

**By** the Committees on Appropriations; and Agriculture; and  
Senator Stargel

576-03571-18

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1                                   A bill to be entitled  
2           An act relating to the Department of Agriculture and  
3           Consumer Services; amending s. 193.461, F.S.;  
4           specifying the methodology for the assessment of  
5           certain structures in horticultural production;  
6           specifying, subject to certain conditions, that land  
7           classified as agricultural remains classified as such  
8           for a specified period if such lands are damaged by  
9           certain natural disasters and agricultural production  
10          is halted or reduced; providing for retroactive  
11          application; creating s. 252.3569, F.S.; providing a  
12          legislative finding; establishing a state agricultural  
13          response team within the department; specifying the  
14          duties of the team; amending s. 316.565, F.S.;  
15          revising the Governor's authority, to include  
16          agricultural products instead of only perishable food,  
17          in declaring an emergency relating to the transport of  
18          such products when there is a breakdown in the normal  
19          public transportation facilities necessary to move  
20          such products; authorizing the Department of  
21          Transportation to issue, and specifying that certain  
22          law enforcement officers must accept, electronic  
23          verification of permits during a declared state of  
24          emergency; providing that such permits are valid for  
25          up to a specified period, but no longer than the  
26          duration of the declared state of emergency or any  
27          extension thereof; requiring the Department of  
28          Transportation to consult with the Department of  
29          Agriculture and Consumer Services and stakeholders in

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30 the agricultural industry in implementing emergency  
31 transportation assistance for agricultural products;  
32 amending s. 379.361, F.S.; transferring authority to  
33 issue licenses for oyster harvesting in Apalachicola  
34 Bay from the department to the City of Apalachicola;  
35 revising the disposition and permitted uses of license  
36 proceeds; amending s. 487.041, F.S.; deleting obsolete  
37 provisions; deleting a requirement that all pesticide  
38 registration fees be submitted electronically;  
39 amending s. 496.415, F.S.; prohibiting the comingling  
40 of funds in connection with the planning, conduct, or  
41 execution of any solicitation or charitable or sponsor  
42 sales promotion; amending s. 496.418, F.S.; revising  
43 recordkeeping and accounting requirements for  
44 solicitations of funds; specifying a rebuttable  
45 presumption under certain circumstances; amending s.  
46 500.459, F.S.; revising permitting requirements and  
47 operating standards for water vending machines;  
48 amending s. 501.059, F.S.; revising the term  
49 "telephonic sales call" to include voicemail  
50 transmissions; defining the term "voicemail  
51 transmission"; prohibiting the transmission of  
52 voicemails to specified persons who communicate to a  
53 telephone solicitor that they would not like to  
54 receive certain voicemail solicitations or requests  
55 for donations; requiring a solicitor to ensure that if  
56 a telephone number is available through a caller  
57 identification system, that telephone number must be  
58 capable of receiving calls and must connect the

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59 original call recipient to the solicitor; revising  
60 civil penalties; creating s. 501.6175, F.S.;  
61 specifying recordkeeping requirements for commercial  
62 telephone sellers; amending s. 501.912, F.S.; revising  
63 terms; amending s. 501.913, F.S.; authorizing  
64 antifreeze brands to be registered for a specified  
65 period; deleting a provision relating to the  
66 registration of brands that are no longer in  
67 production; specifying a certified report requirement  
68 for first-time applications; amending s. 501.917,  
69 F.S.; revising department sampling and analysis  
70 requirements for antifreeze; specifying that the  
71 certificate of analysis is prima facie evidence of the  
72 facts stated therein; amending s. 501.92, F.S.;  
73 revising when the department may require an antifreeze  
74 formula for analysis; amending s. 525.07, F.S.;  
75 authorizing the department to seize skimming devices  
76 without a warrant; amending s. 526.304, F.S.;  
77 authorizing the department to temporarily suspend  
78 enforcement, for specified purposes during states of  
79 emergency, of certain provisions relating to predatory  
80 practices in the retail sale of motor fuel; amending  
81 s. 526.305, F.S.; authorizing the department to  
82 temporarily suspend enforcement, for specified  
83 purposes during states of emergency, of certain  
84 provisions relating to discriminatory practices in  
85 sale of motor fuel; amending s. 526.51, F.S.; revising  
86 application requirements and fees for brake fluid  
87 brands; deleting a provision relating to the

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88 registration of brands that are no longer in  
89 production; amending s. 526.53, F.S.; revising  
90 department sampling and analysis requirements for  
91 brake fluid; specifying that the certificate of  
92 analysis is prima facie evidence of the facts stated  
93 therein; amending s. 527.01, F.S.; revising terms;  
94 amending s. 527.02, F.S.; revising the persons subject  
95 to liquefied petroleum business licensing provisions;  
96 revising such licensing fees and requirements;  
97 revising reporting and fee requirements for certain  
98 material changes to license information; deleting a  
99 provision authorizing license transfers; amending s.  
100 527.0201, F.S.; revising the persons subject to  
101 liquefied petroleum qualifier competency examination,  
102 registry, supervisory, and employment requirements;  
103 revising the expiration of qualifier registrations;  
104 revising the persons subject to master qualifier  
105 requirements; revising master qualifier application  
106 requirements; deleting provisions specifying that a  
107 failure to replace master qualifiers within certain  
108 periods constitutes grounds for license revocation;  
109 deleting a provision relating to facsimile  
110 transmission of duplicate licenses; amending s.  
111 527.021, F.S.; revising the circumstances under which  
112 liquefied petroleum gas bulk delivery vehicles must be  
113 registered with the department; amending s. 527.03,  
114 F.S.; authorizing certain liquefied petroleum gas  
115 registrations to be renewed for 2 or 3 years; deleting  
116 certain renewal period requirements; amending s.

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117 527.04, F.S.; revising the persons required to provide  
118 the department with proof of insurance; revising the  
119 required payee for a bond in lieu of such insurance;  
120 amending s. 527.0605, F.S.; deleting provisions  
121 requiring licensees to submit a site plan and review  
122 fee for liquefied petroleum bulk storage container  
123 locations; amending s. 527.065, F.S.; revising the  
124 circumstances under which a liquefied petroleum gas  
125 licensee must notify the department of an accident;  
126 amending s. 527.067, F.S.; requiring certain liquefied  
127 petroleum gas dealers to provide notice within a  
128 specified period before rendering a consumer's  
129 liquefied petroleum gas equipment or system inoperable  
130 or discontinuing service; providing an exception;  
131 amending ss. 527.10 and 527.21, F.S.; conforming  
132 provisions to changes made by the act; amending s.  
133 527.22, F.S.; deleting an obsolete provision; amending  
134 s. 531.67, F.S.; extending the expiration date of  
135 certain provisions relating to permits for  
136 commercially operated or tested weights or measures  
137 instruments or devices; amending s. 534.47, F.S.;  
138 revising and providing definitions; amending s.  
139 534.49, F.S.; conforming provisions to changes made by  
140 the act; repealing s. 534.50, F.S., relating to  
141 reporting and notice requirements for dishonored  
142 checks and drafts for payment of livestock purchases;  
143 amending s. 534.501, F.S.; providing that delaying or  
144 failing to make payment for certain livestock is an  
145 unfair and deceptive act; repealing s. 534.51, F.S.,

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146 relating to the prohibition of the filing of  
147 complaints by certain livestock markets; amending s.  
148 534.54, F.S.; providing that purchasers who delay or  
149 fail to render payment for purchased livestock are  
150 liable for certain fees, costs, and expenses;  
151 conforming provisions to changes made by the act;  
152 amending s. 570.07, F.S.; authorizing the department  
153 to waive certain fees during a state of emergency;  
154 amending s. 573.111, F.S.; revising the required  
155 posting location for the issuance of an agricultural  
156 commodity marketing order; amending s. 578.011, F.S.;  
157 revising and defining terms; creating s. 578.012,  
158 F.S.; providing legislative intent; creating a  
159 preemption of local law relating to regulation of  
160 seed; amending s. 578.08, F.S.; revising application  
161 requirements for the registration of seed dealers;  
162 conforming provisions to changes made by the act;  
163 specifying that a receipt from the department need not  
164 be written to constitute a permit; deleting an  
165 exception to registration requirements for certain  
166 experiment stations; requiring the payment of fees  
167 when packet seed is placed into commerce; amending s.  
168 578.09, F.S.; revising labeling requirements for  
169 agricultural, vegetable, flower, tree, and shrub  
170 seeds; conforming a cross-reference; repealing s.  
171 578.091, F.S., relating to labeling of forest tree  
172 seed; amending s. 578.10, F.S.; revising exemptions to  
173 seed labeling, sale, and solicitation requirements;  
174 amending s. 578.11, F.S.; conforming provisions to

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175 changes made by the act; making technical changes;  
176 amending s. 578.12, F.S.; conforming provisions to  
177 changes made by the act; amending s. 578.13, F.S.;  
178 conforming provisions to changes made by the act;  
179 specifying that it is unlawful to move, handle, or  
180 dispose of seeds or tags under a stop-sale notice or  
181 order without permission from the department;  
182 specifying that it is unlawful to represent seed as  
183 certified except under specified conditions or to  
184 label seed with a variety name under certain  
185 conditions; repealing s. 578.14, F.S., relating to  
186 packet vegetable and flower seed; amending s. 578.181,  
187 F.S.; revising penalties; amending s. 578.23, F.S.;  
188 revising recordkeeping requirements relating to seed  
189 labeling; amending s. 578.26, F.S.; conforming  
190 provisions to changes made by the act; specifying that  
191 certain persons may not commence legal proceedings or  
192 make certain claims against a seed dealer before  
193 certain findings and recommendations are transmitted  
194 by the seed investigation and conciliation council to  
195 the complainant and dealer; deleting a requirement  
196 that the department transmit such findings and  
197 recommendations to complainants and dealers; requiring  
198 the department to mail a copy of the council's  
199 procedures to both parties upon receipt of a  
200 complaint; amending s. 578.27, F.S.; removing  
201 alternate membership from the seed investigation and  
202 conciliation council; revising the terms of members of  
203 the council; conforming provisions to changes made by

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204 the act; revising the purpose of the council; revising  
205 the council's investigatory process; renumbering and  
206 amending s. 578.28, F.S.; making a technical change;  
207 creating s. 578.29, F.S.; prohibiting certain noxious  
208 weed seed from being offered or exposed for sale;  
209 amending s. 590.02, F.S.; authorizing the Florida  
210 Forest Service to pay certain employees' initial  
211 commercial driver license examination fees; creating  
212 s. 817.417, F.S.; providing a short title; defining  
213 terms; specifying department duties and  
214 responsibilities relating to government impostor and  
215 deceptive advertisements; requiring rulemaking by the  
216 department; specifying that it is a violation to  
217 disseminate certain misleading or confusing  
218 advertisements, to make certain misleading or  
219 confusing representations, to use content implying or  
220 leading to confusion that such content is from a  
221 governmental entity when such is not true, to fail to  
222 provide certain disclosures, and to fail to provide  
223 certain responses and answers to the department;  
224 requiring a person offering documents that are  
225 available free of charge or at a lesser price from a  
226 governmental entity to provide a certain disclosure;  
227 providing penalties; amending s. 489.105, F.S.;  
228 conforming provisions to changes made by the act;  
229 reenacting s. 527.06(3), F.S., relating to published  
230 standards of the National Fire Protection Association;  
231 providing an effective date.  
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233 Be It Enacted by the Legislature of the State of Florida:

234

235 Section 1. Section 193.461, Florida Statutes, is amended to  
236 read:

237 193.461 Agricultural lands; classification and assessment;  
238 mandated eradication or quarantine program; natural disasters.—

239 (1) The property appraiser shall, on an annual basis,  
240 classify for assessment purposes all lands within the county as  
241 either agricultural or nonagricultural.

242 (2) Any landowner whose land is denied agricultural  
243 classification by the property appraiser may appeal to the value  
244 adjustment board. The property appraiser shall notify the  
245 landowner in writing of the denial of agricultural  
246 classification on or before July 1 of the year for which the  
247 application was filed. The notification shall advise the  
248 landowner of his or her right to appeal to the value adjustment  
249 board and of the filing deadline. The property appraiser shall  
250 have available at his or her office a list by ownership of all  
251 applications received showing the acreage, the full valuation  
252 under s. 193.011, the valuation of the land under the provisions  
253 of this section, and whether or not the classification requested  
254 was granted.

255 (3) (a) Lands may not be classified as agricultural lands  
256 unless a return is filed on or before March 1 of each year.  
257 Before classifying such lands as agricultural lands, the  
258 property appraiser may require the taxpayer or the taxpayer's  
259 representative to furnish the property appraiser such  
260 information as may reasonably be required to establish that such  
261 lands were actually used for a bona fide agricultural purpose.

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262 Failure to make timely application by March 1 constitutes a  
263 waiver for 1 year of the privilege granted in this section for  
264 agricultural assessment. However, an applicant who is qualified  
265 to receive an agricultural classification who fails to file an  
266 application by March 1 must file an application for the  
267 classification with the property appraiser on or before the 25th  
268 day after the mailing by the property appraiser of the notice  
269 required under s. 194.011(1). Upon receipt of sufficient  
270 evidence, as determined by the property appraiser, that  
271 demonstrates that the applicant was unable to apply for the  
272 classification in a timely manner or that otherwise demonstrates  
273 extenuating circumstances that warrant the granting of the  
274 classification, the property appraiser may grant the  
275 classification. If the applicant files an application for the  
276 classification and fails to provide sufficient evidence to the  
277 property appraiser as required, the applicant may file, pursuant  
278 to s. 194.011(3), a petition with the value adjustment board  
279 requesting that the classification be granted. The petition may  
280 be filed at any time during the taxable year on or before the  
281 25th day following the mailing of the notice by the property  
282 appraiser as provided in s. 194.011(1). Notwithstanding s.  
283 194.013, the applicant must pay a nonrefundable fee of \$15 upon  
284 filing the petition. Upon reviewing the petition, if the person  
285 is qualified to receive the classification and demonstrates  
286 particular extenuating circumstances judged by the value  
287 adjustment board to warrant granting the classification, the  
288 value adjustment board may grant the classification for the  
289 current year. The owner of land that was classified agricultural  
290 in the previous year and whose ownership or use has not changed

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291 may reapply on a short form as provided by the department. The  
292 lessee of property may make original application or reapply  
293 using the short form if the lease, or an affidavit executed by  
294 the owner, provides that the lessee is empowered to make  
295 application for the agricultural classification on behalf of the  
296 owner and a copy of the lease or affidavit accompanies the  
297 application. A county may, at the request of the property  
298 appraiser and by a majority vote of its governing body, waive  
299 the requirement that an annual application or statement be made  
300 for classification of property within the county after an  
301 initial application is made and the classification granted by  
302 the property appraiser. Such waiver may be revoked by a majority  
303 vote of the governing body of the county.

304 (b) Subject to the restrictions specified in this section,  
305 only lands that are used primarily for bona fide agricultural  
306 purposes shall be classified agricultural. The term "bona fide  
307 agricultural purposes" means good faith commercial agricultural  
308 use of the land.

309 1. In determining whether the use of the land for  
310 agricultural purposes is bona fide, the following factors may be  
311 taken into consideration:

- 312 a. The length of time the land has been so used.
- 313 b. Whether the use has been continuous.
- 314 c. The purchase price paid.
- 315 d. Size, as it relates to specific agricultural use, but a  
316 minimum acreage may not be required for agricultural assessment.
- 317 e. Whether an indicated effort has been made to care  
318 sufficiently and adequately for the land in accordance with  
319 accepted commercial agricultural practices, including, without

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320 limitation, fertilizing, liming, tilling, mowing, reforesting,  
321 and other accepted agricultural practices.

322 f. Whether the land is under lease and, if so, the  
323 effective length, terms, and conditions of the lease.

324 g. Such other factors as may become applicable.

325 2. Offering property for sale does not constitute a primary  
326 use of land and may not be the basis for denying an agricultural  
327 classification if the land continues to be used primarily for  
328 bona fide agricultural purposes while it is being offered for  
329 sale.

330 (c) The maintenance of a dwelling on part of the lands used  
331 for agricultural purposes does ~~shall~~ not in itself preclude an  
332 agricultural classification.

333 (d) When property receiving an agricultural classification  
334 contains a residence under the same ownership, the portion of  
335 the property consisting of the residence and curtilage must be  
336 assessed separately, pursuant to s. 193.011, to qualify for the  
337 assessment limitation set forth in s. 193.155. The remaining  
338 property may be classified under the provisions of paragraphs  
339 (a) and (b).

340 (e) Notwithstanding the provisions of paragraph (a), land  
341 that has received an agricultural classification from the value  
342 adjustment board or a court of competent jurisdiction pursuant  
343 to this section is entitled to receive such classification in  
344 any subsequent year until such agricultural use of the land is  
345 abandoned or discontinued, the land is diverted to a  
346 nonagricultural use, or the land is reclassified as  
347 nonagricultural pursuant to subsection (4). The property  
348 appraiser must, no later than January 31 of each year, provide

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349 notice to the owner of land that was classified agricultural in  
350 the previous year informing the owner of the requirements of  
351 this paragraph and requiring the owner to certify that neither  
352 the ownership nor the use of the land has changed. The  
353 department shall, by administrative rule, prescribe the form of  
354 the notice to be used by the property appraiser under this  
355 paragraph. If a county has waived the requirement that an annual  
356 application or statement be made for classification of property  
357 pursuant to paragraph (a), the county may, by a majority vote of  
358 its governing body, waive the notice and certification  
359 requirements of this paragraph and shall provide the property  
360 owner with the same notification provided to owners of land  
361 granted an agricultural classification by the property  
362 appraiser. Such waiver may be revoked by a majority vote of the  
363 county's governing body. This paragraph does not apply to any  
364 property if the agricultural classification of that property is  
365 the subject of current litigation.

366 (4) The property appraiser shall reclassify the following  
367 lands as nonagricultural:

368 (a) Land diverted from an agricultural to a nonagricultural  
369 use.

370 (b) Land no longer being utilized for agricultural  
371 purposes.

372 (5) For the purpose of this section, the term "agricultural  
373 purposes" includes, but is not limited to, horticulture;  
374 floriculture; viticulture; forestry; dairy; livestock; poultry;  
375 bee; pisciculture, if the land is used principally for the  
376 production of tropical fish; aquaculture, including algaculture;  
377 sod farming; and all forms of farm products as defined in s.

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378 823.14(3) and farm production.

379 (6) (a) In years in which proper application for  
380 agricultural assessment has been made and granted pursuant to  
381 this section, the assessment of land shall be based solely on  
382 its agricultural use. The property appraiser shall consider the  
383 following use factors only:

- 384 1. The quantity and size of the property;
- 385 2. The condition of the property;
- 386 3. The present market value of the property as agricultural  
387 land;
- 388 4. The income produced by the property;
- 389 5. The productivity of land in its present use;
- 390 6. The economic merchantability of the agricultural  
391 product; and
- 392 7. Such other agricultural factors as may from time to time  
393 become applicable, which are reflective of the standard present  
394 practices of agricultural use and production.

395 (b) Notwithstanding any provision relating to annual  
396 assessment found in s. 192.042, the property appraiser shall  
397 rely on 5-year moving average data when utilizing the income  
398 methodology approach in an assessment of property used for  
399 agricultural purposes.

400 (c)1. For purposes of the income methodology approach to  
401 assessment of property used for agricultural purposes,  
402 irrigation systems, including pumps and motors, physically  
403 attached to the land shall be considered a part of the average  
404 yields per acre and shall have no separately assessable  
405 contributory value.

406 2. Litter containment structures located on producing

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407 poultry farms and animal waste nutrient containment structures  
408 located on producing dairy farms shall be assessed by the  
409 methodology described in subparagraph 1.

410 3. Structures or improvements used in horticultural  
411 production for frost or freeze protection, which are consistent  
412 with the interim measures or best management practices adopted  
413 by the Department of Agriculture and Consumer Services pursuant  
414 to s. 570.93 or s. 403.067(7)(c), shall be assessed by the  
415 methodology described in subparagraph 1.

416 4. Screened enclosed structures used in horticultural  
417 production for protection from pests and diseases or to comply  
418 with state or federal eradication or compliance agreements shall  
419 be assessed by the methodology described in subparagraph 1.

420 (d) In years in which proper application for agricultural  
421 assessment has not been made, the land shall be assessed under  
422 the provisions of s. 193.011.

