1260 ~~livestock, including, but not limited to, producers, dealers,~~  
1261 ~~meat packers, or order buyers.~~

1262 Section 34. Section 534.49, Florida Statutes, is amended to  
1263 read:

1264 534.49 Livestock drafts; effect.—For the purposes of this  
1265 section, a livestock draft given as payment at a livestock  
1266 auction market for a livestock purchase shall not be deemed an  
1267 express extension of credit to the purchaser ~~buyer~~ and shall not  
1268 defeat the creation of a lien on such ~~an~~ animal and its carcass,  
1269 ~~and~~ all products therefrom, and all proceeds thereof, to secure  
1270 all or a part of its sales price, as provided in s. 534.54(3) ~~s.~~  
1271 ~~534.54(4).~~

1272 Section 35. Section 534.50, Florida Statutes, is repealed.

1273 Section 36. Section 534.501, Florida Statutes, is amended  
1274 to read:

1275 534.501 ~~Livestock draft;~~ Unlawful ~~to~~ delay or failure in  
1276 payment.—It ~~is~~ shall be unlawful for the purchaser of livestock  
1277 to delay or fail in rendering payment for livestock to a seller  
1278 of cattle as provided in s. 534.54. A person who violates this  
1279 section commits an unfair or deceptive act or practice as  
1280 specified in s. 501.204 ~~payment of the livestock draft upon~~  
1281 ~~presentation of said draft at the payor's bank. Nothing~~  
1282 ~~contained in this section shall be construed to preclude a~~  
1283 ~~payor's right to refuse payment of an unauthorized draft.~~

1284 Section 37. Section 534.51, Florida Statutes, is repealed.

1285 Section 38. Section 534.54, Florida Statutes, is amended to  
1286 read:

1287 534.54 Cattle or hog processors; prompt payment; penalty;



615634

1288 lien.-  
1289 ~~(1) As used in this section:~~  
1290 ~~(a) "Livestock" means cattle or hogs.~~  
1291 ~~(b) "Meat processor" means a person, corporation,~~  
1292 ~~association, or other legal entity engaged in the business of~~  
1293 ~~slaughtering cattle or hogs.~~  
1294 (1)~~(2)~~ (a) A purchaser that ~~meat processor who~~ purchases  
1295 livestock from a seller, ~~or any person, corporation,~~  
1296 ~~association, or other legal entity who purchases livestock from~~  
1297 ~~a seller for slaughter,~~ shall make payment by cash or check for  
1298 the purchase price of the livestock and actually deliver the  
1299 cash or check to the seller or her or his representative at the  
1300 location where the purchaser takes physical possession of the  
1301 livestock on the day the transfer of possession occurs or by  
1302 ~~shall~~ wire transfer of funds on the business day within which  
1303 the possession of the ~~said~~ livestock is transferred. However, if  
1304 the transfer of possession is accomplished after normal banking  
1305 hours, ~~said~~ payment shall be made in the manner ~~herein~~ provided  
1306 in this subsection no ~~not~~ later than the close of the first  
1307 business day following the ~~said~~ transfer of possession. In the  
1308 case of "grade and yield" selling, the purchaser shall make  
1309 payment by wire transfer of funds or by personal or cashier's  
1310 check by registered mail postmarked no ~~not~~ later than the close  
1311 of the first business day following determination of "grade and  
1312 yield."  
1313 (b) All instruments issued in payment as required by this  
1314 section ~~hereunder~~ shall be drawn on banking institutions which  
1315 are so located as not artificially to delay collection of funds  
1316 through the mail or otherwise cause an undue lapse of time in





615634

1317 the clearance process.

1318 ~~(2)(3) In all cases in which~~ A purchaser of who purchases  
1319 livestock that for slaughter from a seller fails to comply with  
1320 subsection (1) ~~make payment for the livestock as required by~~  
1321 ~~this section~~ or artificially delays collection of funds for the  
1322 payment of the livestock, ~~the purchaser~~ shall be liable to pay  
1323 the seller owner of the livestock, in addition to the price of  
1324 the livestock:

1325 (a) Twelve percent damages on the amount of the price.

1326 (b) Interest on the purchase price of the livestock at the  
1327 highest legal rate from and after the transfer of possession  
1328 until payment is made as required by this section.

1329 (c) ~~A Reasonable~~ attorney fees, court costs, and expenses  
1330 ~~attorney's fee~~ for the prosecution of collection of the payment.

1331 ~~(3)(4)(a) A seller that~~ Any person, partnership, firm,  
1332 ~~corporation, or other organization which~~ sells livestock to a  
1333 purchaser shall have a lien on such animal and its carcass, all  
1334 products therefrom, and all proceeds thereof to secure all or a  
1335 part of its sales price.

1336 (b) The lien provided in this subsection shall be deemed to  
1337 have attached and to be perfected upon delivery of the livestock  
1338 to the purchaser without further action, and such lien shall  
1339 continue in the livestock and its carcass, all products  
1340 therefrom, and all proceeds thereof without regard to possession  
1341 thereof by the party entitled to such lien without further  
1342 perfection.

1343 (c) If the livestock or its carcass or products therefrom  
1344 are so commingled with other livestock, carcasses, or products  
1345 so that the identity thereof is lost, then the lien granted in



615634

1346 this subsection shall extend to the same effect as if same had  
1347 been perfected originally in all such animals, carcasses, and  
1348 products with which it has become commingled. However, all liens  
1349 so extended under this paragraph to such commingled livestock,  
1350 carcasses, and products shall be on a parity with one another,  
1351 and, with respect to such commingled carcasses or products upon  
1352 which a lien or liens have been so extended under this  
1353 paragraph, no such lien shall be enforceable as against any  
1354 purchaser without actual knowledge thereof purchasing one or  
1355 more of such carcasses or products in the ordinary course of  
1356 trade or business from the party having commingled such  
1357 carcasses or products or against any subsequent transferee from  
1358 such purchaser, but in the event of such sale, such lien shall  
1359 instead extend to the proceeds of such sale.

1360 Section 39. Subsection (46) is added to section 570.07,  
1361 Florida Statutes, to read:

1362 570.07 Department of Agriculture and Consumer Services;  
1363 functions, powers, and duties.—The department shall have and  
1364 exercise the following functions, powers, and duties:

1365 (46) During a state of emergency declared pursuant to s.  
1366 252.36, to waive fees by emergency order for duplicate copies or  
1367 renewal of permits, licenses, certifications, or other similar  
1368 types of authorizations during a period specified by the  
1369 commissioner.

1370 Section 40. Section 573.111, Florida Statutes, is amended  
1371 to read:

1372 573.111 Notice of effective date of marketing order.—Before  
1373 the issuance of any marketing order, or any suspension,  
1374 amendment, or termination thereof, a notice must ~~shall~~ be posted



615634

1375 ~~on a public bulletin board to be maintained by the department in~~  
1376 ~~the Division of Marketing and Development of the department in~~  
1377 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~  
1378 ~~of the notice shall be posted on the department website the same~~  
1379 ~~date that the notice is posted on the bulletin board. A No~~  
1380 marketing order, or any suspension, amendment, or termination  
1381 thereof, may not shall become effective until ~~the termination of~~  
1382 ~~a period of 5 days after from~~ the date of posting and  
1383 publication.

1384 Section 41. Section 578.011, Florida Statutes, is amended  
1385 to read:

1386 578.011 Definitions; Florida Seed Law.—When used in this  
1387 chapter, the term:

1388 (1) "Advertisement" means all representations, other than  
1389 those on the label, disseminated in any manner or by any means,  
1390 relating to seed within the scope of this law.

1391 (2) "Agricultural seed" includes the seed of grass, forage,  
1392 cereal and fiber crops, and chufas and any other seed commonly  
1393 recognized within the state as agricultural seed, lawn seed, and  
1394 combinations of such seed, and may include identified noxious  
1395 weed seed when the department determines that such seed is being  
1396 used as agricultural seed ~~or field seed and mixtures of such~~  
1397 ~~seed.~~

1398 (3) "Blend" means seed consisting of more than one variety  
1399 of one kind, each present in excess of 5 percent by weight of  
1400 the whole.

1401 (4) "Buyer" means a person who purchases agricultural,  
1402 vegetable, flower, tree, or shrub seed in packaging of 1,000  
1403 seeds or more by count.



615634

1404           (5) "Brand" means a distinguishing word, name, symbol,  
1405 number, or design used to identify seed produced, packaged,  
1406 advertised, or offered for sale by a particular person.

1407           (6)~~(3)~~ "Breeder seed" means a class of certified seed  
1408 directly controlled by the originating or sponsoring plant  
1409 breeding institution or person, or designee thereof, and is the  
1410 source for the production of seed of the other classes of  
1411 certified seed that are released directly from the breeder or  
1412 experiment station that develops the seed. These seed are one  
1413 class above foundation seed.

1414           (7)~~(4)~~ "Certified seed," means a class of seed which is the  
1415 progeny of breeder, foundation, or registered seed "registered  
1416 seed," and "foundation seed" mean seed that have been produced  
1417 and labeled in accordance with the procedures and in compliance  
1418 with the rules and regulations of any agency authorized by the  
1419 laws of this state or the laws of another state.

1420           (8) "Certifying agency" means:

1421           (a) An agency authorized under the laws of a state,  
1422 territory, or possession of the United States to officially  
1423 certify seed and which has standards and procedures approved by  
1424 the United States Secretary of Agriculture to assure the genetic  
1425 purity and identity of the seed certified; or

1426           (b) An agency of a foreign country that the United States  
1427 Secretary of Agriculture has determined as adhering to  
1428 procedures and standards for seed certification comparable to  
1429 those adhered to generally by seed certifying agencies under  
1430 paragraph (a).

1431           (9) "Coated seed" means seed that has been covered by a  
1432 layer of materials that obscures the original shape and size of



615634

1433 the seed and substantially increases the weight of the product.  
1434 The addition of biologicals, pesticides, identifying colorants  
1435 or dyes, or other active ingredients including polymers may be  
1436 included in this process.

1437 (10)-(5) "Date of test" means the month and year the  
1438 percentage of germination appearing on the label was obtained by  
1439 laboratory test.

1440 (11)-(6) "Dealer" means any person who sells or offers for  
1441 sale any agricultural, vegetable, flower, ~~or forest tree, or~~  
1442 shrub seed for seeding purposes, and includes farmers who sell  
1443 cleaned, processed, packaged, and labeled seed.

1444 (12)-(7) "Department" means the Department of Agriculture  
1445 and Consumer Services or its authorized representative.

1446 (13)-(8) "Dormant seed" refers to viable seed, other than  
1447 hard seed, which neither germinate nor decay during the  
1448 prescribed test period and under the prescribed test conditions.

1449 (14)-(9) "Flower seed" includes seed of herbaceous plants  
1450 grown for blooms, ornamental foliage, or other ornamental parts,  
1451 and commonly known and sold under the name of flower or  
1452 wildflower seed in this state.

1453 ~~(10) "Forest tree seed" includes seed of woody plants~~  
1454 ~~commonly known and sold as forest tree seed.~~

1455 (15) "Foundation seed" means a class of certified seed  
1456 which is the progeny of breeder or other foundation seed and is  
1457 produced and handled under procedures established by the  
1458 certifying agency, in accordance with this part, for producing  
1459 foundation seed, for the purpose of maintaining genetic purity  
1460 and identity.

