

Tab 1 **SB 168** by **Steube**; (Similar to CS/H 00145) Nonnative Animals

Tab 2 **CS/SB 740** by **AG, Stargel**; (Similar to CS/H 00553) Department of Agriculture and Consumer Services

Tab 3 **SB 872** by **Grimsley**; (Similar to H 00645) Young Farmers and Ranchers

364998	A	S	RCS	AEN, Grimsley	Delete L.91 - 92:	01/24 02:29 PM
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Tab 4 **SB 1132** by **Hutson**; (Identical to H 00915) Vessel Safety Inspection Decals

437984	A	S	RCS	AEN, Hutson	Delete L.25 - 32:	01/24 02:35 PM
659442	SA	S	RCS	AEN, Hutson	Delete L.25 - 32:	01/24 02:35 PM

Tab 5 **SB 1370** by **Book**; (Similar to H 07051) Trust Funds/Land Acquisition Trust Fund/Department of Agriculture and Consumer Services

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS SUBCOMMITTEE ON THE ENVIRONMENT AND NATURAL RESOURCES

Senator Book, Chair
Senator Hukill, Vice Chair

MEETING DATE: Wednesday, January 24, 2018
TIME: 9:00—11:00 a.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Book, Chair; Senator Hukill, Vice Chair; Senators Braynon, Garcia, Hutson, Mayfield, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 168 Steube (Similar CS/H 145)	Nonnative Animals; Requiring the Fish and Wildlife Conservation Commission to establish a pilot program for the eradication of priority invasive species; specifying procedures for the capture and disposal of animals that belong to priority invasive species; requiring animals that belong to certain nonnative species to be implanted with a passive integrated transponder tag before sale, resale, or being offered for sale by a pet dealer, etc. EP 01/09/2018 Favorable AEN 01/24/2018 Favorable AP	Favorable Yeas 7 Nays 0
2	CS/SB 740 Agriculture / Stargel (Similar CS/H 553, Compare CS/H 315, CS/CS/S 568)	Department of Agriculture and Consumer Services; Transferring authority to issue licenses for oyster harvesting in Apalachicola Bay from the department to the City of Apalachicola; revising permitting requirements and operating standards for water vending machines; revising the circumstances under which liquefied petroleum gas bulk delivery vehicles must be registered with the department; repealing provisions relating to packet vegetable and flower seed; creating the "Government Impostor and Deceptive Advertisements Act", etc. AG 01/11/2018 Fav/CS AEN 01/24/2018 Favorable AP	Favorable Yeas 7 Nays 0
3	SB 872 Grimsley (Similar H 645)	Young Farmers and Ranchers; Creating the Florida Young Farmer and Rancher Matching Grant Program within the Department of Agriculture and Consumer Services; creating the Florida Young Farmer and Rancher Advisory Council within the department; requiring the department to establish a clearinghouse on its website for resources to assist young and beginning farmers and ranchers, etc. AG 01/11/2018 Favorable AEN 01/24/2018 Fav/CS AP	Fav/CS Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations Subcommittee on the Environment and Natural Resources
 Wednesday, January 24, 2018, 9:00—11:00 a.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 1132 Hutson (Identical H 915)	Vessel Safety Inspection Decals; Providing rulemaking authority to the Fish and Wildlife Conservation Commission regarding expiration and design of safety inspection decals, etc. EP 01/16/2018 Favorable AEN 01/24/2018 Fav/CS AP	Fav/CS Yeas 7 Nays 0

5	SB 1370 Book	Trust Funds/Land Acquisition Trust Fund/Department of Agriculture and Consumer Services; Re-creating the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services without modification, etc. AEN 01/24/2018 Favorable AP	Favorable Yeas 7 Nays 0
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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
Senate Confirmation Hearing: A public hearing will be held for consideration of the below-named executive appointments to the offices indicated.			
Executive Director of South Florida Water Management District			
6	Marks, Ernie III (Palm City)	Pleasure of the Board	Recommend Confirm Yeas 7 Nays 0
Executive Director of Suwannee River Water Management District			
7	Thomas, Hugh L. (Bell)	Pleasure of the Board	Recommend Confirm Yeas 7 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	Review and Discussion of Fiscal Year 2018-2019 Budget Issues Relating to: Department of Agriculture and Consumer Services Department of Citrus Department of Environmental Protection Fish and Wildlife Conservation Commission		Presented

Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on the Environment and Natural Resources

BILL: SB 168

INTRODUCER: Senator Steube

SUBJECT: Nonnative Animals

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.	Reagan	Betta	AEN	Recommend: Favorable
3.			AP	

I. Summary:

SB 168 requires the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to mitigate the impact of priority invasive species on lands or waters of the state. The FWC is required to submit a report of its recommendations and findings regarding the pilot program by January 1, 2021, to the Governor and the Legislature.

Additionally, the FWC is required to identify nonnative animals that threaten the state's wildlife habitats. A pet dealer must implant any such animal identified by the FWC with a passive integrated transponder tag before that animal is sold, resold, or offered for sale.

The fiscal impact of the pilot program is indeterminate at this time; however, the bill provides appropriations from the State Game Trust Fund of \$300,000 during both the 2018-2019 fiscal year and the 2019-2020 fiscal year, for a total appropriation of \$600,000.

II. Present Situation:

Nonnative Species

Pursuant to s. 9, Art. IV of the State Constitution, the FWC exercises the regulatory and executive powers of the state with respect to wild animal life, fresh water aquatic life, and marine life.¹ These powers include authority with respect to the control and management of nonnative species.² Nonnative species are animals living outside captivity and which are not historically present in the state.³ More than 500 fish and wildlife nonnative species have been documented in

¹ Fla. Const. Art. IV, s. 9.

² Fish and Wildlife Conservation Commission (FWC), *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

³ FWC, *What is a nonnative species?*, <http://myfwc.com/wildlifehabitats/nonnatives/what-are-nonnatives/> (last visited Dec. 22, 2017).

Florida.⁴ Not all nonnative species pose a threat to Florida's ecology, but some nonnative species become invasive species by causing harm to native species, posing a threat to human health and safety, or causing economic damage.⁵ To manage and minimize the impacts of nonnative species, it is unlawful to import for sale or use, or to release within the state, any species not native to Florida unless authorized by the FWC.⁶

Prohibited or conditional nonnative snakes and lizards

Prohibited species are nonnative species that pose a very high risk to native fish and wildlife, to the ecology of native wildlife communities, or to human safety. Possession of these species requires a permit from the FWC and is generally limited to public exhibition and research.⁷

Conditional species are nonnative species that pose a risk to native fish and wildlife or to the ecology of native wildlife communities. Conditional nonnative snakes and lizards are not authorized to be acquired for personal possession.⁸ Specifically, the following nonnative snakes and lizards are prohibited from being kept, possessed, imported into the state, sold, bartered, traded, or bred for personal use or for sale for personal use:

- Burmese or Indian python;
- Reticulated python;
- Northern African python;
- Southern African python;
- Amethystine or scrub python;
- Green Anaconda;
- Nile Monitor; and
- Any other reptile designated as a conditional or prohibited species by the FWC.⁹

A reptile dealer, public exhibitor, researcher, or nuisance trapper may apply for a permit to import or possess conditional nonnative snakes and lizards.¹⁰ Conditional nonnative snakes and lizards must be kept indoors or in outdoor enclosures with a fixed roof and must be permanently identified with a passive integrated transponder (PIT) tag, also known as a microchip.¹¹ Owners of such species must submit a Captive Wildlife Disaster and Critical Incident Plan to the FWC and must maintain records of their inventory.¹²

Tegus

The Argentine Black and White Tegu (*Tupinambis merianae*), commonly referred to as a tegu, is a large species of lizard that can grow up to four feet in length and is native to South America.¹³

⁴ FWC, *Florida's Exotic Fish and Wildlife*, <http://myfwc.com/wildlifehabitats/nonnatives/> (last visited on Dec. 22, 2017).

⁵ *Id.*

⁶ Section 379.231, F.S.

⁷ Section 379.372, F.S.; see Fla. Admin. Code R. 68-5.003 for a complete list of prohibited species.

⁸ FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited Dec. 22, 2017).

⁹ Section 379.372(2)(a), F.S.

¹⁰ Fla. Admin. Code R. 68-5.001(3)(e); see FWC, *Conditional Snakes and Lizards*, <http://myfwc.com/wildlifehabitats/nonnatives/regulations/snakes-and-lizards/> (last visited Dec. 22, 2017).

¹¹ *Id.*

¹² *Id.*

¹³ FWC, *Tegus in Florida*, <http://myfwc.com/media/2380549/Tegu-brochure.pdf> (Aug. 2015) (last visited Dec. 22, 2017).

Tegus are not innately aggressive but have sharp teeth, strong jaws, and sharp claws which they will use to defend themselves if threatened.¹⁴ Tegus are an invasive species and have known breeding populations in Miami-Dade and Hillsborough counties.¹⁵ The tegu causes harm to native species by disturbing alligator nests and consuming their eggs, and utilizing gopher tortoise burrows and consuming juvenile gopher tortoises.¹⁶ The tegu is not designated as a conditional or prohibited species.¹⁷ However, a person must possess a license from the FWC to sell a tegu.¹⁸ In south Florida, tegus are mainly found on private lands and lands managed by other agencies; tegus are not commonly found on lands managed by the FWC.¹⁹ In Hillsborough County, tegus are found mostly on public conservation land that is managed by the county or in state parks.²⁰

The FWC developed a trapping removal program and works with other agencies and organizations to assess the tegu's threat and develop management strategies.²¹ The goal of the program is to minimize the impact of tegus on native wildlife and natural areas.²² Over 5,000 tegus have been removed from the wild in the last five years, primarily in Miami-Dade County.²³ A limited number of commercial wildlife operators trap and remove tegus for homeowners or on other private lands.²⁴

Lionfish

The lionfish (*Pterois volitans* and *Pterois miles*) is the only marine nonnative species with an established population in Florida.²⁵ The lionfish population has rapidly grown since its introduction into the coastal waters of southern Florida around 30 years ago.²⁶ Lionfish do not have any significant predators off Florida's coasts and can tolerate a wide range of temperatures, salinities, and depths.²⁷ They are able to consume prey that is more than half of their own length and have venomous spines they use for defense.²⁸ Lionfish consume a wide variety of fish and

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ FWC, *Nonnative Fish and Wildlife Update*, 10 (Dec. 5, 2017), available at <http://myfwc.com/media/4339787/4A-NonnativePresentation.pdf> (last visited Dec. 22, 2017).

¹⁷ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

¹⁸ *Id.*; see s. 379.3761, F.S.

¹⁹ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁰ *Id.*

²¹ FWC, *Tegus in Florida*, <http://myfwc.com/media/2380549/Tegu-brochure.pdf> (Aug. 2015) (last visited Dec. 22, 2017).

²² *Id.*

²³ FWC, *Nonnative Fish and Wildlife Update*, 10 (Dec. 5, 2017), available at <http://myfwc.com/media/4339787/4A-NonnativePresentation.pdf> (last visited Dec. 22, 2017).

²⁴ FWC, *Senate Bill 230 Agency Bill Analysis*, 2 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

²⁵ FWC, *Nonnative Marine Species*, <http://myfwc.com/wildlifehabitats/nonnatives/marine-species/> (last visited Dec. 22, 2017).

²⁶ FWC, *Lionfish: Be the Predator!*, available at <http://myfwc.com/media/4039504/LionfishBrochure.pdf> (last visited Dec. 22, 2017).

²⁷ *Id.*

²⁸ *Id.*

invertebrates, which greatly alters the populations of native marine species and impacts recreational and commercial fishing in Florida.²⁹

The importation of live lionfish or hybrids or their eggs is prohibited.³⁰ Live lionfish imported from outside the state after August 1, 2014, may not be sold, offered for sale, bartered, or otherwise exchanged.³¹ A recreational fishing license is not required for harvesting lionfish by divers if the following gear is used:

- Hand-held net;
- Pole spear;
- Hawaiian sling; or
- Any other spearing device specifically designed and exclusively marketed for lionfish.³²

Additionally, there is no minimum size limit, closed season, or bag limit for the recreational or commercial harvesting of lionfish.³³

Nonnative Species Management

Removal Permit Program

Pursuant to Florida Administrative Code Rule 68A-9.002, the FWC authorizes individuals to remove Burmese pythons and other conditional reptiles on the Holey Land, Rotenberger, and Everglades and Francis S. Taylor wildlife management areas.³⁴ Under the year-round program, qualified applicants may obtain a removal permit at no cost to eradicate nonnative reptiles from these wildlife management areas.³⁵ To qualify an applicant must successfully complete an online training course.³⁶ As of February 2017, 129 individuals have obtained this permit.³⁷ The program is not considered a hunting program, rather it is a management tool that aims to collect data on the locations of such reptiles.³⁸

All conditional reptiles and tegus are authorized to be collected under the permit.³⁹ Snakes may be captured by hand or with hand-held equipment, such as tongs or snake hooks. When a permit holder captures a reptile under the program he or she must report the location and take a digital

²⁹ *Id.*

³⁰ Fla. Admin. Code R. 68-5.005.

³¹ *Id.*

³² Fla. Admin. Code R. 68B-5.006.

³³ *Id.*; FWC, *Lionfish: Be the Predator!*, available at <http://myfwc.com/media/4039504/LionfishBrochure.pdf> (last visited Dec. 22, 2017).

³⁴ Fla. Admin. Code R. 68A-15.064; FWC, *Burmese Python Removal Program*, <http://myfwc.com/license/wildlife/nonnative-species/python-permit-program/> (last visited Dec. 22, 2017); and FWC, *Python Permit Program, Frequently Asked Questions*, <http://myfwc.com/wildlifehabitats/nonnatives/python/faqs/permit-faqs/> (last visited Dec. 22, 2017).

³⁵ FWC, *Senate Bill 230 Agency Bill Analysis*, 3 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

³⁶ FWC, *Burmese Python Removal Program*, <http://myfwc.com/license/wildlife/nonnative-species/python-permit-program/> (last visited Dec. 22, 2017).

³⁷ FWC, *Senate Bill 230 Agency Bill Analysis*, 3 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

³⁸ FWC, *Burmese Python Removal Program*, <http://myfwc.com/license/wildlife/nonnative-species/python-permit-program/> (last visited Dec. 22, 2017).

³⁹ FWC, *Python Permit Program, Frequently Asked Questions*, <http://myfwc.com/wildlifehabitats/nonnatives/python/faqs/permit-faqs/> (last visited Dec. 22, 2017).

picture of the animal. Captured reptiles may be euthanized onsite by a legal and humane means or deposited alive at a drop-off site designated by the FWC. Any captured reptile is taken to the University of Florida Research and Education Center, where the stomach contents are analyzed.⁴⁰

Hunting in Wildlife Management Areas

The FWC authorizes licensed hunters to harvest conditional nonnative snakes and lizards in the Holey Land, Rotenberger, Everglades and Francis S. Taylor, and the Big Cypress wildlife management areas during hunting seasons established for the taking of game animals or alligators on those areas or during seasons specific for conditional reptiles.⁴¹ The hunters must have a valid hunting license and a wildlife management area permit, and adhere to the regulations specific to each wildlife management area.⁴² To be considered a resident of the state for purposes of hunting a conditional reptile, a person must be a United States citizen who has continuously resided in the state for six months prior to applying for a hunting license.⁴³ Live pythons may not be removed from the wildlife management areas, but hunters may keep or sell the skins and meat of the reptiles. The Big Cypress Wildlife Management Area is the only federally owned land where hunting for conditional reptiles is authorized.⁴⁴ Hunting within the Everglades National Park is prohibited by federal law.⁴⁵

The Python Challenge and Python Removal Training

The FWC, in coordination with the Fish and Wildlife Foundation of Florida, conducted a Python Challenge in 2013 and again in 2016. The Python Challenge is designed to raise awareness concerning the potential impacts of nonnative animals, while engaging the public in conservation through invasive species removal. Each participant is required to complete an online training module designed to teach him or her how to identify, locate, and safely and humanely capture Burmese pythons. In the 2016 Python Challenge more than 1,000 people from 29 states registered to take part in the month-long challenge and 106 snakes were turned in as a result.⁴⁶

The FWC provides a training program to teach individuals about the control and management of Burmese pythons in the state.⁴⁷ The program provides information related to rules and regulations, permits, python detection, species identification, data reporting, and safe capture techniques. The participants receive a hands-on experience catching wild Burmese pythons. These training programs are held in south and southwest Florida and are free of charge.