423 (7)(a) Lands classified for assessment purposes as  
424 agricultural lands which are taken out of production by a state  
425 or federal eradication or quarantine program, including the  
426 Citrus Health Response Program, shall continue to be classified  
427 as agricultural lands for 5 years after the date of execution of  
428 a compliance agreement between the landowner and the Department  
429 of Agriculture and Consumer Services or a federal agency, as  
430 applicable, pursuant to such program or successor programs.  
431 Lands under these programs which are converted to fallow or  
432 otherwise nonincome-producing uses shall continue to be  
433 classified as agricultural lands and shall be assessed at a de  
434 minimis value of up to \$50 per acre on a single-year assessment  
435 methodology while fallow or otherwise used for nonincome-

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436 producing purposes. Lands under these programs which are  
437 replanted in citrus pursuant to the requirements of the  
438 compliance agreement shall continue to be classified as  
439 agricultural lands and shall be assessed at a de minimis value  
440 of up to \$50 per acre, on a single-year assessment methodology,  
441 during the 5-year term of agreement. However, lands converted to  
442 other income-producing agricultural uses permissible under such  
443 programs shall be assessed pursuant to this section. Land under  
444 a mandated eradication or quarantine program which is diverted  
445 from an agricultural to a nonagricultural use shall be assessed  
446 under s. 193.011.

447 (b) Lands classified for assessment purposes as  
448 agricultural lands that participate in a dispersed water storage  
449 program pursuant to a contract with the Department of  
450 Environmental Protection or a water management district which  
451 requires flooding of land shall continue to be classified as  
452 agricultural lands for the duration of the inclusion of the  
453 lands in such program or successor programs and shall be  
454 assessed as nonproductive agricultural lands. Land that  
455 participates in a dispersed water storage program that is  
456 diverted from an agricultural to a nonagricultural use shall be  
457 assessed under s. 193.011.

458 (c) Lands classified for assessment purposes as  
459 agricultural lands which are not being used for agricultural  
460 production as a result of a natural disaster for which a state  
461 of emergency is declared pursuant to s. 252.36, when such  
462 disaster results in the halting of agricultural production, must  
463 continue to be classified as agricultural lands for 5 years  
464 after termination of the emergency declaration. However, if such

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465 lands are diverted from agricultural use to nonagricultural use  
466 during or after the 5-year recovery period, such lands must be  
467 assessed under s. 193.011. This paragraph applies retroactively  
468 to natural disasters that occurred on or after July 1, 2017.

469 Section 2. Section 252.3569, Florida Statutes, is created  
470 to read:

471 252.3569 Florida state agricultural response team.—The  
472 Legislature finds that the Department of Agriculture and  
473 Consumer Services is the lead agency for animal, agricultural,  
474 and vector issues in the state during an emergency or disaster  
475 situations, as described by the Florida Comprehensive Emergency  
476 Management Plan. Pursuant to this responsibility, there is  
477 established within the department a state agricultural response  
478 team. Duties of the team include, but are not limited to:

479 (1) Oversight of the emergency management functions of  
480 preparedness, recovery, mitigation, and response with all  
481 agencies and organizations that are involved with the state's  
482 response activities related to animal, agricultural, and vector  
483 issues;

484 (2) Development, training, and support of county  
485 agricultural response teams; and

486 (3) Staffing the Emergency Support Function 17 at the State  
487 Emergency Operations Center and staffing, as necessary, at  
488 county emergency operations centers.

489 Section 3. Section 316.565, Florida Statutes, is amended to  
490 read:

491 316.565 Emergency transportation, agricultural products  
492 ~~perishable food~~; establishment of weight loads, etc.—

493 (1) The Governor may declare an emergency to exist when

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494 there is a breakdown in the normal public transportation  
495 facilities necessary in moving agricultural products, as defined  
496 in s. 604.60, ~~perishable food crops~~ grown in the state. The  
497 Department of Transportation is authorized during such emergency  
498 to establish such weight loads for hauling over the highways  
499 ~~from the fields or packinghouses to the nearest available public~~  
500 ~~transportation facility~~ as circumstances demand. The Department  
501 of Transportation may issue, and any law enforcement officer  
502 authorized to enforce the traffic laws of this state must  
503 accept, electronic verification of permits during such an  
504 emergency. A permit issued pursuant to this section is valid for  
505 up to 60 days; however, the validity of the permit may not  
506 exceed the period of the declared state of emergency or any  
507 extension thereof. The Department of Transportation shall  
508 designate special highway routes, excluding the interstate  
509 highway system, to facilitate the trucking and render any other  
510 assistance needed to expedite moving the agricultural products  
511 ~~perishables.~~

512 (2) It is the intent of the Legislature in this chapter to  
513 supersede any existing laws when necessary to protect and save  
514 any agricultural products ~~perishable food crops~~ grown in the  
515 state and give authority for agencies to provide necessary  
516 temporary assistance requested during any such emergency. The  
517 department shall consult with the Department of Agriculture and  
518 Consumer Services and stakeholders in the agricultural industry  
519 in implementing this section.

520 Section 4. Paragraphs (b), (d), and (i) of subsection (5)  
521 of section 379.361, Florida Statutes, are amended to read:

522 379.361 Licenses.—

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523 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

524 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the  
525 Apalachicola Bay without a valid Apalachicola Bay oyster  
526 harvesting license issued by the City of Apalachicola ~~Department~~  
527 ~~of Agriculture and Consumer Services~~. This requirement does  
528 ~~shall~~ not apply to anyone harvesting noncommercial quantities of  
529 oysters in accordance with commission rules, or to any person  
530 less than 18 years old.

531 (d) The City of Apalachicola ~~Department of Agriculture and~~  
532 ~~Consumer Services~~ shall collect an annual fee of \$100 from state  
533 residents and \$500 from nonresidents for the issuance of an  
534 Apalachicola Bay oyster harvesting license. The license year  
535 shall begin on July 1 of each year and end on June 30 of the  
536 following year. The license shall be valid only for the  
537 licensee. Only bona fide residents of the state Florida may  
538 obtain a resident license pursuant to this subsection.

539 (i) The proceeds from Apalachicola Bay oyster harvesting  
540 license fees shall be deposited by the City of Apalachicola into  
541 a trust account ~~in the General Inspection Trust Fund~~ and, less  
542 reasonable administrative costs, must ~~shall~~ be used or  
543 distributed by the City of Apalachicola ~~Department of~~  
544 ~~Agriculture and Consumer Services~~ for the following purposes in  
545 Apalachicola Bay:

- 546 1. An Apalachicola Bay oyster shell recycling program  
547 ~~Relaying and transplanting live oysters.~~
- 548 2. Shell planting to construct or rehabilitate oyster bars.
- 549 3. Education programs for licensed oyster harvesters on  
550 oyster biology, aquaculture, boating and water safety,  
551 sanitation, resource conservation, small business management,

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552 marketing, and other relevant subjects.

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

555 Section 5. Paragraphs (a), (b), and (i) of subsection (1)  
556 of section 487.041, Florida Statutes, are amended to read:

557 487.041 Registration.—

558 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,  
559 as defined in s. 487.021, which is distributed, sold, or offered  
560 for sale, except as provided in this section, within this state  
561 or delivered for transportation or transported in intrastate  
562 commerce or between points within this state through any point  
563 outside this state must be registered in the office of the  
564 department, and such registration shall be renewed biennially.  
565 Emergency exemptions from registration may be authorized in  
566 accordance with the rules of the department. The registrant  
567 shall file with the department a statement including:

568 1. The name, business mailing address, and street address  
569 of the registrant.

570 2. The name of the brand of pesticide.

571 3. An ingredient statement and a complete current copy of  
572 the labeling accompanying the brand of pesticide, which must  
573 conform to the registration, and a statement of all claims to be  
574 made for it, including directions for use and a guaranteed  
575 analysis showing the names and percentages by weight of each  
576 active ingredient, the total percentage of inert ingredients,  
577 and the names and percentages by weight of each "added  
578 ingredient."

579 (b) ~~Effective January 1, 2009,~~ For the purpose of defraying  
580 expenses of the department in connection with carrying out the

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581 provisions of this part, each registrant shall pay a biennial  
582 registration fee for each registered brand of pesticide. The  
583 registration of each brand of pesticide shall cover a designated  
584 2-year period beginning on January 1 of each odd-numbered year  
585 and expiring on December 31 of the following year.

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

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

592 496.415 Prohibited acts.—It is unlawful for any person in  
593 connection with the planning, conduct, or execution of any  
594 solicitation or charitable or sponsor sales promotion to:

595 (19) Commingle charitable contributions with noncharitable  
596 funds.

597 Section 7. Section 496.418, Florida Statutes, is amended to  
598 read:

599 496.418 Recordkeeping and accounting Records.—

600 (1) Each charitable organization, sponsor, professional  
601 fundraising consultant, and professional solicitor that collects  
602 or takes control or possession of contributions made for a  
603 charitable purpose must keep records to permit accurate  
604 reporting and auditing as required by law, must not commingle  
605 contributions with noncharitable funds as specified in s.  
606 496.415(19), and must be able to account for the funds. When  
607 expenditures are not properly documented and disclosed by  
608 records, there exists a rebuttable presumption that the  
609 charitable organization, sponsor, professional fundraising

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610 consultant, or professional solicitor did not properly expend  
611 such funds. Noncharitable funds include any funds that are not  
612 used or intended to be used for the operation of the charity or  
613 for charitable purposes.

614 (2) Each charitable organization, sponsor, professional  
615 fundraising consultant, and professional solicitor must keep for  
616 a period of at least 3 years true and accurate records as to its  
617 activities in this state which are covered by ss. 496.401-  
618 496.424. The records must be made available, without subpoena,  
619 to the department for inspection and must be furnished no later  
620 than 10 working days after requested.

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

624 500.459 Water vending machines.—

625 (3) PERMITTING REQUIREMENTS.—

626 (b) An application for an operating permit must be made ~~in~~  
627 ~~writing~~ to the department on forms provided by the department  
628 and must be accompanied by a fee as provided in subsection (4).  
629 The application must state the location of each water vending  
630 machine, the source of the water to be vended, the treatment the  
631 water will receive prior to being vended, and any other  
632 information considered necessary by the department.

633 (5) OPERATING STANDARDS.—

634 (i) The operator shall place on each water vending machine,  
635 in a position clearly visible to customers, the following  
636 information: the name and address of the operator; ~~the operating~~  
637 ~~permit number~~; the fact that the water is obtained from a public  
638 water supply; the method of treatment used; the method of

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639 postdisinfection used; and a local or toll-free telephone number  
640 that may be called for obtaining further information, reporting  
641 problems, or making complaints.

642 Section 9. Paragraph (g) of subsection (1) of section  
643 501.059, Florida Statutes, is amended, and paragraph (i) is  
644 added to that subsection, and subsection (5), paragraph (c) of  
645 subsection (8), and subsection (9) of that section are amended,  
646 to read:

647 501.059 Telephone solicitation.—

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

649 (g) "Telephonic sales call" means a telephone call, ~~or~~ text  
650 message, or voicemail transmission to a consumer for the purpose  
651 of soliciting a sale of any consumer goods or services,  
652 soliciting an extension of credit for consumer goods or  
653 services, or obtaining information that will or may be used for  
654 the direct solicitation of a sale of consumer goods or services  
655 or an extension of credit for such purposes.

656 (i) "Voicemail transmission" means technologies that  
657 deliver a voice message directly to a voicemail application,  
658 service, or device.

659 (5) A telephone solicitor or other person may not initiate  
660 an outbound telephone call, ~~or~~ text message, or voicemail  
661 transmission to a consumer, business, or donor or potential  
662 donor who has previously communicated to the telephone solicitor  
663 or other person that he or she does not wish to receive an  
664 outbound telephone call, ~~or~~ text message, or voicemail  
665 transmission:

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

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

670 (8)

671 (c) It shall be unlawful for any person who makes a  
672 telephonic sales call or causes a telephonic sales call to be  
673 made to fail to transmit or cause not to be transmitted the  
674 originating telephone number and, when made available by the  
675 telephone solicitor's carrier, the name of the telephone  
676 solicitor to any caller identification service in use by a  
677 recipient of a telephonic sales call. However, it shall not be a  
678 violation to substitute, for the name and telephone number used  
679 in or billed for making the call, the name of the seller on  
680 behalf of which a telephonic sales call is placed and the  
681 seller's customer service telephone number, which is answered  
682 during regular business hours. If a telephone number is made  
683 available through a caller identification service as a result of  
684 a telephonic sales call, the solicitor must ensure that  
685 telephone number is capable of receiving telephone calls and  
686 must connect the original call recipient, upon calling such  
687 number, to the telephone solicitor or to the seller on behalf of  
688 which a telephonic sales call was placed. For purposes of this  
689 section, the term "caller identification service" means a  
690 service that allows a telephone subscriber to have the telephone  
691 number and, where available, the name of the calling party  
692 transmitted contemporaneously with the telephone call and  
693 displayed on a device in or connected to the subscriber's  
694 telephone.

695 (9) (a) The department shall investigate any complaints  
696 received concerning violations of this section. If, after

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697 investigating a complaint, the department finds that there has  
698 been a violation of this section, the department or the  
699 Department of Legal Affairs may bring an action to impose a  
700 civil penalty and to seek other relief, including injunctive  
701 relief, as the court deems appropriate against the telephone  
702 solicitor. The civil penalty shall be in the Class IV ~~III~~  
703 category pursuant to s. 570.971 for each violation and shall be  
704 deposited in the General Inspection Trust Fund if the action or  
705 proceeding was brought by the department, or the Legal Affairs  
706 Revolving Trust Fund if the action or proceeding was brought by  
707 the Department of Legal Affairs. This civil penalty may be  
708 recovered in any action brought under this part by the  
709 department, or the department may terminate any investigation or  
710 action upon agreement by the person to pay a stipulated civil  
711 penalty. The department or the court may waive any civil penalty  
712 if the person has previously made full restitution or  
713 reimbursement or has paid actual damages to the consumers who  
714 have been injured by the violation.

715 (b) The department may, as an alternative to the civil  
716 penalties provided in paragraph (a), impose an administrative  
717 fine in the Class III ~~II~~ category pursuant to s. 570.971 for each  
718 act or omission that constitutes a violation of this section. An  
719 administrative proceeding that could result in the entry of an  
720 order imposing an administrative penalty must be conducted  
721 pursuant to chapter 120.

722 Section 10. Section 501.6175, Florida Statutes, is created  
723 to read:

724 501.6175 Recordkeeping.—A commercial telephone seller shall  
725 keep all of the following information for 2 years after the date

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726 the information first becomes part of the seller's business  
727 records:

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

730 (2) All express requests authorizing the telephone  
731 solicitor to contact the consumer.

732 (3) Any script, outline, or presentation the applicant  
733 requires or suggests a salesperson use when soliciting; sales  
734 information or literature to be provided by the commercial  
735 telephone seller to a salesperson; and sales information or  
736 literature to be provided by the commercial telephone seller to  
737 a consumer in connection with any solicitation.

738  
739 Within 10 days of an oral or written request by the department,  
740 including a written request transmitted by electronic mail, a  
741 commercial telephone seller must make the records it keeps  
742 pursuant to this section available for inspection and copying by  
743 the department during the department's normal business hours.  
744 This section does not limit the department's ability to inspect  
745 and copy material pursuant to any other law.

746 Section 11. Section 501.912, Florida Statutes, is amended  
747 to read:

748 501.912 Definitions.—As used in ss. 501.91-501.923:

749 (1) "Antifreeze" means any substance or preparation,  
750 including, but not limited to, antifreeze-coolant, antifreeze  
751 and summer coolant, or summer coolant, that is sold,  
752 distributed, or intended for use;

753 (a) As the cooling liquid, or to be added to the cooling  
754 liquid, in the cooling system of internal combustion engines of

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755 motor vehicles to prevent freezing of the cooling liquid or to  
756 lower its freezing point; or

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

760 ~~(2) "Antifreeze coolant," "antifreeze and summer coolant,"~~  
761 ~~or "summer coolant" means any substance as defined in subsection~~  
762 ~~(1) which also is sold, distributed, or intended for raising the~~  
763 ~~boiling point of water or for the prevention of engine~~  
764 ~~overheating whether or not used as a year-round cooling system~~  
765 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~  
766 ~~"antifreeze," "antifreeze coolant," "antifreeze and summer~~  
767 ~~coolant," and "summer coolant."~~

768 (2)~~(3)~~ "Department" means the Department of Agriculture and  
769 Consumer Services.

770 (3)~~(4)~~ "Distribute" means to hold with an intent to sell,  
771 offer for sale, sell, barter, or otherwise supply to the  
772 consumer.

773 (4)~~(5)~~ "Package" means a sealed, tamperproof retail  
774 package, drum, or other container designed for the sale of  
775 antifreeze directly to the consumer or a container from which  
776 the antifreeze may be installed directly by the seller into the  
777 cooling system. However, this term, ~~but~~ does not include  
778 shipping containers containing properly labeled inner  
779 containers.

780 (5)~~(6)~~ "Label" means any display of written, printed, or  
781 graphic matter on, or attached to, a package or to the outside  
782 individual container or wrapper of the package.

783 (6)~~(7)~~ "Labeling" means the labels and any other written,

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784 printed, or graphic matter accompanying a package.

785 Section 12. Section 501.913, Florida Statutes, is amended  
786 to read:

787 501.913 Registration.—

788 (1) Each brand of antifreeze to be distributed in this  
789 state must ~~shall~~ be registered with the department before  
790 distribution. The person whose name appears on the label, the  
791 manufacturer, or the packager shall make application annually or  
792 biennially to the department on forms provided by the  
793 department. The registration certificate expires ~~shall expire~~ 12  
794 or 24 months after the date of issue, as indicated on the  
795 registration certificate. The registrant assumes, by application  
796 to register the brand, full responsibility for the registration,  
797 quality, and quantity of the product sold, offered, or exposed  
798 for sale in this state. ~~If a registered brand is not in~~  
799 ~~production for distribution in this state and to ensure any~~  
800 ~~remaining product that is still available for sale in the state~~  
801 ~~is properly registered, the registrant must submit a notarized~~  
802 ~~affidavit on company letterhead to the department certifying~~  
803 ~~that:~~

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

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

806 and

807 ~~(c) All existing product of the stated brand will be~~  
808 ~~removed by the registrant from the state within 30 days after~~  
809 ~~expiration of the registration or the registrant will reregister~~  
810 ~~the brand for two subsequent registration periods.~~

811  
812 ~~If production resumes, the brand must be reregistered before it~~

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813 ~~is distributed in this state.~~

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

815 (a) Specimens or copies ~~faesimiles~~ of the label for each  
816 brand of antifreeze;

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

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

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

829 (a) Meets the labeling claims;

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

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

834 (4) (a) If the registration requirements are met, and, if  
835 the antifreeze meets the minimum standards, is not adulterated,  
836 and meets the labeling claims, the department shall issue a  
837 certificate of registration authorizing the distribution of that  
838 antifreeze in the state for the permit period ~~year~~.

839 (b) If registration requirements are not met, or, if the  
840 antifreeze fails to meet the minimum standards, is adulterated,  
841 or fails to meet the labeling claims, the department shall

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842 refuse to register the antifreeze.

843 Section 13. Section 501.917, Florida Statutes, is amended  
844 to read:

845 501.917 Inspection by department; sampling and analysis.—  
846 The department has ~~shall have~~ the right to have access at  
847 reasonable hours to all places and property where antifreeze is  
848 stored, distributed, or offered or intended to be offered for  
849 sale, including the right to inspect and examine all antifreeze  
850 and to take reasonable samples of antifreeze for analysis  
851 together with specimens of labeling. Collected samples must be  
852 analyzed by the department. The certificate of analysis by the  
853 department shall be prima facie evidence of the facts stated  
854 therein in any legal proceeding in this state ~~All samples taken~~  
855 ~~shall be properly sealed and sent to a laboratory designated by~~  
856 ~~the department for examination together with all labeling~~  
857 ~~pertaining to such samples. It shall be the duty of said~~  
858 ~~laboratory to examine promptly all samples received in~~  
859 ~~connection with the administration and enforcement of this act.~~

860 Section 14. Section 501.92, Florida Statutes, is amended to  
861 read:

862 501.92 Formula may be required.—The department may, if  
863 required for the analysis of antifreeze by ~~the laboratory~~  
864 ~~designated by the department for the purpose of registration,~~  
865 require the applicant to furnish a statement of the formula of  
866 such antifreeze, unless the applicant can furnish other  
867 satisfactory evidence that such antifreeze is not adulterated or  
868 misbranded. Such statement need not include inhibitor or other  
869 minor ingredients which total less than 5 percent by weight of  
870 the antifreeze; and, if over 5 percent, the composition of the

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871 inhibitor and such other ingredients may be given in generic  
872 terms.