1461 (16)-(11) "Germination" means the emergence and development



615634

1462 from the seed embryo of those essential structures which, for  
1463 the kind of seed in question, are indicative of the ability to  
1464 produce a normal plant under favorable conditions ~~percentage of~~  
1465 ~~seed capable of producing normal seedlings under ordinarily~~  
1466 ~~favorable conditions. Broken seedlings and weak, malformed and~~  
1467 ~~obviously abnormal seedlings shall not be considered to have~~  
1468 ~~germinated.~~

1469 (17)-(12) "Hard seed" means seeds that remain hard at the  
1470 end of a prescribed test period because they have not absorbed  
1471 water due to an impermeable seed coat ~~the percentage of seed~~  
1472 ~~which because of hardness or impermeability did not absorb~~  
1473 ~~moisture or germinate under prescribed tests but remain hard~~  
1474 ~~during the period prescribed for germination of the kind of seed~~  
1475 ~~concerned.~~

1476 (18)-(13) "Hybrid" means the first generation seed of a  
1477 cross produced by controlling the pollination and by combining:

- 1478 (a) Two or more inbred lines;  
1479 (b) One inbred or a single cross with an open-pollinated  
1480 variety; or  
1481 (c) Two varieties or species, except open-pollinated  
1482 varieties of corn (*Zea mays*).

1483  
1484 The second generation or subsequent generations from such  
1485 crosses may ~~shall~~ not be regarded as hybrids. Hybrid  
1486 designations shall be treated as variety names.

1487 (19)-(14) "Inert matter" means all matter that is not a full  
1488 seed ~~includes broken seed when one-half in size or less; seed of~~  
1489 ~~legumes or crucifers with the seed coats removed; undeveloped~~  
1490 ~~and badly injured weed seed such as sterile dodder which, upon~~



615634

1491 ~~visual examination, are clearly incapable of growth; empty~~  
1492 ~~glumes of grasses; attached sterile glumes of grasses (which~~  
1493 ~~must be removed from the fertile glumes except in Rhodes grass);~~  
1494 ~~dirt, stone, chaff, nematode, fungus bodies, and any matter~~  
1495 ~~other than seed.~~

1496 (20) ~~(15)~~ "Kind" means one or more related species or  
1497 subspecies which singly or collectively is known by one common  
1498 name; e.g., corn, beans, lespedeza.

1499 (21) "Label" means the display or displays of written or  
1500 printed material upon or attached to a container of seed.

1501 (22) ~~(16)~~ "Labeling" includes all labels and other written,  
1502 printed, or graphic representations, in any form, accompanying  
1503 and pertaining to any seed, whether in bulk or in containers,  
1504 and includes invoices and other bills of shipment when sold in  
1505 bulk.

1506 (23) ~~(17)~~ "Lot of seed" means a definite quantity of seed  
1507 identified by a lot number or other mark identification, every  
1508 portion or bag of which is uniform within recognized tolerances  
1509 for the factors that appear in the labeling, ~~for the factors~~  
1510 ~~which appear in the labeling, within permitted tolerances.~~

1511 (24) ~~(18)~~ "Mix," "mixed," or "mixture" means seed consisting  
1512 of more than one kind ~~or variety~~, each present in excess of 5  
1513 percent by weight of the whole.

1514 (25) "Mulch" means a protective covering of any suitable  
1515 substance placed with seed which acts to retain sufficient  
1516 moisture to support seed germination and sustain early seedling  
1517 growth and aid in the prevention of the evaporation of soil  
1518 moisture, the control of weeds, and the prevention of erosion.

1519 (26) "Noxious weed seed" means seed in one of two classes



615634

1520 of seed:

1521 (a) "Prohibited noxious weed seed" means the seed of weeds  
1522 that are highly destructive and difficult to control by good  
1523 cultural practices and the use of herbicides.

1524 (b) "Restricted noxious weed seed" means weed seeds that  
1525 are objectionable in agricultural crops, lawns, and gardens of  
1526 this state and which can be controlled by good agricultural  
1527 practices or the use of herbicides.

1528 (27)-(19) "Origin" means the state, District of Columbia,  
1529 Puerto Rico, or possession of the United States, or the foreign  
1530 country where the seed were grown, except for native species,  
1531 where the term means the county or collection zone and the state  
1532 where the seed were grown ~~for forest tree seed, with respect to~~  
1533 ~~which the term "origin" means the county or state forest service~~  
1534 ~~seed collection zone and the state where the seed were grown.~~

1535 (28)-(20) "Other crop seed" includes all seed of plants  
1536 grown in this state as crops, other than the kind or kind and  
1537 variety included in the pure seed, when not more than 5 percent  
1538 of the whole of a single kind or variety is present, unless  
1539 designated as weed seed.

1540 (29) "Packet seed" means seed prepared for use in home  
1541 gardens and household plantings packaged in labeled, sealed  
1542 containers of less than 8 ounces and typically sold from seed  
1543 racks or displays in retail establishments, via the Internet, or  
1544 through mail order.

1545 (30)-(21) "Processing" means conditioning, cleaning,  
1546 scarifying, or blending to obtain uniform quality and other  
1547 operations which would change the purity or germination of the  
1548 seed and, therefore, require retesting to determine the quality





615634

1549 of the seed.

1550 ~~(22) "Prohibited noxious weed seed" means the seed and~~  
1551 ~~bulblets of perennial weeds such as not only reproduce by seed~~  
1552 ~~or bulblets, but also spread by underground roots or stems and~~  
1553 ~~which, when established, are highly destructive and difficult to~~  
1554 ~~control in this state by ordinary good cultural practice.~~

1555 (31)~~(23)~~ "Pure seed" means the seed, exclusive of inert  
1556 matter, of the kind or kind and variety of seed declared on the  
1557 label or tag includes all seed of the kind or kind and variety  
1558 or strain under consideration, whether shriveled, cracked, or  
1559 otherwise injured, and pieces of broken seed larger than one-  
1560 half the original size.

1561 (32)~~(24)~~ "Record" includes the symbol identifying the seed  
1562 as to origin, amount, processing, testing, labeling, and  
1563 distribution, ~~file sample of the seed,~~ and any other document or  
1564 instrument pertaining to the purchase, sale, or handling of  
1565 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed.  
1566 Such information includes seed samples and records of  
1567 declarations, labels, purchases, sales, conditioning, bulking,  
1568 treatment, handling, storage, analyses, tests, and examinations.

1569 (33) "Registered seed" means a class of certified seed  
1570 which is the progeny of breeder or foundation seed and is  
1571 produced and handled under procedures established by the  
1572 certifying agency, in accordance with this part, for the purpose  
1573 of maintaining genetic purity and identity.

1574 ~~(25) "Restricted noxious weed seed" means the seed of such~~  
1575 ~~weeds as are very objectionable in fields, lawns, or gardens of~~  
1576 ~~this state, but can be controlled by good cultural practice.~~  
1577 ~~Seed of poisonous plants may be included.~~



615634

1578           (34) "Shrub seed" means seed of a woody plant that is  
1579 smaller than a tree and has several main stems arising at or  
1580 near the ground.

1581           ~~(35)~~~~(26)~~ "Stop-sale" means any written or printed notice or  
1582 order issued by the department to the owner or custodian of any  
1583 lot of agricultural, vegetable, flower, ~~or forest~~ tree, or shrub  
1584 seed in the state, directing the owner or custodian not to sell  
1585 or offer for sale seed designated by the order within the state  
1586 until the requirements of this law are complied with and a  
1587 written release has been issued; except that the seed may be  
1588 released to be sold for feed.

1589           ~~(36)~~~~(27)~~ "Treated" means that the seed has been given an  
1590 application of a material or subjected to a process designed to  
1591 control or repel disease organisms, insects, or other pests  
1592 attacking seed or seedlings grown therefrom to improve its  
1593 planting value or to serve any other purpose.

1594           (37) "Tree seed" means seed of a woody perennial plant  
1595 typically having a single stem or trunk growing to a  
1596 considerable height and bearing lateral branches at some  
1597 distance from the ground.

1598           ~~(38)~~~~(28)~~ "Type" means a group of varieties so nearly  
1599 similar that the individual varieties cannot be clearly  
1600 differentiated except under special conditions.

1601           ~~(39)~~~~(29)~~ "Variety" means a subdivision of a kind which is  
1602 distinct in the sense that the variety can be differentiated by  
1603 one or more identifiable morphological, physiological, or other  
1604 characteristics from all other varieties of public knowledge;  
1605 uniform in the sense that the variations in essential and  
1606 distinctive characteristics are describable; and stable in the



615634

1607 sense that the variety will remain unchanged in its essential  
1608 and distinctive characteristics and its uniformity when  
1609 reproduced or reconstituted ~~characterized by growth, plant~~  
1610 ~~fruit, seed, or other characteristics by which it can be~~  
1611 ~~differentiated from other sorts of the same kind; e.g.,~~  
1612 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

1613 (40) ~~(30)~~ "Vegetable seed" means the seed of those crops  
1614 that ~~which~~ are grown in gardens or on truck farms, and are  
1615 generally known and sold under the name of vegetable seed or  
1616 herb seed in this state.

1617 (41) ~~(31)~~ "Weed seed" includes the seed of all plants  
1618 generally recognized as weeds within this state, and includes  
1619 prohibited and restricted noxious weed seed, bulblets, ~~and~~  
1620 tubers, and any other vegetative propagules.

1621 Section 42. Section 578.012, Florida Statutes, is created  
1622 to read:

1623 578.012 Preemption.-

1624 (1) It is the intent of the Legislature to eliminate  
1625 duplication of regulation of seed. As such, this chapter is  
1626 intended as comprehensive and exclusive and occupies the whole  
1627 field of regulation of seed.

1628 (2) The authority to regulate seed or matters relating to  
1629 seed in this state is preempted to the state. A local government  
1630 or political subdivision of the state may not enact or enforce  
1631 an ordinance that regulates seed, including the power to assess  
1632 any penalties provided for violation of this chapter.

1633 Section 43. Section 578.08, Florida Statutes, is amended to  
1634 read:

1635 578.08 Registrations.-



615634

1636 (1) Every person, except as provided in subsection (4) ~~and~~  
1637 ~~s. 578.14~~, before selling, distributing for sale, offering for  
1638 sale, exposing for sale, handling for sale, or soliciting orders  
1639 for the purchase of any agricultural, vegetable, flower, ~~or~~  
1640 ~~forest tree, or shrub~~ seed or mixture thereof, shall first  
1641 register with the department as a seed dealer. The application  
1642 for registration must include the name and location of each  
1643 place of business at which the seed is sold, distributed for  
1644 sale, offered for sale, exposed for sale, or handled for sale.

1645 The application must ~~for registration shall~~ be filed with the  
1646 department by using a form prescribed by the department or by  
1647 using the department's website and shall be accompanied by an  
1648 annual registration fee for each such place of business based on  
1649 the gross receipts from the sale of such seed for the last  
1650 preceding license year as follows:

- 1651 (a)1. Receipts of less than \$500, a fee of \$10.  
1652 2. Receipts of \$500 or more but less than \$1,000, a fee of  
1653 \$25.  
1654 3. Receipts of \$1,000 or more but less than \$2,500, a fee  
1655 of \$100.  
1656 4. Receipts of \$2,500 or more but less than \$5,000, a fee  
1657 of \$200.  
1658 5. Receipts of \$5,000 or more but less than \$10,000, a fee  
1659 of \$350.  
1660 6. Receipts of \$10,000 or more but less than \$20,000, a fee  
1661 of \$800.  
1662 7. Receipts of \$20,000 or more but less than \$40,000, a fee  
1663 of \$1,000.  
1664 8. Receipts of \$40,000 or more but less than \$70,000, a fee



615634

1665 of \$1,200.

1666 9. Receipts of \$70,000 or more but less than \$150,000, a  
1667 fee of \$1,600.

1668 10. Receipts of \$150,000 or more but less than \$400,000, a  
1669 fee of \$2,400.

1670 11. Receipts of \$400,000 or more, a fee of \$4,600.

1671 (b) For places of business not previously in operation, the  
1672 fee shall be based on anticipated receipts for the first license  
1673 year.