⁴⁰ *Id.*

⁴¹ Fla. Admin. Code R. 68A-15.064.

⁴² *Id.*

⁴³ Section 379.101(30)(a), F.S.

⁴⁴ FWC, *Senate Bill 230 Agency Bill Analysis*, 3 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁴⁵ *Id.* at 2.

⁴⁶ Press release, FWC, *With 106 snakes removed, 2016 Python Challenge a success*, Feb. 27, 2016, available at <http://myfwc.com/news/news-releases/2016/february/27/python-awards/> (last visited Dec. 22, 2017).

⁴⁷ FWC, *Python Patrol*, <http://myfwc.com/wildlifehabitats/nonnatives/python/patrol/> (last visited Dec. 22, 2017).

Additionally, the South Florida Water Management District (SFWMD) in 2017 initiated the Python Elimination Program to eliminate pythons from SFWMD lands.⁴⁸ The program is designed to encourage members of the public to locate and remove Burmese and Northern African pythons in Miami-Dade, Broward, and Collier counties. As of December 2017, participants in the program removed nearly 800 pythons.⁴⁹

Lionfish Derby Days and Tournaments

The FWC coordinated a statewide Lionfish Challenge from May 20, 2017, through September 4, 2017.⁵⁰ The challenge is an annual removal incentive program in which participants receive prizes, such as t-shirts and tumblers, for harvesting lionfish.⁵¹ During the 2017 challenge, a total of 26,454 lionfish were removed.⁵² Additionally, the FWC coordinates an annual Lionfish Removal and Awareness Day to raise awareness about lionfish.⁵³ Divers removed over 12,000 lionfish from Florida waters during a two-day period.⁵⁴ The FWC was awarded donations to be used for cash prizes for a new lionfish removal incentive program designed to remove lionfish previously tagged by the FWC staff. This program will coincide with the annual Lionfish Challenge.

Public Reporting and Exotic Pet Amnesty

To raise awareness of invasive species the FWC provides the public with a reporting hotline, website, and smartphone application. To report nonnative fish or wildlife to the FWC, call the invasive species hotline at 888-IVE-GOT1, go to IVEGOT1.org, or download the IVEGOT1 smartphone application.

Additionally, the FWC sponsors the Exotic Pet Amnesty Program, which is an effort to reduce the number of nonnative species being released into the wild by pet owners who can no longer care for their pets or no longer wish to keep them.⁵⁵ Exotic Pet Amnesty Days are held periodically around the state to provide the opportunity for individuals to surrender their exotic pets free of charge and with no penalty.⁵⁶

⁴⁸ South Florida Water Management District (SFWMD), *Python Elimination Program*, <https://www.sfwmd.gov/our-work/python-program> (last visited Jan. 4, 2018).

⁴⁹ *Id.*

⁵⁰ FWC, *2017 Lionfish Challenge*, <http://myfwc.com/fishing/saltwater/recreational/lionfish/challenge/> (last visited Dec. 22, 2017).

⁵¹ *Id.*

⁵² FWC, *Lionfish Challenge Hall of Fame*, <http://myfwc.com/fishing/saltwater/recreational/lionfish/challenge/hall-of-fame/> (last visited Dec. 22, 2017).

⁵³ See Reef Rangers, *Lionfish Removal and Awareness Day*, <http://reefrangers.com/event-info/> (last visited Dec. 22, 2017).

⁵⁴ *Id.*

⁵⁵ Fla. Admin. Code R. 68-5.004; see FWC, *Exotic Amnesty Program*, <http://myfwc.com/wildlifehabitats/nonnatives/amnesty-program/> (last visited Dec. 22, 2017).

⁵⁶ *Id.*

Since its creation in 2006, the Exotic Pet Amnesty Program has successfully found adoptive homes for hundreds of surrendered exotic pets.⁵⁷ Finding homes for these animals with pre-approved adopters helps to ensure that they are not released into Florida’s natural areas.⁵⁸ The following chart provides the total number of animals surrendered by year.⁵⁹

Year	Number of Events	Number of Animals surrendered			Running totals
		Events	Hotline	Total	
2006	1	6		6	6
2007	1	50		50	56
2008	2	203		203	259
2009	3	252		252	511
2010	3	132		132	643
2011	2	126	90	216	859
2012	6	279	227	506	1365
2013	7	188	152	340	1705
2014	5	234	235	469	2174
2015	3	223	133	356	2530

Public Procurement Process

Chapter 287, F.S., governs the public procurement of personal property and services. The Department of Management Services is responsible for overseeing state purchasing activity, including professional and commodity and contractual services needed to support agency activities.⁶⁰ The Division of State Purchasing within the Department of Management Services establishes statewide purchasing rules and negotiates contracts and purchasing agreements that are intended to leverage the state’s buying power.⁶¹

Contracts for commodities or contractual services in excess of \$35,000 must be procured through a competitive solicitation process.⁶² Section 287.058, F.S., outlines the provisions and conditions that must be present in contractual agreements for competitively procured services. The section also provides that a contract may be renewed for a period of time upon satisfactory performance evaluations by the agency and subject to the availability of funds.⁶³

III. Effect of Proposed Changes:

The bill requires the Fish and Wildlife Conservation Commission (FWC) to establish a pilot program to mitigate the impacts of priority invasive species on lands or waters of the state. The bill defines the term “priority invasive species” to include:

- Lizards of the genus *Tupinambis*, also known as tegus;
- Species identified in s. 379.372(2), F.S., which includes the:

⁵⁷ FWC, *Exotic Amnesty Program*, <http://myfwc.com/wildlifehabitats/nonnatives/amnesty-program/> (last visited Dec. 22, 2017).

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ See ss. 287.032 and 287.042, F.S.

⁶¹ Division of Purchasing rules are published under Chapter 60A of the Florida Administrative Code.

⁶² Section 287.057(1), F.S., requires a competitive solicitation process for contracts that exceed the Category Two threshold. Category thresholds are listed in s. 287.017, F.S. Contracts exceeding \$35,000 are designated as Category Two.

⁶³ Section 287.058(1)(g), F.S.

- Burmese or Indian python;
- Reticulated python;
- Northern African python;
- Southern African python;
- Amethystine or scrub python;
- Green Anaconda;
- Nile Monitor; and
- Any other reptile designated as a conditional or prohibited species by the FWC;
- *Pterois volitans*, also known as red lionfish; and
- *Pterois miles*, also known as the common lionfish or devil firefish.

The goal of the pilot program is to examine the benefits of using strategically deployed and trained private contractors to slow the advance of the specified nonnative animals, contain their populations, and eradicate them from the state.

The bill authorizes the FWC to enter into contracts, in accordance with the public procurement requirements of the state, with entities or individuals to capture or destroy certain nonnative species found on lands or waters of the state. Any private contracted work performed on lands or waters of the state that is not owned or managed by the FWC must be performed with the consent of the landowner.

Each capture and disposal of a nonnative animal is required to be documented and photographed and the geographic location of the take must be recorded for research purposes. All animals captured, but not destroyed, in the removal efforts are required to be disposed of at the direction of the FWC. The FWC is required to submit a report of findings and recommendations regarding the implementation of the pilot program to the Governor and the Legislature by January 1, 2021.

Additionally, the FWC is required to identify by rule nonnative animals that threaten the state's wildlife habitats. Any nonnative animal identified by the FWC must be implanted with a passive integrated transponder (PIT) tag before such animal is sold, resold, or offered for sale by a pet dealer. The bill defines the term "pet dealer" to include any person who, in the ordinary course of business, engages in the sale of more than twenty animals per year to the public, including breeders who sell animals directly to the public. The FWC is required to establish by rule standards for the types of PIT tags that must be used by pet dealers and the manner in which the tags must be implanted.

The bill provides appropriations from the State Game Trust Fund of \$300,000 during both the 2018-2019 fiscal year and the 2019-2020 fiscal year, for a total appropriation of \$600,000.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes the FWC to contract with private entities or individuals to capture or destroy nonnative animals found on lands or waters of the state. This will have a positive indeterminate fiscal impact on the entities or individuals who are awarded such contracts.

The bill requires pet dealers to implant a passive integrated transponder (PIT) tag before animals that threaten the state's wildlife habitat are sold, resold, or offered for sale. This will have a negative indeterminate fiscal impact on pet dealers that offer such animals.

C. Government Sector Impact:

The FWC will incur additional costs associated with the pilot program. The FWC stated that one or two additional staff positions are necessary to cover the workload required to develop and oversee private contractors and to develop and oversee agreements with other public land managing agencies.⁶⁴ Also, additional staff may be needed for budgeting oversight.⁶⁵ The total cost of the pilot program is indeterminate at this time; however, the bill provides appropriations from the State Game Trust Fund of \$300,000 during both the 2018-2019 fiscal year and the 2019-2020 fiscal year, for a total appropriation of \$600,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁶⁴ FWC, *Senate Bill 230 Agency Bill Analysis*, 3 (Feb. 17, 2017) (on file with the Senate Committee on Environmental Preservation and Conservation).

⁶⁵ *Id.*

VIII. Statutes Affected:

This bill creates section 379.2311 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Steube

23-00005-18

2018168__

1 A bill to be entitled
 2 An act relating to nonnative animals; creating s.
 3 379.2311, F.S.; defining the terms "pet dealer" and
 4 "priority invasive species"; providing legislative
 5 findings; requiring the Fish and Wildlife Conservation
 6 Commission to establish a pilot program for the
 7 eradication of priority invasive species; providing
 8 the goal of the pilot program; authorizing the
 9 commission to enter into specified contracts;
 10 specifying parameters for the implementation of the
 11 pilot program; specifying procedures for the capture
 12 and disposal of animals that belong to priority
 13 invasive species; requiring the commission to submit a
 14 report to the Governor and the Legislature by a
 15 specified date; requiring animals that belong to
 16 certain nonnative species to be implanted with a
 17 passive integrated transponder tag before sale,
 18 resale, or being offered for sale by a pet dealer;
 19 requiring the commission to adopt rules; providing
 20 appropriations; providing an effective date.
 21
 22 Be It Enacted by the Legislature of the State of Florida:
 23
 24 Section 1. Section 379.2311, Florida Statutes, is created
 25 to read:
 26 379.2311 Nonnative animal management.—
 27 (1) As used in this section, the term:
 28 (a) "Pet dealer" means any person who, in the ordinary
 29 course of business, engages in the sale of more than 20 animals

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

23-00005-18

2018168__

30 per year to the public. This term includes breeders who sell
 31 animals directly to consumers.
 32 (b) "Priority invasive species" means the following
 33 species:
 34 1. Lizards of the genus *Tupinambis*, also known as tegu
 35 lizards;
 36 2. Species identified in s. 379.372(2)(a);
 37 3. *Pterois volitans*, also known as red lionfish; and
 38 4. *Pterois miles*, also known as the common lionfish or
 39 devil firefish.
 40 (2) The Legislature finds that priority invasive species
 41 continue to expand their range and to decimate the fauna and
 42 flora of the Everglades and other natural areas and ecosystems
 43 in the southern and central parts of the state at an
 44 accelerating rate. Therefore, the commission shall establish a
 45 pilot program to mitigate the impact of priority invasive
 46 species on the public lands or waters of this state.
 47 (a) The goal of the pilot program is to examine the
 48 benefits of using strategically deployed, trained private
 49 contractors to slow the advance of priority invasive species,
 50 contain their populations, and eradicate them from this state.
 51 (b) In implementing the pilot program, the commission may
 52 enter into contracts in accordance with chapter 287 with
 53 entities or individuals to capture or destroy animals belonging
 54 to priority invasive species found on public lands or in the
 55 waters of this state. Any private contracted work to be
 56 performed on public land or in the waters of the state not owned
 57 or managed by the commission must have the consent of the owner.
 58 (c) The commission shall ensure that all captures and

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 disposals of animals that belong to these priority invasive
60 species are documented and photographed and that the geographic
61 location of the take is recorded for research purposes. The
62 commission shall direct the disposal of all animals captured and
63 not destroyed in removal efforts.

64 (d) The commission shall submit a report of findings and
65 recommendations regarding its implementation of the pilot
66 program to the Governor, the President of the Senate, and the
67 Speaker of the House of Representatives by January 1, 2021.

68 (3) Before selling, reselling, or offering for sale any
69 nonnative animal identified by the commission pursuant to
70 paragraph (a), pet dealers must implant in the animal, or have
71 the animal implanted with, a passive integrated transponder
72 (PIT) tag, as specified by the commission. The commission shall
73 adopt rules to implement this subsection, including both of the
74 following:

75 (a) The identification of nonnative animals that threaten
76 the state's wildlife habitats and, therefore, must be implanted
77 with a PIT tag.

78 (b) The adoption of a standard for the types of PIT tags
79 which must be used by pet dealers and the manner in which they
80 must be implanted.

81 Section 2. For the 2018-2019 and 2019-2020 fiscal years,
82 the sum of \$300,000 in nonrecurring funds is appropriated each
83 year from the Land Acquisition Trust Fund to the Fish and
84 Wildlife Conservation Commission for the purpose of implementing
85 s. 379.2311.

86 Section 3. This act shall take effect July 1, 2018.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Banking and Insurance, *Vice Chair*
Agriculture
Appropriations Subcommittee on Finance and Tax
Appropriations Subcommittee on Pre-K - 12 Education
Children, Families, and Elder Affairs
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR GREG STEUBE

23rd District

January 9, 2018

The Honorable Lauren Book
Florida Senate
202 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Book,

I am writing this letter because my bill, SB 168 – Nonnative Animals, has been referred to the Senate Appropriations Subcommittee on the Environment and Natural Resources. This bill is on its second committee of reference. I am respectfully requesting that you place the bill on your committee's calendar for the next committee week.

Thank you for your consideration. Please contact me if you have any questions.

Very respectfully yours,

A handwritten signature in blue ink, appearing to read "W. Gregory Steube".