873 Section 15. Paragraph (e) of subsection (10) of section  
874 525.07, Florida Statutes, is redesignated as paragraph (f), and  
875 a new paragraph (e) is added to that subsection, to read:

876 525.07 Powers and duties of department; inspections;  
877 unlawful acts.—

878 (10)

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

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

883 526.304 Predatory practices unlawful; exceptions.—

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

889 Section 17. Subsection (6) is added to section 526.305,  
890 Florida Statutes, to read:

891 526.305 Discriminatory practices unlawful; exceptions.—

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

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

899 526.51 Registration; renewal and fees; departmental

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900 expenses; cancellation or refusal to issue or renew.—

901 (1) (a) Application for registration of each brand of brake  
902 fluid shall be made on forms supplied by the department. The  
903 applicant shall give his or her name and address and the brand  
904 name of the brake fluid, state that he or she owns the brand  
905 name and has complete control over the product sold thereunder  
906 in this state, and provide the name and address of the resident  
907 agent in this state. If the applicant does not own the brand  
908 name but wishes to register the product with the department, a  
909 notarized affidavit that gives the applicant full authorization  
910 to register the brand name and that is signed by the owner of  
911 the brand name must accompany the application for registration.  
912 The affidavit must include all affected brand names, the owner's  
913 company or corporate name and address, the applicant's company  
914 or corporate name and address, and a statement from the owner  
915 authorizing the applicant to register the product with the  
916 department. The owner of the brand name shall maintain complete  
917 control over each product sold under that brand name in this  
918 state.

919 (b) The completed application must be accompanied by the  
920 following:

921 1. Specimens or copies of the label for each brand of brake  
922 fluid.

923 2. An application fee of \$50 for a 12-month registration or  
924 \$100 for a 24-month registration for each brand of brake fluid.

925 3. For All first-time applications for a brand and formula  
926 combination, ~~must be accompanied by~~ a certified report from an  
927 independent testing laboratory, dated no more than 6 months  
928 before the registration application, setting forth the analysis

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929 of the brake fluid which shows its quality to be not less than  
930 the specifications established by the department for brake  
931 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~  
932 ~~shall be submitted, in a container with a label printed in the~~  
933 ~~same manner that it will be labeled when sold, and the sample~~  
934 ~~and container shall be analyzed and inspected by the department~~  
935 ~~in order that compliance with the department's specifications~~  
936 ~~and labeling requirements may be verified.~~

937

938 Upon approval of the application, the department shall register  
939 the brand name of the brake fluid and issue to the applicant a  
940 permit authorizing the registrant to sell the brake fluid in  
941 this state. The registration certificate expires ~~shall expire~~ 12  
942 or 24 months after the date of issue, as indicated on the  
943 registration certificate.

944 (c)(b) ~~Each applicant shall pay a fee of \$100 with each~~  
945 ~~application.~~ A permit may be renewed by application to the  
946 department, accompanied by a renewal fee of \$50 for a 12-month  
947 registration, or \$100 for a 24-month registration, on or before  
948 the expiration of the previously issued permit. To reregister a  
949 previously registered brand and formula combination, an  
950 applicant must submit a completed application and all materials  
951 as required in this section to the department before the  
952 expiration of the previously issued permit. A brand and formula  
953 combination for which a completed application and all materials  
954 required in this section are not received before the expiration  
955 of the previously issued permit may not be registered with the  
956 department until a completed application and all materials  
957 required in this section have been received and approved. If the

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958 brand and formula combination was previously registered with the  
959 department and a fee, application, or materials required in this  
960 section are received after the expiration of the previously  
961 issued permit, a penalty of \$25 accrues, which shall be added to  
962 the fee. Renewals shall be accepted only on brake fluids that  
963 have no change in formula, composition, or brand name. Any  
964 change in formula, composition, or brand name of a brake fluid  
965 constitutes a new product that must be registered in accordance  
966 with this part.

967 ~~(c) If a registered brand and formula combination is no~~  
968 ~~longer in production for distribution in this state, in order to~~  
969 ~~ensure that any remaining product still available for sale in~~  
970 ~~this state is properly registered, the registrant must submit a~~  
971 ~~notarized affidavit on company letterhead to the department~~  
972 ~~certifying that:~~

973 ~~1. The stated brand and formula combination is no longer in~~  
974 ~~production;~~

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

977 ~~3. Either all existing product of the stated brand and~~  
978 ~~formula combination will be removed by the registrant from the~~  
979 ~~state within 30 days after the expiration of the registration or~~  
980 ~~that the registrant will reregister the brand and formula~~  
981 ~~combination for 2 subsequent years.~~

982  
983 ~~If production resumes, the brand and formula combination must be~~  
984 ~~reregistered before it is again distributed in this state.~~

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

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987           526.53 Enforcement; inspection and analysis, stop-sale and  
988 disposition, regulations.—

989           (1) The department shall enforce ~~the provisions of~~ this  
990 part through the department, and may sample, inspect, analyze,  
991 and test any brake fluid manufactured, packed, or sold within  
992 this state. Collected samples must be analyzed by the  
993 department. The certificate of analysis by the department shall  
994 be prima facie evidence of the facts stated therein in any legal  
995 proceeding in this state. The department has ~~shall have~~ free  
996 access during business hours to all premises, buildings,  
997 vehicles, cars, or vessels used in the manufacture, packing,  
998 storage, sale, or transportation of brake fluid, and may open  
999 any box, carton, parcel, or container of brake fluid and take  
1000 samples for inspection and analysis or for evidence.

1001           Section 20. Section 527.01, Florida Statutes, is amended to  
1002 read:

1003           527.01 Definitions.—As used in this chapter:

1004           (1) "Liquefied petroleum gas" means any material which is  
1005 composed predominantly of any of the following hydrocarbons, or  
1006 mixtures of the same: propane, propylene, butanes (normal butane  
1007 or isobutane), and butylenes.

1008           (2) "Person" means any individual, firm, partnership,  
1009 corporation, company, association, organization, or cooperative.

1010           (3) ~~Ultimate~~ "Consumer" means the person last purchasing  
1011 liquefied petroleum gas in its liquid or vapor state for  
1012 industrial, commercial, or domestic use.

1013           (4) "Department" means the Department of Agriculture and  
1014 Consumer Services.

1015           (5) "Qualifier" means any person who has passed a

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1016 competency examination administered by the department and is  
 1017 employed by a licensed category I, category II, or category V  
 1018 business. ~~in one or more of the following classifications:~~

1019 ~~(a) Category I liquefied petroleum gas dealer.~~

1020 ~~(b) Category II liquefied petroleum gas dispenser.~~

1021 ~~(c) LP gas installer.~~

1022 ~~(d) Specialty installer.~~

1023 ~~(e) Requalifier of cylinders.~~

1024 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~  
 1025 ~~tanks.~~

1026 ~~(g) Category IV liquefied petroleum gas dispensing unit~~  
 1027 ~~operator and recreational vehicle servicer.~~

1028 ~~(h) Category V liquefied petroleum gases dealer for~~  
 1029 ~~industrial uses only.~~

1030 (6) "Category I liquefied petroleum gas dealer" means any  
 1031 person selling or offering to sell by delivery or at a  
 1032 stationary location any liquefied petroleum gas to the ultimate  
 1033 consumer for industrial, commercial, or domestic use; any person  
 1034 leasing or offering to lease, or exchanging or offering to  
 1035 exchange, any apparatus, appliances, and equipment for the use  
 1036 of liquefied petroleum gas; any person installing, servicing,  
 1037 altering, or modifying apparatus, piping, tubing, appliances,  
 1038 and equipment for the use of liquefied petroleum or natural gas;  
 1039 any person installing carburetion equipment; or any person  
 1040 requalifying cylinders.

1041 (7) "Category II liquefied petroleum gas dispenser" means  
 1042 any person engaging in the business of operating a liquefied  
 1043 petroleum gas dispensing unit for the purpose of serving liquid  
 1044 products to the ultimate consumer for industrial, commercial, or

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1045 domestic use, and selling or offering to sell, or leasing or  
1046 offering to lease, apparatus, appliances, and equipment for the  
1047 use of liquefied petroleum gas, including maintaining a cylinder  
1048 storage rack at the licensed business location for the purpose  
1049 of storing cylinders filled by the licensed business for sale or  
1050 use at a later date.

1051 (8) "Category III liquefied petroleum gas cylinder exchange  
1052 operator" means any person operating a storage facility used for  
1053 the purpose of storing filled propane cylinders of not more than  
1054 43.5 pounds propane capacity or 104 pounds water capacity, while  
1055 awaiting sale to the ~~ultimate~~ consumer, or a facility used for  
1056 the storage of empty or filled containers which have been  
1057 offered for exchange.

1058 (9) "Category IV dealer in appliances and equipment  
1059 ~~liquefied petroleum gas dispenser and recreational vehicle~~  
1060 ~~servicer~~" means any person selling or offering to sell, or  
1061 leasing or offering to lease, apparatus, appliances, and  
1062 equipment for the use of liquefied petroleum gas ~~engaging in the~~  
1063 ~~business of operating a liquefied petroleum gas dispensing unit~~  
1064 ~~for the purpose of serving liquid product to the ultimate~~  
1065 ~~consumer for industrial, commercial, or domestic use, and~~  
1066 ~~selling or offering to sell, or leasing or offering to lease,~~  
1067 ~~apparatus, appliances, and equipment for the use of liquefied~~  
1068 ~~petroleum gas, and whose services include the installation,~~  
1069 ~~service, or repair of recreational vehicle liquefied petroleum~~  
1070 ~~gas appliances and equipment.~~

1071 (10) "Category V LP gas installer" means any person who is  
1072 engaged in the liquefied petroleum gas business and whose  
1073 services include the installation, servicing, altering, or

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1074 modifying of apparatus, piping, tubing, tanks, and equipment for  
1075 the use of liquefied petroleum or natural gas and selling or  
1076 offering to sell, or leasing or offering to lease, apparatus,  
1077 appliances, and equipment for the use of liquefied petroleum or  
1078 natural gas.

1079 (11) "Category VI miscellaneous operator" means any person  
1080 who is engaged in operation as a manufacturer of LP gas  
1081 appliances and equipment; a fabricator, repairer, and tester of  
1082 vehicles and cargo tanks; a requalifier of LP gas cylinders; or  
1083 a pipeline system operator ~~Specialty installer" means any person~~  
1084 ~~involved in the installation, service, or repair of liquefied~~  
1085 ~~petroleum or natural gas appliances and equipment, and selling~~  
1086 ~~or offering to sell, or leasing or offering to lease, apparatus,~~  
1087 ~~appliances, and equipment for the use of liquefied petroleum~~  
1088 ~~gas, whose activities are limited to specific types of~~  
1089 ~~appliances and equipment as designated by department rule.~~

1090 ~~(12) "Dealer in appliances and equipment for use of~~  
1091 ~~liquefied petroleum gas" means any person selling or offering to~~  
1092 ~~sell, or leasing or offering to lease, apparatus, appliances,~~  
1093 ~~and equipment for the use of liquefied petroleum gas.~~

1094 (12) ~~(13)~~ "Manufacturer of liquefied petroleum gas  
1095 appliances and equipment" means any person in this state  
1096 manufacturing and offering for sale or selling tanks, cylinders,  
1097 or other containers and necessary appurtenances for use in the  
1098 storage, transportation, or delivery of such gas to the ~~ultimate~~  
1099 consumer, or manufacturing and offering for sale or selling  
1100 apparatus, appliances, and equipment for the use of liquefied  
1101 petroleum gas to the ~~ultimate~~ consumer.

1102 (13) ~~(14)~~ "Wholesaler" means any person, as defined by

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1103 subsection (2), selling or offering to sell any liquefied  
1104 petroleum gas for industrial, commercial, or domestic use to any  
1105 person except the ~~ultimate~~ consumer.

1106 (14)~~(15)~~ "Requalifier of cylinders" means any person  
1107 involved in the retesting, repair, qualifying, or requalifying  
1108 of liquefied petroleum gas tanks or cylinders manufactured under  
1109 specifications of the United States Department of Transportation  
1110 ~~or former Interstate Commerce Commission.~~

1111 (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and  
1112 cargo tanks" means any person involved in the hydrostatic  
1113 testing, fabrication, repair, or requalifying of any motor  
1114 vehicles or cargo tanks used for the transportation of liquefied  
1115 petroleum gases, when such tanks are permanently attached to or  
1116 forming a part of the motor vehicle.

1117 ~~(17) "Recreational vehicle" means a motor vehicle designed  
1118 to provide temporary living quarters for recreational, camping,  
1119 or travel use, which has its own propulsion or is mounted on or  
1120 towed by another motor vehicle.~~

1121 (16)~~(18)~~ "Pipeline system operator" means any person who  
1122 owns or operates a liquefied petroleum gas pipeline system that  
1123 is used to transmit liquefied petroleum gas from a common source  
1124 to the ~~ultimate~~ customer and that serves 10 or more customers.

1125 ~~(19) "Category V liquefied petroleum gases dealer for  
1126 industrial uses only" means any person engaged in the business  
1127 of filling, selling, and transporting liquefied petroleum gas  
1128 containers for use in welding, forklifts, or other industrial  
1129 applications.~~

1130 (17)~~(20)~~ "License period year" means the period 1 to 3  
1131 years from the issuance of the license ~~from September 1 through~~

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1132 ~~the following August 31, or April 1 through the following March~~  
1133 ~~31, depending upon the type of license.~~

1134 Section 21. Section 527.02, Florida Statutes, is amended to  
1135 read:

1136 527.02 License; penalty; fees.—

1137 (1) It is unlawful for any person to engage in this state  
1138 in the activities defined in s. 527.01(6) through (11) ~~of a~~  
1139 ~~pipeline system operator, category I liquefied petroleum gas~~  
1140 ~~dealer, category II liquefied petroleum gas dispenser, category~~  
1141 ~~III liquefied petroleum gas cylinder exchange operator, category~~  
1142 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~  
1143 ~~servicer, category V liquefied petroleum gas dealer for~~  
1144 ~~industrial uses only, LP gas installer, specialty installer,~~  
1145 ~~dealer in liquefied petroleum gas appliances and equipment,~~  
1146 ~~manufacturer of liquefied petroleum gas appliances and~~  
1147 ~~equipment, regualifier of cylinders, or fabricator, repairer,~~  
1148 ~~and tester of vehicles and cargo tanks without first obtaining~~  
1149 ~~from the department a license to engage in one or more of these~~  
1150 ~~businesses. The sale of liquefied petroleum gas cylinders with a~~  
1151 ~~volume of 10 pounds water capacity or 4.2 pounds liquefied~~  
1152 ~~petroleum gas capacity or less is exempt from the requirements~~  
1153 ~~of this chapter. It is a felony of the third degree, punishable~~  
1154 ~~as provided in s. 775.082, s. 775.083, or s. 775.084, to~~  
1155 ~~intentionally or willfully engage in any of said activities~~  
1156 ~~without first obtaining appropriate licensure from the~~  
1157 ~~department.~~

1158 (2) Each business location of a person having multiple  
1159 locations must ~~shall~~ be separately licensed and must meet the  
1160 requirements of this section. Such license shall be granted to

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1161 any applicant determined by the department to be competent,  
 1162 qualified, and trustworthy who files with the department a  
 1163 surety bond, insurance affidavit, or other proof of insurance,  
 1164 as hereinafter specified, and pays for such license the  
 1165 following annual license ~~original application fee for new~~  
 1166 ~~licenses and annual renewal fees for existing licenses:~~

License Category	<u>License</u> <del>Original</del> Application Fee <u>Per Year</u>	<del>Renewal</del> Fee
1168 Category I liquefied petroleum gas dealer	<u>\$400</u> <del>\$525</del>	<del>\$425</del>
1169 Category II liquefied petroleum gas dispenser	<u>\$400</u> <del>525</del>	<del>375</del>
1170 Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> <del>100</del>	<del>65</del>
1171 Category IV <u>dealer in</u>	<u>\$65</u> <del>525</del>	<del>400</del>

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appliances and  
equipment  
~~liquefied~~  
~~petroleum~~  
 gas dispenser and  
 recreational  
 vehicle  
 servicer

1172

Category V LP gas                      \$200 ~~300~~                      ~~200~~  
installer  
~~liquefied~~  
 petroleum gases  
 dealer for  
 industrial  
 uses only

1173

Category VI                                      \$200 ~~300~~                                      ~~200~~  
miscellaneous  
operator LP gas  
 installer

1174

~~Specialty~~                                      ~~300~~                                      ~~200~~  
 installer

1175

~~Dealer in~~                                      ~~50~~                                      ~~45~~  
~~appliances~~  
 and equipment  
 for use of

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1176 liquefied  
petroleum gas

1177 ~~Manufacturer of~~ 525 ~~375~~  
liquefied  
petroleum  
gas appliances and  
equipment

1178 ~~Requalifier of~~ 525 ~~375~~  
cylinders

1179 ~~Fabricator,~~ 525 ~~375~~  
~~repairer,~~  
and tester of  
vehicles and  
cargo tanks

1180  
1181  
1182 (3) (a) ~~An applicant for an original license who submits an~~  
1183 ~~application during the last 6 months of the license year may~~  
1184 ~~have the original license fee reduced by one-half for the 6-~~  
1185 ~~month period. This provision applies only to those companies~~  
1186 ~~applying for an original license and may not be applied to~~  
1187 ~~licensees who held a license during the previous license year~~  
1188 ~~and failed to renew the license. The department may refuse to~~  
1189 issue an initial license to an applicant who is under  
1190 investigation in any jurisdiction for an action that would

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1191 constitute a violation of this chapter until such time as the  
1192 investigation is complete.

1193 (b) The department shall waive the initial license fee for  
1194 1 year for an honorably discharged veteran of the United States  
1195 Armed Forces, the spouse of such a veteran, or a business entity  
1196 that has a majority ownership held by such a veteran or spouse  
1197 if the department receives an application, in a format  
1198 prescribed by the department, within 60 months after the date of  
1199 the veteran's discharge from any branch of the United States  
1200 Armed Forces. To qualify for the waiver, a veteran must provide  
1201 to the department a copy of his or her DD Form 214, as issued by  
1202 the United States Department of Defense or another acceptable  
1203 form of identification as specified by the Department of  
1204 Veterans' Affairs; the spouse of a veteran must provide to the  
1205 department a copy of the veteran's DD Form 214, as issued by the  
1206 United States Department of Defense, or another acceptable form  
1207 of identification as specified by the Department of Veterans'  
1208 Affairs, and a copy of a valid marriage license or certificate  
1209 verifying that he or she was lawfully married to the veteran at  
1210 the time of discharge; or a business entity must provide to the  
1211 department proof that a veteran or the spouse of a veteran holds  
1212 a majority ownership in the business, a copy of the veteran's DD  
1213 Form 214, as issued by the United States Department of Defense,  
1214 or another acceptable form of identification as specified by the  
1215 Department of Veterans' Affairs, and, if applicable, a copy of a  
1216 valid marriage license or certificate verifying that the spouse  
1217 of the veteran was lawfully married to the veteran at the time  
1218 of discharge.

1219 (4) Any licensee submitting a material change in their

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1220 information for licensing, before the date for renewal, must  
1221 submit such change to the department in the manner prescribed by  
1222 the department, along with a fee in the amount of \$10 Any person  
1223 ~~applying for a liquefied petroleum gas license as a specialty~~  
1224 ~~installer, as defined by s. 527.01(11), shall upon application~~  
1225 ~~to the department identify the specific area of work to be~~  
1226 ~~performed. Upon completion of all license requirements set forth~~  
1227 ~~in this chapter, the department shall issue the applicant a~~  
1228 ~~license specifying the scope of work, as identified by the~~  
1229 ~~applicant and defined by rule of the department, for which the~~  
1230 ~~person is authorized.~~

1231 ~~(5) The license fee for a pipeline system operator shall be~~  
1232 ~~\$100 per system owned or operated by the person, not to exceed~~  
1233 ~~\$400 per license year. Such license fee applies only to a~~  
1234 ~~pipeline system operator who owns or operates a liquefied~~  
1235 ~~petroleum gas pipeline system that is used to transmit liquefied~~  
1236 ~~petroleum gas from a common source to the ultimate customer and~~  
1237 ~~that serves 10 or more customers.~~

1238 ~~(5)~~(6) The department shall adopt ~~promulgate~~ rules  
1239 specifying acts deemed by the department to demonstrate a lack  
1240 of trustworthiness to engage in activities requiring a license  
1241 or qualifier identification card under this section.

1242 ~~(7) Any license issued by the department may be transferred~~  
1243 ~~to any person, firm, or corporation for the remainder of the~~  
1244 ~~current license year upon written request to the department by~~  
1245 ~~the original licenseholder. Prior to approval of any transfer,~~  
1246 ~~all licensing requirements of this chapter must be met by the~~  
1247 ~~transferee. A license transfer fee of \$50 shall be charged for~~  
1248 ~~each such transfer.~~

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1249 Section 22. Section 527.0201, Florida Statutes, is amended  
1250 to read:

1251 527.0201 Qualifiers; master qualifiers; examinations.—

1252 (1) In addition to the requirements of s. 527.02, any  
1253 person applying for a license to engage in category I, category  
1254 II, or category V ~~the activities of a pipeline system operator,~~  
1255 ~~category I liquefied petroleum gas dealer, category II liquefied~~  
1256 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~  
1257 ~~dispenser and recreational vehicle servicer, category V~~  
1258 ~~liquefied petroleum gases dealer for industrial uses only, LP~~  
1259 ~~gas installer, specialty installer, regualifier of cylinders, or~~  
1260 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~  
1261 must prove competency by passing a written examination  
1262 administered by the department or its agent with a grade of 70  
1263 75 percent or above in each area tested. Each applicant for  
1264 examination shall submit a \$20 nonrefundable fee. The department  
1265 shall by rule specify the general areas of competency to be  
1266 covered by each examination and the relative weight to be  
1267 assigned in grading each area tested.