1674 (2) A ~~written~~ receipt from the department of the  
1675 registration and payment of the fee shall constitute a  
1676 sufficient permit for the dealer to engage in or continue in the  
1677 business of selling, distributing for sale, offering or exposing  
1678 for sale, handling for sale, or soliciting orders for the  
1679 purchase of any agricultural, vegetable, flower, ~~or forest~~ tree,  
1680 or shrub seed within the state. However, the department has  
1681 ~~shall have~~ authority to suspend or revoke any permit for the  
1682 violation of any provision of this law or of any rule adopted  
1683 under authority hereof. The registration shall expire on June 30  
1684 of the next calendar year and shall be renewed on July 1 of each  
1685 year. If any person subject to the requirements of this section  
1686 fails to comply, the department may issue a stop-sale notice or  
1687 order which shall prohibit the person from selling or causing to  
1688 be sold any agricultural, vegetable, flower, ~~or forest~~ tree, or  
1689 shrub seed until the requirements of this section are met.

1690 (3) Every person selling, distributing for sale, offering  
1691 for sale, exposing for sale, handling for sale, or soliciting  
1692 orders for the purchase of any agricultural, vegetable, flower,  
1693 ~~or forest~~ tree, or shrub seed in the state other than as



615634

1694 provided in subsection (4) ~~s. 578.14~~, shall be subject to the  
1695 requirements of this section; ~~except that agricultural~~  
1696 ~~experiment stations of the State University System shall not be~~  
1697 ~~subject to the requirements of this section.~~

1698 (4) ~~The provisions of~~ This chapter does ~~shall~~ not apply to  
1699 farmers who sell only uncleaned, unprocessed, unpackaged, and  
1700 unlabeled seed, but shall apply to farmers who sell cleaned,  
1701 processed, packaged, and labeled seed in amounts in excess of  
1702 \$10,000 in any one year.

1703 (5) When packet seed is sold, offered for sale, or exposed  
1704 for sale, the company who packs seed for retail sale must  
1705 register and pay fees as provided under subsection (1).

1706 Section 44. Section 578.09, Florida Statutes, is amended to  
1707 read:

1708 578.09 Label requirements for agricultural, vegetable,  
1709 flower, tree, or shrub seeds.—Each container of agricultural,  
1710 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered  
1711 for sale, exposed for sale, or distributed for sale within this  
1712 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or  
1713 have attached thereto, in a conspicuous place, ~~a label or labels~~  
1714 ~~containing all information required under this section,~~ plainly  
1715 written or printed label or tag in the English language, ~~in~~  
1716 ~~Century type~~. All data pertaining to analysis must ~~shall~~ appear  
1717 on a single label. Language setting forth the requirements for  
1718 filing and serving complaints as described in s. 578.26(1)(c)  
1719 must ~~s. 578.26(1)(b) shall~~ be included on the analysis label or  
1720 be otherwise attached to the package, except for packages  
1721 containing less than 1,000 seeds by count.

1722 (1) ~~FOR TREATED SEED.~~— For all treated agricultural,



615634

1723 vegetable, ~~or~~ flower, tree, or shrub seed ~~treated~~ as defined in  
1724 this chapter:

1725 (a) A word or statement indicating that the seed has been  
1726 ~~treated or description of process used.~~

1727 (b) The commonly accepted coined, chemical, or abbreviated  
1728 chemical (generic) name of the applied substance or description  
1729 of the process used and the words "poison treated" in red  
1730 letters, in not less than 1/4-inch type.

1731 (c) If the substance in the amount present with the seed is  
1732 harmful to humans or other vertebrate animals, a caution  
1733 statement such as "Do not use for food, feed, or oil purposes."  
1734 The caution for mercurials, Environmental Protection Agency  
1735 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and  
1736 similarly toxic substances shall be designated by a poison  
1737 statement or symbol.

1738 ~~(d) Rate of application or statement "Treated at~~  
1739 ~~manufacturer's recommended rate."~~

1740 ~~(d)(e)~~ If the seed is treated with an inoculant, the date  
1741 beyond which the inoculant is not to be considered effective  
1742 (date of expiration).

1743  
1744 A label separate from other labels required by this section or  
1745 other law may be used to identify seed treatments as required by  
1746 this subsection.

1747 (2) For agricultural seed, including lawn and turf grass  
1748 seed and mixtures thereof: ~~AGRICULTURAL SEED.~~

1749 (a) ~~Commonly accepted~~ The name of the kind and variety of  
1750 each agricultural seed component present in excess of 5 percent  
1751 of the whole, and the percentage by weight of each in the order



615634

1752 of its predominance. Where more than one component is required  
1753 to be named, the word "mixed," "mixture," or "blend" must ~~the~~  
1754 ~~word "mixed"~~ shall be shown conspicuously on the label. Hybrids  
1755 must be labeled as hybrids.

1756 (b) Lot number or other lot identification.

1757 (c) Net weight or seed count.

1758 (d) Origin, if known. ~~If the origin is ; if unknown,~~ that  
1759 fact must shall be stated.

1760 (e) Percentage by weight of all weed seed.

1761 (f) ~~The~~ Name and number of noxious weed seed per pound, if  
1762 present per pound of each kind of restricted noxious weed seed.

1763 (g) Percentage by weight of agricultural seed which may be  
1764 designated as other crop seed, other than those required to be  
1765 named on the label.

1766 (h) Percentage by weight of inert matter.

1767 (i) For each named agricultural seed, including lawn and  
1768 turf grass seed:

1769 1. Percentage of germination, exclusive of hard or dormant  
1770 seed;

1771 2. Percentage of hard or dormant seed, if when present, if  
1772 desired; and

1773 3. The calendar month and year the test was completed to  
1774 determine such percentages, provided that the germination test  
1775 must have been completed within the previous 9 months, exclusive  
1776 of the calendar month of test.

1777 (j) Name and address of the person who labeled said seed or  
1778 who sells, distributes, offers, or exposes said seed for sale  
1779 within this state.

1780





615634

1781 The sum total of the percentages listed pursuant to paragraphs  
1782 (a), (e), (g), and (h) must be equal to 100 percent.

1783 (3) For seed that is coated:

1784 (a) Percentage by weight of pure seed with coating material  
1785 removed. The percentage of coating material may be included with  
1786 the inert matter percentage or may be listed separately.

1787 (b) Percentage of germination. This percentage must be  
1788 determined based on an examination of 400 coated units with or  
1789 without seed.

1790

1791 In addition to the requirements of this subsection, labeling of  
1792 coated seed must also comply with the requirements of any other  
1793 subsection pertaining to that type of seed. ~~FOR VEGETABLE SEED~~  
1794 ~~IN CONTAINERS OF 8 OUNCES OR MORE.~~

1795 ~~(a) Name of kind and variety of seed.~~

1796 ~~(b) Net weight or seed count.~~

1797 ~~(c) Lot number or other lot identification.~~

1798 ~~(d) Percentage of germination.~~

1799 ~~(e) Calendar month and year the test was completed to~~  
1800 ~~determine such percentages.~~

1801 ~~(f) Name and address of the person who labeled said seed or~~  
1802 ~~who sells, distributes, offers or exposes said seed for sale~~  
1803 ~~within this state.~~

1804 ~~(g) For seed which germinate less than the standard last~~  
1805 ~~established by the department the words "below standard," in not~~  
1806 ~~less than 8-point type, must be printed or written in ink on the~~  
1807 ~~face of the tag, in addition to the other information required.~~  
1808 ~~Provided, that no seed marked "below standard" shall be sold~~  
1809 ~~which falls more than 20 percent below the standard for such~~



615634

1810 ~~seed which has been established by the department, as authorized~~  
1811 ~~by this law.~~

1812 ~~(h) The name and number of restricted noxious weed seed per~~  
1813 ~~pound.~~

1814 (4) For combination mulch, seed, and fertilizer products:

1815 (a) The word "combination" followed, as appropriate, by the  
1816 words "mulch - seed - fertilizer" must appear prominently on the  
1817 principal display panel of the package.

1818 (b) If the product is an agricultural seed placed in a  
1819 germination medium, mat, tape, or other device or is mixed with  
1820 mulch or fertilizer, it must also be labeled with all of the  
1821 following:

1822 1. Product name.

1823 2. Lot number or other lot identification.

1824 3. Percentage by weight of pure seed of each kind and  
1825 variety named which may be less than 5 percent of the whole.

1826 4. Percentage by weight of other crop seed.

1827 5. Percentage by weight of inert matter.

1828 6. Percentage by weight of weed seed.

1829 7. Name and number of noxious weed seeds per pound, if  
1830 present.

1831 8. Percentage of germination, and hard or dormant seed if  
1832 appropriate, of each kind or kind and variety named. The  
1833 germination test must have been completed within the previous 12  
1834 months exclusive of the calendar month of test.

1835 9. The calendar month and year the test was completed to  
1836 determine such percentages.

1837 10. Name and address of the person who labeled the seed, or  
1838 who sells, offers, or exposes the seed for sale within the



615634

1839 state.

1840

1841 The sum total of the percentages listed pursuant to  
1842 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

1843 (5) For vegetable seed in packets as prepared for use in  
1844 home gardens or household plantings or vegetable seeds in  
1845 preplanted containers, mats, tapes, or other planting devices:  
1846 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

1847 (a) Name of kind and variety of seed. Hybrids must be  
1848 labeled as hybrids.

1849 (b) Lot number or other lot identification.

1850 (c) Germination test date identified in the following  
1851 manner:

1852 1. The calendar month and year the germination test was  
1853 completed and the statement "Sell by ...(month/year)...", which  
1854 may be no more than 12 months from the date of test, beginning  
1855 with the month after the test date;

1856 2. The month and year the germination test was completed,  
1857 provided that the germination test must have been completed  
1858 within the previous 12 months, exclusive of the calendar month  
1859 of test; or

1860 3. The year for which the seed was packaged for sale as  
1861 "Packed for ...(year)..." and the statement "Sell by  
1862 ...(year)..." which shall be one year after the seed was  
1863 packaged for sale.

1864 (d) ~~(b)~~ Name and address of the person who labeled the seed  
1865 or who sells, ~~distributes,~~ offers, or exposes said seed for sale  
1866 within this state.

1867 (e) ~~(c)~~ For seed which germinate less than standard last



615634

1868 established by the department, ~~the additional information must~~  
1869 ~~be shown:~~

1870 1. Percentage of germination, exclusive of hard or dormant  
1871 seed.

1872 2. Percentage of hard or dormant seed ~~when present~~, if  
1873 present desired.

1874 3. ~~Calendar month and year the test was completed to~~  
1875 ~~determine such percentages.~~

1876 3.4. The words "Below Standard" prominently displayed in  
1877 ~~not less than 8 point type.~~

1878  
1879 (f) ~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold  
1880 that falls which fall more than 20 percent below the established  
1881 standard for such seed. For seeds that do not have an  
1882 established standard, the minimum germination standard shall be  
1883 50 percent, and no such seed may be sold that is 20 percent  
1884 below this standard.

1885 (g) For seed placed in a germination medium, mat, tape, or  
1886 other device in such a way as to make it difficult to determine  
1887 the quantity of seed without removing the seeds from the medium,  
1888 mat, tape or device, a statement to indicate the minimum number  
1889 of seeds in the container.

1890 (6) For vegetable seed in containers, other than packets  
1891 prepared for use in home gardens or household plantings, and  
1892 other than preplanted containers, mats, tapes, or other planting  
1893 devices:

1894 (a) The name of each kind and variety present of any seed  
1895 in excess of 5 percent of the total weight in the container, and  
1896 the percentage by weight of each type of seed in order of its



615634

1897 predominance. Hybrids must be labeled as hybrids.  
1898 (b) Net weight or seed count.  
1899 (c) Lot number or other lot identification.  
1900 (d) For each named vegetable seed:  
1901 1. Percentage germination, exclusive of hard or dormant  
1902 seed;  
1903 2. Percentage of hard or dormant seed, if present;  
1904 3. Listed below the requirements of subparagraphs 1. and  
1905 2., the "total germination and hard or dormant seed" may be  
1906 stated as such, if desired; and  
1907 4. The calendar month and year the test was completed to  
1908 determine the percentages specified in subparagraphs 1. and 2.,  
1909 provided that the germination test must have been completed  
1910 within 9 months, exclusive of the calendar month of test.  
1911 (e) Name and address of the person who labeled the seed, or  
1912 who sells, offers, or exposes the seed for sale within this  
1913 state.  
1914 (f) For seed which germinate less than the standard last  
1915 established by the department, the words "Below Standard"  
1916 prominently displayed.  
1917 1. No seed marked "Below Standard" may be sold if the seed  
1918 is more than 20 percent below the established standard for such  
1919 seed.  
1920 2. For seeds that do not have an established standard, the  
1921 minimum germination standard shall be 50 percent, and no such  
1922 seed may be sold that is 20 percent below this standard.  
1923 (7)-(5) For flower seed in packets prepared for use in home  
1924 gardens or household plantings or flower seed in preplanted  
1925 containers, mats, tapes, or other planting devices: ~~FOR FLOWER~~



615634

1926 ~~SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD~~  
1927 ~~PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,~~  
1928 ~~OR OTHER PLANTING DEVICES.~~

1929 (a) For all kinds of flower seed:

1930 1. The name of the kind and variety or a statement of type  
1931 and performance characteristics as prescribed in the rules and  
1932 regulations adopted ~~promulgated~~ under the provisions of this  
1933 chapter.