W. Gregory Steube, District 23

REPLY TO:

- 6230 University Parkway, Suite 202, Sarasota, Florida 34240 (941) 342-9162
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

1/24/2018

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

SB168

Bill Number (if applicable)

Topic Exotic Animals

Amendment Barcode (if applicable)

Name Preston Robertson

Job Title VP/ General Counsel

Address PO B 6870

Phone

Street

Tall, FL 32301

City

State

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Wildlife Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

SB168

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Brittany Dover

Job Title Government Relations

Address 119 S. Monroe St

Phone (870) 879-2641

Street

FL

32333

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing National Marine Manufacturers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on the Environment and Natural Resources

BILL: CS/SB 740

INTRODUCER: Agriculture Committee and Senator Stargel

SUBJECT: Department of Agriculture and Consumer Services

DATE: January 23, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	Fav/CS
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEN</u>	Recommend: Favorable
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 740 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). Specifically, the bill:

- Provides that screen enclosed structures used in citrus production for pest exclusion, when consistent with department adopted best management practices, have no separately assessable value for purposes of ad valorem taxation;
- Shifts the issuance of a local oyster harvesting license for Apalachicola Bay from the department to the City of Apalachicola;
- Removes the electronic payment mandate for pesticide registration payments;
- Allows persons who have served as a military firearms instructor within the last three years of military service to obtain and to maintain a Class “K” firearms instructor license;
- Creates an additional method of recertification for Class “K” firearms instructor licensees;
- Prohibits comingling charitable and non-charitable funds collected through solicitation or sponsor sales and requires organizations to keep detailed records;
- Prohibits ringless direct-to-voicemail solicitation telephone calls under Florida’s Do Not Call (DNC) statute and adds the opportunity for businesses to add their telephone numbers to the DNC list;
- Revises department sampling and analysis requirements for antifreeze;
- Allows for the lawful seizure of “skimming devices” by department inspectors;
- Revises application requirements and fees for brake fluid brands;

- Transfers responsibility for liquefied petroleum gas (LPG) insurance issues to the Commissioner of Agriculture instead of the Governor of Florida;
- Consolidates and reduces the number of LPG categories and expands the license period from one to three years;
- Eliminates the original and renewal LPG fee structure and replaces it with a new revenue neutral fee structure;
- Updates the dollar threshold for required reporting of LPG accidents from \$1,000 to \$3,000;
- Extends the expiration date for seven weights, measures, and standards sections from July 1, 2020 to July 1, 2025;
- Defines the Commissioner of Agriculture's authority to waive fees during emergencies;
- Updates the Florida Seed Law in response to technological and federal regulatory changes;
- Authorizes the department to cover the cost of the initial Commercial Driver's License (CDL) examination fee for those Florida Forest Service employees whose positions entail operating CDL-requiring equipment;
- Requires the department to expedite the resolution of issues concerning eligibility requirements for a concealed weapon or firearm license and to issue licenses in absence of disqualifying information within 90 days of the receipt of a completed application;
- Permits tax collectors' offices to provide fingerprinting and photographing services to complete online concealed weapon and firearm license applications and allows tax collectors to print duplicate licenses; and
- Creates the "Government Impostor and Deceptive Advertisements Act" to prevent Florida consumers and businesses from being scammed by companies selling free government forms or mimicking government services.

The bill modifies several agricultural, consumer service, and licensing activities resulting in a negative fiscal impact in the General Inspection Trust Fund. However, the trust fund can sustain the revenue reductions associated with the modifications. The department anticipates a reduction in expenditures associated with the transfer of the oyster harvesting license program to the City of Apalachicola that will offset a portion of the revenue reductions in the General Inspection Trust Fund. See Section V.

The Revenue Estimating Conference (REC) estimates the reduction in the ad valorem tax on screen enclosed structures used in citrus production will have no fiscal impact in Fiscal Year 2018-2019. However, the REC estimates beginning in Fiscal Year 2019-2020, there will be a recurring reduction in local ad valorem taxes of \$100,000 relating to the assessment of these structures.

II. Present Situation:

The mission of the Department of Agriculture and Consumer Services (department) is to safeguard the public and support Florida's agricultural economy by:

- Ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs;
- Protecting consumers from unfair and deceptive business practices and providing consumer information;

- Assisting Florida's farmers and agricultural industries with the production and promotion of agricultural products; and
- Conserving and protecting the state's agricultural and natural resources by reducing wildfires, promoting environmentally safe agricultural practices, and managing public lands.

The bill modifies several agricultural, consumer services, and licensing activities under the department's jurisdiction.

Citrus Protection Structures (Section 1)

Present Situation

Section 196.461, F.S., Florida's "greenbelt law," allows properties classified as bona fide agricultural operations to be taxed according to the "use" value of the agricultural operation, rather than the development value. Generally, tax assessments for qualifying lands are lower than tax assessments for other uses. For purposes of the income methodology approach to assessment of property used for agricultural purposes, certain structures that are attached physically to the land are considered a part of the average yields per acre and have no separately assessable contributory (taxable) value. These structures include the following:

- Irrigation systems, including pumps and motors;
- Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms; and
- Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the department.

Effect of Proposed Changes

The bill provides that screen enclosed structures used in citrus production for pest exclusion, when consistent with the department's adopted best management practices, have no separately assessable value for purposes of ad valorem taxation. These structures are considered as part of the average yields per acre and have no separately assessable contributory value.

Apalachicola Bay Oyster Harvesting Licenses (Section 2)

Present Situation

Current law sets forth requirements for the Apalachicola Bay oyster harvesting license (license).¹ The license is administered by the department and is required for persons who harvest commercial quantities of oysters from Apalachicola Bay.

Proceeds from license fees are deposited in the General Inspection Trust Fund and, less reasonable administrative costs, used or distributed by the department for the following purposes in Apalachicola Bay:

- Relaying and transplanting live oysters.

¹ s. 379.361(5), F.S.

- Shell planting to construct or rehabilitate oyster bars.
- Education programs for licensed oyster harvesters on oyster biology, aquaculture, boating and water safety, sanitation, resource conservation, small business management, marketing, and other relevant subjects.
- Research directed toward the enhancement of oyster production in the bay and the water management needs of the bay.

Effect of Proposed Changes

The bill transfers the license administrative responsibilities from the department to the City of Apalachicola. Specifically, the bill requires the City of Apalachicola to issue the license, and collect, deposit, and distribute the license fees. The bill requires the proceeds to be deposited into a trust account instead of the General Inspection Trust Fund, and, less reasonable administrative costs, used or distributed by the City of Apalachicola for the purposes listed in current law. However, instead of using the funds for the purpose of relaying and transplanting live oysters, the bill requires the City of Apalachicola to use or distribute the funds for an Apalachicola Bay oyster shell recycling program.

Pesticide Registration Fees (Section 3)

Currently, payments of all pesticide registration fees are submitted electronically by using the department's website.² The bill removes the electronic submission requirement of payments allowing for alternate payment methods.

Firearm Licenses (Sections 4 & 5)

Present Situation

Current law requires that an applicant for an initial Class "K" (firearms instructor) license³ submit an application, photograph, requisite fees and a full set of fingerprints, and provide proof of firearm training.⁴ Specifically, the law requires firearms instructor license applicants to submit one of the following as proof of firearm training:

- The Florida Criminal Justice Standards and Training Commission Instructor Certificate and written confirmation by the commission that the applicant possesses an active firearms certification.
- A valid National Rifle Association Private Security Firearm Instructor Certificate issued not more than three years before the submission of the applicant's Class "K" application.
- A valid firearms instructor certificate issued by a federal law enforcement agency issued not more than three years before the submission of the applicant's Class "K" application.

Each Class "K" license renewal applicant is also required to submit one of these certificates as proof that he or she remains certified to provide firearms instruction.⁵

² s. 487.041(1)(i), F.S.

³ s. 493.6101(14), F.S., defines "firearm instructor" as any Class "K" licensee who provides classroom or range instruction to applicants for a Class "G" statewide firearm license.

⁴ s. 493.6105(6), F.S.

⁵ s. 493.6113(3)(d), F.S.

Effect of Proposed Changes

The bill allows veterans who served as firearms instructors in the military to provide proof of firearms instructor status when applying for initial and renewal Class “K” licensure. For an initial application, the bill allows the applicant to submit a valid DD form 214 issued not more than three years before the submission of the applicant’s Class “K” application, indicating the applicant has been honorably discharged and served at least three years in the military as a firearms instructor.

For a renewal application, the bill allows the applicant to submit proof of having taught no less than six, 28 hour firearms instruction courses to Class “G” (statewide firearm) license applicants during the previous triennial licensure period.

Solicitation of Funds (Section 6 & 7)

Present Situation

Organizations that intend to solicit donations in Florida are required to register with the department pursuant to the Solicitation of Contributions Act (SCA).⁶ The SCA contains basic registration, financial disclosure, and notification requirements for charitable organizations and sponsors, fundraising consultants, and solicitors. Veterans’ organizations that have been granted a federal charter under Title 36, U.S.C., are exempt from the department’s registration requirements.⁷

Current law does not prohibit comingling or contain recordkeeping requirements, regarding charitable and non-charitable funds. According to the department, investigations of alleging misuse of charitably solicited funds are often made more challenging by the need to decouple charitable and non-charitable monies in the accounting records.⁸

Effect of Proposed Changes

The bill prohibits the comingling of contributions with noncharitable funds by charitable organizations and sponsors. The bill requires that each charitable organization, sponsor, professional fundraising consultant, and professional solicitor that collects or takes control or possession of contributions made for a charitable purpose keep accurate records and must not comeingle contributions with noncharitable funds as specified in s. 496.415(19), F.S.

⁶ ch. 496, F.S.

⁷ s. 496.406(1)(c), F.S.

⁸ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 Senate Bill 740.

Water Vending Machines (Section 8)

Present Situation

Water vending machine applicants must submit forms to the department “in writing,” thus prohibiting the use of digital applications. Additionally, the department issues serialized permit ID decals to approved vending machine owners.

Effect of Proposed Changes

The bill removes the requirements that an application for a water vending machine operating permit be made “in writing”, and that the operating permit number be placed on each water vending machine. These changes allow for the electronic submission of water vending-machine application forms and the issuance of non-serialized decals.

Telephone Solicitation (Sections 9 & 10)

Present Situation

The federal Telephone Consumer Protection Act imposes restrictions on unsolicited advertisement to a telephone.⁹ The state mirrors this provision statutorily and requires the department to maintain the state's Do Not Call list, also known as the “no sales solicitation calls” list.¹⁰

A “telephonic sales call” is defined as a telephone call or text message to a consumer for the purpose of soliciting a sale of any consumer goods or services, soliciting an extension of credit for consumer goods or services, or obtaining information that will or may be used for the direct solicitation of a sale of consumer goods or services or an extension of credit for such purposes.

According to the department, advances in ringless communication technology allow telemarketers to directly deliver voicemail messages without causing a customer’s phone to ring. The department believes that ringless communication constitutes a telephonic sales call under the state’s Do Not Call statute. In the absence of a federal rule regarding this technological innovation, the department believes adding a state prohibition of ringless voicemails is necessary.

Effect of Proposed Changes

The bill expands consumer protections provided under the state’s Do Not Call statute, prohibiting ringless direct-to-voicemail solicitation phone calls and requiring commercial telephone sellers to retain and make call records available.

The bill requires a commercial telephone seller to keep the following information for two years after the date the information first becomes part of the seller's business records:

⁹ 47 U.S.C. § 227.

¹⁰ s. 501.059(3), F.S.

- The name and telephone number of each consumer contacted by a telephone sales call;
- All express requests authorizing the telephone solicitor to contact the consumer; and
- Any script, outline, or presentation the applicant requires or suggests a salesperson use when soliciting, including sales information or literature to be provided by the commercial telephone seller to a salesperson and a consumer in connection with any solicitation.

Florida Antifreeze Act (Sections 11-14)

Each brand of antifreeze to be distributed in Florida must register with the department before distribution. The bill makes several changes to the state Antifreeze Act. The bill consolidates the definition of antifreeze to include all antifreeze-coolant, antifreeze and summer coolant, extends antifreeze permitting for up to 24-months, eliminates phased-out product affidavits, and removes the requirement for the department's internal testing.

The bill changes the registration application timeframe from annual to both annual and biennial, and requires the expiration timeframes to be indicated on the registration certificate. The bill specifies that for each brand of antifreeze, the application fee for a 12-month registration is \$200 and a 24-month registration is \$400.

The bill removes the provisions that addresses a registered brand that is not in production for distribution in this state. The bill requires a completed registration application be accompanied by specimens or copies of the label for each brand of antifreeze.

The bill removes the requirement that a completed application be accompanied by a one to two gallon labeled sample of each brand of antifreeze, and instead requires that all first-time applications be accompanied by a certified report from an independent testing laboratory, dated no more than six months prior to the registration application, setting forth the analysis which shows that the antifreeze conforms to minimum standards required for antifreeze by this part or rules of the department, and is not adulterated.

Credit and Debit Card Skimming Devices (Section 15)

Present Situation

Skimming is the theft of credit card information used in an otherwise legitimate transaction. A thief can procure a victim's credit card by using a small electronic device to swipe and store card numbers. Last year, the department identified 340 credit and debit card skimming devices for seizure, in connection with gasoline and oil inspections. When department inspectors locate the devices, they contact the Office of Agriculture Law Enforcement (OALE), or when geographic and staffing issues prevent a response from OALE, local law enforcement is asked to remove the devices. Law enforcement personnel must seize the illegal devices and maintain a proper chain of custody for future legal proceedings.

Effect of Proposed Changes

The bill authorizes the department to seize without a warrant, any skimming device as defined in s. 817.625, F.S.

Brake Fluid (Sections 16 & 17)

Present Situation

The department regularly conducts inspections of the petroleum distribution system and analyzes samples of petroleum products to ensure that Florida consumers are getting the amount they pay for and the quality they expect. Gasoline, alternative fuels, kerosene, diesel, fuel oil, antifreeze products, and brake fluid products are routinely tested and must meet strict standards.

Applicants must submit all brake fluid brands and products to the Bureau of Standards' laboratory for testing prior to initial registration. Despite this requirement, there are no assurances that the samples the department tests are the same as the products being offered for sale since the applicant collects and ships samples directly to the laboratory.

Effect of Proposed Changes

The bill authorizes a 24-month brake fluid registration period in addition to the 12-month registration period, and sets forth an application fee of \$50 for the 12-month registration, or \$100 for the 24-month registration. The bill requires completed brake fluid registration applications to be accompanied by specimens or copies of the label for each brand of brake fluid, and an application fee of \$50 for a 12-month registration or \$100 for a 24-month registration for each brand of brake fluid.

The bill requires that the certified report from an independent testing laboratory required of all first time-applicants be dated no more than six months before the registration application. The bill removes the requirement that an applicant submit to the department a sample of at least 24 fluid ounces of brake fluid in a container with a label printed in the same manner that it will be labeled when sold, and removes the requirement that the sample and container be analyzed and inspected by the department in order that compliance be verified.

Liquefied Petroleum Gas (Sections 18-28)

Currently, the department regulates the licensing, inspection and training requirements relating to the liquefied petroleum gas (LPG) industry.¹¹ Current law governing LPG provides definitions for numerous LPG and the LPG license categories.¹² These licenses include those for selling propane, installation, service or repair work, manufacture of equipment, and other miscellaneous activities.

¹¹ ch. 527, F.S.

¹² s. 527.02, F.S.

Definitions (Section 18)

Current law governing LPG provides definitions for numerous LPG and the LPG license categories. These licenses include those for selling propane, installation, service or repair work, manufacture of equipment, and other miscellaneous activities.

The bill clarifies LPG license categories, revises the license year terminology, and expands the license period from one to three years from the issuance of the license. The bill also removes the word “ultimate” from the definition of “ultimate consumer” throughout the LPG chapter of law.

License, Penalty, Fees (Section 19)

The bill redefines the LPG unlawful activities by incorporating the activities specified in s. 527.01(6)-(11), F.S., replaces the two-tiered LPG fee structure with a single tiered annual fee structure with new fees, allows a material change in license information prior to renewal with a \$10 fee. In addition, the bill revises the requirement that the department waive the initial license fee for honorably discharged veterans, their spouses, or the businesses they own by only allowing the waiver to occur for one year.

The bill deletes the provisions related to pipeline-system operator licensure and fees. According to the department, pipeline-operator requirements are now regulated under federal code 43 and only monitored by the department during the startup phase or after an incident. The bill deletes the transferability of LPG licensure as licenses may be applied for continuously instead of once annually.