1268 (2) Application for examination for competency may be made  
1269 by an individual or by an owner, a partner, or any person  
1270 employed by the license applicant. Upon successful completion of  
1271 the competency examination, the department shall register ~~issue~~  
1272 ~~a qualifier identification card to~~ the examinee.

1273 (a) Qualifier registration automatically expires if  
1274 ~~identification cards, except those issued to category I~~  
1275 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~  
1276 ~~installers, shall remain in effect as long as the individual~~  
1277 ~~shows to the department proof of active employment in the area~~

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1278 ~~of examination and all continuing education requirements are~~  
1279 ~~met. Should the individual terminates terminate active~~  
1280 ~~employment in the area of examination for a period exceeding 24~~  
1281 ~~months, or fails fail to provide documentation of continuing~~  
1282 ~~education, the individual's qualifier status shall automatically~~  
1283 ~~expire. If the qualifier registration status has expired, the~~  
1284 ~~individual must apply for and successfully complete an~~  
1285 ~~examination by the department in order to reestablish qualifier~~  
1286 ~~status.~~

1287 (b) Every business organization in license category I,  
1288 category II, or category V shall employ at all times a full-time  
1289 qualifier who has successfully completed an examination in the  
1290 corresponding category of the license held by the business  
1291 organization. A person may not act as a qualifier for more than  
1292 one licensed location.

1293 (3) Qualifier registration expires ~~cards issued to category~~  
1294 ~~I liquefied petroleum gas dealers and liquefied petroleum gas~~  
1295 ~~installers shall expire 3 years after the date of issuance. All~~  
1296 ~~category I liquefied petroleum gas dealer qualifiers and~~  
1297 ~~liquefied petroleum gas installer qualifiers holding a valid~~  
1298 ~~qualifier card upon the effective date of this act shall retain~~  
1299 ~~their qualifier status until July 1, 2003, and may sit for the~~  
1300 ~~master qualifier examination at any time during that time~~  
1301 ~~period. All such category I liquefied petroleum gas dealer~~  
1302 ~~qualifiers and liquefied petroleum gas installer qualifiers may~~  
1303 ~~renew their qualification on or before July 1, 2003, upon~~  
1304 ~~application to the department, payment of a \$20 renewal fee, and~~  
1305 ~~documentation of the completion of a minimum of 16 hours of~~  
1306 ~~approved continuing education courses, as defined by department~~

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1307 rule, during the previous 3-year period. Applications for  
1308 renewal must be made 30 calendar days before expiration. Persons  
1309 failing to renew before the expiration date must reapply and  
1310 take a qualifier competency examination in order to reestablish  
1311 ~~category I liquefied petroleum gas dealer qualifier and~~  
1312 ~~liquefied petroleum gas installer qualifier status. If a~~  
1313 ~~category I liquefied petroleum gas qualifier or liquefied~~  
1314 ~~petroleum gas installer qualifier becomes a master qualifier at~~  
1315 ~~any time during the effective date of the qualifier card, the~~  
1316 ~~card shall remain in effect until expiration of the master~~  
1317 ~~qualifier certification.~~

1318 (4) A qualifier for a business ~~organization involved in~~  
1319 ~~installation, repair, maintenance, or service of liquefied~~  
1320 ~~petroleum gas appliances, equipment, or systems~~ must actually  
1321 function in a supervisory capacity of other company employees  
1322 performing licensed activities ~~installing, repairing,~~  
1323 ~~maintaining, or servicing liquefied petroleum gas appliances,~~  
1324 ~~equipment, or systems.~~ A separate qualifier shall be required  
1325 for every 10 such employees. ~~Additional qualifiers are required~~  
1326 ~~for those business organizations employing more than 10~~  
1327 ~~employees that install, repair, maintain, or service liquefied~~  
1328 ~~petroleum gas equipment and systems.~~

1329 (5) In addition to all other licensing requirements, each  
1330 category I and category V licensee ~~liquefied petroleum gas~~  
1331 ~~dealer and liquefied petroleum gas installer~~ must, at the time  
1332 of application for licensure, identify to the department one  
1333 master qualifier who is a full-time employee at the licensed  
1334 location. This person shall be a manager, owner, or otherwise  
1335 primarily responsible for overseeing the operations of the

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1336 licensed location and must provide documentation to the  
1337 department as provided by rule. The master qualifier requirement  
1338 shall be in addition to the requirements of subsection (1).

1339 (a) In order to apply for certification as a master  
1340 qualifier, each applicant must have been a registered ~~be a~~  
1341 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~  
1342 ~~petroleum gas installer~~ qualifier for a minimum of 3 years  
1343 immediately preceding submission of the application, must be  
1344 employed by a licensed category I or category V licensee  
1345 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~  
1346 ~~installer~~, or applicant for such license, ~~must provide~~  
1347 ~~documentation of a minimum of 1 year's work experience in the~~  
1348 ~~gas industry~~, and must pass a master qualifier competency  
1349 examination. Master qualifier examinations shall be based on  
1350 Florida's laws, rules, and adopted codes governing liquefied  
1351 petroleum gas safety, general industry safety standards, and  
1352 administrative procedures. The applicant must successfully pass  
1353 the examination with a grade of 70 ~~75~~ percent or above. Each  
1354 applicant for master qualifier registration ~~status~~ must submit  
1355 to the department a nonrefundable \$30 examination fee before the  
1356 examination.

1357 (b) Upon successful completion of the master qualifier  
1358 examination, the department shall issue the examinee a  
1359 ~~certificate of~~ master qualifier registration ~~status which shall~~  
1360 ~~include the name of the licensed company for which the master~~  
1361 ~~qualifier is employed~~. A master qualifier may transfer from one  
1362 licenseholder to another upon becoming employed by the company  
1363 and providing a written request to the department.

1364 (c) A master qualifier registration expires ~~status shall~~

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1365 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and  
1366 may be renewed by submission to the department of documentation  
1367 of completion of at least 16 hours of approved continuing  
1368 education courses during the 3-year period; proof of employment  
1369 ~~with a licensed category I liquefied petroleum gas dealer,~~  
1370 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30  
1371 certificate renewal fee. The department shall define, by rule,  
1372 approved courses of continuing education.

1373 ~~(d) Each category I liquefied petroleum gas dealer or~~  
1374 ~~liquefied petroleum gas installer licensed as of August 31,~~  
1375 ~~2000, shall identify to the department one current category I~~  
1376 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~  
1377 ~~gas installer qualifier who will be the designated master~~  
1378 ~~qualifier for the licenseholder. Such individual must provide~~  
1379 ~~proof of employment for 3 years or more within the liquefied~~  
1380 ~~petroleum gas industry, and shall, upon approval of the~~  
1381 ~~department, be granted a master qualifier certificate. All other~~  
1382 ~~requirements with regard to master qualifier certificate~~  
1383 ~~expiration, renewal, and continuing education shall apply.~~

1384 (6) A vacancy in a qualifier or master qualifier position  
1385 in a business organization which results from the departure of  
1386 the qualifier or master qualifier shall be immediately reported  
1387 to the department by the departing qualifier or master qualifier  
1388 and the licensed company.

1389 (a) If a business organization no longer possesses a duly  
1390 designated qualifier, as required by this section, its liquefied  
1391 petroleum gas licenses shall be suspended by order of the  
1392 department after 20 working days. The license shall remain  
1393 suspended until a competent qualifier has been employed, the

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1394 order of suspension terminated by the department, and the  
 1395 license reinstated. A vacancy in the qualifier position for a  
 1396 period of more than 20 working days shall be deemed to  
 1397 constitute an immediate threat to the public health, safety, and  
 1398 welfare. ~~Failure to obtain a replacement qualifier within 60~~  
 1399 ~~days after the vacancy occurs shall be grounds for revocation of~~  
 1400 ~~licensure or eligibility for licensure.~~

1401 (b) Any category I or category V licensee ~~liquefied~~  
 1402 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses  
 1403 a master qualifier but currently employs a ~~category I liquefied~~  
 1404 ~~petroleum gas dealer or LP gas installer~~ qualifier as required  
 1405 by this section, has ~~shall have~~ 60 days within which to replace  
 1406 the master qualifier. If the company fails to replace the master  
 1407 qualifier within the 60-day ~~time~~ period, the license of the  
 1408 company shall be suspended by order of the department. The  
 1409 license shall remain suspended until a competent master  
 1410 qualifier has been employed, the order of suspension has been  
 1411 terminated by the department, and the license reinstated.  
 1412 ~~Failure to obtain a replacement master qualifier within 90 days~~  
 1413 ~~after the vacancy occurs shall be grounds for revocation of~~  
 1414 ~~licensure or eligibility for licensure.~~

1415 (7) The department may deny, refuse to renew, suspend, or  
 1416 revoke any qualifier ~~card~~ or master qualifier registration  
 1417 ~~certificate~~ for any of the following causes:

1418 (a) Violation of any provision of this chapter or any rule  
 1419 or order of the department;

1420 (b) Falsification of records relating to the qualifier ~~card~~  
 1421 or master qualifier registration ~~certificate~~; or

1422 (c) Failure to meet any of the renewal requirements.

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1423 (8) Any individual having competency qualifications on file  
1424 with the department may request the transfer of such  
1425 qualifications to any existing licenseholder by making a written  
1426 request to the department for such transfer. Any individual  
1427 having a competency examination on file with the department may  
1428 use such examination for a new license application after making  
1429 application in writing to the department. All examinations are  
1430 confidential and exempt from the provisions of s. 119.07(1).

1431 (9) If a duplicate license, qualifier ~~card~~, or master  
1432 qualifier registration certificate is requested by the licensee,  
1433 a fee of \$10 must be received before issuance of the duplicate  
1434 license or certificate ~~card~~. ~~If a facsimile transmission of an~~  
1435 ~~original license is requested, upon completion of the~~  
1436 ~~transmission a fee of \$10 must be received by the department~~  
1437 ~~before the original license may be mailed to the requester.~~

1438 (10) All revenues collected herein shall be deposited in  
1439 the General Inspection Trust Fund for the purpose of  
1440 administering the provisions of this chapter.

1441 Section 23. Section 527.021, Florida Statutes, is amended  
1442 to read:

1443 527.021 Registration of transport vehicles.-

1444 (1) Each liquefied petroleum gas bulk delivery vehicle  
1445 owned or leased by a liquefied petroleum gas licensee must be  
1446 registered with the department as part of the licensing  
1447 application or when placed into service annually.

1448 (2) For the purposes of this section, a "liquefied  
1449 petroleum gas bulk delivery vehicle" means any vehicle that is  
1450 used to transport liquefied petroleum gas on any public street  
1451 or highway as liquid cargo in a cargo tank, which tank is

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1452 mounted on a conventional truck chassis or is an integral part  
1453 of a transporting vehicle in which the tank constitutes, in  
1454 whole or in part, the stress member used as a frame and is a  
1455 permanent part of the transporting vehicle.

1456 ~~(3) Vehicle registrations shall be submitted by the vehicle~~  
1457 ~~owner or lessee in conjunction with the annual renewal of his or~~  
1458 ~~her liquefied petroleum gas license, but no later than August 31~~  
1459 ~~of each year. A dealer who fails to register a vehicle with the~~  
1460 ~~department does not submit the required vehicle registration by~~  
1461 ~~August 31 of each year is subject to the penalties in s. 527.13.~~

1462 (4) The department shall issue a decal to be placed on each  
1463 vehicle that is inspected by the department and found to be in  
1464 compliance with applicable codes.

1465 Section 24. Section 527.03, Florida Statutes, is amended to  
1466 read:

1467 527.03 ~~Annual~~ Renewal of license.—All licenses required  
1468 under this chapter shall be renewed annually, biennially, or  
1469 triennially, as elected by the licensee, subject to the license  
1470 fees prescribed in s. 527.02. All renewals must meet the same  
1471 requirements and conditions as an annual license for each  
1472 licensed year ~~All licenses, except Category III Liquefied~~  
1473 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~  
1474 ~~Dealer in Appliances and Equipment for Use of Liquefied~~  
1475 ~~Petroleum Gas licenses, shall be renewed for the period~~  
1476 ~~beginning September 1 and shall expire on the following August~~  
1477 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~  
1478 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~  
1479 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~  
1480 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~

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1481 ~~period beginning April 1 and shall expire on the following March~~  
1482 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~

1483 Any license allowed to expire will ~~shall~~ become inoperative  
1484 because of failure to renew. The fee for restoration of a  
1485 license is equal to the original license fee and must be paid  
1486 before the licensee may resume operations.

1487 Section 25. Section 527.04, Florida Statutes, is amended to  
1488 read:

1489 527.04 Proof of insurance required.-

1490 (1) Before any license is issued, except to a category IV  
1491 dealer in appliances and equipment ~~for use of liquefied~~  
1492 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder  
1493 exchange operator, the applicant must deliver to the department  
1494 satisfactory evidence that the applicant is covered by a primary  
1495 policy of bodily injury liability and property damage liability  
1496 insurance that covers the products and operations with respect  
1497 to such business and is issued by an insurer authorized to do  
1498 business in this state for an amount not less than \$1 million  
1499 and that the premium on such insurance is paid. An insurance  
1500 certificate, affidavit, or other satisfactory evidence of  
1501 acceptable insurance coverage shall be accepted as proof of  
1502 insurance. In lieu of an insurance policy, the applicant may  
1503 deliver a good and sufficient bond in the amount of \$1 million,  
1504 payable to the Commissioner of Agriculture ~~Governor of Florida~~,  
1505 with the applicant as principal and a surety company authorized  
1506 to do business in this state as surety. The bond must be  
1507 conditioned upon the applicant's compliance with this chapter  
1508 and the rules of the department with respect to the conduct of  
1509 such business and shall indemnify and hold harmless all persons

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1510 from loss or damage by reason of the applicant's failure to  
1511 comply. However, the aggregated liability of the surety may not  
1512 exceed \$1 million. If the insurance policy is canceled or  
1513 otherwise terminated or the bond becomes insufficient, the  
1514 department may require new proof of insurance or a new bond to  
1515 be filed, and if the licenseholder fails to comply, the  
1516 department shall cancel the license issued and give the  
1517 licenseholder written notice that it is unlawful to engage in  
1518 business without a license. A new bond is not required as long  
1519 as the original bond remains sufficient and in force. If the  
1520 licenseholder's insurance coverage as required by this  
1521 subsection is canceled or otherwise terminated, the insurer must  
1522 notify the department within 30 days after the cancellation or  
1523 termination.

1524 (2) Before any license is issued to a category ~~class~~ III  
1525 liquefied petroleum gas cylinder exchange operator, the  
1526 applicant must deliver to the department satisfactory evidence  
1527 that the applicant is covered by a primary policy of bodily  
1528 injury liability and property damage liability insurance that  
1529 covers the products and operations with respect to the business  
1530 and is issued by an insurer authorized to do business in this  
1531 state for an amount not less than \$300,000 and that the premium  
1532 on the insurance is paid. An insurance certificate, affidavit,  
1533 or other satisfactory evidence of acceptable insurance coverage  
1534 shall be accepted as proof of insurance. In lieu of an insurance  
1535 policy, the applicant may deliver a good and sufficient bond in  
1536 the amount of \$300,000, payable to the Commissioner of  
1537 Agriculture ~~Governor~~, with the applicant as principal and a  
1538 surety company authorized to do business in this state as

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1539 surety. The bond must be conditioned upon the applicant's  
1540 compliance with this chapter and the rules of the department  
1541 with respect to the conduct of such business and must indemnify  
1542 and hold harmless all persons from loss or damage by reason of  
1543 the applicant's failure to comply. However, the aggregated  
1544 liability of the surety may not exceed \$300,000. If the  
1545 insurance policy is canceled or otherwise terminated or the bond  
1546 becomes insufficient, the department may require new proof of  
1547 insurance or a new bond to be filed, and if the licenseholder  
1548 fails to comply, the department shall cancel the license issued  
1549 and give the licenseholder written notice that it is unlawful to  
1550 engage in business without a license. A new bond is not required  
1551 as long as the original bond remains sufficient and in force. If  
1552 the licenseholder's insurance coverage required by this  
1553 subsection is canceled or otherwise terminated, the insurer must  
1554 notify the department within 30 days after the cancellation or  
1555 termination.

1556 (3) Any person having a cause of action on the bond may  
1557 bring suit against the principal and surety, and a copy of such  
1558 bond duly certified by the department shall be received in  
1559 evidence in the courts of this state without further proof. The  
1560 department shall furnish a certified copy of the ~~such~~ bond upon  
1561 payment to it of its lawful fee for making and certifying such  
1562 copy.

1563 Section 26. Section 527.0605, Florida Statutes, is amended  
1564 to read:

1565 527.0605 Liquefied petroleum gas bulk storage locations;  
1566 jurisdiction.—

1567 (1) The provisions of this chapter ~~shall~~ apply to liquefied

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1568 petroleum gas bulk storage locations when:

1569 (a) A single container in the bulk storage location has a  
1570 capacity of 2,000 gallons or more;

1571 (b) The aggregate container capacity of the bulk storage  
1572 location is 4,000 gallons or more; or

1573 (c) A container or containers are installed for the purpose  
1574 of serving the public the liquid product.

1575 ~~(2) Prior to the installation of any bulk storage~~  
1576 ~~container, the licensee must submit to the department a site~~  
1577 ~~plan of the facility which shows the proposed location of the~~  
1578 ~~container and must obtain written approval of such location from~~  
1579 ~~the department.~~

1580 ~~(3) A fee of \$200 shall be assessed for each site plan~~  
1581 ~~reviewed by the division. The review shall include~~  
1582 ~~preconstruction inspection of the proposed site, plan review,~~  
1583 ~~and final inspection of the completed facility.~~

1584 (2)~~(4)~~ No newly installed container may be placed in  
1585 operation until it has been inspected and approved by the  
1586 department.

1587 Section 27. Subsection (1) of section 527.065, Florida  
1588 Statutes, is amended to read:

1589 527.065 Notification of accidents; leak calls.—

1590 (1) Immediately upon discovery, all liquefied petroleum gas  
1591 licensees shall notify the department of any liquefied petroleum  
1592 gas-related accident involving a liquefied petroleum gas  
1593 licensee or customer account:

1594 (a) Which caused a death or personal injury requiring  
1595 professional medical treatment;

1596 (b) Where uncontrolled ignition of liquefied petroleum gas

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1597 resulted in death, personal injury, or property damage exceeding  
1598 \$3,000 ~~\$1,000~~; or

1599 (c) Which caused estimated damage to property exceeding  
1600 \$3,000 ~~\$1,000~~.

1601 Section 28. Subsection (3) is added to section 527.067,  
1602 Florida Statutes, to read:

1603 527.067 Responsibilities of persons engaged in servicing  
1604 liquefied petroleum gas equipment and systems and consumers, end  
1605 users, or owners of liquefied petroleum gas equipment or  
1606 systems.—

1607 (3) A category I liquefied petroleum gas dealer may not  
1608 render a consumer's liquefied petroleum gas equipment or system  
1609 inoperable or discontinue service without providing written or  
1610 electronic notification to the consumer at least 5 business days  
1611 before rendering the liquefied petroleum gas equipment or system  
1612 inoperable or discontinuing service. This notification does not  
1613 apply in the event of a hazardous condition known to the  
1614 category I liquefied petroleum gas dealer.

1615 Section 29. Section 527.10, Florida Statutes, is amended to  
1616 read:

1617 527.10 Restriction on use of unsafe container or system.—No  
1618 liquefied petroleum gas shall be introduced into or removed from  
1619 any container or system in this state that has been identified  
1620 by the department or its duly authorized inspectors as not  
1621 complying with the rules pertaining to such container or system,  
1622 until such violations as specified have been satisfactorily  
1623 corrected and authorization for continued service or removal  
1624 granted by the department. A statement of violations of the  
1625 rules that render such a system unsafe for use shall be

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1626 furnished in writing by the department to the ~~ultimate~~ consumer  
1627 or dealer in liquefied petroleum gas.