1934 2. Germination test date, identified in the following  
1935 manner:

1936 a. The calendar month and year the germination test was  
1937 completed and the statement "Sell by ...(month/year)...". The  
1938 sell by date must be no more than 12 months from the date of  
1939 test, beginning with the month after the test date;

1940 b. The year for which the seed was packed for sale as  
1941 "Packed for ...(year)..." and the statement "Sell by  
1942 ...(year)..." which shall be for a calendar year; or

1943 c. The calendar month and year the test was completed,  
1944 provided that the germination test must have been completed  
1945 within the previous 12 months, exclusive of the calendar month  
1946 of test.

1947 2. ~~The calendar month and year the seed was tested or the~~  
1948 ~~year for which the seed was packaged.~~

1949 3. The name and address of the person who labeled said  
1950 seed, or who sells, offers, or exposes said seed for sale within  
1951 this state.

1952 (b) For seed of those kinds for which standard testing  
1953 procedures are prescribed and which germinate less than the  
1954 germination standard last established under the provisions of



615634

1955 this chapter:

1956 1. The percentage of germination exclusive of hard or  
1957 dormant seed.

1958 2. Percentage of hard or dormant seed, if present.

1959 3. The words "Below Standard" prominently displayed ~~in not~~  
1960 ~~less than 8-point type.~~

1961 (c) For seed placed in a germination medium, mat, tape, or  
1962 other device in such a way as to make it difficult to determine  
1963 the quantity of seed without removing the seed from the medium,  
1964 mat, tape, or device, a statement to indicate the minimum number  
1965 of seed in the container.

1966 (8)(6) For flower seed in containers other than packets and  
1967 other than preplanted containers, mats, tapes, or other planting  
1968 devices and not prepared for use in home flower gardens or  
1969 household plantings: FOR FLOWER SEED IN CONTAINERS OTHER THAN  
1970 PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD  
1971 PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR  
1972 OTHER PLANTING DEVICES.—

1973 (a) The name of the kind and variety, and for wildflowers,  
1974 the genus and species and subspecies, if appropriate ~~or a~~  
1975 ~~statement of type and performance characteristics as prescribed~~  
1976 ~~in rules and regulations promulgated under the provisions of~~  
1977 ~~this chapter.~~

1978 (b) Net weight or seed count.

1979 (c) ~~(b)~~ The Lot number or other lot identification.

1980 (d) For flower seed with a pure seed percentage of less  
1981 than 90 percent:

1982 1. Percentage, by weight, of each component listed in order  
1983 of its predominance.



615634

- 1984           2. Percentage by weight of weed seed, if present.
- 1985           3. Percentage by weight of other crop seed.
- 1986           4. Percentage by weight of inert matter.
- 1987           (e) For those kinds of seed for which standard testing  
1988 procedures are prescribed:
- 1989           1. Percentage germination exclusive of hard or dormant  
1990 seed.
- 1991           2. Percentage of hard or dormant seed, if present.
- 1992           3. ~~(e)~~ The calendar month and year that the test was  
1993 completed. The germination test must have been completed within  
1994 the previous 9 months, exclusive of the calendar month of test.
- 1995           (f) For those kinds of seed for which standard testing  
1996 procedures are not available, the year of production or  
1997 collection ~~seed were tested or the year for which the seed were~~  
1998 packaged.
- 1999           (g) ~~(d)~~ The name and address of the person who labeled said  
2000 seed or who sells, offers, or exposes said seed for sale within  
2001 this state.
- 2002           ~~(e) For those kinds of seed for which standard testing~~  
2003 ~~procedures are prescribed:~~
- 2004           ~~1. The percentage germination exclusive of hard seed.~~
- 2005           ~~2. The percentage of hard seed, if present.~~
- 2006           (h) ~~(f)~~ For ~~those~~ seeds which germinate less than the  
2007 standard last established by the department, the words "Below  
2008 Standard" prominently displayed in not less than 8 point type  
2009 must be printed or written in ink on the face of the tag.
- 2010           (9) For tree or shrub seed:
- 2011           (a) Common name of the species of seed and, if appropriate,  
2012 subspecies.





615634

- 2013           (b) The scientific name of the genus, species, and, if  
2014 appropriate, subspecies.
- 2015           (c) Lot number or other lot identification.
- 2016           (d) Net weight or seed count.
- 2017           (e) Origin, indicated in the following manner:
- 2018           1. For seed collected from a predominantly indigenous  
2019 stand, the area of collection given by latitude and longitude or  
2020 geographic description, or political subdivision, such as state  
2021 or county.
- 2022           2. For seed collected from other than a predominantly  
2023 indigenous stand, the area of collection and the origin of the  
2024 stand or the statement "Origin not Indigenous".
- 2025           3. The elevation or the upper and lower limits of  
2026 elevations within which the seed was collected.
- 2027           (f) Purity as a percentage of pure seed by weight.
- 2028           (g) For those species for which standard germination  
2029 testing procedures are prescribed by the department:
- 2030           1. Percentage germination exclusive of hard or dormant  
2031 seed.
- 2032           2. Percentage of hard or dormant seed, if present.
- 2033           3. The calendar month and year test was completed, provided  
2034 that the germination test must have been completed within the  
2035 previous 12 months, exclusive of the calendar month of test.
- 2036           (h) In lieu of subparagraphs (g)1., 2., and 3., the seed  
2037 may be labeled "Test is in progress; results will be supplied  
2038 upon request."
- 2039           (i) For those species for which standard germination  
2040 testing procedures have not been prescribed by the department,  
2041 the calendar year in which the seed was collected.



615634

2042 (j) The name and address of the person who labeled the seed  
2043 or who sells, offers, or exposes the seed for sale within this  
2044 state.

2045 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~  
2046 ~~department shall have the authority to prescribe a uniform~~  
2047 ~~analysis tag required by this section.~~

2048  
2049 The information required by this section to be placed on labels  
2050 attached to seed containers may not be modified or denied in the  
2051 labeling or on another label attached to the container. However,  
2052 labeling of seed supplied under a contractual agreement may be  
2053 by invoice accompanying the shipment or by an analysis tag  
2054 attached to the invoice if each bag or other container is  
2055 clearly identified by a lot number displayed on the bag or other  
2056 container. Each bag or container that is not so identified must  
2057 carry complete labeling.

2058 Section 45. Section 578.091, Florida Statutes, is repealed.

2059 Section 46. Subsections (2) and (3) of section 578.10,  
2060 Florida Statutes, are amended to read:

2061 578.10 Exemptions.—

2062 (2) The provisions of ss. 578.09 and 578.13 do not apply  
2063 to:

2064 (a) ~~To~~ Seed or grain not intended for sowing or planting  
2065 purposes.

2066 (b) ~~To~~ Seed stored in storage in, consigned to, or being  
2067 transported to seed cleaning or processing establishments for  
2068 cleaning or processing only. Any labeling or other  
2069 representation which may be made with respect to the unclean  
2070 seed is ~~shall be~~ subject to this law.



615634

2071           (c) Seed under development or maintained exclusively for  
2072 research purposes.

2073           (3) If seeds cannot be identified by examination thereof, a  
2074 person is not subject to the criminal penalties of this chapter  
2075 for having sold or offered for sale seeds subject to this  
2076 chapter which were incorrectly labeled or represented as to  
2077 kind, species, and, if appropriate, subspecies, variety, type,  
2078 or origin, elevation, and, if required, year of collection  
2079 unless he or she has failed to obtain an invoice, genuine  
2080 grower's or tree seed collector's declaration, or other labeling  
2081 information and to take such other precautions as may be  
2082 reasonable to ensure the identity of the seeds to be as stated  
2083 by the grower. A genuine grower's declaration of variety must  
2084 affirm that the grower holds records of proof of identity  
2085 concerning parent seed, such as invoice and labels ~~No person~~  
2086 ~~shall be subject to the criminal penalties of this law for~~  
2087 ~~having sold, offered, exposed, or distributed for sale in this~~  
2088 ~~state any agricultural, vegetable, or forest tree seed which~~  
2089 ~~were incorrectly labeled or represented as to kind and variety~~  
2090 ~~or origin, which seed cannot be identified by examination~~  
2091 ~~thereof, unless she or he has failed to obtain an invoice or~~  
2092 ~~grower's declaration giving kind and variety and origin.~~

2093           Section 47. Section 578.11, Florida Statutes, is amended to  
2094 read:

2095           578.11 Duties, authority, and rules of the department.—

2096           (1) The duty of administering this law and enforcing its  
2097 provisions and requirements shall be vested in the Department of  
2098 Agriculture and Consumer Services, which is hereby authorized to  
2099 employ such agents and persons as in its judgment shall be



615634

2100 necessary therefor. It shall be the duty of the department,  
2101 which may act through its authorized agents, to sample, inspect,  
2102 make analyses of, and test agricultural, vegetable, flower, ~~or~~  
2103 ~~forest tree, or shrub~~ seed transported, sold, offered or exposed  
2104 for sale, or distributed within this state for sowing or  
2105 planting purposes, at such time and place and to such extent as  
2106 it may deem necessary to determine whether said agricultural,  
2107 vegetable, flower, ~~or forest tree, or shrub~~ seed are in  
2108 compliance with the provisions of this law, and to notify  
2109 promptly the person who transported, distributed, sold, offered  
2110 or exposed the seed for sale, of any violation.

2111 (2) The department is authorized to:

2112 (a) ~~To~~ Enforce this chapter act and prescribe the methods  
2113 of sampling, inspecting, testing, and examining agricultural,  
2114 vegetable, flower, ~~or forest tree, or shrub~~ seed.

2115 (b) ~~To~~ Establish standards and tolerances to be followed in  
2116 the administration of this law, which shall be in general accord  
2117 with officially prescribed practices in interstate commerce.

2118 (c) ~~To~~ Prescribe uniform labels.

2119 (d) ~~To~~ Adopt prohibited and restricted noxious weed seed  
2120 lists.

2121 (e) ~~To~~ Prescribe limitations for each restricted noxious  
2122 weed to be used in enforcement of this chapter act and to add or  
2123 subtract therefrom from time to time as the need may arise.

2124 (f) ~~To~~ Make commercial tests of seed and to fix and collect  
2125 charges for such tests.

2126 (g) ~~To~~ List the kinds of flower, and forest tree, and shrub  
2127 seed subject to this law.

2128 (h) ~~To~~ Analyze samples, as requested by a consumer. The



615634

2129 department shall establish, by rule, a fee schedule for  
2130 analyzing samples at the request of a consumer. The fees shall  
2131 be sufficient to cover the costs to the department for taking  
2132 the samples and performing the analysis, not to exceed \$150 per  
2133 sample.

2134 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
2135 implement ~~the provisions of this chapter act.~~

2136 (j) ~~To~~ Establish, by rule, requirements governing aircraft  
2137 used for the aerial application of seed, including requirements  
2138 for recordkeeping, annual aircraft registration, secure storage  
2139 when not in use, area-of-application information, and reporting  
2140 any sale, lease, purchase, rental, or transfer of such aircraft  
2141 to another person.