Qualifiers; Master Qualifiers; Examinations (Section 20)

The bill requires only persons applying for a license to engage in category I, II, and V activities to prove competency by passing the written the department examination. The bill reduces the examination grade percentage that applicants must achieve for passage from 75 percent or above, to 70 percent or above. The bill requires the department to register an examinee who successfully completes the examination, instead of issuing the examinee a qualifier identification card. The bill revises the automatic expiration provision for qualifiers so that it addresses the registration instead of the identification cards, and makes conforming changes regarding registration as opposed to qualifier status. The bill requires businesses in license categories I, II and V to employ a full time qualifier in each business location.

The bill provides that qualifier registration, instead of cards, expire three years after the date of issuance. The bill removes an outdated qualifier renewal date, and requires persons failing to renew before the expiration date to reapply and take a qualifier competency examination in order to reestablish qualifier status.

The bill removes the requirement that, if a category I LPG qualifier or LPG installer qualifier becomes a master qualifier at any time during the effective date of the qualifier card, the card remains in effect until expiration of the master qualifier certification.

Registration of Transport Vehicles (Section 21)

The bill revises the annual registration requirement to instead require each LPG bulk delivery vehicle owned or leased by an LPG licensee to be registered as part of the licensing application or when placed into service.

License Renewals (Section 22)**Present Situation**

Current law requires all LPG licenses to be renewed annually within certain timeframes and subject to the license fees.¹³ All licenses, except category III LPG cylinder exchange unit operator licenses and dealer in appliances and equipment for use of LPG licenses, must be renewed for the period beginning September 1 and expire on the following August 31 unless suspended, revoked, or otherwise terminated sooner. Category III LPG cylinder exchange unit operator licenses and dealer in appliances and equipment for use of LPG licenses must be renewed for the period beginning April 1 and expire on the following March 31 unless suspended, revoked, or otherwise terminated sooner. Any license allowed to expire becomes inoperative because of failure to renew. The fee for restoration of a license is equal to the original license fee and must be paid before the licensee is allowed to resume operations.

Effect of Proposed Changes

The bill allows LPG licenses to be renewed annually, biennially, or triennially, as elected by the licensee; requires all renewals to meet the same requirements and conditions as an annual license for each licensed year; and removes the timeframes for license category renewals. According to the department, these changes optimize the application process and should accelerate application processing, especially during periods of high volume.¹⁴

Proof of Insurance (Section 23)

Currently, LPG companies are required to provide the department with proof of insurance coverage or a surety bond to conduct business in the state. However, for a license other than a dealer in appliances and equipment for use of LPG or a category III LPG cylinder exchange operator, the Governor is authorized to accept a \$1 million bond in lieu of the insurance policy requirements.¹⁵

Effect of Proposed Changes

This bill replaces the Governor with the Commissioner of Agriculture as the responsible party authorized to accept the \$1 million and the \$300,000 bonds in lieu of the insurance policy requirements. The bill also adds category IV licenses to the exceptions to the insurance requirements.

¹³ s. 527.03, F.S.

¹⁴ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 Senate Bill 740, p. 10 (Nov. 15, 2017).

¹⁵ s. 527.04(1), F.S.

Bulk Storage Locations; Jurisdiction (Section 24)**Present Situation**

Current law requires, prior to the installation of any bulk storage container, an LPG licensee to submit to the department a site plan of the facility, which shows the proposed location of the container, and to obtain written approval of such location from the department. A fee of \$200 is assessed for each site plan that the department reviews. The review must include preconstruction inspection of the proposed site, plan review, and final inspection of the completed facility.

Effect of Proposed Changes

The bill removes the requirements that an LPG licensee submit to the department a site plan of the facility, which shows the proposed location of the container, the requirement to obtain written approval of such location from department, and the fee of \$200, which is assessed for each site plan that the department reviews. The bill also removes the requirement for the review to include preconstruction inspection of the proposed site, plan review, and final inspection of the completed facility.

Notification of Accidents; Leak Calls; Jurisdiction (Section 25)**Present Situation**

Currently, immediately upon discovery, all LPG licensees are required to notify the department of any LPG related accident that involves an LPG licensee or customer account. The accident must fall under one of the following descriptions:

- Caused a death or personal injury requiring professional medical treatment;
- Uncontrolled ignition of LPG resulted in death, personal injury, or property damage exceeding \$1,000; or
- Caused estimated damage to property exceeding \$1,000.

Effect of Proposed Changes

The bill increases the cost threshold for reporting LPG accidents involving property damage and/or personal injury from \$1,000 to \$3,000. According to the department, this reflects inflation adjusted costs.¹⁶ The dollar value has not been updated since 2003.¹⁷

Restriction on Use of Unsafe Container or System (Section 26) & Definitions Relating to Florida Propane Gas Education, Safety, and Research Act (Section 27)

Currently, the definition for “dealer” and “wholesaler” relating to the Florida Propane Gas Education, Safety, and Research Act include the term “ultimate consumer.”

¹⁶ Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 Senate Bill 740, p. 11 (Nov. 21, 2017).

¹⁷ The last time the dollar value was revised was in 2003 (Ch. No. 2003-132, Laws of Florida.) providing that an LP gas-related incident must be reported by an LP gas licensee only when it involves death, personal injury, or property damage exceeding \$1,000.

The bill removes the term “ultimate” from “ultimate consumer” to make these provisions consistent with the rest of the chapter regarding consumers.

Florida Propane Gas Education, Safety, and Research Council¹⁸ Established; Membership; Duties and Responsibilities (Section 28)

The bill removes the requirement that the Commissioner of Agriculture make a call to qualified industry organizations for nominees to the Florida Propane Gas Education, Safety, and Research Council but retains the submission of nominees by qualified industry organizations.

Weights, Measures and Standards (Section 29)

Present Situation

Currently, the department’s Bureau of Standards is responsible for the inspection of weights and measures devices or instruments in Florida.¹⁹ The law defines “weights and measures” as all weights and measures of every kind, instruments, and devices for weighing and measuring, and any appliance and accessories associated with any or all such instruments and devices, excluding those weights and measures used for the purpose of inspecting the accuracy of devices used in conjunction with aviation fuel.²⁰ The weights and measures program is funded through permit fees.²¹ This framework including provisions related to general permitting, initial and renewal applications, maximum permit fees, suspensions, penalties, revocations, and exemptions, is set to expire on July 1, 2020.

Effect of Proposed Changes

The bill extends the expiration date for the weights and measures program permitting fee framework until July 1, 2025. According to the department, it will no longer be able to cover the costs to perform this function if the permitting statute is not extended.²²

Emergency Powers (Section 30)

Present Situation

Current law governing emergency management gives the Governor extensive authority to act as he or she deems necessary during a declared state of emergency. The law authorizes the Governor to assume or delegate direct operational control over all or any part of the emergency management functions within this state. In addition, the Governor may issue executive orders, proclamations, and rules, which have the force and effect of law.

¹⁸ s. 527.22, F.S.

¹⁹ ch. 531, F.S., “Weights and Measures Act of 1971.”

²⁰ s. 531.37(1), F.S.

²¹ s. 531.67, F.S.

²² Florida Department of Agriculture and Consumer Services, Agency Analysis of 2018 Senate Bill 740, p. 12 (Nov. 15, 2017).

Currently, the department is authorized to declare an emergency when one exists in any matter pertaining to agriculture, and to make, adopt, and promulgate rules and issue orders, which will be effective during the term of the emergency.

Effect of Proposed Changes

The bill authorizes the Commissioner of Agriculture during a state of emergency declared pursuant to s. 252.36, F.S., to waive fees by emergency order for duplicate copies or renewal of permits, licenses, certifications, or other similar types of authorizations during a period specified by the commissioner.

Marketing Order Notice (Section 31)

Present Situation

The “Florida Agricultural Commodities Marketing Law” regulates the marketing of agricultural commodities through the establishment of marketing orders and agreements. A marketing order is an order issued by the department, prescribing rules governing the distribution, or handling in any manner, of agricultural commodities in the primary channel of trade during any specified period or periods. Before the issuance of any marketing order, or any suspension, amendment, or termination thereof, a notice must be posted on a public bulletin board maintained by the department in the Nathan Mayo Building.

Effect of Proposed Changes

The bill removes the requirement to post notice on a public bulletin board in the Nathan Mayo Building while retaining the requirement to post notice to the department’s website.

Florida Seed Law (Sections 32-47)

The department regulates the sale and distribution of all seed sold in Florida pursuant to the Florida Seed Law (FSL).²³ According to the department, technological and federal regulatory changes have created the need for Florida to update and reorganize the FSL. Generally, trees and shrubs, and new seed types, are not addressed under the current law. However, the authority to regulate seed is not expressly preempted to the state.

Definitions (Section 32)

The bill makes numerous definitional changes to the Florida Seed Law pursuant to recommendations of the department’s Agricultural Feed, Seed and Fertilizer Advisory Council.

²³ ch. 578, F.S

Preemption (Section 33)Present Situation

Currently, the department regulates the sale and distribution of all seed sold in Florida. However, the authority to regulate seed is not expressly preempted to the state.

Effect of Proposed Changes

The bill provides that it is the intent of the Legislature to eliminate duplication of regulation of seed. The bill provides that this chapter is intended as comprehensive and exclusive and occupies the whole field of regulation of seed. The bill preempts to the state the authority to regulate seed or matters relating to seed. The bill prohibits a local government or political subdivision of the state from enacting or enforcing an ordinance that regulates seed, including the power to assess any penalties provided for violation of this chapter.

Registrations (Section 34)Present Situation

Currently, any person who intends to sell, distribute for sale, offer for sale, expose for sale, handle for sale, or solicit orders for the purchase of any agricultural, vegetable, flower, or forest tree seed or mixture thereof, is required to register with the department as a seed dealer.²⁴

Effect of Proposed Changes

The bill removes references to s. 578.14, F.S., relating to packet vegetable and flower seed. The bill expands the definition of tree seed by deleting “forest” and including “shrub seed” to the types of seed that require registration.

The bill requires the application for registration to include the name and location of each place of business at which the seed is sold, distributed for sale, offered for sale, exposed for sale, or handled for sale. The bill removes the requirement that registration and payment receipts from the department be in writing. This eliminates the need for the department to issue registration receipts, and thus allows for electronic receipts.

The bill removes the exemption from registration requirements for agricultural experiment stations of the State University System and places it in the section of the FSL directly relating to exemptions.

The bill also provides that when packet seed is sold, offered for sale, or exposed for sale, the company who packs seed for retail sale must register and pay fees as provided.

²⁴ s. 578.08(1), F.S.

Label Requirements for Agricultural, Vegetable, Flower, and Tree or Shrub Seed (Section 35)**Present Situation**

Current law sets forth seed label requirements for each container of agricultural, vegetable, or flower seed sold, offered for sale, exposed for sale, or distributed for sale within this state for sowing or planting purposes.²⁵ As with the previous section, trees and shrubs are not explicitly covered under the current law, and sections relating to new seed types are not addressed.

When seed is treated with certain substances, the current statute only requires a cautionary statement such as “Do not use for food, feed, or oil purposes,” which is inconsistent with current Environmental Protection Agency (EPA) requirements and provisions of the Farm Service Agency.

Effect of Proposed Changes

The bill revises the labeling requirements to align with the Recommended Uniform State Seed Law (RUSSEL). The bill deletes specific terms and font requirements, adds provisions relating to coated and vegetable seed, moves the department’s authority to prescribe uniform analysis tags, for consistency, includes additional terms to clarify requirements of all seed types, including those of trees and shrubs, allows the term “blend,” as an option for identifying products containing more than one agricultural seed component, includes lawn and turf seed under the requirements and clarifies that hybrids thereof must be labeled as hybrids.

Forest Tree Seed (Section 36)**Present Situation**

Current law governing forest tree seed requires each container sold, offered for sale, exposed for sale, or transported within this state for sowing purposes to meet certain labeling requirements.

Effect of Proposed Changes

The bill repeals the section of law relating to labeling of forest tree seed. These requirements are replaced with expanded provisions relating to all tree and shrub seed, and included in the aforementioned revised section of law relating to label requirements.²⁶

Exemptions (Section 37)**Present Situation**

Currently, the FSL exempts the following from the FSL labeling requirements and prohibitions:

- Seed or grain not intended for sowing or planting purposes.

²⁵ s. 578.09, F.S.

²⁶ s. 578.091, F.S.

- Seed in storage in, consigned to or being transported to seed cleaning or processing establishments for cleaning or processing only. Any labeling or other representation which may be made with respect to the unclean seed shall be subject to this law.²⁷

The FSL also provides an exemption from the criminal penalties of this law for persons having sold, offered, exposed, or distributed for sale in this state any agricultural, vegetable, or forest tree seed incorrectly labeled or represented.

Effect of Proposed Changes

The bill adds an exemption for seed under development or maintained exclusively for research purposes. The bill revises the exemption for incorrectly labeled seed. The bill provides that if seed cannot be identified by examination thereof, a person is not subject to the criminal penalties of this chapter for having sold or offered for sale seed subject to this chapter which were incorrectly labeled or represented as to kind, species, and, if appropriate, subspecies, variety, type, or origin, elevation, and, if required, year of collection unless he or she has failed to obtain an invoice, genuine grower's or tree seed collector's declaration, or other labeling information and to take such other precautions as may be reasonable to ensure the identity of the seed to be as stated by the grower. The bill provides that a genuine grower's declaration of variety must affirm that the grower holds records of proof of identity concerning parent seed, such as invoice and labels.

Duties, Authority, and Rules; Stop-Sale, Stop-Use, Removal, or Hold Orders (Sections 38 & 39)

Present Situation

Multiple references to “forest tree seed” is used throughout the sections of law that sets forth the duties, authority and rulemaking requirements of the department relating to the FSL,²⁸ and the section of law that addresses stop-sale, stop-use, removal, or hold orders for violations of the FSL.

Effect of Proposed Changes

The bill replaces the multiple references to “forest tree seed” with “tree or shrub seed.”

Prohibitions (Section 40)

Present Situation

Currently, it is unlawful for any person to sell, distribute for sale, offer for sale, expose for sale, handle for sale, or solicit orders for the purchase of any agricultural, vegetable, flower, or forest tree seed within this state.²⁹

²⁷ s. 578.10(2), F.S.

²⁸ s. 578.11, F.S.

²⁹ s. 578.13(1), F.S.

Effect of Proposed Changes

The bill revises the section of law relating to prohibitions to be consistent with changes throughout the bill that expand the definition of seed to include shrubs. The bill clarifies the stop-sale provisions and the requirements for certified seed labeling. The bill removes the seven month timeframe within which the test to determine the percentage of germination required by the FSL labeling requirements must be completed as all seed types are listed in the proposed section of the bill relating to labeling requirements, and each category of seed contains a specific germination testing requirement.

Packet Vegetable and Flower Seed (Section 41)

Present Situation

Currently, when vegetable or flower seed are sold, offered for sale, or exposed for sale in packets of less than eight ounces, the company who packs the seed for retail sale is required to register and pay fees as provided under s. 578.08, F.S.³⁰

Effect of Proposed Changes

The bill repeals the section of the FSL relating to packet vegetable and flower seed. The bill moves the registration requirements to the revised section of the FSL relating to registrations, and the labeling information to the revised section of the FSL relating to registrations, for consistency.

Penalties and Administrative Fine (Section 42)

Present Situation

Currently, the department is authorized to enter an order imposing one or more of the following penalties against a person who violates the FSL or the rules adopted under the FSL, or who impedes, obstructs, or hinders the department in performing its duties under the FSL:

- Imposition of an administrative fine in the Class I category pursuant to s. 570.971, F.S., for each occurrence after the issuance of a warning letter.
- Revocation or suspension of the registration as a seed dealer.