1628 Section 30. Subsections (3) and (17) of section 527.21,  
1629 Florida Statutes, are amended to read:

1630 527.21 Definitions relating to Florida Propane Gas  
1631 Education, Safety, and Research Act.—As used in ss. 527.20-  
1632 527.23, the term:

1633 (3) "Dealer" means a business engaged primarily in selling  
1634 propane gas and its appliances and equipment to the ~~ultimate~~  
1635 consumer or to retail propane gas dispensers.

1636 (17) "Wholesaler" or "reseller" means a seller of propane  
1637 gas who is not a producer and who does not sell propane gas to  
1638 the ~~ultimate~~ consumer.

1639 Section 31. Paragraph (a) of subsection (2) of section  
1640 527.22, Florida Statutes, is amended to read:

1641 527.22 Florida Propane Gas Education, Safety, and Research  
1642 Council established; membership; duties and responsibilities.—

1643 (2) (a) ~~Within 90 days after the effective date of this act,~~  
1644 ~~the commissioner shall make a call to qualified industry~~  
1645 ~~organizations for nominees to the council.~~ The commissioner  
1646 shall appoint members of the council from a list of nominees  
1647 submitted by qualified industry organizations. The commissioner  
1648 may require such reports or documentation as is necessary to  
1649 document the nomination process for members of the council.  
1650 Qualified industry organizations, in making nominations, and the  
1651 commissioner, in making appointments, shall give due regard to  
1652 selecting a council that is representative of the industry and  
1653 the geographic regions of the state. Other than the public  
1654 member, council members must be full-time employees or owners of

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1655 propane gas producers or dealers doing business in this state.

1656 Section 32. Section 531.67, Florida Statutes, is amended to  
1657 read:

1658 531.67 Expiration of sections.—Sections 531.60, 531.61,  
1659 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,  
1660 2025 ~~2020~~.

1661 Section 33. Section 534.47, Florida Statutes, is amended to  
1662 read:

1663 534.47 Definitions.—As used in ss. 534.48-534.54, the term  
1664 ~~ss. 534.48-534.53~~:

1665 (1) "Dealer" means a person, not a market agency, engaged  
1666 in the business of buying or selling in commerce livestock  
1667 either on his or her own account or as the employee or agent of  
1668 a vendor or purchaser.

1669 (2)~~(1)~~ "Department" means the Department of Agriculture and  
1670 Consumer Services.

1671 (3) "Livestock" has the same meaning as in s. 585.01(13).

1672 (4)~~(2)~~ "Livestock market" means any location in the state  
1673 where livestock is assembled and sold at public auction or on a  
1674 commission basis during regularly scheduled or special sales.  
1675 The term "livestock market" does ~~shall~~ not include private farms  
1676 or ranches or sales made at livestock shows, fairs, exhibitions,  
1677 or special breed association sales.

1678 (5) "Packer" means a person engaged in the business of  
1679 buying livestock in commerce for purposes of slaughter, or of  
1680 manufacturing or preparing meats or meat food products for sale  
1681 or shipment in commerce, or of marketing meats, meat food  
1682 products, or livestock products in an unmanufactured form acting  
1683 as a wholesaler broker, dealer, or distributor in commerce.

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1684       (6) "Purchaser" means a person, partnership, firm,  
1685 corporation, or other organization owning, managing, producing,  
1686 or dealing in livestock, including, but not limited to, a packer  
1687 or dealer, that buys livestock for breeding, feeding, reselling,  
1688 slaughter, or other purpose.

1689       (7) "Registered and approved livestock market" means a  
1690 livestock market fully registered, bonded, and approved as a  
1691 market agency pursuant to the Stockyards Act and governing  
1692 regulations of the United States Department of Agriculture Grain  
1693 Inspection, Packers and Stockyards Administration.

1694       (8) "Seller" means a person, partnership, firm,  
1695 corporation, or other organization owning, managing, producing,  
1696 financing, or dealing in livestock, including, but not limited  
1697 to, a registered and approved livestock market as consignee or a  
1698 dealer, that sells livestock for breeding, feeding, reselling,  
1699 slaughter, or other purpose.

1700       (9) "Stockyards Act" means the Packers and Stockyards Act  
1701 of 1921, 7 U.S.C. ss. 181-229 and the regulations promulgated  
1702 pursuant to that act under 9 C.F.R. part 201.

1703       ~~(3) "Buyer" means the party to whom title of livestock~~  
1704 ~~passes or who is responsible for the purchase price of~~  
1705 ~~livestock, including, but not limited to, producers, dealers,~~  
1706 ~~meat packers, or order buyers.~~

1707       Section 34. Section 534.49, Florida Statutes, is amended to  
1708 read:

1709       534.49 Livestock drafts; effect.—For the purposes of this  
1710 section, a livestock draft given as payment at a livestock  
1711 auction market for a livestock purchase shall not be deemed an  
1712 express extension of credit to the purchaser ~~buyer~~ and shall not

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1713 defeat the creation of a lien on such ~~an~~ animal and its carcass,  
 1714 ~~and~~ all products therefrom, and all proceeds thereof, to secure  
 1715 all or a part of its sales price, as provided in s. 534.54(3) ~~s.~~  
 1716 ~~534.54(4)~~.

1717 Section 35. Section 534.50, Florida Statutes, is repealed.

1718 Section 36. Section 534.501, Florida Statutes, is amended  
 1719 to read:

1720 534.501 ~~Livestock draft; Unlawful to delay or failure in~~  
 1721 ~~payment.-It is shall be~~ unlawful for the purchaser of livestock  
 1722 to delay or fail in rendering payment for livestock to a seller  
 1723 of cattle as provided in s. 534.54. A person who violates this  
 1724 section commits an unfair or deceptive act or practice as  
 1725 specified in s. 501.204 ~~payment of the livestock draft upon~~  
 1726 ~~presentation of said draft at the payor's bank. Nothing~~  
 1727 ~~contained in this section shall be construed to preclude a~~  
 1728 ~~payor's right to refuse payment of an unauthorized draft.~~

1729 Section 37. Section 534.51, Florida Statutes, is repealed.

1730 Section 38. Section 534.54, Florida Statutes, is amended to  
 1731 read:

1732 534.54 Cattle or hog processors; prompt payment; penalty;  
 1733 lien.-

1734 ~~(1) As used in this section:~~

1735 ~~(a) "Livestock" means cattle or hogs.~~

1736 ~~(b) "Meat processor" means a person, corporation,~~  
 1737 ~~association, or other legal entity engaged in the business of~~  
 1738 ~~slaughtering cattle or hogs.~~

1739 (1)(2)(a) A purchaser that ~~meat processor who~~ purchases  
 1740 livestock from a seller, ~~or any person, corporation,~~  
 1741 ~~association, or other legal entity who purchases livestock from~~

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1742 ~~a seller for slaughter~~, shall make payment by cash or check for  
1743 the purchase price of the livestock and actually deliver the  
1744 cash or check to the seller or her or his representative at the  
1745 location where the purchaser takes physical possession of the  
1746 livestock on the day the transfer of possession occurs or by  
1747 ~~shall~~ wire transfer of funds on the business day within which  
1748 the possession of the said livestock is transferred. However, if  
1749 the transfer of possession is accomplished after normal banking  
1750 hours, ~~said~~ payment shall be made in the manner ~~herein~~ provided  
1751 in this subsection no not later than the close of the first  
1752 business day following the said transfer of possession. In the  
1753 case of "grade and yield" selling, the purchaser shall make  
1754 payment by wire transfer of funds or by personal or cashier's  
1755 check by registered mail postmarked no not later than the close  
1756 of the first business day following determination of "grade and  
1757 yield."

1758 (b) All instruments issued in payment as required by this  
1759 section hereunder shall be drawn on banking institutions which  
1760 are so located as not artificially to delay collection of funds  
1761 through the mail or otherwise cause an undue lapse of time in  
1762 the clearance process.

1763 ~~(2)(3) In all cases in which~~ A purchaser of who purchases  
1764 livestock that for slaughter from a seller fails to comply with  
1765 subsection (1) make payment for the livestock as required by  
1766 ~~this section~~ or artificially delays collection of funds for the  
1767 payment of the livestock, ~~the purchaser~~ shall be liable to pay  
1768 the seller owner of the livestock, in addition to the price of  
1769 the livestock:

1770 (a) Twelve percent damages on the amount of the price.

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1771 (b) Interest on the purchase price of the livestock at the  
1772 highest legal rate from and after the transfer of possession  
1773 until payment is made as required by this section.

1774 (c) ~~A~~ Reasonable attorney fees, court costs, and expenses  
1775 ~~attorney's fee~~ for the prosecution of collection of the payment.

1776 ~~(3)-(4)~~ (a) A seller that ~~Any person, partnership, firm,~~  
1777 ~~corporation, or other organization which~~ sells livestock to a  
1778 purchaser shall have a lien on such animal and its carcass, all  
1779 products therefrom, and all proceeds thereof to secure all or a  
1780 part of its sales price.

1781 (b) The lien provided in this subsection shall be deemed to  
1782 have attached and to be perfected upon delivery of the livestock  
1783 to the purchaser without further action, and such lien shall  
1784 continue in the livestock and its carcass, all products  
1785 therefrom, and all proceeds thereof without regard to possession  
1786 thereof by the party entitled to such lien without further  
1787 perfection.

1788 (c) If the livestock or its carcass or products therefrom  
1789 are so commingled with other livestock, carcasses, or products  
1790 so that the identity thereof is lost, then the lien granted in  
1791 this subsection shall extend to the same effect as if same had  
1792 been perfected originally in all such animals, carcasses, and  
1793 products with which it has become commingled. However, all liens  
1794 so extended under this paragraph to such commingled livestock,  
1795 carcasses, and products shall be on a parity with one another,  
1796 and, with respect to such commingled carcasses or products upon  
1797 which a lien or liens have been so extended under this  
1798 paragraph, no such lien shall be enforceable as against any  
1799 purchaser without actual knowledge thereof purchasing one or

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1800 more of such carcasses or products in the ordinary course of  
1801 trade or business from the party having commingled such  
1802 carcasses or products or against any subsequent transferee from  
1803 such purchaser, but in the event of such sale, such lien shall  
1804 instead extend to the proceeds of such sale.

1805 Section 39. Subsection (46) is added to section 570.07,  
1806 Florida Statutes, to read:

1807 570.07 Department of Agriculture and Consumer Services;  
1808 functions, powers, and duties.—The department shall have and  
1809 exercise the following functions, powers, and duties:

1810 (46) During a state of emergency declared pursuant to s.  
1811 252.36, to waive fees by emergency order for duplicate copies or  
1812 renewal of permits, licenses, certifications, or other similar  
1813 types of authorizations during a period specified by the  
1814 commissioner.

1815 Section 40. Section 573.111, Florida Statutes, is amended  
1816 to read:

1817 573.111 Notice of effective date of marketing order.—Before  
1818 the issuance of any marketing order, or any suspension,  
1819 amendment, or termination thereof, a notice must ~~shall~~ be posted  
1820 ~~on a public bulletin board to be maintained by the department in~~  
1821 ~~the Division of Marketing and Development of the department in~~  
1822 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~  
1823 ~~of the notice shall be posted on the department website the same~~  
1824 ~~date that the notice is posted on the bulletin board. A No~~  
1825 marketing order, or any suspension, amendment, or termination  
1826 thereof, may not ~~shall~~ become effective until ~~the termination of~~  
1827 ~~a period of 5 days~~ after ~~from~~ the date of posting and  
1828 publication.

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1829 Section 41. Section 578.011, Florida Statutes, is amended  
1830 to read:

1831 578.011 Definitions; Florida Seed Law.—When used in this  
1832 chapter, the term:

1833 (1) "Advertisement" means all representations, other than  
1834 those on the label, disseminated in any manner or by any means,  
1835 relating to seed within the scope of this law.

1836 (2) "Agricultural seed" includes the seed of grass, forage,  
1837 cereal and fiber crops, and chufas and any other seed commonly  
1838 recognized within the state as agricultural seed, lawn seed, and  
1839 combinations of such seed, and may include identified noxious  
1840 weed seed when the department determines that such seed is being  
1841 used as agricultural seed ~~or field seed and mixtures of such~~  
1842 ~~seed.~~

1843 (3) "Blend" means seed consisting of more than one variety  
1844 of one kind, each present in excess of 5 percent by weight of  
1845 the whole.

1846 (4) "Buyer" means a person who purchases agricultural,  
1847 vegetable, flower, tree, or shrub seed in packaging of 1,000  
1848 seeds or more by count.

1849 (5) "Brand" means a distinguishing word, name, symbol,  
1850 number, or design used to identify seed produced, packaged,  
1851 advertised, or offered for sale by a particular person.

1852 (6) ~~(3)~~ "Breeder seed" means a class of certified seed  
1853 directly controlled by the originating or sponsoring plant  
1854 breeding institution or person, or designee thereof, and is the  
1855 source for the production of seed of the other classes of  
1856 certified seed ~~that are released directly from the breeder or~~  
1857 ~~experiment station that develops the seed. These seed are one~~

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1858 ~~class above foundation seed.~~

1859 (7)(4) "Certified seed," means a class of seed which is the  
1860 progeny of breeder, foundation, or registered seed "registered  
1861 seed," and "foundation seed" mean seed that have been produced  
1862 and labeled in accordance with the procedures and in compliance  
1863 with the rules and regulations of any agency authorized by the  
1864 laws of this state or the laws of another state.

1865 (8) "Certifying agency" means:

1866 (a) An agency authorized under the laws of a state,  
1867 territory, or possession of the United States to officially  
1868 certify seed and which has standards and procedures approved by  
1869 the United States Secretary of Agriculture to assure the genetic  
1870 purity and identity of the seed certified; or

1871 (b) An agency of a foreign country that the United States  
1872 Secretary of Agriculture has determined as adhering to  
1873 procedures and standards for seed certification comparable to  
1874 those adhered to generally by seed certifying agencies under  
1875 paragraph (a).

1876 (9) "Coated seed" means seed that has been covered by a  
1877 layer of materials that obscures the original shape and size of  
1878 the seed and substantially increases the weight of the product.  
1879 The addition of biologicals, pesticides, identifying colorants  
1880 or dyes, or other active ingredients including polymers may be  
1881 included in this process.

1882 (10)(5) "Date of test" means the month and year the  
1883 percentage of germination appearing on the label was obtained by  
1884 laboratory test.

1885 (11)(6) "Dealer" means any person who sells or offers for  
1886 sale any agricultural, vegetable, flower, ~~or forest tree,~~ or

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1887 shrub seed for seeding purposes, and includes farmers who sell  
1888 cleaned, processed, packaged, and labeled seed.

1889 (12)~~(7)~~ "Department" means the Department of Agriculture  
1890 and Consumer Services or its authorized representative.

1891 (13)~~(8)~~ "Dormant seed" refers to viable seed, other than  
1892 hard seed, which neither germinate nor decay during the  
1893 prescribed test period and under the prescribed test conditions.

1894 (14)~~(9)~~ "Flower seed" includes seed of herbaceous plants  
1895 grown for blooms, ornamental foliage, or other ornamental parts,  
1896 and commonly known and sold under the name of flower or  
1897 wildflower seed in this state.

1898 ~~(10) "Forest tree seed" includes seed of woody plants~~  
1899 ~~commonly known and sold as forest tree seed.~~

1900 (15) "Foundation seed" means a class of certified seed  
1901 which is the progeny of breeder or other foundation seed and is  
1902 produced and handled under procedures established by the  
1903 certifying agency, in accordance with this part, for producing  
1904 foundation seed, for the purpose of maintaining genetic purity  
1905 and identity.

1906 (16)~~(11)~~ "Germination" means the emergence and development  
1907 from the seed embryo of those essential structures which, for  
1908 the kind of seed in question, are indicative of the ability to  
1909 produce a normal plant under favorable conditions ~~percentage of~~  
1910 ~~seed capable of producing normal seedlings under ordinarily~~  
1911 ~~favorable conditions. Broken seedlings and weak, malformed and~~  
1912 ~~obviously abnormal seedlings shall not be considered to have~~  
1913 ~~germinated.~~

1914 (17)~~(12)~~ "Hard seed" means seeds that remain hard at the  
1915 end of a prescribed test period because they have not absorbed

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1916 water due to an impermeable seed coat ~~the percentage of seed~~  
1917 ~~which because of hardness or impermeability did not absorb~~  
1918 ~~moisture or germinate under prescribed tests but remain hard~~  
1919 ~~during the period prescribed for germination of the kind of seed~~  
1920 ~~concerned.~~

1921 (18)~~(13)~~ "Hybrid" means the first generation seed of a  
1922 cross produced by controlling the pollination and by combining:

1923 (a) Two or more inbred lines;

1924 (b) One inbred or a single cross with an open-pollinated  
1925 variety; or

1926 (c) Two varieties or species, except open-pollinated  
1927 varieties of corn (*Zea mays*).

1928  
1929 The second generation or subsequent generations from such  
1930 crosses may ~~shall~~ not be regarded as hybrids. Hybrid  
1931 designations shall be treated as variety names.

1932 (19)~~(14)~~ "Inert matter" means all matter that is not a full  
1933 seed ~~includes broken seed when one half in size or less; seed of~~  
1934 ~~legumes or crucifers with the seed coats removed; undeveloped~~  
1935 ~~and badly injured weed seed such as sterile dodder which, upon~~  
1936 ~~visual examination, are clearly incapable of growth; empty~~  
1937 ~~glumes of grasses; attached sterile glumes of grasses (which~~  
1938 ~~must be removed from the fertile glumes except in Rhodes grass);~~  
1939 ~~dirt, stone, chaff, nematode, fungus bodies, and any matter~~  
1940 ~~other than seed.~~

1941 (20)~~(15)~~ "Kind" means one or more related species or  
1942 subspecies which singly or collectively is known by one common  
1943 name; e.g., corn, beans, lespedeza.

1944 (21) "Label" means the display or displays of written or

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1945 printed material upon or attached to a container of seed.

1946 (22)~~(16)~~ "Labeling" includes all labels and other written,  
1947 printed, or graphic representations, in any form, accompanying  
1948 and pertaining to any seed, whether in bulk or in containers,  
1949 and includes invoices and other bills of shipment when sold in  
1950 bulk.

1951 (23)~~(17)~~ "Lot of seed" means a definite quantity of seed  
1952 identified by a lot number or other mark identification, every  
1953 portion or bag of which is uniform within recognized tolerances  
1954 for the factors that appear in the labeling, ~~for the factors~~  
1955 ~~which appear in the labeling, within permitted tolerances.~~

1956 (24)~~(18)~~ "Mix," "mixed," or "mixture" means seed consisting  
1957 of more than one kind ~~or variety~~, each present in excess of 5  
1958 percent by weight of the whole.

1959 (25) "Mulch" means a protective covering of any suitable  
1960 substance placed with seed which acts to retain sufficient  
1961 moisture to support seed germination and sustain early seedling  
1962 growth and aid in the prevention of the evaporation of soil  
1963 moisture, the control of weeds, and the prevention of erosion.

1964 (26) "Noxious weed seed" means seed in one of two classes  
1965 of seed:

1966 (a) "Prohibited noxious weed seed" means the seed of weeds  
1967 that are highly destructive and difficult to control by good  
1968 cultural practices and the use of herbicides.

1969 (b) "Restricted noxious weed seed" means weed seeds that  
1970 are objectionable in agricultural crops, lawns, and gardens of  
1971 this state and which can be controlled by good agricultural  
1972 practices or the use of herbicides.

1973 (27)~~(19)~~ "Origin" means the state, District of Columbia,

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1974 Puerto Rico, or possession of the United States, or the foreign  
1975 country where the seed were grown, except for native species,  
1976 where the term means the county or collection zone and the state  
1977 where the seed were grown ~~for forest tree seed, with respect to~~  
1978 ~~which the term "origin" means the county or state forest service~~  
1979 ~~seed collection zone and the state where the seed were grown.~~

1980 (28)-(20) "Other crop seed" includes all seed of plants  
1981 grown in this state as crops, other than the kind or kind and  
1982 variety included in the pure seed, when not more than 5 percent  
1983 of the whole of a single kind or variety is present, unless  
1984 designated as weed seed.

1985 (29) "Packet seed" means seed prepared for use in home  
1986 gardens and household plantings packaged in labeled, sealed  
1987 containers of less than 8 ounces and typically sold from seed  
1988 racks or displays in retail establishments, via the Internet, or  
1989 through mail order.

1990 (30)-(21) "Processing" means conditioning, cleaning,  
1991 scarifying, or blending to obtain uniform quality and other  
1992 operations which would change the purity or germination of the  
1993 seed and, therefore, require retesting to determine the quality  
1994 of the seed.