2142 (3) For the purpose of carrying out ~~the provisions of this~~  
2143 law, the department, through its authorized agents, is  
2144 authorized to:

2145 (a) ~~To~~ Enter upon any public or private premises, where  
2146 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed  
2147 is sold, offered, exposed, or distributed for sale during  
2148 regular business hours, in order to have access to seed subject  
2149 to this law and the rules and regulations hereunder.

2150 (b) ~~To~~ Issue and enforce a stop-sale notice or order to the  
2151 owner or custodian of any lot of agricultural, vegetable,  
2152 flower, ~~or forest tree~~, or shrub seed, which the department  
2153 finds or has good reason to believe is in violation of any  
2154 provisions of this law, which shall prohibit further sale,  
2155 barter, exchange, or distribution of such seed until the  
2156 department is satisfied that the law has been complied with and  
2157 has issued a written release or notice to the owner or custodian



615634

2158 of such seed. After a stop-sale notice or order has been issued  
2159 against or attached to any lot of seed and the owner or  
2160 custodian of such seed has received confirmation that the seed  
2161 does not comply with this law, she or he has ~~shall have~~ 15 days  
2162 beyond the normal test period within which to comply with the  
2163 law and obtain a written release of the seed. ~~The provisions of~~  
2164 This paragraph may ~~shall~~ not be construed as limiting the right  
2165 of the department to proceed as authorized by other sections of  
2166 this law.

2167 (c) ~~To~~ Establish and maintain a seed laboratory, employ  
2168 seed analysts and other personnel, and incur such other expenses  
2169 as may be necessary to comply with these provisions.

2170 Section 48. Section 578.12, Florida Statutes, is amended to  
2171 read:

2172 578.12 Stop-sale, stop-use, removal, or hold orders.—When  
2173 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed  
2174 is being offered or exposed for sale or held in violation of any  
2175 of the provisions of this chapter, the department, through its  
2176 authorized representative, may issue and enforce a stop-sale,  
2177 stop-use, removal, or hold order to the owner or custodian of  
2178 said seed ordering it to be held at a designated place until the  
2179 law has been complied with and said seed is released in writing  
2180 by the department or its authorized representative. If seed is  
2181 not brought into compliance with this law it shall be destroyed  
2182 within 30 days or disposed of by the department in such a manner  
2183 as it shall by regulation prescribe.

2184 Section 49. Section 578.13, Florida Statutes, is amended to  
2185 read:

2186 578.13 Prohibitions.—



615634

2187 (1) It shall be unlawful for any person to sell, distribute  
2188 for sale, offer for sale, expose for sale, handle for sale, or  
2189 solicit orders for the purchase of any agricultural, vegetable,  
2190 flower, ~~or forest tree~~, or shrub, seed within this state:

2191 (a) Unless the test to determine the percentage of  
2192 germination required by s. 578.09 has ~~shall have~~ been completed  
2193 ~~within a period of 7 months, exclusive of the calendar month in~~  
2194 ~~which the test was completed~~, immediately prior to sale,  
2195 exposure for sale, offering for sale, or transportation, except  
2196 for a germination test for seed in hermetically sealed  
2197 containers which is provided for in s. 578.092 ~~s. 578.28~~.

2198 (b) Not labeled in accordance with ~~the provisions of~~ this  
2199 law, or having false or misleading labeling.

2200 (c) Pertaining to which there has been a false or  
2201 misleading advertisement.

2202 (d) Containing noxious weed seeds subject to tolerances and  
2203 methods of determination prescribed in the rules and regulations  
2204 under this law.

2205 (e) Unless a seed license has been obtained in accordance  
2206 with ~~the provisions of~~ this law.

2207 (f) Unless such seed conforms to the definition of a "lot  
2208 ~~of seed.~~"

2209 (2) It shall be unlawful for a ~~any~~ person within this state  
2210 to:

2211 (a) ~~To~~ Detach, deface, destroy, or use a second time any  
2212 label or tag provided for in this law or in the rules and  
2213 regulations made and promulgated hereunder or to alter or  
2214 substitute seed in a manner that may defeat the purpose of this  
2215 law.



615634

2216 (b) ~~To~~ Disseminate any false or misleading advertisement  
2217 concerning agricultural, vegetable, flower, ~~or forest~~ tree , or  
2218 shrub seed in any manner or by any means.

2219 (c) ~~To~~ Hinder or obstruct in any way any authorized person  
2220 in the performance of her or his duties under this law.

2221 (d) ~~To~~ Fail to comply with a stop-sale order or to move,  
2222 handle, or dispose of any lot of seed, or tags attached to such  
2223 seed, held under a "stop-sale" order, except with express  
2224 permission of the department and for the purpose specified by  
2225 the department ~~or seizure order.~~

2226 (e) Label, advertise, or otherwise represent seed subject  
2227 to this chapter to be certified seed or any class thereof,  
2228 including classes such as "registered seed," "foundation seed,"  
2229 "breeder seed" or similar representations, unless:

2230 1. A seed certifying agency determines that such seed  
2231 conformed to standards of purity and identify as to the kind,  
2232 variety, or species and, if appropriate, subspecies and the seed  
2233 certifying agency also determines that tree or shrub seed was  
2234 found to be of the origin and elevation claimed, in compliance  
2235 with the rules and regulations of such agency pertaining to such  
2236 seed; and

2237 2. The seed bears an official label issued for such seed by  
2238 a seed certifying agency certifying that the seed is of a  
2239 specified class and specified to the kind, variety, or species  
2240 and, if appropriate, subspecies.

2241 (f) Label, by variety name, seed not certified by an  
2242 official seed-certifying agency when it is a variety for which a  
2243 certificate of plant variety protection under the United States  
2244 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies





615634

2245 sale only as a class of certified seed, except that seed from a  
2246 certified lot may be labeled as to variety name when used in a  
2247 mixture by, or with the written approval of, the owner of the  
2248 variety. To sell, distribute for sale, offer for sale, expose  
2249 for sale, handle for sale, or solicit orders for the purchase of  
2250 any agricultural, vegetable, flower, or forest tree seed labeled  
2251 "certified seed," "registered seed," "foundation seed," "breeder  
2252 seed," or similar terms, unless it has been produced and labeled  
2253 under seal in compliance with the rules and regulations of any  
2254 agency authorized by law.

2255 (g)-(f) To Fail to keep a complete record, including a file  
2256 sample which shall be retained for 1 year after seed is sold, of  
2257 each lot of seed and to make available for inspection such  
2258 records to the department or its duly authorized agents.

2259 (h)-(g) To Use the name of the Department of Agriculture and  
2260 Consumer Services or Florida State Seed Laboratory in connection  
2261 with analysis tag, labeling advertisement, or sale of any seed  
2262 in any manner whatsoever.

2263 Section 50. Section 578.14, Florida Statutes, is repealed.

2264 Section 51. Subsection (1) of section 578.181, Florida  
2265 Statutes, is amended to read:

2266 578.181 Penalties; administrative fine.—

2267 (1) The department may enter an order imposing one or more  
2268 of the following penalties against a person who violates this  
2269 chapter or the rules adopted under this chapter or who impedes,  
2270 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the  
2271 department from performing its duty in connection with  
2272 ~~performing its duties under this chapter:~~

2273 (a) For a minor violation, issuance of a warning letter.



615634

2274           (b) For violations other than a minor violation:  
2275            1. Imposition of an administrative fine in the Class I  
2276 category pursuant to s. 570.971 for each occurrence ~~after the~~  
2277 ~~issuance of a warning letter.~~  
2278            ~~2.(e)~~ Revocation or suspension of the registration as a  
2279 seed dealer.  
2280           Section 52. Section 578.23, Florida Statutes, is amended to  
2281 read:  
2282            578.23 ~~Dealers'~~ Records ~~to be kept available.~~ Each person  
2283 who allows his or her name or brand to appear on the label as  
2284 handling agricultural, vegetable, flower, tree, or shrub seeds  
2285 subject to this chapter must keep, for 2 years, complete records  
2286 of each lot of agricultural, vegetable, flower, tree, or shrub  
2287 seed handled, and keep for 1 year after final disposition a file  
2288 sample of each lot of seed. All such records and samples  
2289 pertaining to the shipment or shipments involved must be  
2290 accessible for inspection by the department or its authorized  
2291 representative during normal business hours ~~Every seed dealer~~  
2292 ~~shall make and keep for a period of 3 years satisfactory records~~  
2293 ~~of all agricultural, vegetable, flower, or forest tree seed~~  
2294 ~~bought or handled to be sold, which records shall at all times~~  
2295 ~~be made readily available for inspection, examination, or audit~~  
2296 ~~by the department. Such records shall also be maintained by~~  
2297 ~~persons who purchase seed for production of plants for resale.~~  
2298           Section 53. Section 578.26, Florida Statutes, is amended to  
2299 read:  
2300            578.26 Complaint, investigation, hearings, findings, and  
2301 recommendation prerequisite to legal action.—  
2302            (1) (a) When any buyer ~~farmer~~ is damaged by the failure of



615634

2303 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed  
2304 planted in this state to produce or perform as represented by  
2305 the labeling of such label attached to the seed as required by  
2306 s. 578.09, as a prerequisite to her or his right to maintain a  
2307 legal action against the dealer from whom the seed was  
2308 purchased, the buyer must ~~farmer shall~~ make a sworn complaint  
2309 against the dealer alleging damages sustained. The complaint  
2310 shall be filed with the department, and a copy of the complaint  
2311 shall be served by the department on the dealer by certified  
2312 mail, within such time as to permit inspection of the property,  
2313 crops, plants, or trees referenced in, or related to, the  
2314 buyer's complaint by the seed investigation and conciliation  
2315 council or its representatives and by the dealer from whom the  
2316 seed was purchased.

2317 (b) For types of claims specified in paragraph (a), the  
2318 buyer may not commence legal proceedings against the dealer or  
2319 assert such a claim as a counterclaim or defense in any action  
2320 brought by the dealer until the findings and recommendations of  
2321 the seed investigation and conciliation council are transmitted  
2322 to the complainant and the dealer.

2323 (c) ~~(b)~~ Language setting forth the requirement for filing  
2324 and serving the complaint shall be legibly typed or printed on  
2325 the analysis label or be attached to the package containing the  
2326 seed at the time of purchase by the buyer ~~farmer~~.

2327 (d) ~~(e)~~ A nonrefundable filing fee of \$100 shall be paid to  
2328 the department with each complaint filed. However, the  
2329 complainant may recover the filing fee cost from the dealer upon  
2330 the recommendation of the seed investigation and conciliation  
2331 council.



615634

2332 (2) Within 15 days after receipt of a copy of the  
2333 complaint, the dealer shall file with the department her or his  
2334 answer to the complaint and serve a copy of the answer on the  
2335 buyer farmer by certified mail. ~~Upon receipt of the findings and~~  
2336 ~~recommendation of the arbitration council, the department shall~~  
2337 ~~transmit them to the farmer and to the dealer by certified mail.~~

2338 (3) The department shall refer the complaint and the answer  
2339 thereto to the seed investigation and conciliation council  
2340 provided in s. 578.27 for investigation, informal hearing,  
2341 findings, and recommendation on the matters complained of.

2342 (a) Each party must ~~shall~~ be allowed to present its side of  
2343 the dispute at an informal hearing before the seed investigation  
2344 and conciliation council. Attorneys may be present at the  
2345 hearing to confer with their clients. However, no attorney may  
2346 participate directly in the proceeding.

2347 (b) Hearings, including the deliberations of the seed  
2348 investigation and conciliation council, must ~~shall~~ be open to  
2349 the public.

2350 (c) Within 30 days after completion of a hearing, the seed  
2351 investigation and conciliation council shall transmit its  
2352 findings and recommendations to the department. Upon receipt of  
2353 the findings and recommendation of the seed investigation and  
2354 conciliation council, the department shall transmit them to the  
2355 buyer farmer and to the dealer by certified mail.