Any person who violates the provisions of the FSL is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. According to the department, the current language could benefit from being aligned with penalty language found in other chapters.³¹

Effect of Proposed Changes

The bill revises the penalty provisions in the FSL relating to circumstances by which the department may enter an order, and the types of violations the order may be based on. The bill

³⁰ s. 578.14, F.S.

³¹ *Id.*

also revises the requirement that the department issue a warning letter before the imposition of an administrative fine in the Class I category.

Dealers' Records (Section 43)

Present Situation

Currently, every seed dealer is required to make and keep for a period of three years satisfactory records of all agricultural, vegetable, flower, or forest tree seed bought or handled to be sold. The records must at all times be made readily available for inspection, examination, or audit by the department, and must also be maintained by persons who purchase seed for production of plants for resale.

Effect of Proposed Changes

The bill requires each person who allows his or her name or brand to appear on the label as handling agricultural, vegetable, flower, tree, or shrub seed subject to the FSL to keep records pursuant to the following timeframes:

- For two years, complete records of each lot of agricultural, vegetable, flower, tree, or shrub seed handled.
- For one year after final disposition a file sample of each.

The bill also requires the records and samples pertaining to the shipment or shipments involved to be accessible for inspection by the department or its authorized representative during normal business hours.

Complaints (Section 44)

Present Situation

Current law provides a complaint process to farmers when seed fails to produce or perform as represented by the label.³² Farmers are required to make a sworn complaint to the department against the dealer alleging damages sustained, and the Seed Investigation and Conciliation Council (council) assists in determining the validity of complaints.

Effect of Proposed Changes

The bill expands the types of complainants by replacing the term “farmer” with “buyer,” revises the reference to “forest tree seed” to instead reference “tree or shrub seed,” and limits complaints to those that stem from seed planted in this state. The labeling provision is broadened to include any labeling of such seed, instead of only the label attached to the seed.

The bill broadens the council’s inspection authority, and prohibits the buyer from commencing legal proceedings against the dealer or asserting such a claim as a counterclaim or defense in any action brought by the dealer until the findings and recommendations of the council are transmitted to the complainant and the dealer. The bill removes the requirement that the

³² s. 578.26, F.S.

department, upon receipt of the findings and recommendation of the council, transmit them to the farmer and to the dealer by certified mail, and requires the department to mail a copy of the council's procedures to each party upon receipt of a complaint by the department.

Seed Investigation and Conciliation Council (Section 45)

Present Situation

Current law requires the council to assist farmers and agricultural seed dealers in determining the validity of complaints made by farmers against dealers.³³ The law establishes the process by which council members are appointed and how it operates.

Effect of Proposed Changes

To conform to changes made in the complaints section of the bill, the bill expands covered complainants to include all "buyers," expands the types of seed dealers by removing the term "agricultural," and expands the council's authority to recommend settlements beyond cost damages. In addition, the bill streamlines the terms and succession of the council members, updates the name of the Florida Seedsmen and Garden Supply Association, and clarifies the council's inspection requirements regarding the complainant's farming operation.

Regarding terms and succession of the council, the bill requires each member to be appointed for a term of four years or less and to serve until his or her successor is appointed, removes the staggered term lengths, and removes the requirement that each alternate member serve only in the absence of the member for whom she or he is an alternate.

The bill expands the council's requirement to recommend settlements when appropriate that are not restricted to cost damages, and requires council inspections of the complainant's farm operation to apply to the buyer's property, crops, plants, or trees referenced in or relating to the complaint.

Seed in Hermetically Sealed Containers (Section 46)

The bill renumbers the section of law relating to seed in hermetically sealed containers from s. 578.28, F.S., to s. 578.092, F.S., as part of the overall reorganization of the Seed Law chapter.

Prohibited Noxious Weed Seed (Section 47)

Although there is a definition of prohibited noxious weed seed in current law, there is no expressed authority banning these weeds. The bill creates s. 578.29, F.S., to prohibit noxious weed seed from being present in seed offered for sale in Florida.

³³ s. 578.27, F.S.

Florida Forest Service Commercial Driver License (Section 48)

Present Situation

The Florida Forest Service (FFS) has 20 different job classes that require a Class A or B Commercial Driver's License (CDL) as a condition of employment. In any given year, the FFS has approximately 80 new employees (mostly forest rangers) that must obtain their Class A or B CDL. The Department of Financial Services' *Reference Guide for State Expenditures* prohibits the use of public funds to pay license or examination fees under Chapter 691-40.002(23), F.A.C.

Effect of Proposed Changes

The bill authorizes, but does not obligate, the Florida Forest Service (FFS) to pay the cost of an initial commercial driver license (CDL) examination for employees whose position requires them to operate such equipment.

Weapons and Firearms (Sections 49 & 50)

Currently, the department is authorized to issue licenses to carry concealed weapons or concealed firearms to qualified applicants.³⁴ Within 90 days after the date of receipt of the completed application and other required items, the department must issue or deny the license. If the department receives criminal history information with no final disposition on a crime which may disqualify the applicant, the time limitation may be suspended until receipt of the final disposition or proof of restoration of civil and firearm rights. The bill requires the department, if it receives incomplete criminal history information or no final disposition on a crime, which may disqualify the applicant, to expedite efforts to acquire the:

- Final disposition or proof of restoration of civil and firearm rights, or
- Confirmation that clarifying records are not available from the jurisdiction where the criminal history originated.

Further, the bill provides that ninety days after the date of receipt of the completed application, if the department has not acquired either the final disposition or the confirmation described above, it is required to issue the license in the absence of disqualifying information. However, such license must be immediately suspended and revoked upon receipt of disqualifying information pursuant to this section.

Current law provides that when a concealed weapon or firearm license is lost or destroyed, the license becomes automatically invalid. The person to whom the license was issued is authorized to, upon payment of \$15 to the department, obtain a duplicate, or substitute license by furnishing a notarized statement to the department that such license has been lost or destroyed. The bill requires a statement under oath, instead of a notarized statement, when a person is replacing a lost or destroyed concealed weapon or firearm license.

The bill allows a tax collector to replace a concealed weapon or firearm license to a licensee whose license has been lost or destroyed upon the following conditions:

³⁴ s. 790.06, F.S.

- Receipt of a statement under oath to the department;
- Payment of required fees; and
- Approval and confirmation from the department that a license is in good standing.

The bill also authorizes tax collectors to provide fingerprinting and photographing services, for a fee of \$6 each, to aid concealed weapon and firearm applicants and licensees with online initial and renewal applications.

Government Impostor and Deceptive Advertisement Act (Section 51)

Present Situation

The department receives numerous complaints from consumers and businesses that have been scammed by companies selling free government forms or mimicking government services. Businesses that sell free government forms or trick businesses into filing unnecessary paperwork have operated in Florida for several years. The U.S. Post Office currently prohibits this type of mailing of federal government forms or program offers. However, the only remedy is to throw away the offending material, which does not protect unsuspecting consumers.

Effect of Proposed Changes

The bill creates the “Government Impostor and Deceptive Advertisements Act” and provides the department with the duty and responsibility to investigate potential violations, request and obtain information regarding potential violations, seek compliance, enforce this law, and adopt rules necessary to administer this law.

Violations

The bill provides that the following acts or practices constitute a violation:

- Disseminating an advertisement that:
 - Simulates a summons, complaint, jury notice, or other court, judicial, or administrative process of any kind.
 - Represents, implies, or otherwise engages in an action that may reasonably cause confusion that the person using or employing the advertisement is a part of or associated with a governmental entity, when such is not true.
- Representing, implying, or otherwise reasonably causing confusion that goods, services, an advertisement, or an offer was disseminated by or has been approved, authorized, or endorsed, in whole or in part, by a governmental entity, when such is not true.
- Using or employing language, symbols, website or e-mail addresses, or any other term or other content that implies or otherwise reasonably causes confusion that goods, services, an advertisement, or an offer is from a governmental entity, when such is not true.
- Failing to provide the disclosures as required.
- Failing to timely submit to the department written responses and answers to its inquiries.

Disclosure Requirements

The bill requires mailings, emails, or websites to contain prominent and specific disclaimers stating that the sales material are not related to any government filing and/or that the information

or forms can be obtained for free or at a lesser cost from a governmental agency. Businesses are required to give consumers the name and contact information of the governmental agency.

Penalties

The bill authorizes any person who is substantially affected by a violation of this section to bring an action in a court of proper jurisdiction to enforce the provisions of this section. A person prevailing in a civil action for a violation of this section must be awarded costs, including reasonable attorney fees, and may be awarded punitive damages in addition to actual damages proven. This provision is in addition to any other remedies prescribed by law.

The bill authorizes the department to bring one or more of the following for a violation:

- A civil action in circuit court for the following:
 - Temporary or permanent injunctive relief to enforce this section.
 - For printed advertisements and e-mail, a fine of up to \$1,000 for each separately addressed advertisement or message containing content in violation, except for failing to timely submit written responses to the department that is received by or addressed to a state resident.
 - For websites, a fine of up to \$5,000 for each day a website has content in violation.
 - For violations of failing to timely submit written responses to the department, a fine of up to \$5,000 for each violation.
 - Recovery of restitution and damages on behalf of persons substantially affected by a violation of this section.
 - The recovery of court costs and reasonable attorney fees.
- An action for an administrative fine in the Class III category pursuant to s. 570.971, F.S., for each act or omission, which constitutes a violation under this section.

The bill authorizes the department to terminate any investigation or action upon agreement by the alleged offender to pay a stipulated fine, make restitution, pay damages to customers, or satisfy any other relief authorized by this section. Any person in violation, except for failing to timely submit written responses to the department, also commits an unfair and deceptive trade practice in violation of part II of chapter 501, F.S., and is subject to the penalties and remedies imposed for such violation.

Conforming Cross References (Section 52)

Currently, the definition for “plumbing contractor” located in the chapter of law relating to contracting cross references the outdated LPG definition for “specialty installer” that the bill deletes. The cross reference is changed to “specialty installer” to conform to the changes consistent with the bill.

Liquefied Petroleum Gas – Rules (Section 53)

The bill removes redundant implementation language from the notes section of the National Fire Protection Association provision.

III. Effect of Proposed Changes:

Section 1 amends s. 193.461, F.S., to provide that screen enclosed structures used in citrus production for pest exclusion, when consistent with department adopted best management practices, have no separately assessable value for purposes of ad valorem taxation.

Section 2 amends s. 379.361, F.S., to transfer the responsibilities for Apalachicola Bay oyster harvesting licensure from the Department of Agriculture and Consumer Services (department) to the City of Apalachicola, Florida. The bill also allows annual license fees collected by the city to be used for the Apalachicola Bay oyster shell recycling program.

Section 3 amends s. 487.041, F.S., to eliminate the requirement that payment of any pesticide registration fee must be submitted electronically using the department's Internet website.

Section 4 amends s. 493.6105, F.S., to allow persons who have served as a military firearms-instructor within the last three years of military service to obtain and to maintain a Class "K" firearms instructor license.

Section 5 amends s. 493.6113, F.S., to create an additional method of recertification for Class "K" firearms instructor licensees. Licensees will be allowed to submit proof that they have taught at least six 28-hour firearms instruction courses to Class "G" statewide firearms license applicants during the previous triennial licensure period.

Section 6 amends s. 496.415, F.S., to prohibit the comingling of charitable contributions with noncharitable funds in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion.

Section 7 amends s. 496.418, F.S., to define noncharitable funds to include any funds that are not used or intended to be used for the operation of a charity or for charitable purposes. It also requires those soliciting charitable funds to keep accurate and separate sets of records to justify charitable expenses.

Section 8 amends s. 500.459, F.S., to eliminate the requirement that water vending machine applicants must submit forms to the department "in writing." This change will permit applications to be submitted electronically.

Section 9 amends s. 501.059, F.S., to revise the term "telephone sales call" in order to keep pace with advances in ringless communication technology used by telemarketers to solicit sales from consumers. The bill also prohibits a telephone solicitor or other person to call or text a business that does not wish to receive an outbound telephone call or text message.

Section 10 creates s. 501.6175, F.S., to require telemarketers to maintain specified records for two years after a consumer is contacted. A telemarketer must make records available for inspection and copying within 10 days after a department request.

Section 11 amends s. 501.912, F.S., to revise the definition of “antifreeze” to include antifreeze-coolant, antifreeze and summer coolant, and summer coolant. This change consolidates separate definitions and removes the unnecessary distinction between coolant types.

Section 12 amends s. 501.913, F.S., to allow applicants (person whose name appears on the label, the manufacturer, or the packager) to choose between a one-year or a two-year permit when registering antifreeze brands and products. The bill eliminates affidavit requirements when a registered brand is no longer in production or distribution. The bill also eliminates the requirement that the department independently test the fluids upon application. In lieu of departmental testing, all first time applicants will submit a certified report from an independent testing laboratory, dated within the last six months.

Section 13 amends s. 501.917, F.S., to require the department to perform the analysis of all samples of antifreeze that are collected in the inspection of a business that sells antifreeze. The department’s certificate of analysis will be evidence that, if not overcome, will be sufficient evidence to demonstrate that the stated facts are true.

Section 14 amends s. 501.92, F.S., to conform this section’s antifreeze formula requirements to the internal departmental testing requirements specified in s. 501.917, F.S.

Section 15 amends s. 525.07, F.S., to allow department inspectors to seize without warrant any credit or debit card skimming device.

Section 16 amends s. 526.51, F.S., to allow a brake fluid business to submit readily available product analysis reports for new products to the department. The bill allows businesses to register products for 24 months, creating greater efficiency for the business as well as the department. The bill also eliminates affidavit requirements when a registered brand and formula combination is no longer in production or distribution.

Section 17 amends s. 526.53, F.S., to require the department to perform the analysis of all samples of brake fluid that are collected in the inspection of a business that sells brake fluid. The department’s certificate of analysis will be evidence that, if not overcome, will be sufficient evidence to demonstrate that the stated facts are true.

Section 18 amends s. 527.01, F.S., to update definitions concerning liquefied petroleum gas licensee categories so they will more accurately reflect current business practices. The bill also provides an optional expansion of the license period from one to three years.

Section 19 amends s. 527.02, F.S., to revise the persons subject to liquefied petroleum business licensing provisions. The bill eliminates the original and renewal liquefied petroleum gas license fee structure and replaces it with a new revenue neutral fee structure. The bill allows a licensee to make information changes for a \$10 fee, removing the requirement for the licensee to apply for a new license and again pay the full license fee. The bill also deletes pipeline system operator license provisions because they are now regulated by the federal government under 49 CFR 191 and 192.

Section 20 amends s. 527.0201, F.S., to clarify the difference between qualifier and master qualifier registration and licenses pertaining to the sale of liquefied petroleum gas. The bill increases the requirements to achieve master qualifier status and removes the employer's name from master qualifier certificates issued by the department. The bill also removes the overly punitive 90-day registration revocation for firms without a master qualifier.

Section 21 amends s. 527.021, F.S., to revise the circumstances under which liquefied petroleum gas bulk delivery vehicles must be registered with the department. Vehicles will be registered at the time they are placed into service or during the licensing application process by the liquefied petroleum gas dealer.

Section 22 amends s. 527.03, F.S., to allow for 12, 24, or 36-month liquefied petroleum gas licenses at the discretion of the licensee. The bill optimizes the application process by eliminating defined application periods.

Section 23 amends s. 527.04, F.S., to make the Commissioner of Agriculture responsible for liquefied petroleum gas insurance issues rather than the Governor of Florida.