1995 ~~(22)~~ ~~"Prohibited noxious weed seed" means the seed and~~  
1996 ~~bulblets of perennial weeds such as not only reproduce by seed~~  
1997 ~~or bulblets, but also spread by underground roots or stems and~~  
1998 ~~which, when established, are highly destructive and difficult to~~  
1999 ~~control in this state by ordinary good cultural practice.~~

2000 (31)-(23) "Pure seed" means the seed, exclusive of inert  
2001 matter, of the kind or kind and variety of seed declared on the  
2002 label or tag ~~includes all seed of the kind or kind and variety~~

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2003 ~~or strain under consideration, whether shriveled, cracked, or~~  
2004 ~~otherwise injured, and pieces of broken seed larger than one-~~  
2005 ~~half the original size.~~

2006 (32)~~(24)~~ "Record" includes the symbol identifying the seed  
2007 as to origin, amount, processing, testing, labeling, and  
2008 distribution, ~~file sample of the seed,~~ and any other document or  
2009 instrument pertaining to the purchase, sale, or handling of  
2010 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed.  
2011 Such information includes seed samples and records of  
2012 declarations, labels, purchases, sales, conditioning, bulking,  
2013 treatment, handling, storage, analyses, tests, and examinations.

2014 (33) "Registered seed" means a class of certified seed  
2015 which is the progeny of breeder or foundation seed and is  
2016 produced and handled under procedures established by the  
2017 certifying agency, in accordance with this part, for the purpose  
2018 of maintaining genetic purity and identity.

2019 ~~(25) "Restricted noxious weed seed" means the seed of such~~  
2020 ~~weeds as are very objectionable in fields, lawns, or gardens of~~  
2021 ~~this state, but can be controlled by good cultural practice.~~  
2022 ~~Seed of poisonous plants may be included.~~

2023 (34) "Shrub seed" means seed of a woody plant that is  
2024 smaller than a tree and has several main stems arising at or  
2025 near the ground.

2026 (35)~~(26)~~ "Stop-sale" means any written or printed notice or  
2027 order issued by the department to the owner or custodian of any  
2028 lot of agricultural, vegetable, flower, ~~or forest tree,~~ or shrub  
2029 seed in the state, directing the owner or custodian not to sell  
2030 or offer for sale seed designated by the order within the state  
2031 until the requirements of this law are complied with and a

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2032 written release has been issued; except that the seed may be  
2033 released to be sold for feed.

2034 ~~(36)-(27)~~ "Treated" means that the seed has been given an  
2035 application of a material or subjected to a process designed to  
2036 control or repel disease organisms, insects, or other pests  
2037 attacking seed or seedlings grown therefrom to improve its  
2038 planting value or to serve any other purpose.

2039 (37) "Tree seed" means seed of a woody perennial plant  
2040 typically having a single stem or trunk growing to a  
2041 considerable height and bearing lateral branches at some  
2042 distance from the ground.

2043 ~~(38)-(28)~~ "Type" means a group of varieties so nearly  
2044 similar that the individual varieties cannot be clearly  
2045 differentiated except under special conditions.

2046 ~~(39)-(29)~~ "Variety" means a subdivision of a kind which is  
2047 distinct in the sense that the variety can be differentiated by  
2048 one or more identifiable morphological, physiological, or other  
2049 characteristics from all other varieties of public knowledge;  
2050 uniform in the sense that the variations in essential and  
2051 distinctive characteristics are describable; and stable in the  
2052 sense that the variety will remain unchanged in its essential  
2053 and distinctive characteristics and its uniformity when  
2054 reproduced or reconstituted ~~characterized by growth, plant~~  
2055 ~~fruit, seed, or other characteristics by which it can be~~  
2056 ~~differentiated from other sorts of the same kind; e.g.,~~  
2057 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

2058 ~~(40)-(30)~~ "Vegetable seed" means the seed of those crops  
2059 that ~~which~~ are grown in gardens or on truck farms, and are  
2060 generally known and sold under the name of vegetable seed or

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2061 herb seed in this state.

2062 (41)~~(31)~~ "Weed seed" includes the seed of all plants  
2063 generally recognized as weeds within this state, and includes  
2064 prohibited and restricted noxious weed seed, bulblets, ~~and~~  
2065 tubers, and any other vegetative propagules.

2066 Section 42. Section 578.012, Florida Statutes, is created  
2067 to read:

2068 578.012 Preemption.—

2069 (1) It is the intent of the Legislature to eliminate  
2070 duplication of regulation of seed. As such, this chapter is  
2071 intended as comprehensive and exclusive and occupies the whole  
2072 field of regulation of seed.

2073 (2) The authority to regulate seed or matters relating to  
2074 seed in this state is preempted to the state. A local government  
2075 or political subdivision of the state may not enact or enforce  
2076 an ordinance that regulates seed, including the power to assess  
2077 any penalties provided for violation of this chapter.

2078 Section 43. Section 578.08, Florida Statutes, is amended to  
2079 read:

2080 578.08 Registrations.—

2081 (1) Every person, except as provided in subsection (4) ~~and~~  
2082 ~~s. 578.14~~, before selling, distributing for sale, offering for  
2083 sale, exposing for sale, handling for sale, or soliciting orders  
2084 for the purchase of any agricultural, vegetable, flower, ~~or~~  
2085 ~~forest~~ tree, or shrub seed or mixture thereof, shall first  
2086 register with the department as a seed dealer. The application  
2087 for registration must include the name and location of each  
2088 place of business at which the seed is sold, distributed for  
2089 sale, offered for sale, exposed for sale, or handled for sale.

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2090 The application must ~~for registration shall~~ be filed with the  
2091 department by using a form prescribed by the department or by  
2092 using the department's website and shall be accompanied by an  
2093 annual registration fee for each such place of business based on  
2094 the gross receipts from the sale of such seed for the last  
2095 preceding license year as follows:

- 2096 (a)1. Receipts of less than \$500, a fee of \$10.  
2097 2. Receipts of \$500 or more but less than \$1,000, a fee of  
2098 \$25.  
2099 3. Receipts of \$1,000 or more but less than \$2,500, a fee  
2100 of \$100.  
2101 4. Receipts of \$2,500 or more but less than \$5,000, a fee  
2102 of \$200.  
2103 5. Receipts of \$5,000 or more but less than \$10,000, a fee  
2104 of \$350.  
2105 6. Receipts of \$10,000 or more but less than \$20,000, a fee  
2106 of \$800.  
2107 7. Receipts of \$20,000 or more but less than \$40,000, a fee  
2108 of \$1,000.  
2109 8. Receipts of \$40,000 or more but less than \$70,000, a fee  
2110 of \$1,200.  
2111 9. Receipts of \$70,000 or more but less than \$150,000, a  
2112 fee of \$1,600.  
2113 10. Receipts of \$150,000 or more but less than \$400,000, a  
2114 fee of \$2,400.  
2115 11. Receipts of \$400,000 or more, a fee of \$4,600.  
2116 (b) For places of business not previously in operation, the  
2117 fee shall be based on anticipated receipts for the first license  
2118 year.

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2119 (2) A ~~written~~ receipt from the department of the  
2120 registration and payment of the fee shall constitute a  
2121 sufficient permit for the dealer to engage in or continue in the  
2122 business of selling, distributing for sale, offering or exposing  
2123 for sale, handling for sale, or soliciting orders for the  
2124 purchase of any agricultural, vegetable, flower, ~~or forest~~ tree,  
2125 or shrub seed within the state. However, the department has  
2126 ~~shall have~~ authority to suspend or revoke any permit for the  
2127 violation of any provision of this law or of any rule adopted  
2128 under authority hereof. The registration shall expire on June 30  
2129 of the next calendar year and shall be renewed on July 1 of each  
2130 year. If any person subject to the requirements of this section  
2131 fails to comply, the department may issue a stop-sale notice or  
2132 order which shall prohibit the person from selling or causing to  
2133 be sold any agricultural, vegetable, flower, ~~or forest~~ tree, or  
2134 shrub seed until the requirements of this section are met.

2135 (3) Every person selling, distributing for sale, offering  
2136 for sale, exposing for sale, handling for sale, or soliciting  
2137 orders for the purchase of any agricultural, vegetable, flower,  
2138 ~~or forest~~ tree, or shrub seed in the state other than as  
2139 provided in subsection (4) ~~s. 578.14~~, shall be subject to the  
2140 requirements of this section; ~~except that agricultural~~  
2141 ~~experiment stations of the State University System shall not be~~  
2142 ~~subject to the requirements of this section.~~

2143 (4) ~~The provisions of~~ This chapter does shall not apply to  
2144 farmers who sell only uncleaned, unprocessed, unpackaged, and  
2145 unlabeled seed, but shall apply to farmers who sell cleaned,  
2146 processed, packaged, and labeled seed in amounts in excess of  
2147 \$10,000 in any one year.

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2148       (5) When packet seed is sold, offered for sale, or exposed  
2149 for sale, the company who packs seed for retail sale must  
2150 register and pay fees as provided under subsection (1).

2151       Section 44. Section 578.09, Florida Statutes, is amended to  
2152 read:

2153       578.09 Label requirements for agricultural, vegetable,  
2154 flower, tree, or shrub seeds.—Each container of agricultural,  
2155 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered  
2156 for sale, exposed for sale, or distributed for sale within this  
2157 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or  
2158 have attached thereto, in a conspicuous place, ~~a label or labels~~  
2159 ~~containing all information required under this section,~~ plainly  
2160 written or printed label or tag in the English language, ~~in~~  
2161 ~~Century type.~~ All data pertaining to analysis must ~~shall~~ appear  
2162 on a single label. Language setting forth the requirements for  
2163 filing and serving complaints as described in s. 578.26(1)(c)  
2164 must ~~s. 578.26(1)(b) shall~~ be included on the analysis label or  
2165 be otherwise attached to the package, except for packages  
2166 containing less than 1,000 seeds by count.

2167       (1) ~~FOR TREATED SEED.~~— For all treated agricultural,  
2168 vegetable, ~~or flower, tree, or shrub~~ seed ~~treated~~ as defined in  
2169 this chapter:

2170       (a) A word or statement indicating that the seed has been  
2171 treated ~~or description of process used.~~

2172       (b) The commonly accepted coined, chemical, or abbreviated  
2173 chemical (generic) name of the applied substance or description  
2174 of the process used ~~and the words "poison treated" in red~~  
2175 ~~letters, in not less than 1/4-inch type.~~

2176       (c) If the substance in the amount present with the seed is

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2177 harmful to humans or other vertebrate animals, a caution  
 2178 statement such as "Do not use for food, feed, or oil purposes."  
 2179 The caution for mercurials, Environmental Protection Agency  
 2180 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and  
 2181 similarly toxic substances shall be designated by a poison  
 2182 statement or symbol.

2183 ~~(d) Rate of application or statement "Treated at~~  
 2184 ~~manufacturer's recommended rate."~~

2185 (d)(e) If the seed is treated with an inoculant, the date  
 2186 beyond which the inoculant is not to be considered effective  
 2187 (date of expiration).

2188  
 2189 A label separate from other labels required by this section or  
 2190 other law may be used to identify seed treatments as required by  
 2191 this subsection.

2192 (2) For agricultural seed, including lawn and turf grass  
 2193 seed and mixtures thereof: ~~AGRICULTURAL SEED.~~

2194 ~~(a) Commonly accepted~~ The name of the kind and variety of  
 2195 each agricultural seed component present in excess of 5 percent  
 2196 of the whole, and the percentage by weight of each in the order  
 2197 of its predominance. Where more than one component is required  
 2198 to be named, the word "mixed," "mixture," or "blend" must ~~the~~  
 2199 word "mixed" shall be shown conspicuously on the label. Hybrids  
 2200 must be labeled as hybrids.

2201 (b) Lot number or other lot identification.

2202 (c) Net weight or seed count.

2203 (d) Origin, if known. If the origin is ; ~~if~~ unknown, that  
 2204 fact must ~~shall~~ be stated.

2205 (e) Percentage by weight of all weed seed.

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2206 (f) ~~The Name and number~~ of noxious weed seed per pound, if  
2207 present per pound of each kind of restricted noxious weed seed.

2208 (g) Percentage by weight of agricultural seed which may be  
2209 designated as other crop seed, other than those required to be  
2210 named on the label.

2211 (h) Percentage by weight of inert matter.

2212 (i) For each named agricultural seed, including lawn and  
2213 turf grass seed:

2214 1. Percentage of germination, exclusive of hard or dormant  
2215 seed;

2216 2. Percentage of hard or dormant seed, if ~~when present, if~~  
2217 ~~desired;~~ and

2218 3. The calendar month and year the test was completed to  
2219 determine such percentages, provided that the germination test  
2220 must have been completed within the previous 9 months, exclusive  
2221 of the calendar month of test.

2222 (j) Name and address of the person who labeled said seed or  
2223 who sells, distributes, offers, or exposes said seed for sale  
2224 within this state.

2225  
2226 The sum total of the percentages listed pursuant to paragraphs  
2227 (a), (e), (g), and (h) must be equal to 100 percent.

2228 (3) For seed that is coated:

2229 (a) Percentage by weight of pure seed with coating material  
2230 removed. The percentage of coating material may be included with  
2231 the inert matter percentage or may be listed separately.

2232 (b) Percentage of germination. This percentage must be  
2233 determined based on an examination of 400 coated units with or  
2234 without seed.

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

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

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

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

~~(d) Percentage of germination.~~

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

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

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

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

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

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

(b) If the product is an agricultural seed placed in a

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- 2264 germination medium, mat, tape, or other device or is mixed with  
2265 mulch or fertilizer, it must also be labeled with all of the  
2266 following:
- 2267 1. Product name.
  - 2268 2. Lot number or other lot identification.
  - 2269 3. Percentage by weight of pure seed of each kind and  
2270 variety named which may be less than 5 percent of the whole.
  - 2271 4. Percentage by weight of other crop seed.
  - 2272 5. Percentage by weight of inert matter.
  - 2273 6. Percentage by weight of weed seed.
  - 2274 7. Name and number of noxious weed seeds per pound, if  
2275 present.
  - 2276 8. Percentage of germination, and hard or dormant seed if  
2277 appropriate, of each kind or kind and variety named. The  
2278 germination test must have been completed within the previous 12  
2279 months exclusive of the calendar month of test.
  - 2280 9. The calendar month and year the test was completed to  
2281 determine such percentages.
  - 2282 10. Name and address of the person who labeled the seed, or  
2283 who sells, offers, or exposes the seed for sale within the  
2284 state.

2285  
2286 The sum total of the percentages listed pursuant to  
2287 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

2288 (5) For vegetable seed in packets as prepared for use in  
2289 home gardens or household plantings or vegetable seeds in  
2290 preplanted containers, mats, tapes, or other planting devices:

2291 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

2292 (a) Name of kind and variety of seed. Hybrids must be

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- 2293 labeled as hybrids.
- 2294 (b) Lot number or other lot identification.
- 2295 (c) Germination test date identified in the following
- 2296 manner:
- 2297 1. The calendar month and year the germination test was
- 2298 completed and the statement "Sell by ...(month/year)...", which
- 2299 may be no more than 12 months from the date of test, beginning
- 2300 with the month after the test date;
- 2301 2. The month and year the germination test was completed,
- 2302 provided that the germination test must have been completed
- 2303 within the previous 12 months, exclusive of the calendar month
- 2304 of test; or
- 2305 3. The year for which the seed was packaged for sale as
- 2306 "Packed for ...(year)..." and the statement "Sell by
- 2307 ...(year)..." which shall be one year after the seed was
- 2308 packaged for sale.
- 2309 (d) ~~(b)~~ Name and address of the person who labeled the seed
- 2310 or who sells, distributes, offers, or exposes said seed for sale
- 2311 within this state.
- 2312 (e) ~~(c)~~ For seed which germinate less than standard last
- 2313 established by the department, ~~the additional information must~~
- 2314 ~~be shown:~~
- 2315 1. Percentage of germination, exclusive of hard or dormant
- 2316 seed.
- 2317 2. Percentage of hard or dormant seed ~~when present, if~~
- 2318 present desired.
- 2319 ~~3. Calendar month and year the test was completed to~~
- 2320 ~~determine such percentages.~~
- 2321 3.4. The words "Below Standard" prominently displayed in

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2322 ~~not less than 8 point type.~~

2323

2324 (f)~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold  
2325 that falls which fall more than 20 percent below the established  
2326 standard for such seed. For seeds that do not have an  
2327 established standard, the minimum germination standard shall be  
2328 50 percent, and no such seed may be sold that is 20 percent  
2329 below this standard.

2330 (g) For seed placed in a germination medium, mat, tape, or  
2331 other device in such a way as to make it difficult to determine  
2332 the quantity of seed without removing the seeds from the medium,  
2333 mat, tape or device, a statement to indicate the minimum number  
2334 of seeds in the container.

2335 (6) For vegetable seed in containers, other than packets  
2336 prepared for use in home gardens or household plantings, and  
2337 other than preplanted containers, mats, tapes, or other planting  
2338 devices:

2339 (a) The name of each kind and variety present of any seed  
2340 in excess of 5 percent of the total weight in the container, and  
2341 the percentage by weight of each type of seed in order of its  
2342 predominance. Hybrids must be labeled as hybrids.

2343 (b) Net weight or seed count.

2344 (c) Lot number or other lot identification.

2345 (d) For each named vegetable seed:

2346 1. Percentage germination, exclusive of hard or dormant  
2347 seed;

2348 2. Percentage of hard or dormant seed, if present;

2349 3. Listed below the requirements of subparagraphs 1. and  
2350 2., the "total germination and hard or dormant seed" may be

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2351 stated as such, if desired; and

2352 4. The calendar month and year the test was completed to  
2353 determine the percentages specified in subparagraphs 1. and 2.,  
2354 provided that the germination test must have been completed  
2355 within 9 months, exclusive of the calendar month of test.

2356 (e) Name and address of the person who labeled the seed, or  
2357 who sells, offers, or exposes the seed for sale within this  
2358 state.

2359 (f) For seed which germinate less than the standard last  
2360 established by the department, the words "Below Standard"  
2361 prominently displayed.

2362 1. No seed marked "Below Standard" may be sold if the seed  
2363 is more than 20 percent below the established standard for such  
2364 seed.

2365 2. For seeds that do not have an established standard, the  
2366 minimum germination standard shall be 50 percent, and no such  
2367 seed may be sold that is 20 percent below this standard.

2368 (7)-(5) For flower seed in packets prepared for use in home  
2369 gardens or household plantings or flower seed in preplanted  
2370 containers, mats, tapes, or other planting devices: FOR FLOWER  
2371 SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD  
2372 PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,  
2373 OR OTHER PLANTING DEVICES.—

2374 (a) For all kinds of flower seed:

2375 1. The name of the kind and variety or a statement of type  
2376 and performance characteristics as prescribed in the rules and  
2377 regulations adopted ~~promulgated~~ under the provisions of this  
2378 chapter.

2379 2. Germination test date, identified in the following

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2380 manner:

2381 a. The calendar month and year the germination test was  
 2382 completed and the statement "Sell by ...(month/year)...". The  
 2383 sell by date must be no more than 12 months from the date of  
 2384 test, beginning with the month after the test date;

2385 b. The year for which the seed was packed for sale as  
 2386 "Packed for ...(year)..." and the statement "Sell by  
 2387 ...(year)..." which shall be for a calendar year; or

2388 c. The calendar month and year the test was completed,  
 2389 provided that the germination test must have been completed  
 2390 within the previous 12 months, exclusive of the calendar month  
 2391 of test.

2392 ~~2. The calendar month and year the seed was tested or the~~  
 2393 ~~year for which the seed was packaged.~~

2394 3. The name and address of the person who labeled said  
 2395 seed, or who sells, offers, or exposes said seed for sale within  
 2396 this state.

2397 (b) For seed of those kinds for which standard testing  
 2398 procedures are prescribed and which germinate less than the  
 2399 germination standard last established under the provisions of  
 2400 this chapter:

2401 1. The percentage of germination exclusive of hard or  
 2402 dormant seed.

2403 2. Percentage of hard or dormant seed, if present.

2404 3. The words "Below Standard" prominently displayed ~~in not~~  
 2405 ~~less than 8-point type.~~

2406 (c) For seed placed in a germination medium, mat, tape, or  
 2407 other device in such a way as to make it difficult to determine  
 2408 the quantity of seed without removing the seed from the medium,

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2409 mat, tape, or device, a statement to indicate the minimum number  
2410 of seed in the container.

2411 (8)(6) For flower seed in containers other than packets and  
2412 other than preplanted containers, mats, tapes, or other planting  
2413 devices and not prepared for use in home flower gardens or  
2414 household plantings: FOR FLOWER SEED IN CONTAINERS OTHER THAN  
2415 PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD  
2416 PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR  
2417 OTHER PLANTING DEVICES.—

2418 (a) The name of the kind and variety, and for wildflowers,  
2419 the genus and species and subspecies, if appropriate or a  
2420 statement of type and performance characteristics as prescribed  
2421 in rules and regulations promulgated under the provisions of  
2422 this chapter.

2423 (b) Net weight or seed count.

2424 (c)(b) The Lot number or other lot identification.