2356 (4) The department shall provide administrative support for  
2357 the seed investigation and conciliation council and shall mail a  
2358 copy of the council's procedures to each party upon receipt of a  
2359 complaint by the department.

2360 Section 54. Subsections (1), (2), and (4) of section



615634

2361 578.27, Florida Statutes, are amended to read:  
2362       578.27 Seed investigation and conciliation council;  
2363 composition; purpose; meetings; duties; expenses.—  
2364       (1) The Commissioner of Agriculture shall appoint a seed  
2365 investigation and conciliation council composed of seven members  
2366 ~~and seven alternate members~~, one member ~~and one alternate~~ to be  
2367 appointed upon the recommendation of each of the following: the  
2368 deans of extension and research, Institute of Food and  
2369 Agricultural Sciences, University of Florida; president of the  
2370 Florida Seed Seedsmen and Garden Supply Association; president  
2371 of the Florida Farm Bureau Federation; and the president of the  
2372 Florida Fruit and Vegetable Association. The Commissioner of  
2373 Agriculture shall appoint a representative ~~and an alternate~~ from  
2374 the agriculture industry at large and from the Department of  
2375 Agriculture and Consumer Services. Each member shall be  
2376 appointed for a term of 4 years or less and shall serve until  
2377 his or her successor is appointed ~~Initially, three members and~~  
2378 ~~their alternates shall be appointed for 4-year terms and four~~  
2379 ~~members and their alternates shall be appointed for 2-year~~  
2380 ~~terms. Thereafter, members and alternates shall be appointed for~~  
2381 ~~4-year terms. Each alternate member shall serve only in the~~  
2382 ~~absence of the member for whom she or he is an alternate. A~~  
2383 vacancy shall be filled for the remainder of the unexpired term  
2384 in the same manner as the original appointment. The council  
2385 shall annually elect a chair from its membership. It shall be  
2386 the duty of the chair to conduct all meetings and deliberations  
2387 held by the council and to direct all other activities of the  
2388 council. The department representative shall serve as secretary  
2389 of the council. It shall be the duty of the secretary to keep



615634

2390 accurate and correct records on all meetings and deliberations  
2391 and perform other duties for the council as directed by the  
2392 chair.

2393 (2) The purpose of the seed investigation and conciliation  
2394 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed  
2395 dealers in determining the validity of seed complaints made by  
2396 buyers ~~farmers~~ against dealers and recommend a settlement, when  
2397 appropriate, cost damages resulting from the alleged failure of  
2398 the seed to produce or perform as represented by the label of  
2399 such ~~on the~~ seed package.

2400 (4) (a) When the department refers to the seed investigation  
2401 and conciliation council any complaint made by a buyer ~~farmer~~  
2402 against a dealer, the ~~said~~ council must ~~shall~~ make a full and  
2403 complete investigation of the matters complained of and at the  
2404 conclusion of the ~~said~~ investigation must ~~shall~~ report its  
2405 findings and make its recommendation ~~of cost damages~~ and file  
2406 same with the department.

2407 (b) In conducting its investigation, the seed investigation  
2408 and conciliation council or any representative, member, or  
2409 members thereof are authorized to examine the buyer's property,  
2410 crops, plants, or trees referenced in or relating to the  
2411 complaint ~~farmer on her or his farming operation of which she or~~  
2412 ~~he complains~~ and the dealer on her or his packaging, labeling,  
2413 and selling operation of the seed alleged to be faulty; to grow  
2414 to production a representative sample of the alleged faulty seed  
2415 through the facilities of the state, under the supervision of  
2416 the department when such action is deemed to be necessary; to  
2417 hold informal hearings at a time and place directed by the  
2418 department or by the chair of the council upon reasonable notice



615634

2419 to the buyer ~~farmer~~ and the dealer.

2420 (c) Any investigation made by less than the whole  
2421 membership of the council must ~~shall~~ be by authority of a  
2422 written directive by the department or by the chair, and such  
2423 investigation must ~~shall~~ be summarized in writing and considered  
2424 by the council in reporting its findings and making its  
2425 recommendation.

2426 Section 55. Section 578.28, Florida Statutes, is renumbered  
2427 as section 578.092, Florida Statutes, and amended to read:

2428 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The  
2429 period of validity of germination tests is extended to the  
2430 following periods for seed packaged in hermetically sealed  
2431 containers, under conditions and label requirements set forth in  
2432 this section:

2433 (1) GERMINATION TESTS.—The germination test for  
2434 agricultural and vegetable seed must ~~shall~~ have been completed  
2435 within the following periods, exclusive of the calendar month in  
2436 which the test was completed, immediately prior to shipment,  
2437 delivery, transportation, or sale:

2438 (a) In the case of agricultural or vegetable seed shipped,  
2439 delivered, transported, or sold to a dealer for resale, 18  
2440 months;

2441 (b) In the case of agricultural or vegetable seed for sale  
2442 or sold at retail, 24 months.

2443 (2) CONDITIONS OF PACKAGING.—The following conditions are  
2444 considered as minimum:

2445 (a) *Hermetically sealed packages or containers.*—A  
2446 container, to be acceptable under the provisions of this  
2447 section, shall not allow water vapor penetration through any



615634

2448 wall, including the wall seals, greater than 0.05 gram of water  
2449 per 24 hours per 100 square inches of surface at 100 °F. with a  
2450 relative humidity on one side of 90 percent and on the other of  
2451 0 percent. Water vapor penetration (WVP) is measured by the  
2452 standards of the National Institute of Standards and Technology  
2453 as: gm H<sub>2</sub>O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent  
2454 RH.

2455 (b) *Moisture of seed packaged.*—The moisture of agricultural  
2456 or vegetable seed subject to the provisions of this section  
2457 shall be established by rule of the department.

2458 (3) LABELING REQUIRED.—In addition to the labeling required  
2459 by s. 578.09, seed packaged under the provisions of this section  
2460 shall be labeled with the following information:

2461 (a) Seed has been preconditioned as to moisture content.

2462 (b) Container is hermetically sealed.

2463 (c) "Germination test valid until (month, year)" may be  
2464 used. (Not to exceed 24 months from date of test).

2465 Section 56. Section 578.29, Florida Statutes, is created to  
2466 read:

2467 578.29 Prohibited noxious weed seed.—Seeds meeting the  
2468 definition of prohibited noxious weed seed under s. 578.011, may  
2469 not be present in agricultural, vegetable, flower, tree, or  
2470 shrub seed offered or exposed for sale in this state.

2471 Section 57. Subsection (1) of section 590.02, Florida  
2472 Statutes, is amended to read:

2473 590.02 Florida Forest Service; powers, authority, and  
2474 duties; liability; building structures; Withlacoochee Training  
2475 Center.—

2476 (1) The Florida Forest Service has the following powers,





615634

2477 authority, and duties to:

2478 (a) ~~To~~ Enforce the provisions of this chapter;

2479 (b) ~~To~~ Prevent, detect, and suppress wildfires wherever  
2480 they may occur on public or private land in this state and to do  
2481 all things necessary in the exercise of such powers, authority,  
2482 and duties;

2483 (c) ~~To~~ Provide firefighting crews, who shall be under the  
2484 control and direction of the Florida Forest Service and its  
2485 designated agents;

2486 (d) ~~To~~ Appoint center managers, forest area supervisors,  
2487 forestry program administrators, a forest protection bureau  
2488 chief, a forest protection assistant bureau chief, a field  
2489 operations bureau chief, deputy chiefs of field operations,  
2490 district managers, forest operations administrators, senior  
2491 forest rangers, investigators, forest rangers, firefighter  
2492 rotorcraft pilots, and other employees who may, at the Florida  
2493 Forest Service's discretion, be certified as forestry  
2494 firefighters pursuant to s. 633.408(8). Other law  
2495 notwithstanding, center managers, district managers, forest  
2496 protection assistant bureau chief, and deputy chiefs of field  
2497 operations have ~~shall have~~ Selected Exempt Service status in the  
2498 state personnel designation;

2499 (e) ~~To~~ Develop a training curriculum for forestry  
2500 firefighters which must contain the basic volunteer structural  
2501 fire training course approved by the Florida State Fire College  
2502 of the Division of State Fire Marshal and a minimum of 250 hours  
2503 of wildfire training;

2504 (f) Pay the cost of the initial commercial driver license  
2505 examination fee for those employees whose position requires them



615634

2506 to operate equipment requiring a license. This paragraph is  
2507 intended to be an authorization to the department to pay such  
2508 costs, not an obligation ~~To make rules to accomplish the~~  
2509 ~~purposes of this chapter;~~

2510 (g) ~~To~~ Provide fire management services and emergency  
2511 response assistance and to set and charge reasonable fees for  
2512 performance of those services. Moneys collected from such fees  
2513 shall be deposited into the Incidental Trust Fund of the Florida  
2514 Forest Service;

2515 (h) ~~To~~ Require all state, regional, and local government  
2516 agencies operating aircraft in the vicinity of an ongoing  
2517 wildfire to operate in compliance with the applicable state  
2518 Wildfire Aviation Plan; ~~and~~

2519 (i) ~~To~~ Authorize broadcast burning, prescribed burning,  
2520 pile burning, and land clearing debris burning to carry out the  
2521 duties of this chapter and the rules adopted thereunder; and

2522 (j) Make rules to accomplish the purposes of this chapter.

2523 Section 58. Subsection (9) of section 790.06, Florida  
2524 Statutes, are amended to read:

2525 790.06 License to carry concealed weapon or firearm.—

2526 (9) In the event that a concealed weapon or firearm license  
2527 is lost or destroyed, the license shall be automatically  
2528 invalid, and the person to whom the same was issued may, upon  
2529 payment of \$15 to the Department of Agriculture and Consumer  
2530 Services, obtain a duplicate, or substitute thereof, upon  
2531 furnishing a ~~notarized~~ statement under oath to the Department of  
2532 Agriculture and Consumer Services that such license has been  
2533 lost or destroyed.

2534 Section 59. Subsections (5) and (8) of section 790.0625,



615634

2535 Florida Statutes, are amended, and sections (9) and (10) are  
2536 added to that section, to read:

2537 790.0625 Appointment of tax collectors to accept  
2538 applications for a concealed weapon or firearm license; fees;  
2539 penalties.—

2540 (5) A tax collector appointed under this section shall  
2541 collect and remit weekly to the department the license fees  
2542 pursuant to s. 790.06 for deposit in the Division of Licensing  
2543 Trust Fund and may collect and retain a convenience fees for the  
2544 following: fee of \$22 for each new application and \$12 for each  
2545 renewal application and shall remit weekly to the department the  
2546 license fees pursuant to s. 790.06 for deposit in the Division  
2547 of Licensing Trust Fund.

2548 (a) Twenty-two dollars for each new application.

2549 (b) Twelve dollars for each renewal application.

2550 (c) Twelve dollars for each duplicate license issued to  
2551 replace a lost or destroyed license.

2552 (d) Six dollars for fingerprinting.

2553 (e) Six dollars for photographing services associated with  
2554 the completion of an application submitted online.

2555 (8) Upon receipt of a completed renewal application, a new  
2556 color photograph, and ~~appropriate~~ payment of required fees, a  
2557 tax collector authorized to accept renewal applications for  
2558 concealed weapon or firearm licenses under this section may,  
2559 upon approval and confirmation of license issuance by the  
2560 department, print and deliver a concealed weapon or firearm  
2561 license to a licensee renewing his or her license at the tax  
2562 collector's office.

2563 (9) Upon receipt of a statement under oath to the



615634

2564 department, and the payment of required fees, a tax collector  
2565 authorized to accept applications for concealed weapon or  
2566 firearm licenses under this section may, upon approval and  
2567 confirmation from the department that a license is in good  
2568 standing, print and deliver a concealed weapon or firearm  
2569 license to a licensee whose license has been lost or destroyed.