Section 24 amends s. 527.0605, F.S., to remove the requirement that licensees submit a site plan and a review fee for liquefied petroleum bulk storage container site inspections prior to commencing operations and allows for master qualifier compliance reviews. A final inspection by the department is still required prior to commencing operations.

Section 25 amends s. 527.065, F.S., to update the dollar threshold for required reporting of liquefied petroleum gas accidents from \$1,000 to \$3,000.

Section 26 amends s. 527.10, F.S., to conform provisions to changes made by this act.

Section 27 amends s. 527.21, F.S., to conform provisions to changes made by this act.

Section 28 amends s. 527.22, F.S., to streamline the Florida Propane Gas Education, Safety, and Research Council nomination procedures.

Section 29 amends s. 531.67, F.S., to extend the expiration date of seven weights, measures, and standards sections which provide testing, inspections, and regulations for the operation of weighing and measuring devices used in commercial transactions. The date will be extended from July 1, 2020 to July 1, 2025.

Section 30 amends s. 570.07, F.S., to clarify that the Commissioner of Agriculture has the authority during a state of emergency to waive fees for duplicate copies or renewal of permits, licenses, certifications, or other similar types of authorizations.

Section 31 amends s. 573.111, F.S., to eliminate the requirement to post a notice on the public bulletin board in the Mayo Building in Tallahassee, FL, before the issuance, suspension, amendment, or termination of any marketing order covered by chapter 573, F.S., or departmental actions affecting marketing orders. This information will continue to be available on the department's website for individuals to review.

Section 32 amends s. 578.011, F.S., to clarify and update the definitions in chapter 578, F.S., to reflect current technological developments in seed production.

Section 33 creates s. 578.012, F.S., to explicitly provide for state preemption of the authority to regulate seed or matters relating to seed in order to eliminate regulatory duplication. A local government or political subdivision of the state may not enact or enforce any ordinance that regulates seed, including the power to assess any penalties for violations.

Section 34 amends s. 578.08, F.S., to expand the definition of tree seed by deleting the limiting adjective “forest” and by including shrub seed into the types of seed that require registration. The bill eliminates the need for the department to issue written registration receipts, clarifies registration requirements for seed dealers, and requires registration and the payment of fees when packet seed is placed into commerce.

Section 35 amends s. 578.09, F.S., to revise labeling requirements for agricultural vegetable, flower, tree, and shrub seed. The bill also requires seed labels for agricultural seed, including lawn and turf grass seed and mixtures, to label hybrids as hybrids.

Section 36 repeals s. 578.091, F.S., pertaining to forest tree seed. The provisions in this section have been moved to s. 578.09, F.S.

Section 37 amends s. 578.10, F.S., to clarify the release from liability afforded to a person who unknowingly sells seed that is mislabeled. The bill requires sellers to take reasonable actions to ensure the identity of seed in cases involving criminal penalties for incorrect labels. The bill exempts seed under development or maintained for research purposes from the provisions of s. 578.09 and 578.13, F.S., because they are not commercially available to consumers or businesses.

Section 38 amends s. 578.11, F.S., to make technical changes and to conform provisions to changes made by this act.

Section 39 amends s. 578.12, F.S., to conform provisions to changes made by this act.

Section 40 amends s. 578.13, F.S., to expand the definition of seed to include shrubs. The bill specifies that it is unlawful to move, handle, or dispose of seed or tags under a stop-sale notice or order without permission from the department. The bill specifies that it is unlawful to represent seed as certified except under specified conditions or to label seed with a variety name under certain conditions.

Section 41 repeals s. 578.14, F.S., relating to packet vegetable and flower seed. The section’s registration requirements are moved to s. 578.08(5), F.S.

Section 42 amends s. 578.181, F.S., to clarify when penalties may be imposed. The bill expands what constitutes obstruction of departmental efforts and clarifies that the pre-penalty warning letter requirement is appropriate for minor seed-related violations while fines and other administrative action may be taken for major seed-related violations.

Section 43 amends s. 578.23, F.S., to reduce the seed record retention periods from three to two years. The bill adds a one-year seed holding requirement after final disposition and continues to require all such records and samples be made available for departmental inspection.

Section 44 amends s. 578.26, F.S., to change the word “farmer” to the word “buyer.” The bill allows buyers, instead of exclusively farmers, to file complaints with the Seed Investigation and Conciliation Council (SICC), which is given broader authority to recommend settlements beyond cost damages. The bill requires that any contested seed be planted in the state and that all administrative remedies be exhausted prior to commencing any legal action. The bill also restates that the department is to mail a copy of the SICC’s procedures to each party once a complaint has been filed.

Section 45 amends s. 578.27, F.S., to remove alternate membership from the SICC and revise the terms of members of the council. The bill revises the purpose of the council to assist buyers, instead of exclusively farmers, and seed dealers. The bill also clarifies language regarding inspections by the SICC of the complainant’s farming operations and practices.

Section 46 renumbers s. 578.28, F.S., pertaining to seed in hermetically sealed containers, as s. 578.092, F.S.

Section 47 creates s. 578.29, F.S., to prohibit the presence of “prohibited noxious weed seed,” as defined in s. 578.011, F.S., in agricultural, vegetable, flower, tree, or shrub seed offered or exposed for sale in Florida.

Section 48 amends s. 590.02, F.S., to authorize the department to cover the cost of the initial Commercial Driver’s License (CDL) examination fee for those Florida Forest Service employees whose positions entail operating CDL-requiring equipment. The bill authorizes the department to make rules to accomplish this provision.

Section 49 amends s. 790.06, F.S., to revise department handling of incomplete criminal history information in relation to licensure to carry concealed firearms. The bill requires the department to expedite the resolution of issues concerning eligibility requirements for a concealed weapon or firearm license and to issue licenses in absence of disqualifying information within 90 days of the receipt of a completed application. The bill substitutes an oath for a notary requirement on applications to replace a lost or destroyed firearm license.

Section 50 amends s. 790.0625, F.S., to expand services that authorized tax collector offices can provide for applicants of concealed weapon or firearms licenses. The bill allows tax collectors’ offices to print duplicate licenses, the distribution of which is contingent upon approval and confirmation from the department. The bill permits tax collectors’ offices to provide fingerprinting and photographing services to complete online concealed weapon and firearm license applications. The bill also revises the fees which a tax collector may collect and remit weekly to the department.

Section 51 creates s. 817.417, F.S., to create the “Government Impostor and Deceptive Advertisement Act” to prevent Florida consumers and businesses from being scammed by

companies selling free government forms or mimicking government services. The bill defines terms and specifies department duties and responsibilities. The act will prohibit mailings, emails, or websites that target Floridians without prominent disclaimers stating that the sales materials are not related to any government filing and/or that the information or forms can be obtained free of charge. Businesses will be required to give consumers the website or phone number of the agency that provides the free information or face potential fines.

Section 52 amends s. 489.105, F.S., to conform provisions made by this act.

Section 53 reenacts s. 527.06, F.S., relating to published standards of the National Fire Protection Association.

Section 54 provides that this act shall take effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenues.

Subsection (b) of s. 18, Art. VII, Florida Constitution, provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,³⁵ which for Fiscal Year 2017-2018, is \$2.1 million or less.³⁶

The Revenue Estimating Conference estimates this bill will reduce the authority that counties have to raise revenue from the local ad valorem tax by \$100,000. Therefore, this bill has an insignificant fiscal impact on local governments and may not be a mandate requiring a two-thirds vote of the membership.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁵ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Nov. 9, 2017).

³⁶ Based on the Demographic Estimating Conference's population adopted on December 5, 2017. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited Dec. 22, 2017).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference (REC) estimates the reduction in the ad valorem tax on screen enclosed structures used in citrus production will have no fiscal impact in Fiscal Year 2018-2019. However, the REC estimates beginning in Fiscal Year 2019-2020, there will be a recurring reduction in local ad valorem taxes of \$100,000 relating to the assessment of these structures.

The bill authorizes tax collectors to collect three new convenience fees. The new fees include \$12 for each duplicate license issued to replace a lost or destroyed license, \$6 for fingerprinting, and \$6 for photographing services.

B. Private Sector Impact:

The bill requires the City of Apalachicola to take over administrative responsibilities of the Apalachicola Bay oyster harvesting license fees. This will allow the city to control the allocation of funds for oyster shell restoration activities.

C. Government Sector Impact:

The department estimates the bill will reduce revenues deposited in the General Inspection Trust Fund by \$82,900 annually beginning in FY 2018-2019 as a result of the transfer of the oyster harvesting license program to the City of Apalachicola and the liquid petroleum gas license consolidation. As a result, the amount of the service charge sent from the trust fund to the General Revenue Fund is expected to decrease by \$6,632 annually.

The department expects \$79,000 of annual expenditures, relating to oyster harvesting licenses, will no longer be necessary. In addition, the department experience new workload associated with its additional responsibilities for antifreeze regulation, gasoline and oil inspection, and brake fluid regulation. The costs associated with this workload is insignificant (approximately \$9000 annually).

The department is granted the discretion to pay for the commercial driver licenses for Florida Forest Service employees required to drive certain vehicles. If the department exercised this discretion and paid for such licenses, the cost is anticipated to be \$36,000 annually.

General Inspection Trust Fund Revenue Reductions

	FY 2018-19	FY 2019-20	FY 2020-21
Transfer Oyster Harvesting Licensing Program to City of Apalachicola	(79,900)	(79,900)	(79,900)
Liquid Petroleum Gas (license consolidation)	(3,000)	(3,000)	(3,000)
Total Revenue Reduction	(82,900)	(82,900)	(82,900)
8% Surcharge to GR Reduction	(6,632)	(6,632)	(6,632)

General Inspection Trust Fund Expenditure Adjustments

	FY 2018-19	FY 2019-20	FY 2020-21
Transfer Oyster Harvesting Licensing Program to City of Apalachicola	(79,900)	(79,900)	(79,900)
Antifreeze (sample purchasing increase)	6,000	6,000	6,000
Gasoline and Oil Inspection (shipping costs increase)	4,800	4,800	4,800
Brake Fluid (sample purchasing increase)	4,370	4,370	4,370
Florida Forest Service (Commercial Driver License)	36,000	36,000	36,000
Total Expenditures	(28,730)	(28,730)	(28,730)
Net Fiscal Impact:	(54,170)	(54,170)	(54,170)

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 193.461, 379.361, 487.041, 493.6105, 493.6113, 496.415, 496.418, 500.459, 501.059, 501.912, 501.913, 501.917, 501.92, 525.07, 526.51, 526.53, 527.01, 527.02, 527.0201, 527.021, 527.03, 527.04, 527.0605, 527.065, 527.10, 527.21, 527.22, 531.67, 570.07, 573.111, 578.011, 578.08, 578.09, 578.10, 578.11, 578.12, 578.13, 578.181, 578.23, 578.26, 578.27, 578.28, 578.092, 590.02, 790.06, 790.0625, and 489.105.

This bill creates the following sections of the Florida Statutes: 501.6175, 578.012, 578.29, and 817.417.

This bill repeals the following sections of the Florida Statutes: 578.091 and 578.14.

The bill reenacts the following section of the Florida Statutes: 527.06(3).

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture Committee on January 11, 2018:

The committee substitute:

- Provides that screen enclosed structures used in citrus production for pest exclusion, when consistent with department adopted best management practices, have no separately assessable value for purposes of ad valorem taxation;
- Retains the language of current law, which was unintentionally struck, pertaining to labeling requirements of agricultural, vegetable, flower, tree, or shrub seed;
- Requires seed labels for agricultural seed, including lawn and turf grass seed and mixtures, to label hybrids as hybrids; and
- Corrects a cross-reference.

B. Amendments:

None.

By the Committee on Agriculture; and Senator Stargel

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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 a methodology for the assessment of certain
 5 structures in citrus production; amending s. 379.361,
 6 F.S.; transferring authority to issue licenses for
 7 oyster harvesting in Apalachicola Bay from the
 8 department to the City of Apalachicola; revising the
 9 disposition and permitted uses of license proceeds;
 10 amending s. 487.041, F.S.; deleting obsolete
 11 provisions; deleting a requirement that all pesticide
 12 registration fees be submitted electronically;
 13 amending s. 493.6105, F.S.; revising the submission
 14 requirements for a Class "K" firearm license
 15 application; amending s. 493.6113, F.S.; revising
 16 submission requirements for a Class "K" firearm
 17 license renewal; amending s. 496.415, F.S.;
 18 prohibiting the comingling of funds in connection with
 19 the planning, conduct, or execution of any
 20 solicitation or charitable or sponsor sales promotion;
 21 amending s. 496.418, F.S.; revising recordkeeping and
 22 accounting requirements for solicitations of funds;
 23 amending s. 500.459, F.S.; revising permitting
 24 requirements and operating standards for water vending
 25 machines; amending s. 501.059, F.S.; revising the term
 26 "telephonic sales call"; prohibiting telephone
 27 solicitors from initiating certain contact with
 28 businesses who previously communicated that they did
 29 not wish to be so contacted; creating s. 501.6175,

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30 F.S.; specifying recordkeeping requirements for
 31 commercial telephone sellers; amending s. 501.912,
 32 F.S.; revising terms; amending s. 501.913, F.S.;
 33 authorizing antifreeze brands to be registered for a
 34 specified period; deleting a provision relating to the
 35 registration of brands that are no longer in
 36 production; specifying a certified report requirement
 37 for first-time applications; amending s. 501.917,
 38 F.S.; revising department sampling and analysis
 39 requirements for antifreeze; specifying that the
 40 certificate of analysis is prima facie evidence of the
 41 facts stated therein; amending s. 501.92, F.S.;
 42 revising when the department may require an antifreeze
 43 formula for analysis; amending s. 525.07, F.S.;
 44 authorizing the department to seize skimming devices
 45 without a warrant; amending s. 526.51, F.S.; revising
 46 application requirements and fees for brake fluid
 47 brands; deleting a provision relating to the
 48 registration of brands that are no longer in
 49 production; amending s. 526.53, F.S.; revising
 50 department sampling and analysis requirements for
 51 brake fluid; specifying that the certificate of
 52 analysis is prima facie evidence of the facts stated
 53 therein; amending s. 527.01, F.S.; revising terms;
 54 amending s. 527.02, F.S.; revising the persons subject
 55 to liquefied petroleum business licensing provisions;
 56 revising such licensing fees and requirements;
 57 revising reporting and fee requirements for certain
 58 material changes to license information; deleting a

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59 provision authorizing license transfers; amending s.
60 527.0201, F.S.; revising the persons subject to
61 liquefied petroleum qualifier competency examination,
62 registry, supervisory, and employment requirements;
63 revising the expiration of qualifier registrations;
64 revising the persons subject to master qualifier
65 requirements; revising master qualifier application
66 requirements; deleting provisions specifying that a
67 failure to replace master qualifiers within certain
68 periods constitutes grounds for license revocation;
69 deleting a provision relating to facsimile
70 transmission of duplicate licenses; amending s.
71 527.021, F.S.; revising the circumstances under which
72 liquefied petroleum gas bulk delivery vehicles must be
73 registered with the department; amending s. 527.03,
74 F.S.; authorizing certain liquefied petroleum gas
75 registrations to be renewed for 2 or 3 years; deleting
76 certain renewal period requirements; amending s.
77 527.04, F.S.; revising the persons required to provide
78 the department with proof of insurance; revising the
79 required payee for a bond in lieu of such insurance;
80 amending s. 527.0605, F.S.; deleting provisions
81 requiring licensees to submit a site plan and review
82 fee for liquefied petroleum bulk storage container
83 locations; amending s. 527.065, F.S.; revising the
84 circumstances under which a liquefied petroleum gas
85 licensee must notify the department of an accident;
86 amending ss. 527.10 and 527.21, F.S.; conforming
87 provisions to changes made by the act; amending s.