2425 (d) For flower seed with a pure seed percentage of less  
2426 than 90 percent:

2427 1. Percentage, by weight, of each component listed in order  
2428 of its predominance.

2429 2. Percentage by weight of weed seed, if present.

2430 3. Percentage by weight of other crop seed.

2431 4. Percentage by weight of inert matter.

2432 (e) For those kinds of seed for which standard testing  
2433 procedures are prescribed:

2434 1. Percentage germination exclusive of hard or dormant  
2435 seed.

2436 2. Percentage of hard or dormant seed, if present.

2437 3.(e) The calendar month and year that the test was

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2438 completed. The germination test must have been completed within  
2439 the previous 9 months, exclusive of the calendar month of test.

2440 (f) For those kinds of seed for which standard testing  
2441 procedures are not available, the year of production or  
2442 collection ~~seed were tested or the year for which the seed were~~  
2443 packaged.

2444 (g)~~(d)~~ The name and address of the person who labeled said  
2445 seed or who sells, offers, or exposes said seed for sale within  
2446 this state.

2447 ~~(e) For those kinds of seed for which standard testing~~  
2448 ~~procedures are prescribed:~~

2449 ~~1. The percentage germination exclusive of hard seed.~~

2450 ~~2. The percentage of hard seed, if present.~~

2451 (h)~~(f)~~ For ~~those seeds~~ which germinate less than the  
2452 standard last established by the department, the words "Below  
2453 Standard" prominently displayed ~~in not less than 8-point type~~  
2454 ~~must be printed or written in ink on the face of the tag.~~

2455 (9) For tree or shrub seed:

2456 (a) Common name of the species of seed and, if appropriate,  
2457 subspecies.

2458 (b) The scientific name of the genus, species, and, if  
2459 appropriate, subspecies.

2460 (c) Lot number or other lot identification.

2461 (d) Net weight or seed count.

2462 (e) Origin, indicated in the following manner:

2463 1. For seed collected from a predominantly indigenous  
2464 stand, the area of collection given by latitude and longitude or  
2465 geographic description, or political subdivision, such as state  
2466 or county.

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2467 2. For seed collected from other than a predominantly  
2468 indigenous stand, the area of collection and the origin of the  
2469 stand or the statement "Origin not Indigenous".

2470 3. The elevation or the upper and lower limits of  
2471 elevations within which the seed was collected.

2472 (f) Purity as a percentage of pure seed by weight.

2473 (g) For those species for which standard germination  
2474 testing procedures are prescribed by the department:

2475 1. Percentage germination exclusive of hard or dormant  
2476 seed.

2477 2. Percentage of hard or dormant seed, if present.

2478 3. The calendar month and year test was completed, provided  
2479 that the germination test must have been completed within the  
2480 previous 12 months, exclusive of the calendar month of test.

2481 (h) In lieu of subparagraphs (g)1., 2., and 3., the seed  
2482 may be labeled "Test is in progress; results will be supplied  
2483 upon request."

2484 (i) For those species for which standard germination  
2485 testing procedures have not been prescribed by the department,  
2486 the calendar year in which the seed was collected.

2487 (j) The name and address of the person who labeled the seed  
2488 or who sells, offers, or exposes the seed for sale within this  
2489 state.

2490 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~  
2491 ~~department shall have the authority to prescribe a uniform~~  
2492 ~~analysis tag required by this section.~~

2493

2494 The information required by this section to be placed on labels  
2495 attached to seed containers may not be modified or denied in the

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2496 labeling or on another label attached to the container. However,  
2497 labeling of seed supplied under a contractual agreement may be  
2498 by invoice accompanying the shipment or by an analysis tag  
2499 attached to the invoice if each bag or other container is  
2500 clearly identified by a lot number displayed on the bag or other  
2501 container. Each bag or container that is not so identified must  
2502 carry complete labeling.

2503 Section 45. Section 578.091, Florida Statutes, is repealed.

2504 Section 46. Subsections (2) and (3) of section 578.10,  
2505 Florida Statutes, are amended to read:

2506 578.10 Exemptions.—

2507 (2) The provisions of ss. 578.09 and 578.13 do not apply  
2508 to:

2509 (a) ~~To~~ Seed or grain not intended for sowing or planting  
2510 purposes.

2511 (b) ~~To~~ Seed stored in storage in, consigned to, or being  
2512 transported to seed cleaning or processing establishments for  
2513 cleaning or processing only. Any labeling or other  
2514 representation which may be made with respect to the unclean  
2515 seed is ~~shall be~~ subject to this law.

2516 (c) Seed under development or maintained exclusively for  
2517 research purposes.

2518 (3) If seeds cannot be identified by examination thereof, a  
2519 person is not subject to the criminal penalties of this chapter  
2520 for having sold or offered for sale seeds subject to this  
2521 chapter which were incorrectly labeled or represented as to  
2522 kind, species, and, if appropriate, subspecies, variety, type,  
2523 or origin, elevation, and, if required, year of collection  
2524 unless he or she has failed to obtain an invoice, genuine

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2525 grower's or tree seed collector's declaration, or other labeling  
2526 information and to take such other precautions as may be  
2527 reasonable to ensure the identity of the seeds to be as stated  
2528 by the grower. A genuine grower's declaration of variety must  
2529 affirm that the grower holds records of proof of identity  
2530 concerning parent seed, such as invoice and labels ~~No person~~  
2531 ~~shall be subject to the criminal penalties of this law for~~  
2532 ~~having sold, offered, exposed, or distributed for sale in this~~  
2533 ~~state any agricultural, vegetable, or forest tree seed which~~  
2534 ~~were incorrectly labeled or represented as to kind and variety~~  
2535 ~~or origin, which seed cannot be identified by examination~~  
2536 ~~thereof, unless she or he has failed to obtain an invoice or~~  
2537 ~~grower's declaration giving kind and variety and origin.~~

2538 Section 47. Section 578.11, Florida Statutes, is amended to  
2539 read:

2540 578.11 Duties, authority, and rules of the department.—

2541 (1) The duty of administering this law and enforcing its  
2542 provisions and requirements shall be vested in the Department of  
2543 Agriculture and Consumer Services, which is hereby authorized to  
2544 employ such agents and persons as in its judgment shall be  
2545 necessary therefor. It shall be the duty of the department,  
2546 which may act through its authorized agents, to sample, inspect,  
2547 make analyses of, and test agricultural, vegetable, flower, ~~or~~  
2548 ~~forest tree, or shrub~~ seed transported, sold, offered or exposed  
2549 for sale, or distributed within this state for sowing or  
2550 planting purposes, at such time and place and to such extent as  
2551 it may deem necessary to determine whether said agricultural,  
2552 vegetable, flower, ~~or forest tree, or shrub~~ seed are in  
2553 compliance with the provisions of this law, and to notify

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2554 promptly the person who transported, distributed, sold, offered  
2555 or exposed the seed for sale, of any violation.

2556 (2) The department is authorized to:

2557 (a) ~~To~~ Enforce this chapter act and prescribe the methods  
2558 of sampling, inspecting, testing, and examining agricultural,  
2559 vegetable, flower, ~~or forest~~ tree, or shrub seed.

2560 (b) ~~To~~ Establish standards and tolerances to be followed in  
2561 the administration of this law, which shall be in general accord  
2562 with officially prescribed practices in interstate commerce.

2563 (c) ~~To~~ Prescribe uniform labels.

2564 (d) ~~To~~ Adopt prohibited and restricted noxious weed seed  
2565 lists.

2566 (e) ~~To~~ Prescribe limitations for each restricted noxious  
2567 weed to be used in enforcement of this chapter act and to add or  
2568 subtract therefrom from time to time as the need may arise.

2569 (f) ~~To~~ Make commercial tests of seed and to fix and collect  
2570 charges for such tests.

2571 (g) ~~To~~ List the kinds of flower, and forest tree, and shrub  
2572 seed subject to this law.

2573 (h) ~~To~~ Analyze samples, as requested by a consumer. The  
2574 department shall establish, by rule, a fee schedule for  
2575 analyzing samples at the request of a consumer. The fees shall  
2576 be sufficient to cover the costs to the department for taking  
2577 the samples and performing the analysis, not to exceed \$150 per  
2578 sample.

2579 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to  
2580 implement ~~the provisions of~~ this chapter act.

2581 (j) ~~To~~ Establish, by rule, requirements governing aircraft  
2582 used for the aerial application of seed, including requirements

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2583 for recordkeeping, annual aircraft registration, secure storage  
2584 when not in use, area-of-application information, and reporting  
2585 any sale, lease, purchase, rental, or transfer of such aircraft  
2586 to another person.

2587 (3) For the purpose of carrying out ~~the provisions of this~~  
2588 law, the department, through its authorized agents, is  
2589 authorized to:

2590 (a) ~~To~~ Enter upon any public or private premises, where  
2591 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed  
2592 is sold, offered, exposed, or distributed for sale during  
2593 regular business hours, in order to have access to seed subject  
2594 to this law and the rules and regulations hereunder.

2595 (b) ~~To~~ Issue and enforce a stop-sale notice or order to the  
2596 owner or custodian of any lot of agricultural, vegetable,  
2597 flower, ~~or forest tree~~, or shrub seed, which the department  
2598 finds or has good reason to believe is in violation of any  
2599 provisions of this law, which shall prohibit further sale,  
2600 barter, exchange, or distribution of such seed until the  
2601 department is satisfied that the law has been complied with and  
2602 has issued a written release or notice to the owner or custodian  
2603 of such seed. After a stop-sale notice or order has been issued  
2604 against or attached to any lot of seed and the owner or  
2605 custodian of such seed has received confirmation that the seed  
2606 does not comply with this law, she or he has ~~shall have~~ 15 days  
2607 beyond the normal test period within which to comply with the  
2608 law and obtain a written release of the seed. ~~The provisions of~~  
2609 This paragraph may ~~shall~~ not be construed as limiting the right  
2610 of the department to proceed as authorized by other sections of  
2611 this law.

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2612 (c) ~~To~~ Establish and maintain a seed laboratory, employ  
2613 seed analysts and other personnel, and incur such other expenses  
2614 as may be necessary to comply with these provisions.

2615 Section 48. Section 578.12, Florida Statutes, is amended to  
2616 read:

2617 578.12 Stop-sale, stop-use, removal, or hold orders.—When  
2618 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed  
2619 is being offered or exposed for sale or held in violation of any  
2620 of the provisions of this chapter, the department, through its  
2621 authorized representative, may issue and enforce a stop-sale,  
2622 stop-use, removal, or hold order to the owner or custodian of  
2623 said seed ordering it to be held at a designated place until the  
2624 law has been complied with and said seed is released in writing  
2625 by the department or its authorized representative. If seed is  
2626 not brought into compliance with this law it shall be destroyed  
2627 within 30 days or disposed of by the department in such a manner  
2628 as it shall by regulation prescribe.

2629 Section 49. Section 578.13, Florida Statutes, is amended to  
2630 read:

2631 578.13 Prohibitions.—

2632 (1) It shall be unlawful for any person to sell, distribute  
2633 for sale, offer for sale, expose for sale, handle for sale, or  
2634 solicit orders for the purchase of any agricultural, vegetable,  
2635 flower, ~~or forest tree,~~ or shrub, seed within this state:

2636 (a) Unless the test to determine the percentage of  
2637 germination required by s. 578.09 has ~~shall have~~ been completed  
2638 ~~within a period of 7 months, exclusive of the calendar month in~~  
2639 ~~which the test was completed,~~ immediately prior to sale,  
2640 exposure for sale, offering for sale, or transportation, except

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2641 for a germination test for seed in hermetically sealed  
2642 containers which is provided for in s. 578.092 ~~s. 578.28~~.

2643 (b) Not labeled in accordance with ~~the provisions of~~ this  
2644 law, or having false or misleading labeling.

2645 (c) Pertaining to which there has been a false or  
2646 misleading advertisement.

2647 (d) Containing noxious weed seeds subject to tolerances and  
2648 methods of determination prescribed in the rules and regulations  
2649 under this law.

2650 (e) Unless a seed license has been obtained in accordance  
2651 with ~~the provisions of~~ this law.

2652 (f) Unless such seed conforms to the definition of a "lot  
2653 ~~of seed.~~"

2654 (2) It shall be unlawful for a ~~any~~ person within this state  
2655 to:

2656 (a) ~~To~~ Detach, deface, destroy, or use a second time any  
2657 label or tag provided for in this law or in the rules and  
2658 regulations made and promulgated hereunder or to alter or  
2659 substitute seed in a manner that may defeat the purpose of this  
2660 law.

2661 (b) ~~To~~ Disseminate any false or misleading advertisement  
2662 concerning agricultural, vegetable, flower, ~~or forest~~ tree ,or  
2663 shrub seed in any manner or by any means.

2664 (c) ~~To~~ Hinder or obstruct in any way any authorized person  
2665 in the performance of her or his duties under this law.

2666 (d) ~~To~~ Fail to comply with a stop-sale order or to move,  
2667 handle, or dispose of any lot of seed, or tags attached to such  
2668 seed, held under a "stop-sale" order, except with express  
2669 permission of the department and for the purpose specified by

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2670 ~~the department or seizure order.~~

2671 (e) Label, advertise, or otherwise represent seed subject  
2672 to this chapter to be certified seed or any class thereof,  
2673 including classes such as "registered seed," "foundation seed,"  
2674 "breeder seed" or similar representations, unless:

2675 1. A seed certifying agency determines that such seed  
2676 conformed to standards of purity and identify as to the kind,  
2677 variety, or species and, if appropriate, subspecies and the seed  
2678 certifying agency also determines that tree or shrub seed was  
2679 found to be of the origin and elevation claimed, in compliance  
2680 with the rules and regulations of such agency pertaining to such  
2681 seed; and

2682 2. The seed bears an official label issued for such seed by  
2683 a seed certifying agency certifying that the seed is of a  
2684 specified class and specified to the kind, variety, or species  
2685 and, if appropriate, subspecies.

2686 (f) Label, by variety name, seed not certified by an  
2687 official seed-certifying agency when it is a variety for which a  
2688 certificate of plant variety protection under the United States  
2689 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies  
2690 sale only as a class of certified seed, except that seed from a  
2691 certified lot may be labeled as to variety name when used in a  
2692 mixture by, or with the written approval of, the owner of the  
2693 variety. ~~To sell, distribute for sale, offer for sale, expose~~  
2694 ~~for sale, handle for sale, or solicit orders for the purchase of~~  
2695 ~~any agricultural, vegetable, flower, or forest tree seed labeled~~  
2696 ~~"certified seed," "registered seed," "foundation seed," "breeder~~  
2697 ~~seed," or similar terms, unless it has been produced and labeled~~  
2698 ~~under seal in compliance with the rules and regulations of any~~

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2699 ~~agency authorized by law.~~

2700 (g) ~~(f)~~ ~~To~~ Fail to keep a complete record, including a file  
2701 sample which shall be retained for 1 year after seed is sold, of  
2702 each lot of seed and to make available for inspection such  
2703 records to the department or its duly authorized agents.

2704 (h) ~~(g)~~ ~~To~~ Use the name of the Department of Agriculture and  
2705 Consumer Services or Florida State Seed Laboratory in connection  
2706 with analysis tag, labeling advertisement, or sale of any seed  
2707 in any manner whatsoever.

2708 Section 50. Section 578.14, Florida Statutes, is repealed.

2709 Section 51. Subsection (1) of section 578.181, Florida  
2710 Statutes, is amended to read:

2711 578.181 Penalties; administrative fine.—

2712 (1) The department may enter an order imposing one or more  
2713 of the following penalties against a person who violates this  
2714 chapter or the rules adopted under this chapter or who impedes,  
2715 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the  
2716 department from performing its duty in connection with  
2717 ~~performing its duties under~~ this chapter:

2718 (a) For a minor violation, issuance of a warning letter.

2719 (b) For violations other than a minor violation:

2720 1. Imposition of an administrative fine in the Class I  
2721 category pursuant to s. 570.971 for each occurrence ~~after the~~  
2722 ~~issuance of a warning letter.~~

2723 2. ~~(e)~~ Revocation or suspension of the registration as a  
2724 seed dealer.

2725 Section 52. Section 578.23, Florida Statutes, is amended to  
2726 read:

2727 578.23 ~~Dealers'~~ Records ~~to be kept available.~~ Each person

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2728 who allows his or her name or brand to appear on the label as  
2729 handling agricultural, vegetable, flower, tree, or shrub seeds  
2730 subject to this chapter must keep, for 2 years, complete records  
2731 of each lot of agricultural, vegetable, flower, tree, or shrub  
2732 seed handled, and keep for 1 year after final disposition a file  
2733 sample of each lot of seed. All such records and samples  
2734 pertaining to the shipment or shipments involved must be  
2735 accessible for inspection by the department or its authorized  
2736 representative during normal business hours ~~Every seed dealer~~  
2737 ~~shall make and keep for a period of 3 years satisfactory records~~  
2738 ~~of all agricultural, vegetable, flower, or forest tree seed~~  
2739 ~~bought or handled to be sold, which records shall at all times~~  
2740 ~~be made readily available for inspection, examination, or audit~~  
2741 ~~by the department. Such records shall also be maintained by~~  
2742 ~~persons who purchase seed for production of plants for resale.~~

2743 Section 53. Section 578.26, Florida Statutes, is amended to  
2744 read:

2745 578.26 Complaint, investigation, hearings, findings, and  
2746 recommendation prerequisite to legal action.—

2747 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of  
2748 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed  
2749 planted in this state to produce or perform as represented by  
2750 the labeling of such ~~label attached to the~~ seed as required by  
2751 s. 578.09, as a prerequisite to her or his right to maintain a  
2752 legal action against the dealer from whom the seed was  
2753 purchased, the buyer must ~~farmer shall~~ make a sworn complaint  
2754 against the dealer alleging damages sustained. The complaint  
2755 shall be filed with the department, and a copy of the complaint  
2756 shall be served by the department on the dealer by certified

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2757 mail, within such time as to permit inspection of the property,  
2758 crops, plants, or trees referenced in, or related to, the  
2759 buyer's complaint by the seed investigation and conciliation  
2760 council or its representatives and by the dealer from whom the  
2761 seed was purchased.

2762 (b) For types of claims specified in paragraph (a), the  
2763 buyer may not commence legal proceedings against the dealer or  
2764 assert such a claim as a counterclaim or defense in any action  
2765 brought by the dealer until the findings and recommendations of  
2766 the seed investigation and conciliation council are transmitted  
2767 to the complainant and the dealer.

2768 (c) ~~(b)~~ Language setting forth the requirement for filing  
2769 and serving the complaint shall be legibly typed or printed on  
2770 the analysis label or be attached to the package containing the  
2771 seed at the time of purchase by the buyer ~~farmer~~.

2772 (d) ~~(e)~~ A nonrefundable filing fee of \$100 shall be paid to  
2773 the department with each complaint filed. However, the  
2774 complainant may recover the filing fee cost from the dealer upon  
2775 the recommendation of the seed investigation and conciliation  
2776 council.

2777 (2) Within 15 days after receipt of a copy of the  
2778 complaint, the dealer shall file with the department her or his  
2779 answer to the complaint and serve a copy of the answer on the  
2780 buyer ~~farmer~~ by certified mail. ~~Upon receipt of the findings and~~  
2781 ~~recommendation of the arbitration council, the department shall~~  
2782 ~~transmit them to the farmer and to the dealer by certified mail.~~

2783 (3) The department shall refer the complaint and the answer  
2784 thereto to the seed investigation and conciliation council  
2785 provided in s. 578.27 for investigation, informal hearing,

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2786 findings, and recommendation on the matters complained of.

2787 (a) Each party must ~~shall~~ be allowed to present its side of  
2788 the dispute at an informal hearing before the seed investigation  
2789 and conciliation council. Attorneys may be present at the  
2790 hearing to confer with their clients. However, no attorney may  
2791 participate directly in the proceeding.

2792 (b) Hearings, including the deliberations of the seed  
2793 investigation and conciliation council, must ~~shall~~ be open to  
2794 the public.

2795 (c) Within 30 days after completion of a hearing, the seed  
2796 investigation and conciliation council shall transmit its  
2797 findings and recommendations to the department. Upon receipt of  
2798 the findings and recommendation of the seed investigation and  
2799 conciliation council, the department shall transmit them to the  
2800 buyer ~~farmer~~ and to the dealer by certified mail.

2801 (4) The department shall provide administrative support for  
2802 the seed investigation and conciliation council and shall mail a  
2803 copy of the council's procedures to each party upon receipt of a  
2804 complaint by the department.