2570 (10) Tax collectors authorized to accept applications for  
2571 concealed weapon or firearm licenses under this section may  
2572 provide fingerprinting and photographing services to aid  
2573 concealed weapon and firearm applicants and licensees with  
2574 online initial and renewal applications.

2575 Section 60. Section 817.417, Florida Statutes, is created  
2576 to read:

2577 817.417 Government Impostor and Deceptive Advertisement  
2578 Act.—

2579 (1) SHORT TITLE.—This act may be cited as the "Government  
2580 Impostor and Deceptive Advertisements Act."

2581 (2) DEFINITIONS.—As used in this section:

2582 (a) "Advertisement" means any representation disseminated  
2583 in any manner or by any means, other than by a label, for the  
2584 purpose of inducing, or which is reasonably likely to induce,  
2585 directly or indirectly, a purchase.

2586 (b) "Department" means the Department of Agriculture and  
2587 Consumer Services.

2588 (c) "Governmental entity" means a political subdivision or  
2589 agency of any state, possession, or territory of the United  
2590 States, or the Federal Government, including, but not limited  
2591 to, a board, a department, an office, an agency, a military  
2592 veteran entity, or a military or veteran service organization by



615634

2593 whatever name known.

2594 (3) DUTIES AND RESPONSIBILITIES.—The department has the  
2595 duty and responsibility to:

2596 (a) Investigate potential violations of this section.

2597 (b) Request and obtain information regarding potential  
2598 violations of this section.

2599 (c) Seek compliance with this section.

2600 (d) Enforce this section.

2601 (e) Adopt rules necessary to administer this section.

2602 (4) VIOLATIONS.—Each occurrence of the following acts or  
2603 practices constitute a violation of this section:

2604 (a) Disseminating an advertisement that:

2605 1. Simulates a summons, complaint, jury notice, or other  
2606 court, judicial, or administrative process of any kind.

2607 2. Represents, implies, or otherwise engages in an action  
2608 that may reasonably cause confusion that the person using or  
2609 employing the advertisement is a part of or associated with a  
2610 governmental entity, when such is not true.

2611 (b) Representing, implying, or otherwise reasonably causing  
2612 confusion that goods, services, an advertisement, or an offer  
2613 was disseminated by or has been approved, authorized, or  
2614 endorsed, in whole or in part, by a governmental entity, when  
2615 such is not true.

2616 (c) Using or employing language, symbols, logos,  
2617 representations, statements, titles, names, seals, emblems,  
2618 insignia, trade or brand names, business or control tracking  
2619 numbers, website or e-mail addresses, or any other term, symbol,  
2620 or other content that represents or implies or otherwise  
2621 reasonably causes confusion that goods, services, an



615634

2622 advertisement, or an offer is from a governmental entity, when  
2623 such is not true.

2624 (d) Failing to provide the disclosures as required in  
2625 subsections (5) or (6).

2626 (e) Failing to timely submit to the department written  
2627 responses and answers to its inquiries concerning alleged  
2628 practices inconsistent with, or in violation of, this section.  
2629 Responses or answers may include, but are not limited to, copies  
2630 of customer lists, invoices, receipts, or other business  
2631 records.

2632 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.-

2633 (a) Any person offering documents that are available free  
2634 of charge or at a lesser price from a governmental entity must  
2635 provide the notice specified in paragraph (b) on advertisements  
2636 as follows:

2637 1. For printed or written advertisements, notice must be in  
2638 the same font size, color, style, and visibility as primarily  
2639 used elsewhere on the page or envelope and displayed as follows:

2640 a. On the outside front of any mailing envelope used in  
2641 disseminating the advertisement.

2642 b. At the top of each printed or written page used in the  
2643 advertisement.

2644 2. For electronic advertisements, notice must be in the  
2645 same font size, color, style, and visibility as the body text  
2646 primarily used in the e-mail or web page and displayed as  
2647 follows:

2648 a. At the beginning of each e-mail message, before any  
2649 offer or other substantive information.

2650 b. In a prominent location on each web page, such as the



615634

2651 top of each page or immediately following the offer or other  
2652 substantive information on the page.

2653 (b) Advertisements specified in paragraph (a) must include  
2654 the following disclosure:

2655  
2656 "IMPORTANT NOTICE:

2657  
2658 The documents offered by this advertisement are available to  
2659 Florida consumers free of charge or for a lesser price from  
2660 ...(insert name, telephone number, and mailing address of the  
2661 applicable governmental entity).... You are NOT required to  
2662 purchase anything from this company and the company is NOT  
2663 affiliated, endorsed, or approved by any governmental entity.  
2664 The item offered in this advertisement has NOT been approved or  
2665 endorsed by any governmental agency, and this offer is NOT being  
2666 made by an agency of the government."

2667  
2668 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.-

2669 (a) Any person disseminating an advertisement that includes  
2670 a form or template to be completed by the consumer with the  
2671 claim that such form or template will assist the consumer in  
2672 complying with a legal filing or record retention requirement  
2673 must provide the notice specified in paragraph (b) on  
2674 advertisements as follows:

2675 1. For printed or written advertisements, the notice must  
2676 be in the same font size, color, style, and visibility as  
2677 primarily used elsewhere on the page or envelope and displayed  
2678 as follows:

2679 a. On the outside front of any mailing envelope used in



615634

2680 disseminating the advertisement.  
2681 b. At the top of each printed or written page used in the  
2682 advertisement.  
2683 2. For electronic advertisements, the notice must be in the  
2684 same font size, color, style, and visibility as the body text  
2685 primarily used in the e-mail or web page and displayed as  
2686 follows:  
2687 a. At the beginning of each e-mail message, before any  
2688 offer or other substantive information.  
2689 b. In a prominent location on each web page, such as the  
2690 top of each page or immediately following the offer or other  
2691 substantive information on the page.  
2692 (b) Advertisements specified in paragraph (a) must include  
2693 the following disclosure:  
2694  
2695 "IMPORTANT NOTICE:  
2696  
2697 You are NOT required to purchase anything from this company and  
2698 the company is NOT affiliated, endorsed, or approved by any  
2699 governmental entity. The item offered in this advertisement has  
2700 NOT been approved or endorsed by any governmental agency, and  
2701 this offer is NOT being made by an agency of the government."  
2702  
2703 (7) PENALTIES.—  
2704 (a) Any person substantially affected by a violation of  
2705 this section may bring an action in a court of proper  
2706 jurisdiction to enforce the provisions of this section. A person  
2707 prevailing in a civil action for a violation of this section  
2708 shall be awarded costs, including reasonable attorney fees, and





615634

2709 may be awarded punitive damages in addition to actual damages  
2710 proven. This provision is in addition to any other remedies  
2711 prescribed by law.

2712 (b) The department may bring one or more of the following  
2713 for a violation of this section:

2714 1. A civil action in circuit court for:

2715 a. Temporary or permanent injunctive relief to enforce this  
2716 section.

2717 b. For printed advertisements and e-mail, a fine of up to  
2718 \$1,000 for each separately addressed advertisement or message  
2719 containing content in violation of paragraphs (4) (a)-(d)  
2720 received by or addressed to a state resident.

2721 c. For websites, a fine of up to \$5,000 for each day a  
2722 website, with content in violation of paragraphs (4) (a)-(d), is  
2723 published and made available to the general public.

2724 d. For violations of paragraph (4) (e), a fine of up to  
2725 \$5,000 for each violation.

2726 e. Recovery of restitution and damages on behalf of persons  
2727 substantially affected by a violation of this section.

2728 f. The recovery of court costs and reasonable attorney  
2729 fees.

2730 2. An action for an administrative fine in the Class III  
2731 category pursuant to s. 570.971 for each act or omission which  
2732 constitutes a violation under this section.

2733 (c) The department may terminate any investigation or  
2734 action upon agreement by the alleged offender to pay a  
2735 stipulated fine, make restitution, pay damages to customers, or  
2736 satisfy any other relief authorized by this section.

2737 (d) In addition to any remedies or penalties set forth in



615634

2738 this section, any person who violates paragraphs (4) (a)-(d)  
2739 also commits an unfair or deceptive trade practice in violation  
2740 of part II of chapter 501 and is subject to the penalties and  
2741 remedies imposed for such violation.

2742 Section 61. Paragraph (m) of subsection (3) of section  
2743 489.105, Florida Statutes, is amended to read:

2744 489.105 Definitions.—As used in this part:

2745 (3) "Contractor" means the person who is qualified for, and  
2746 is only responsible for, the project contracted for and means,  
2747 except as exempted in this part, the person who, for  
2748 compensation, undertakes to, submits a bid to, or does himself  
2749 or herself or by others construct, repair, alter, remodel, add  
2750 to, demolish, subtract from, or improve any building or  
2751 structure, including related improvements to real estate, for  
2752 others or for resale to others; and whose job scope is  
2753 substantially similar to the job scope described in one of the  
2754 paragraphs of this subsection. For the purposes of regulation  
2755 under this part, the term "demolish" applies only to demolition  
2756 of steel tanks more than 50 feet in height; towers more than 50  
2757 feet in height; other structures more than 50 feet in height;  
2758 and all buildings or residences. Contractors are subdivided into  
2759 two divisions, Division I, consisting of those contractors  
2760 defined in paragraphs (a)-(c), and Division II, consisting of  
2761 those contractors defined in paragraphs (d)-(q):

2762 (m) "Plumbing contractor" means a contractor whose services  
2763 are unlimited in the plumbing trade and includes contracting  
2764 business consisting of the execution of contracts requiring the  
2765 experience, financial means, knowledge, and skill to install,  
2766 maintain, repair, alter, extend, or, if not prohibited by law,



615634

2767 design plumbing. A plumbing contractor may install, maintain,  
2768 repair, alter, extend, or, if not prohibited by law, design the  
2769 following without obtaining an additional local regulatory  
2770 license, certificate, or registration: sanitary drainage or  
2771 storm drainage facilities, water and sewer plants and  
2772 substations, venting systems, public or private water supply  
2773 systems, septic tanks, drainage and supply wells, swimming pool  
2774 piping, irrigation systems, and solar heating water systems and  
2775 all appurtenances, apparatus, or equipment used in connection  
2776 therewith, including boilers and pressure process piping and  
2777 including the installation of water, natural gas, liquefied  
2778 petroleum gas and related venting, and storm and sanitary sewer  
2779 lines. The scope of work of the plumbing contractor also  
2780 includes the design, if not prohibited by law, and installation,  
2781 maintenance, repair, alteration, or extension of air-piping,  
2782 vacuum line piping, oxygen line piping, nitrous oxide piping,  
2783 and all related medical gas systems; fire line standpipes and  
2784 fire sprinklers if authorized by law; ink and chemical lines;  
2785 fuel oil and gasoline piping and tank and pump installation,  
2786 except bulk storage plants; and pneumatic control piping  
2787 systems, all in a manner that complies with all plans,  
2788 specifications, codes, laws, and regulations applicable. The  
2789 scope of work of the plumbing contractor applies to private  
2790 property and public property, including any excavation work  
2791 incidental thereto, and includes the work of the specialty  
2792 plumbing contractor. Such contractor shall subcontract, with a  
2793 qualified contractor in the field concerned, all other work  
2794 incidental to the work but which is specified as being the work  
2795 of a trade other than that of a plumbing contractor. This



615634

2796 definition does not limit the scope of work of any specialty  
2797 contractor certified pursuant to s. 489.113(6) and does not  
2798 require certification or registration under this part as a  
2799 category I liquefied petroleum gas dealer, or category V LP gas  
2800 installer, as defined in s. 527.01, ~~or specialty installer~~ who  
2801 is licensed under chapter 527 or an authorized employee of a  
2802 public natural gas utility or of a private natural gas utility  
2803 regulated by the Public Service Commission when disconnecting  
2804 and reconnecting water lines in the servicing or replacement of  
2805 an existing water heater. A plumbing contractor may perform  
2806 drain cleaning and clearing and install or repair rainwater  
2807 catchment systems; however, a mandatory licensing requirement is  
2808 not established for the performance of these specific services.