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88 527.22, F.S.; deleting an obsolete provision; amending
89 s. 531.67, F.S.; extending the expiration date of
90 certain provisions relating to permits for
91 commercially operated or tested weights or measures
92 instruments or devices; amending s. 570.07, F.S.;
93 authorizing the department to waive certain fees
94 during a state of emergency; amending s. 573.111,
95 F.S.; revising the required posting location for the
96 issuance of an agricultural commodity marketing order;
97 amending s. 578.011, F.S.; revising and defining
98 terms; creating s. 578.012, F.S.; providing
99 legislative intent; creating a preemption of local law
100 relating to regulation of seed; amending s. 578.08,
101 F.S.; revising application requirements for the
102 registration of seed dealers; conforming provisions to
103 changes made by the act; specifying that a receipt
104 from the department need not be written to constitute
105 a permit; deleting an exception to registration
106 requirements for certain experiment stations;
107 requiring the payment of fees when packet seed is
108 placed into commerce; amending s. 578.09, F.S.;
109 revising labeling requirements for agricultural,
110 vegetable, flower, tree, and shrub seeds; conforming a
111 cross-reference; repealing s. 578.091, F.S., relating
112 to labeling of forest tree seed; amending s. 578.10,
113 F.S.; revising exemptions to seed labeling, sale, and
114 solicitation requirements; amending s. 578.11, F.S.;
115 conforming provisions to changes made by the act;
116 making technical changes; amending s. 578.12, F.S.;

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117 conforming provisions to changes made by the act;
 118 amending s. 578.13, F.S.; conforming provisions to
 119 changes made by the act; specifying that it is
 120 unlawful to move, handle, or dispose of seeds or tags
 121 under a stop-sale notice or order without permission
 122 from the department; specifying that it is unlawful to
 123 represent seed as certified except under specified
 124 conditions or to label seed with a variety name under
 125 certain conditions; repealing s. 578.14, F.S.,
 126 relating to packet vegetable and flower seed; amending
 127 s. 578.181, F.S.; revising penalties; amending s.
 128 578.23, F.S.; revising recordkeeping requirements
 129 relating to seed labeling; amending s. 578.26, F.S.;
 130 conforming provisions to changes made by the act;
 131 specifying that certain persons may not commence legal
 132 proceedings or make certain claims against a seed
 133 dealer before certain findings and recommendations are
 134 transmitted by the seed investigation and conciliation
 135 council to the complainant and dealer; deleting a
 136 requirement that the department transmit such findings
 137 and recommendations to complainants and dealers;
 138 requiring the department to mail a copy of the
 139 council's procedures to both parties upon receipt of a
 140 complaint; amending s. 578.27, F.S.; removing
 141 alternate membership from the seed investigation and
 142 conciliation council; revising the terms of members of
 143 the council; conforming provisions to changes made by
 144 the act; revising the purpose of the council; revising
 145 the council's investigatory process; renumbering and

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146 amending s. 578.28, F.S.; making a technical change;
 147 creating s. 578.29, F.S.; prohibiting certain noxious
 148 weed seed from being offered or exposed for sale;
 149 amending s. 590.02, F.S.; authorizing the Florida
 150 Forest Service to pay certain employees' initial
 151 commercial driver license examination fees; amending
 152 s. 790.06, F.S.; revising required department handling
 153 of incomplete criminal history information in relation
 154 to licensure to carry concealed firearms; revising the
 155 required furnished statement to obtain a duplicate or
 156 substitute concealed weapon or firearm license;
 157 amending s. 790.0625, F.S.; revising required tax
 158 collector collection and remittance of firearm license
 159 fees; revising the fees which a tax collector may
 160 retain; authorizing certain tax collectors to print
 161 and deliver certain replacement licenses under certain
 162 conditions; authorizing certain tax collectors to
 163 offer fingerprinting and photographing services to aid
 164 license applicants; creating s. 817.417, F.S.;
 165 providing a short title; defining terms; specifying
 166 department duties and responsibilities relating to
 167 government impostor and deceptive advertisements;
 168 requiring rulemaking by the department; specifying
 169 that it is a violation to disseminate certain
 170 misleading or confusing advertisements, to make
 171 certain misleading or confusing representations, to
 172 use content implying or leading to confusion that such
 173 content is from a governmental entity when such is not
 174 true, to fail to provide certain disclosures, and to

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175 fail to provide certain responses and answers to the
 176 department; requiring a person offering documents that
 177 are available free of charge or at a lesser price from
 178 a governmental entity to provide a certain disclosure;
 179 providing penalties; amending s. 489.105, F.S.;
 180 conforming provisions to changes made by the act;
 181 reenacting s. 527.06(3), F.S., relating to published
 182 standards of the National Fire Protection Association;
 183 providing an effective date.

184
 185 Be It Enacted by the Legislature of the State of Florida:

186
 187 Section 1. Paragraph (c) of subsection (6) of section
 188 193.461, Florida Statutes, is amended to read:
 189 193.461 Agricultural lands; classification and assessment;
 190 mandated eradication or quarantine program.—

191 (6)

192 (c)1. For purposes of the income methodology approach to
 193 assessment of property used for agricultural purposes,
 194 irrigation systems, including pumps and motors, which are
 195 physically attached to the land are ~~shall be~~ considered a part
 196 of the average yields per acre and do not ~~shall~~ have any ~~no~~
 197 separately assessable contributory value.

198 2. Litter containment structures located on producing
 199 poultry farms and animal waste nutrient containment structures
 200 located on producing dairy farms must ~~shall~~ be assessed by the
 201 methodology described in subparagraph 1.

202 3. Structures or improvements used in horticultural
 203 production for frost or freeze protection and screen enclosed

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204 structures used in citrus production for pest exclusion, which
 205 are consistent with the interim measures or best management
 206 practices adopted by the Department of Agriculture and Consumer
 207 Services pursuant to s. 570.93 or s. 403.067(7) (c), must ~~shall~~
 208 be assessed by the methodology described in subparagraph 1.

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

211 379.361 Licenses.—

212 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

213 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the
 214 Apalachicola Bay without a valid Apalachicola Bay oyster
 215 harvesting license issued by the City of Apalachicola ~~Department~~
 216 ~~of Agriculture and Consumer Services~~. This requirement does
 217 ~~shall~~ not apply to anyone harvesting noncommercial quantities of
 218 oysters in accordance with commission rules, or to any person
 219 less than 18 years old.

220 (d) The City of Apalachicola ~~Department of Agriculture and~~
 221 ~~Consumer Services~~ shall collect an annual fee of \$100 from state
 222 residents and \$500 from nonresidents for the issuance of an
 223 Apalachicola Bay oyster harvesting license. The license year
 224 shall begin on July 1 of each year and end on June 30 of the
 225 following year. The license shall be valid only for the
 226 licensee. Only bona fide residents of the state Florida may
 227 obtain a resident license pursuant to this subsection.

228 (i) The proceeds from Apalachicola Bay oyster harvesting
 229 license fees shall be deposited by the City of Apalachicola into
 230 a trust account in the General Inspection Trust Fund and, less
 231 reasonable administrative costs, must ~~shall~~ be used or
 232 distributed by the City of Apalachicola ~~Department of~~

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233 ~~Agriculture and Consumer Services~~ for the following purposes in
 234 Apalachicola Bay:

- 235 1. An Apalachicola Bay oyster shell recycling program
 236 ~~Relaying and transplanting live oysters.~~
- 237 2. Shell planting to construct or rehabilitate oyster bars.
- 238 3. Education programs for licensed oyster harvesters on
 239 oyster biology, aquaculture, boating and water safety,
 240 sanitation, resource conservation, small business management,
 241 marketing, and other relevant subjects.
- 242 4. Research directed toward the enhancement of oyster
 243 production in the bay and the water management needs of the bay.

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

246 487.041 Registration.—

247 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,
 248 as defined in s. 487.021, which is distributed, sold, or offered
 249 for sale, except as provided in this section, within this state
 250 or delivered for transportation or transported in intrastate
 251 commerce or between points within this state through any point
 252 outside this state must be registered in the office of the
 253 department, and such registration shall be renewed biennially.
 254 Emergency exemptions from registration may be authorized in
 255 accordance with the rules of the department. The registrant
 256 shall file with the department a statement including:

- 257 1. The name, business mailing address, and street address
 258 of the registrant.
- 259 2. The name of the brand of pesticide.
- 260 3. An ingredient statement and a complete current copy of
 261 the labeling accompanying the brand of pesticide, which must

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262 conform to the registration, and a statement of all claims to be
 263 made for it, including directions for use and a guaranteed
 264 analysis showing the names and percentages by weight of each
 265 active ingredient, the total percentage of inert ingredients,
 266 and the names and percentages by weight of each "added
 267 ingredient."

268 (b) ~~Effective January 1, 2009,~~ For the purpose of defraying
 269 expenses of the department in connection with carrying out the
 270 provisions of this part, each registrant shall pay a biennial
 271 registration fee for each registered brand of pesticide. The
 272 registration of each brand of pesticide shall cover a designated
 273 2-year period beginning on January 1 of each odd-numbered year
 274 and expiring on December 31 of the following year.

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

279 Section 4. Paragraph (a) of subsection (6) of section
 280 493.6105, Florida Statutes, is amended to read:

281 493.6105 Initial application for license.—

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

- 284 (a) Submit one of the following:
- 285 1. The Florida Criminal Justice Standards and Training
 286 Commission Instructor Certificate and written confirmation by
 287 the commission that the applicant possesses an active firearms
 288 certification.
- 289 2. A valid National Rifle Association Private Security
 290 Firearm Instructor Certificate issued not more than 3 years

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291 before the submission of the applicant's Class "K" application.

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

295 4. A valid DD form 214 issued by the United States
296 Department of Defense, an acceptable form as specified by the
297 Department of Veterans' Affairs, or other official military
298 documentation. Such form or documentation must be issued not
299 more than 3 years before the submission of the applicant's Class
300 "K" application, indicating that the applicant has been
301 honorably discharged and has served as a military firearms
302 instructor within the last 3 years of service.

303 Section 5. Paragraph (d) of subsection (3) of section
304 493.6113, Florida Statutes, is amended to read:

305 493.6113 Renewal application for licensure.-

306 (3) Each licensee is responsible for renewing his or her
307 license on or before its expiration by filing with the
308 department an application for renewal accompanied by payment of
309 the renewal fee and the fingerprint retention fee to cover the
310 cost of ongoing retention in the statewide automated biometric
311 identification system established in s. 943.05(2)(b). Upon the
312 first renewal of a license issued under this chapter before
313 January 1, 2017, the licensee shall submit a full set of
314 fingerprints and fingerprint processing fees to cover the cost
315 of entering the fingerprints into the statewide automated
316 biometric identification system pursuant to s. 493.6108(4)(a)
317 and the cost of enrollment in the Federal Bureau of
318 Investigation's national retained print arrest notification
319 program. Subsequent renewals may be completed without submission

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320 of a new set of fingerprints.

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

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

325 2. Proof of having taught no less than six 28-hour firearms
326 instruction courses to Class "G" applicants, as specified in s.
327 493.6105(5), during the previous triennial licensure period.

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

330 496.415 Prohibited acts.-It is unlawful for any person in
331 connection with the planning, conduct, or execution of any
332 solicitation or charitable or sponsor sales promotion to:

333 (19) Commingle charitable contributions with noncharitable
334 funds.

335 Section 7. Section 496.418, Florida Statutes, is amended to
336 read:

337 496.418 Recordkeeping and accounting Records.-

338 (1) Each charitable organization, sponsor, professional
339 fundraising consultant, and professional solicitor that collects
340 or takes control or possession of contributions made for a
341 charitable purpose must keep records to permit accurate
342 reporting and auditing as required by law, must not commingle
343 contributions with noncharitable funds as specified in s.
344 496.415(19), and must be able to account for the funds. When
345 expenditures are not properly documented and disclosed by
346 records, there exists a presumption that the charitable
347 organization, sponsor, professional fundraising consultant, or
348 professional solicitor did not properly expend such funds.

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349 Noncharitable funds include any funds that are not used or
 350 intended to be used for the operation of the charity or for
 351 charitable purposes.

352 (2) Each charitable organization, sponsor, professional
 353 fundraising consultant, and professional solicitor must keep for
 354 a period of at least 3 years true and accurate records as to its
 355 activities in this state which are covered by ss. 496.401-
 356 496.424. The records must be made available, without subpoena,
 357 to the department for inspection and must be furnished no later
 358 than 10 working days after requested.

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

362 500.459 Water vending machines.-

363 (3) PERMITTING REQUIREMENTS.-

364 (b) An application for an operating permit must be made ~~in~~
 365 ~~writing~~ to the department on forms provided by the department
 366 and must be accompanied by a fee as provided in subsection (4).
 367 The application must state the location of each water vending
 368 machine, the source of the water to be vended, the treatment the
 369 water will receive prior to being vended, and any other
 370 information considered necessary by the department.

371 (5) OPERATING STANDARDS.-

372 (i) The operator shall place on each water vending machine,
 373 in a position clearly visible to customers, the following
 374 information: the name and address of the operator; ~~the operating~~
 375 ~~permit number~~; the fact that the water is obtained from a public
 376 water supply; the method of treatment used; the method of
 377 postdisinfection used; and a local or toll-free telephone number

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378 that may be called for obtaining further information, reporting
 379 problems, or making complaints.

380 Section 9. Paragraph (g) of subsection (1) and subsection
 381 (5) of section 501.059, Florida Statutes, are amended to read:

382 501.059 Telephone solicitation.-

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

384 (g) "Telephonic sales call" means a telephone call,
 385 ringless direct-to-voicemail delivery, or text message to a
 386 consumer for the purpose of soliciting a sale of any consumer
 387 goods or services, soliciting an extension of credit for
 388 consumer goods or services, or obtaining information that will
 389 or may be used for the direct solicitation of a sale of consumer
 390 goods or services or an extension of credit for such purposes.