2805 Section 54. Subsections (1), (2), and (4) of section  
2806 578.27, Florida Statutes, are amended to read:

2807 578.27 Seed investigation and conciliation council;  
2808 composition; purpose; meetings; duties; expenses.—

2809 (1) The Commissioner of Agriculture shall appoint a seed  
2810 investigation and conciliation council composed of seven members  
2811 ~~and seven alternate members~~, one member ~~and one alternate~~ to be  
2812 appointed upon the recommendation of each of the following: the  
2813 deans of extension and research, Institute of Food and  
2814 Agricultural Sciences, University of Florida; president of the

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2815 Florida Seed ~~Seedsmen and Garden Supply~~ Association; president  
2816 of the Florida Farm Bureau Federation; and the president of the  
2817 Florida Fruit and Vegetable Association. The Commissioner of  
2818 Agriculture shall appoint a representative ~~and an alternate~~ from  
2819 the agriculture industry at large and from the Department of  
2820 Agriculture and Consumer Services. Each member shall be  
2821 appointed for a term of 4 years or less and shall serve until  
2822 his or her successor is appointed ~~Initially, three members and~~  
2823 ~~their alternates shall be appointed for 4-year terms and four~~  
2824 ~~members and their alternates shall be appointed for 2-year~~  
2825 ~~terms. Thereafter, members and alternates shall be appointed for~~  
2826 ~~4-year terms. Each alternate member shall serve only in the~~  
2827 ~~absence of the member for whom she or he is an alternate. A~~  
2828 vacancy shall be filled for the remainder of the unexpired term  
2829 in the same manner as the original appointment. The council  
2830 shall annually elect a chair from its membership. It shall be  
2831 the duty of the chair to conduct all meetings and deliberations  
2832 held by the council and to direct all other activities of the  
2833 council. The department representative shall serve as secretary  
2834 of the council. It shall be the duty of the secretary to keep  
2835 accurate and correct records on all meetings and deliberations  
2836 and perform other duties for the council as directed by the  
2837 chair.

2838 (2) The purpose of the seed investigation and conciliation  
2839 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed  
2840 dealers in determining the validity of seed complaints made by  
2841 buyers ~~farmers~~ against dealers and recommend a settlement, when  
2842 appropriate, ~~cost-damages~~ resulting from the alleged failure of  
2843 the seed to produce or perform as represented by the label of

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2844 such ~~on the~~ seed package.

2845 (4) (a) When the department refers to the seed investigation  
2846 and conciliation council any complaint made by a buyer ~~farmer~~  
2847 against a dealer, the said council must ~~shall~~ make a full and  
2848 complete investigation of the matters complained of and at the  
2849 conclusion of the said investigation must ~~shall~~ report its  
2850 findings and make its recommendation ~~of cost damages~~ and file  
2851 same with the department.

2852 (b) In conducting its investigation, the seed investigation  
2853 and conciliation council or any representative, member, or  
2854 members thereof are authorized to examine the buyer's property,  
2855 crops, plants, or trees referenced in or relating to the  
2856 complaint ~~farmer on her or his farming operation of which she or~~  
2857 ~~he complains~~ and the dealer on her or his packaging, labeling,  
2858 and selling operation of the seed alleged to be faulty; to grow  
2859 to production a representative sample of the alleged faulty seed  
2860 through the facilities of the state, under the supervision of  
2861 the department when such action is deemed to be necessary; to  
2862 hold informal hearings at a time and place directed by the  
2863 department or by the chair of the council upon reasonable notice  
2864 to the buyer ~~farmer~~ and the dealer.

2865 (c) Any investigation made by less than the whole  
2866 membership of the council must ~~shall~~ be by authority of a  
2867 written directive by the department or by the chair, and such  
2868 investigation must ~~shall~~ be summarized in writing and considered  
2869 by the council in reporting its findings and making its  
2870 recommendation.

2871 Section 55. Section 578.28, Florida Statutes, is renumbered  
2872 as section 578.092, Florida Statutes, and amended to read:

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2873        578.092 ~~578.28~~ Seed in hermetically sealed containers.—The  
2874 period of validity of germination tests is extended to the  
2875 following periods for seed packaged in hermetically sealed  
2876 containers, under conditions and label requirements set forth in  
2877 this section:

2878            (1) GERMINATION TESTS.—The germination test for  
2879 agricultural and vegetable seed must ~~shall~~ have been completed  
2880 within the following periods, exclusive of the calendar month in  
2881 which the test was completed, immediately prior to shipment,  
2882 delivery, transportation, or sale:

2883            (a) In the case of agricultural or vegetable seed shipped,  
2884 delivered, transported, or sold to a dealer for resale, 18  
2885 months;

2886            (b) In the case of agricultural or vegetable seed for sale  
2887 or sold at retail, 24 months.

2888            (2) CONDITIONS OF PACKAGING.—The following conditions are  
2889 considered as minimum:

2890            (a) *Hermetically sealed packages or containers.*—A  
2891 container, to be acceptable under the provisions of this  
2892 section, shall not allow water vapor penetration through any  
2893 wall, including the wall seals, greater than 0.05 gram of water  
2894 per 24 hours per 100 square inches of surface at 100 °F. with a  
2895 relative humidity on one side of 90 percent and on the other of  
2896 0 percent. Water vapor penetration (WVP) is measured by the  
2897 standards of the National Institute of Standards and Technology  
2898 as: gm H<sub>2</sub>O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent  
2899 RH.

2900            (b) *Moisture of seed packaged.*—The moisture of agricultural  
2901 or vegetable seed subject to the provisions of this section

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2902 shall be established by rule of the department.

2903 (3) LABELING REQUIRED.—In addition to the labeling required  
2904 by s. 578.09, seed packaged under the provisions of this section  
2905 shall be labeled with the following information:

2906 (a) Seed has been preconditioned as to moisture content.

2907 (b) Container is hermetically sealed.

2908 (c) "Germination test valid until (month, year)" may be  
2909 used. (Not to exceed 24 months from date of test).

2910 Section 56. Section 578.29, Florida Statutes, is created to  
2911 read:

2912 578.29 Prohibited noxious weed seed.—Seeds meeting the  
2913 definition of prohibited noxious weed seed under s. 578.011, may  
2914 not be present in agricultural, vegetable, flower, tree, or  
2915 shrub seed offered or exposed for sale in this state.

2916 Section 57. Subsection (1) of section 590.02, Florida  
2917 Statutes, is amended to read:

2918 590.02 Florida Forest Service; powers, authority, and  
2919 duties; liability; building structures; Withlacoochee Training  
2920 Center.—

2921 (1) The Florida Forest Service has the following powers,  
2922 authority, and duties to:

2923 (a) ~~To~~ Enforce the provisions of this chapter;

2924 (b) ~~To~~ Prevent, detect, and suppress wildfires wherever  
2925 they may occur on public or private land in this state and to do  
2926 all things necessary in the exercise of such powers, authority,  
2927 and duties;

2928 (c) ~~To~~ Provide firefighting crews, who shall be under the  
2929 control and direction of the Florida Forest Service and its  
2930 designated agents;

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2931 (d) ~~To~~ Appoint center managers, forest area supervisors,  
2932 forestry program administrators, a forest protection bureau  
2933 chief, a forest protection assistant bureau chief, a field  
2934 operations bureau chief, deputy chiefs of field operations,  
2935 district managers, forest operations administrators, senior  
2936 forest rangers, investigators, forest rangers, firefighter  
2937 rotorcraft pilots, and other employees who may, at the Florida  
2938 Forest Service's discretion, be certified as forestry  
2939 firefighters pursuant to s. 633.408(8). Other law  
2940 notwithstanding, center managers, district managers, forest  
2941 protection assistant bureau chief, and deputy chiefs of field  
2942 operations have ~~shall have~~ Selected Exempt Service status in the  
2943 state personnel designation;

2944 (e) ~~To~~ Develop a training curriculum for forestry  
2945 firefighters which must contain the basic volunteer structural  
2946 fire training course approved by the Florida State Fire College  
2947 of the Division of State Fire Marshal and a minimum of 250 hours  
2948 of wildfire training;

2949 (f) Pay the cost of the initial commercial driver license  
2950 examination fee for those employees whose position requires them  
2951 to operate equipment requiring a license. This paragraph is  
2952 intended to be an authorization to the department to pay such  
2953 costs, not an obligation ~~To make rules to accomplish the~~  
2954 ~~purposes of this chapter;~~

2955 (g) ~~To~~ Provide fire management services and emergency  
2956 response assistance and to set and charge reasonable fees for  
2957 performance of those services. Moneys collected from such fees  
2958 shall be deposited into the Incidental Trust Fund of the Florida  
2959 Forest Service;

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2960 (h) ~~To~~ Require all state, regional, and local government  
2961 agencies operating aircraft in the vicinity of an ongoing  
2962 wildfire to operate in compliance with the applicable state  
2963 Wildfire Aviation Plan; ~~and~~

2964 (i) ~~To~~ Authorize broadcast burning, prescribed burning,  
2965 pile burning, and land clearing debris burning to carry out the  
2966 duties of this chapter and the rules adopted thereunder; and

2967 (j) Make rules to accomplish the purposes of this chapter.

2968 Section 58. Section 817.417, Florida Statutes, is created  
2969 to read:

2970 817.417 Government Impostor and Deceptive Advertisement  
2971 Act.—

2972 (1) SHORT TITLE.—This act may be cited as the “Government  
2973 Impostor and Deceptive Advertisements Act.”

2974 (2) DEFINITIONS.—As used in this section:

2975 (a) “Advertisement” means any representation disseminated  
2976 in any manner or by any means, other than by a label, for the  
2977 purpose of inducing, or which is reasonably likely to induce,  
2978 directly or indirectly, a purchase.

2979 (b) “Department” means the Department of Agriculture and  
2980 Consumer Services.

2981 (c) “Governmental entity” means a political subdivision or  
2982 agency of any state, possession, or territory of the United  
2983 States, or the Federal Government, including, but not limited  
2984 to, a board, a department, an office, an agency, a military  
2985 veteran entity, or a military or veteran service organization by  
2986 whatever name known.

2987 (3) DUTIES AND RESPONSIBILITIES.—The department has the  
2988 duty and responsibility to:

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- 2989       (a) Investigate potential violations of this section.
- 2990       (b) Request and obtain information regarding potential  
2991 violations of this section.
- 2992       (c) Seek compliance with this section.
- 2993       (d) Enforce this section.
- 2994       (e) Adopt rules necessary to administer this section.
- 2995       (4) VIOLATIONS.—Each occurrence of the following acts or  
2996 practices constitute a violation of this section:
- 2997       (a) Disseminating an advertisement that:
- 2998           1. Simulates a summons, complaint, jury notice, or other  
2999 court, judicial, or administrative process of any kind.
- 3000           2. Represents, implies, or otherwise engages in an action  
3001 that may reasonably cause confusion that the person using or  
3002 employing the advertisement is a part of or associated with a  
3003 governmental entity, when such is not true.
- 3004       (b) Representing, implying, or otherwise reasonably causing  
3005 confusion that goods, services, an advertisement, or an offer  
3006 was disseminated by or has been approved, authorized, or  
3007 endorsed, in whole or in part, by a governmental entity, when  
3008 such is not true.
- 3009       (c) Using or employing language, symbols, logos,  
3010 representations, statements, titles, names, seals, emblems,  
3011 insignia, trade or brand names, business or control tracking  
3012 numbers, website or e-mail addresses, or any other term, symbol,  
3013 or other content that represents or implies or otherwise  
3014 reasonably causes confusion that goods, services, an  
3015 advertisement, or an offer is from a governmental entity, when  
3016 such is not true.
- 3017       (d) Failing to provide the disclosures as required in

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3018 subsections (5) or (6).

3019 (e) Failing to timely submit to the department written  
3020 responses and answers to its inquiries concerning alleged  
3021 practices inconsistent with, or in violation of, this section.  
3022 Responses or answers may include, but are not limited to, copies  
3023 of customer lists, invoices, receipts, or other business  
3024 records.

3025 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.-

3026 (a) Any person offering documents that are available free  
3027 of charge or at a lesser price from a governmental entity must  
3028 provide the notice specified in paragraph (b) on advertisements  
3029 as follows:

3030 1. For printed or written advertisements, notice must be in  
3031 the same font size, color, style, and visibility as primarily  
3032 used elsewhere on the page or envelope and displayed as follows:

3033 a. On the outside front of any mailing envelope used in  
3034 disseminating the advertisement.

3035 b. At the top of each printed or written page used in the  
3036 advertisement.

3037 2. For electronic advertisements, notice must be in the  
3038 same font size, color, style, and visibility as the body text  
3039 primarily used in the e-mail or web page and displayed as  
3040 follows:

3041 a. At the beginning of each e-mail message, before any  
3042 offer or other substantive information.

3043 b. In a prominent location on each web page, such as the  
3044 top of each page or immediately following the offer or other  
3045 substantive information on the page.

3046 (b) Advertisements specified in paragraph (a) must include

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3047 the following disclosure:

3048  
3049 "IMPORTANT NOTICE:

3050  
3051 The documents offered by this advertisement are available to  
3052 Florida consumers free of charge or for a lesser price from  
3053 ...(insert name, telephone number, and mailing address of the  
3054 applicable governmental entity).... You are NOT required to  
3055 purchase anything from this company and the company is NOT  
3056 affiliated, endorsed, or approved by any governmental entity.  
3057 The item offered in this advertisement has NOT been approved or  
3058 endorsed by any governmental agency, and this offer is NOT being  
3059 made by an agency of the government."

3060  
3061 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.-

3062 (a) Any person disseminating an advertisement that includes  
3063 a form or template to be completed by the consumer with the  
3064 claim that such form or template will assist the consumer in  
3065 complying with a legal filing or record retention requirement  
3066 must provide the notice specified in paragraph (b) on  
3067 advertisements as follows:

3068 1. For printed or written advertisements, the notice must  
3069 be in the same font size, color, style, and visibility as  
3070 primarily used elsewhere on the page or envelope and displayed  
3071 as follows:

3072 a. On the outside front of any mailing envelope used in  
3073 disseminating the advertisement.

3074 b. At the top of each printed or written page used in the  
3075 advertisement.

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3076 2. For electronic advertisements, the notice must be in the  
3077 same font size, color, style, and visibility as the body text  
3078 primarily used in the e-mail or web page and displayed as  
3079 follows:

3080 a. At the beginning of each e-mail message, before any  
3081 offer or other substantive information.

3082 b. In a prominent location on each web page, such as the  
3083 top of each page or immediately following the offer or other  
3084 substantive information on the page.

3085 (b) Advertisements specified in paragraph (a) must include  
3086 the following disclosure:

3087  
3088 "IMPORTANT NOTICE:

3089  
3090 You are NOT required to purchase anything from this company and  
3091 the company is NOT affiliated, endorsed, or approved by any  
3092 governmental entity. The item offered in this advertisement has  
3093 NOT been approved or endorsed by any governmental agency, and  
3094 this offer is NOT being made by an agency of the government."  
3095

3096 (7) PENALTIES.—

3097 (a) Any person substantially affected by a violation of  
3098 this section may bring an action in a court of proper  
3099 jurisdiction to enforce the provisions of this section. A person  
3100 prevailing in a civil action for a violation of this section  
3101 shall be awarded costs, including reasonable attorney fees, and  
3102 may be awarded punitive damages in addition to actual damages  
3103 proven. This provision is in addition to any other remedies  
3104 prescribed by law.

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3105 (b) The department may bring one or more of the following  
3106 for a violation of this section:

3107 1. A civil action in circuit court for:

3108 a. Temporary or permanent injunctive relief to enforce this  
3109 section.

3110 b. For printed advertisements and e-mail, a fine of up to  
3111 \$1,000 for each separately addressed advertisement or message  
3112 containing content in violation of paragraphs (4) (a)-(d)  
3113 received by or addressed to a state resident.

3114 c. For websites, a fine of up to \$5,000 for each day a  
3115 website, with content in violation of paragraphs (4) (a)-(d), is  
3116 published and made available to the general public.

3117 d. For violations of paragraph (4) (e), a fine of up to  
3118 \$5,000 for each violation.

3119 e. Recovery of restitution and damages on behalf of persons  
3120 substantially affected by a violation of this section.

3121 f. The recovery of court costs and reasonable attorney  
3122 fees.

3123 2. An action for an administrative fine in the Class III  
3124 category pursuant to s. 570.971 for each act or omission which  
3125 constitutes a violation under this section.

3126 (c) The department may terminate any investigation or  
3127 action upon agreement by the alleged offender to pay a  
3128 stipulated fine, make restitution, pay damages to customers, or  
3129 satisfy any other relief authorized by this section.

3130 (d) In addition to any remedies or penalties set forth in  
3131 this section, any person who violates paragraphs (4) (a)-(d)  
3132 also commits an unfair or deceptive trade practice in violation  
3133 of part II of chapter 501 and is subject to the penalties and

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3134 remedies imposed for such violation.

3135 Section 59. Paragraph (m) of subsection (3) of section  
3136 489.105, Florida Statutes, is amended to read:

3137 489.105 Definitions.—As used in this part:

3138 (3) "Contractor" means the person who is qualified for, and  
3139 is only responsible for, the project contracted for and means,  
3140 except as exempted in this part, the person who, for  
3141 compensation, undertakes to, submits a bid to, or does himself  
3142 or herself or by others construct, repair, alter, remodel, add  
3143 to, demolish, subtract from, or improve any building or  
3144 structure, including related improvements to real estate, for  
3145 others or for resale to others; and whose job scope is  
3146 substantially similar to the job scope described in one of the  
3147 paragraphs of this subsection. For the purposes of regulation  
3148 under this part, the term "demolish" applies only to demolition  
3149 of steel tanks more than 50 feet in height; towers more than 50  
3150 feet in height; other structures more than 50 feet in height;  
3151 and all buildings or residences. Contractors are subdivided into  
3152 two divisions, Division I, consisting of those contractors  
3153 defined in paragraphs (a)-(c), and Division II, consisting of  
3154 those contractors defined in paragraphs (d)-(q):

3155 (m) "Plumbing contractor" means a contractor whose services  
3156 are unlimited in the plumbing trade and includes contracting  
3157 business consisting of the execution of contracts requiring the  
3158 experience, financial means, knowledge, and skill to install,  
3159 maintain, repair, alter, extend, or, if not prohibited by law,  
3160 design plumbing. A plumbing contractor may install, maintain,  
3161 repair, alter, extend, or, if not prohibited by law, design the  
3162 following without obtaining an additional local regulatory

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3163 license, certificate, or registration: sanitary drainage or  
3164 storm drainage facilities, water and sewer plants and  
3165 substations, venting systems, public or private water supply  
3166 systems, septic tanks, drainage and supply wells, swimming pool  
3167 piping, irrigation systems, and solar heating water systems and  
3168 all appurtenances, apparatus, or equipment used in connection  
3169 therewith, including boilers and pressure process piping and  
3170 including the installation of water, natural gas, liquefied  
3171 petroleum gas and related venting, and storm and sanitary sewer  
3172 lines. The scope of work of the plumbing contractor also  
3173 includes the design, if not prohibited by law, and installation,  
3174 maintenance, repair, alteration, or extension of air-piping,  
3175 vacuum line piping, oxygen line piping, nitrous oxide piping,  
3176 and all related medical gas systems; fire line standpipes and  
3177 fire sprinklers if authorized by law; ink and chemical lines;  
3178 fuel oil and gasoline piping and tank and pump installation,  
3179 except bulk storage plants; and pneumatic control piping  
3180 systems, all in a manner that complies with all plans,  
3181 specifications, codes, laws, and regulations applicable. The  
3182 scope of work of the plumbing contractor applies to private  
3183 property and public property, including any excavation work  
3184 incidental thereto, and includes the work of the specialty  
3185 plumbing contractor. Such contractor shall subcontract, with a  
3186 qualified contractor in the field concerned, all other work  
3187 incidental to the work but which is specified as being the work  
3188 of a trade other than that of a plumbing contractor. This  
3189 definition does not limit the scope of work of any specialty  
3190 contractor certified pursuant to s. 489.113(6) and does not  
3191 require certification or registration under this part as a

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3192 category I liquefied petroleum gas dealer, or category V LP gas  
3193 installer, as defined in s. 527.01, ~~or specialty installer~~ who  
3194 is licensed under chapter 527 or an authorized employee of a  
3195 public natural gas utility or of a private natural gas utility  
3196 regulated by the Public Service Commission when disconnecting  
3197 and reconnecting water lines in the servicing or replacement of  
3198 an existing water heater. A plumbing contractor may perform  
3199 drain cleaning and clearing and install or repair rainwater  
3200 catchment systems; however, a mandatory licensing requirement is  
3201 not established for the performance of these specific services.

3202 Section 60. Subsection (3) of section 527.06, Florida  
3203 Statutes, is reenacted to read:

3204 527.06 Rules.—

3205 (3) Rules in substantial conformity with the published  
3206 standards of the National Fire Protection Association (NFPA) are  
3207 deemed to be in substantial conformity with the generally  
3208 accepted standards of safety concerning the same subject matter.

3209 Section 61. This act shall take effect July 1, 2018.