2809 Section 62. Subsection (3) of section 527.06, Florida  
2810 Statutes, is reenacted to read:

2811 527.06 Rules.—

2812 (3) Rules in substantial conformity with the published  
2813 standards of the National Fire Protection Association (NFPA) are  
2814 deemed to be in substantial conformity with the generally  
2815 accepted standards of safety concerning the same subject matter.

2816 Section 63. This act shall take effect July 1, 2018.

2817  
2818 ===== T I T L E A M E N D M E N T =====

2819 And the title is amended as follows:

2820 Delete everything before the enacting clause  
2821 and insert:

2822 A bill to be entitled  
2823 An act relating to the Department of Agriculture and  
2824 Consumer Services; amending s. 193.461, F.S.;



615634

2825 specifying a methodology for the assessment of certain  
2826 structures used in citrus production; amending s.  
2827 379.361, F.S.; transferring authority to issue  
2828 licenses for oyster harvesting in Apalachicola Bay  
2829 from the department to the City of Apalachicola;  
2830 revising the disposition and permitted uses of license  
2831 proceeds; amending s. 487.041, F.S.; deleting obsolete  
2832 provisions; deleting a requirement that all pesticide  
2833 registration fees be submitted electronically;  
2834 amending s. 493.6105, F.S.; revising the submission  
2835 requirements for a Class "K" firearm license  
2836 application; amending s. 493.6113, F.S.; revising  
2837 submission requirements for a Class "K" firearm  
2838 license renewal; amending s. 496.415, F.S.;  
2839 prohibiting the comingling of funds in connection with  
2840 the planning, conduct, or execution of any  
2841 solicitation or charitable or sponsor sales promotion;  
2842 amending s. 496.418, F.S.; revising recordkeeping and  
2843 accounting requirements for solicitations of funds;  
2844 specifying a rebuttable presumption under certain  
2845 circumstances; amending s. 500.459, F.S.; revising  
2846 permitting requirements and operating standards for  
2847 water vending machines; amending s. 501.059, F.S.;  
2848 revising the term "telephonic sales call" to include  
2849 voicemail transmissions; defining the term "voicemail  
2850 transmission"; prohibiting the transmission of  
2851 voicemails to specified persons who communicate to a  
2852 telephone solicitor that they would not like to  
2853 receive certain voicemail solicitations or requests



2854 for donations; requiring a solicitor to ensure that if  
2855 a telephone number is available through a caller  
2856 identification system, that telephone number must be  
2857 capable of receiving calls and must connect the  
2858 original call recipient to the solicitor; revising  
2859 civil penalties; creating s. 501.6175, F.S.;

2860 specifying recordkeeping requirements for commercial  
2861 telephone sellers; amending s. 501.912, F.S.; revising  
2862 terms; amending s. 501.913, F.S.; authorizing  
2863 antifreeze brands to be registered for a specified  
2864 period; deleting a provision relating to the  
2865 registration of brands that are no longer in  
2866 production; specifying a certified report requirement  
2867 for first-time applications; amending s. 501.917,  
2868 F.S.; revising department sampling and analysis  
2869 requirements for antifreeze; specifying that the  
2870 certificate of analysis is prima facie evidence of the  
2871 facts stated therein; amending s. 501.92, F.S.;

2872 revising when the department may require an antifreeze  
2873 formula for analysis; amending s. 525.07, F.S.;

2874 authorizing the department to seize skimming devices  
2875 without a warrant; amending s. 526.304, F.S.;

2876 authorizing the department to temporarily suspend  
2877 enforcement, for specified purposes during states of  
2878 emergency, of certain provisions relating to predatory  
2879 practices in the retail sale of motor fuel; amending  
2880 s. 526.305, F.S.; authorizing the department to  
2881 temporarily suspend enforcement, for specified  
2882 purposes during states of emergency, of certain



615634

2883 provisions relating to discriminatory practices in  
2884 sale of motor fuel; amending s. 526.51, F.S.; revising  
2885 application requirements and fees for brake fluid  
2886 brands; deleting a provision relating to the  
2887 registration of brands that are no longer in  
2888 production; amending s. 526.53, F.S.; revising  
2889 department sampling and analysis requirements for  
2890 brake fluid; specifying that the certificate of  
2891 analysis is prima facie evidence of the facts stated  
2892 therein; amending s. 527.01, F.S.; revising terms;  
2893 amending s. 527.02, F.S.; revising the persons subject  
2894 to liquefied petroleum business licensing provisions;  
2895 revising such licensing fees and requirements;  
2896 revising reporting and fee requirements for certain  
2897 material changes to license information; deleting a  
2898 provision authorizing license transfers; amending s.  
2899 527.0201, F.S.; revising the persons subject to  
2900 liquefied petroleum qualifier competency examination,  
2901 registry, supervisory, and employment requirements;  
2902 revising the expiration of qualifier registrations;  
2903 revising the persons subject to master qualifier  
2904 requirements; revising master qualifier application  
2905 requirements; deleting provisions specifying that a  
2906 failure to replace master qualifiers within certain  
2907 periods constitutes grounds for license revocation;  
2908 deleting a provision relating to facsimile  
2909 transmission of duplicate licenses; amending s.  
2910 527.021, F.S.; revising the circumstances under which  
2911 liquefied petroleum gas bulk delivery vehicles must be



615634

2912 registered with the department; amending s. 527.03,  
2913 F.S.; authorizing certain liquefied petroleum gas  
2914 registrations to be renewed for 2 or 3 years; deleting  
2915 certain renewal period requirements; amending s.  
2916 527.04, F.S.; revising the persons required to provide  
2917 the department with proof of insurance; revising the  
2918 required payee for a bond in lieu of such insurance;  
2919 amending s. 527.0605, F.S.; deleting provisions  
2920 requiring licensees to submit a site plan and review  
2921 fee for liquefied petroleum bulk storage container  
2922 locations; amending s. 527.065, F.S.; revising the  
2923 circumstances under which a liquefied petroleum gas  
2924 licensee must notify the department of an accident;  
2925 amending s. 527.067, F.S.; requiring certain liquefied  
2926 petroleum gas dealers to provide notice within a  
2927 specified period before rendering a consumer's  
2928 liquefied petroleum gas equipment or system inoperable  
2929 or discontinuing service; providing an exception;  
2930 amending ss. 527.10 and 527.21, F.S.; conforming  
2931 provisions to changes made by the act; amending s.  
2932 527.22, F.S.; deleting an obsolete provision; amending  
2933 s. 531.67, F.S.; extending the expiration date of  
2934 certain provisions relating to permits for  
2935 commercially operated or tested weights or measures  
2936 instruments or devices; amending s. 534.47, F.S.;  
2937 revising and providing definitions; amending s.  
2938 534.49, F.S.; conforming provisions to changes made by  
2939 the act; repealing s. 534.50, F.S., relating to  
2940 reporting and notice requirements for dishonored





615634

2941 checks and drafts for payment of livestock purchases;  
2942 amending s. 534.501, F.S.; providing that delaying or  
2943 failing to make payment for certain livestock is an  
2944 unfair and deceptive act; repealing s. 534.51, F.S.,  
2945 relating to the prohibition of the filing of  
2946 complaints by certain livestock markets; amending s.  
2947 534.54, F.S.; providing that purchasers who delay or  
2948 fail to render payment for purchased livestock are  
2949 liable for certain fees, costs, and expenses;  
2950 conforming provisions to changes made by the act;  
2951 amending s. 570.07, F.S.; authorizing the department  
2952 to waive certain fees during a state of emergency;  
2953 amending s. 573.111, F.S.; revising the required  
2954 posting location for the issuance of an agricultural  
2955 commodity marketing order; amending s. 578.011, F.S.;  
2956 revising and defining terms; creating s. 578.012,  
2957 F.S.; providing legislative intent; creating a  
2958 preemption of local law relating to regulation of  
2959 seed; amending s. 578.08, F.S.; revising application  
2960 requirements for the registration of seed dealers;  
2961 conforming provisions to changes made by the act;  
2962 specifying that a receipt from the department need not  
2963 be written to constitute a permit; deleting an  
2964 exception to registration requirements for certain  
2965 experiment stations; requiring the payment of fees  
2966 when packet seed is placed into commerce; amending s.  
2967 578.09, F.S.; revising labeling requirements for  
2968 agricultural, vegetable, flower, tree, and shrub  
2969 seeds; conforming a cross-reference; repealing s.



615634

2970 578.091, F.S., relating to labeling of forest tree  
2971 seed; amending s. 578.10, F.S.; revising exemptions to  
2972 seed labeling, sale, and solicitation requirements;  
2973 amending s. 578.11, F.S.; conforming provisions to  
2974 changes made by the act; making technical changes;  
2975 amending s. 578.12, F.S.; conforming provisions to  
2976 changes made by the act; amending s. 578.13, F.S.;  
2977 conforming provisions to changes made by the act;  
2978 specifying that it is unlawful to move, handle, or  
2979 dispose of seeds or tags under a stop-sale notice or  
2980 order without permission from the department;  
2981 specifying that it is unlawful to represent seed as  
2982 certified except under specified conditions or to  
2983 label seed with a variety name under certain  
2984 conditions; repealing s. 578.14, F.S., relating to  
2985 packet vegetable and flower seed; amending s. 578.181,  
2986 F.S.; revising penalties; amending s. 578.23, F.S.;  
2987 revising recordkeeping requirements relating to seed  
2988 labeling; amending s. 578.26, F.S.; conforming  
2989 provisions to changes made by the act; specifying that  
2990 certain persons may not commence legal proceedings or  
2991 make certain claims against a seed dealer before  
2992 certain findings and recommendations are transmitted  
2993 by the seed investigation and conciliation council to  
2994 the complainant and dealer; deleting a requirement  
2995 that the department transmit such findings and  
2996 recommendations to complainants and dealers; requiring  
2997 the department to mail a copy of the council's  
2998 procedures to both parties upon receipt of a



615634

2999 complaint; amending s. 578.27, F.S.; removing  
3000 alternate membership from the seed investigation and  
3001 conciliation council; revising the terms of members of  
3002 the council; conforming provisions to changes made by  
3003 the act; revising the purpose of the council; revising  
3004 the council's investigatory process; renumbering and  
3005 amending s. 578.28, F.S.; making a technical change;  
3006 creating s. 578.29, F.S.; prohibiting certain noxious  
3007 weed seed from being offered or exposed for sale;  
3008 amending s. 590.02, F.S.; authorizing the Florida  
3009 Forest Service to pay certain employees' initial  
3010 commercial driver license examination fees; amending  
3011 s. 790.06, F.S.; revising the required furnished  
3012 statement to obtain a duplicate or substitute  
3013 concealed weapon or firearm license; amending s.  
3014 790.0625, F.S.; revising required tax collector  
3015 collection and remittance of firearm license fees;  
3016 revising the fees which a tax collector may retain;  
3017 authorizing certain tax collectors to print and  
3018 deliver certain replacement licenses under certain  
3019 conditions; authorizing certain tax collectors to  
3020 offer fingerprinting and photographing services to aid  
3021 license applicants; creating s. 817.417, F.S.;  
3022 providing a short title; defining terms; specifying  
3023 department duties and responsibilities relating to  
3024 government impostor and deceptive advertisements;  
3025 requiring rulemaking by the department; specifying  
3026 that it is a violation to disseminate certain  
3027 misleading or confusing advertisements, to make



615634

3028 certain misleading or confusing representations, to  
3029 use content implying or leading to confusion that such  
3030 content is from a governmental entity when such is not  
3031 true, to fail to provide certain disclosures, and to  
3032 fail to provide certain responses and answers to the  
3033 department; requiring a person offering documents that  
3034 are available free of charge or at a lesser price from  
3035 a governmental entity to provide a certain disclosure;  
3036 providing penalties; amending s. 489.105, F.S.;  
3037 conforming provisions to changes made by the act;  
3038 reenacting s. 527.06(3), F.S., relating to published  
3039 standards of the National Fire Protection Association;  
3040 providing an effective date.