391 (5) A telephone solicitor or other person may not initiate
 392 an outbound telephone call or text message to a consumer,
 393 business, or donor or potential donor who has previously
 394 communicated to the telephone solicitor or other person that he
 395 or she does not wish to receive an outbound telephone call or
 396 text message:

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

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

401 Section 10. Section 501.6175, Florida Statutes, is created
 402 to read:

403 501.6175 Recordkeeping.-A commercial telephone seller shall
 404 keep all of the following information for 2 years after the date
 405 the information first becomes part of the seller's business
 406 records:

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407 (1) The name and telephone number of each consumer
 408 contacted by a telephone sales call.
 409 (2) All express requests authorizing the telephone
 410 solicitor to contact the consumer.
 411 (3) Any script, outline, or presentation the applicant
 412 requires or suggests a salesperson use when soliciting; sales
 413 information or literature to be provided by the commercial
 414 telephone seller to a salesperson; and sales information or
 415 literature to be provided by the commercial telephone seller to
 416 a consumer in connection with any solicitation.
 417
 418 Within 10 days of an oral or written request by the department,
 419 including a written request transmitted by electronic mail, a
 420 commercial telephone seller must make the records it keeps
 421 pursuant to this section available for inspection and copying by
 422 the department during the department's normal business hours.
 423 This section does not limit the department's ability to inspect
 424 and copy material pursuant to any other law.
 425 Section 11. Section 501.912, Florida Statutes, is amended
 426 to read:
 427 501.912 Definitions.—As used in ss. 501.91-501.923:
 428 (1) "Antifreeze" means any substance or preparation,
 429 including, but not limited to, antifreeze-coolant, antifreeze
 430 and summer coolant, or summer coolant, that is sold,
 431 distributed, or intended for use;
 432 (a) As the cooling liquid, or to be added to the cooling
 433 liquid, in the cooling system of internal combustion engines of
 434 motor vehicles to prevent freezing of the cooling liquid or to
 435 lower its freezing point; or

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436 (b) To raise the boiling point of water or for the
 437 prevention of engine overheating, whether or not the liquid is
 438 used as a year-round cooling system fluid.
 439 ~~(2) "Antifreeze-coolant," "antifreeze and summer coolant,"~~
 440 ~~or "summer coolant" means any substance as defined in subsection~~
 441 ~~(1) which also is sold, distributed, or intended for raising the~~
 442 ~~boiling point of water or for the prevention of engine~~
 443 ~~overheating whether or not used as a year-round cooling system~~
 444 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~
 445 ~~"antifreeze," "antifreeze-coolant," "antifreeze and summer~~
 446 ~~coolant," and "summer coolant."~~
 447 ~~(2)(3)~~ "Department" means the Department of Agriculture and
 448 Consumer Services.
 449 ~~(3)(4)~~ "Distribute" means to hold with an intent to sell,
 450 offer for sale, sell, barter, or otherwise supply to the
 451 consumer.
 452 ~~(4)(5)~~ "Package" means a sealed, tamperproof retail
 453 package, drum, or other container designed for the sale of
 454 antifreeze directly to the consumer or a container from which
 455 the antifreeze may be installed directly by the seller into the
 456 cooling system. However, this term, but does not include
 457 shipping containers containing properly labeled inner
 458 containers.
 459 ~~(5)(6)~~ "Label" means any display of written, printed, or
 460 graphic matter on, or attached to, a package or to the outside
 461 individual container or wrapper of the package.
 462 ~~(6)(7)~~ "Labeling" means the labels and any other written,
 463 printed, or graphic matter accompanying a package.
 464 Section 12. Section 501.913, Florida Statutes, is amended

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465 to read:

466 501.913 Registration.—

467 (1) Each brand of antifreeze to be distributed in this
 468 state ~~must shall~~ be registered with the department before
 469 distribution. The person whose name appears on the label, the
 470 manufacturer, or the packager shall make application annually or
 471 biennially to the department on forms provided by the
 472 department. The registration certificate expires shall expire 12
 473 or 24 months after the date of issue, as indicated on the
 474 registration certificate. The registrant assumes, by application
 475 to register the brand, full responsibility for the registration,
 476 quality, and quantity of the product sold, offered, or exposed
 477 for sale in this state. ~~If a registered brand is not in~~
 478 ~~production for distribution in this state and to ensure any~~
 479 ~~remaining product that is still available for sale in the state~~
 480 ~~is properly registered, the registrant must submit a notarized~~
 481 ~~affidavit on company letterhead to the department certifying~~
 482 ~~that:~~

483 ~~(a) The stated brand is no longer in production;~~484 ~~(b) The stated brand will not be distributed in this state;~~

485 and

486 ~~(c) All existing product of the stated brand will be~~
 487 ~~removed by the registrant from the state within 30 days after~~
 488 ~~expiration of the registration or the registrant will reregister~~
 489 ~~the brand for two subsequent registration periods.~~

490

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

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

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

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

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

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

508 (a) Meets the labeling claims;

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

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

513 (4) (a) If the registration requirements are met, and, if
 514 the antifreeze meets the minimum standards, is not adulterated,
 515 and meets the labeling claims, the department shall issue a
 516 certificate of registration authorizing the distribution of that
 517 antifreeze in the state for the permit period ~~year~~.

518 (b) If registration requirements are not met, or, if the
 519 antifreeze fails to meet the minimum standards, is adulterated,
 520 or fails to meet the labeling claims, the department shall
 521 refuse to register the antifreeze.

522 Section 13. Section 501.917, Florida Statutes, is amended

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523 to read:

524 501.917 Inspection by department; sampling and analysis.—
 525 The department ~~has~~ shall have the right to have access at
 526 reasonable hours to all places and property where antifreeze is
 527 stored, distributed, or offered or intended to be offered for
 528 sale, including the right to inspect and examine all antifreeze
 529 and to take reasonable samples of antifreeze for analysis
 530 together with specimens of labeling. Collected samples must be
 531 analyzed by the department. The certificate of analysis by the
 532 department shall be prima facie evidence of the facts stated
 533 therein in any legal proceeding in this state ~~All samples taken~~
 534 ~~shall be properly sealed and sent to a laboratory designated by~~
 535 ~~the department for examination together with all labeling~~
 536 ~~pertaining to such samples. It shall be the duty of said~~
 537 ~~laboratory to examine promptly all samples received in~~
 538 ~~connection with the administration and enforcement of this act.~~

539 Section 14. Section 501.92, Florida Statutes, is amended to
 540 read:

541 501.92 Formula may be required.—The department may, if
 542 required for the analysis of antifreeze by ~~the laboratory~~
 543 ~~designated by the department for the purpose of registration,~~
 544 require the applicant to furnish a statement of the formula of
 545 such antifreeze, unless the applicant can furnish other
 546 satisfactory evidence that such antifreeze is not adulterated or
 547 misbranded. Such statement need not include inhibitor or other
 548 minor ingredients which total less than 5 percent by weight of
 549 the antifreeze; and, if over 5 percent, the composition of the
 550 inhibitor and such other ingredients may be given in generic
 551 terms.

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552 Section 15. Paragraph (e) of subsection (10) of section
 553 525.07, Florida Statutes, is redesignated as paragraph (f), and
 554 a new paragraph (e) is added to that subsection, to read:

555 525.07 Powers and duties of department; inspections;
 556 unlawful acts.—

557 (10)

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

560 Section 16. Subsection (1) of section 526.51, Florida
 561 Statutes, is amended to read:

562 526.51 Registration; renewal and fees; departmental
 563 expenses; cancellation or refusal to issue or renew.—

564 (1) (a) Application for registration of each brand of brake
 565 fluid shall be made on forms supplied by the department. The
 566 applicant shall give his or her name and address and the brand
 567 name of the brake fluid, state that he or she owns the brand
 568 name and has complete control over the product sold thereunder
 569 in this state, and provide the name and address of the resident
 570 agent in this state. If the applicant does not own the brand
 571 name but wishes to register the product with the department, a
 572 notarized affidavit that gives the applicant full authorization
 573 to register the brand name and that is signed by the owner of
 574 the brand name must accompany the application for registration.
 575 The affidavit must include all affected brand names, the owner's
 576 company or corporate name and address, the applicant's company
 577 or corporate name and address, and a statement from the owner
 578 authorizing the applicant to register the product with the
 579 department. The owner of the brand name shall maintain complete
 580 control over each product sold under that brand name in this

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581 state.

582 (b) The completed application must be accompanied by the
 583 following:

584 1. Specimens or copies of the label for each brand of brake
 585 fluid.

586 2. An application fee of \$50 for a 12-month registration or
 587 \$100 for a 24-month registration for each brand of brake fluid.

588 3. For All first-time applications for a brand and formula
 589 combination, must be accompanied by a certified report from an
 590 independent testing laboratory, dated no more than 6 months
 591 before the registration application, setting forth the analysis
 592 of the brake fluid which shows its quality to be not less than
 593 the specifications established by the department for brake
 594 fluids. A sample of not less than 24 fluid ounces of brake fluid
 595 shall be submitted, in a container with a label printed in the
 596 same manner that it will be labeled when sold, and the sample
 597 and container shall be analyzed and inspected by the department
 598 in order that compliance with the department's specifications
 599 and labeling requirements may be verified.

600

601 Upon approval of the application, the department shall register
 602 the brand name of the brake fluid and issue to the applicant a
 603 permit authorizing the registrant to sell the brake fluid in
 604 this state. The registration certificate expires shall expire 12
 605 or 24 months after the date of issue, as indicated on the
 606 registration certificate.

607 ~~(c)(b) Each applicant shall pay a fee of \$100 with each~~
 608 ~~application.~~ A permit may be renewed by application to the
 609 department, accompanied by a renewal fee of \$50 for a 12-month

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610 registration, or \$100 for a 24-month registration, on or before
 611 the expiration of the previously issued permit. To reregister a
 612 previously registered brand and formula combination, an
 613 applicant must submit a completed application and all materials
 614 as required in this section to the department before the
 615 expiration of the previously issued permit. A brand and formula
 616 combination for which a completed application and all materials
 617 required in this section are not received before the expiration
 618 of the previously issued permit may not be registered with the
 619 department until a completed application and all materials
 620 required in this section have been received and approved. If the
 621 brand and formula combination was previously registered with the
 622 department and a fee, application, or materials required in this
 623 section are received after the expiration of the previously
 624 issued permit, a penalty of \$25 accrues, which shall be added to
 625 the fee. Renewals shall be accepted only on brake fluids that
 626 have no change in formula, composition, or brand name. Any
 627 change in formula, composition, or brand name of a brake fluid
 628 constitutes a new product that must be registered in accordance
 629 with this part.

630 ~~(e) If a registered brand and formula combination is no~~
 631 ~~longer in production for distribution in this state, in order to~~
 632 ~~ensure that any remaining product still available for sale in~~
 633 ~~this state is properly registered, the registrant must submit a~~
 634 ~~notarized affidavit on company letterhead to the department~~
 635 ~~certifying that:~~

636 1. The stated brand and formula combination is no longer in
 637 production;

638 2. The stated brand and formula combination will not be

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639 ~~distributed in this state; and~~

640 ~~3. Either all existing product of the stated brand and~~
 641 ~~formula combination will be removed by the registrant from the~~
 642 ~~state within 30 days after the expiration of the registration or~~
 643 ~~that the registrant will reregister the brand and formula~~
 644 ~~combination for 2 subsequent years.~~

645
 646 ~~If production resumes, the brand and formula combination must be~~
 647 ~~reregistered before it is again distributed in this state.~~

648 Section 17. Subsection (1) of section 526.53, Florida
 649 Statutes, is amended to read:

650 526.53 Enforcement; inspection and analysis, stop-sale and
 651 disposition, regulations.-

652 (1) The department shall enforce ~~the provisions of this~~
 653 ~~part through the department, and may sample, inspect, analyze,~~
 654 ~~and test any brake fluid manufactured, packed, or sold within~~
 655 ~~this state. Collected samples must be analyzed by the~~
 656 ~~department. The certificate of analysis by the department shall~~
 657 ~~be prima facie evidence of the facts stated therein in any legal~~
 658 ~~proceeding in this state. The department ~~has shall have~~ free~~
 659 ~~access during business hours to all premises, buildings,~~
 660 ~~vehicles, cars, or vessels used in the manufacture, packing,~~
 661 ~~storage, sale, or transportation of brake fluid, and may open~~
 662 ~~any box, carton, parcel, or container of brake fluid and take~~
 663 ~~samples for inspection and analysis or for evidence.~~

664 Section 18. Section 527.01, Florida Statutes, is amended to
 665 read:

666 527.01 Definitions.-As used in this chapter:

667 (1) "Liquefied petroleum gas" means any material which is

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668 composed predominantly of any of the following hydrocarbons, or
 669 mixtures of the same: propane, propylene, butanes (normal butane
 670 or isobutane), and butylenes.

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

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

676 (4) "Department" means the Department of Agriculture and
 677 Consumer Services.

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

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

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

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

685 ~~(d) Specialty installer.~~

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

687 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~
 688 ~~tanks.~~

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

691 ~~(h) Category V liquefied petroleum gases dealer for~~
 692 ~~industrial uses only.~~

693 (6) "Category I liquefied petroleum gas dealer" means any
 694 person selling or offering to sell by delivery or at a
 695 stationary location any liquefied petroleum gas to the ~~ultimate~~
 696 consumer for industrial, commercial, or domestic use; any person

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697 leasing or offering to lease, or exchanging or offering to
 698 exchange, any apparatus, appliances, and equipment for the use
 699 of liquefied petroleum gas; any person installing, servicing,
 700 altering, or modifying apparatus, piping, tubing, appliances,
 701 and equipment for the use of liquefied petroleum or natural gas;
 702 any person installing carburetion equipment; or any person
 703 requalifying cylinders.

704 (7) "Category II liquefied petroleum gas dispenser" means
 705 any person engaging in the business of operating a liquefied
 706 petroleum gas dispensing unit for the purpose of serving liquid
 707 products to the ~~ultimate~~ consumer for industrial, commercial, or
 708 domestic use, and selling or offering to sell, or leasing or
 709 offering to lease, apparatus, appliances, and equipment for the
 710 use of liquefied petroleum gas, including maintaining a cylinder
 711 storage rack at the licensed business location for the purpose
 712 of storing cylinders filled by the licensed business for sale or
 713 use at a later date.

714 (8) "Category III liquefied petroleum gas cylinder exchange
 715 operator" means any person operating a storage facility used for
 716 the purpose of storing filled propane cylinders of not more than
 717 43.5 pounds propane capacity or 104 pounds water capacity, while
 718 awaiting sale to the ~~ultimate~~ consumer, or a facility used for
 719 the storage of empty or filled containers which have been
 720 offered for exchange.

721 (9) "Category IV dealer in appliances and equipment
 722 ~~liquefied petroleum gas dispenser and recreational vehicle~~
 723 ~~servicer~~" means any person selling or offering to sell, or
 724 leasing or offering to lease, apparatus, appliances, and
 725 equipment for the use of liquefied petroleum gas engaging in the

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726 ~~business of operating a liquefied petroleum gas dispensing unit~~
 727 ~~for the purpose of serving liquid product to the ultimate~~
 728 ~~consumer for industrial, commercial, or domestic use, and~~
 729 ~~selling or offering to sell, or leasing or offering to lease,~~
 730 ~~apparatus, appliances, and equipment for the use of liquefied~~
 731 ~~petroleum gas, and whose services include the installation,~~
 732 ~~service, or repair of recreational vehicle liquefied petroleum~~
 733 ~~gas appliances and equipment.~~

734 (10) "Category V LP gas installer" means any person who is
 735 engaged in the liquefied petroleum gas business and whose
 736 services include the installation, servicing, altering, or
 737 modifying of apparatus, piping, tubing, tanks, and equipment for
 738 the use of liquefied petroleum or natural gas and selling or
 739 offering to sell, or leasing or offering to lease, apparatus,
 740 appliances, and equipment for the use of liquefied petroleum or
 741 natural gas.

742 (11) "Category VI miscellaneous operator" means any person
 743 who is engaged in operation as a manufacturer of LP gas
 744 appliances and equipment; a fabricator, repairer, and tester of
 745 vehicles and cargo tanks; a requalifier of LP gas cylinders; or
 746 a pipeline system operator ~~Specialty installer~~" means any person
 747 ~~involved in the installation, service, or repair of liquefied~~
 748 ~~petroleum or natural gas appliances and equipment, and selling~~
 749 ~~or offering to sell, or leasing or offering to lease, apparatus,~~
 750 ~~appliances, and equipment for the use of liquefied petroleum~~
 751 ~~gas, whose activities are limited to specific types of~~
 752 ~~appliances and equipment as designated by department rule.~~

753 (12) "~~Dealer in appliances and equipment for use of~~
 754 ~~liquefied petroleum gas~~" means any person selling or offering to

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755 ~~sell, or leasing or offering to lease, apparatus, appliances,~~
756 ~~and equipment for the use of liquefied petroleum gas.~~

757 ~~(12)(13)~~ "Manufacturer of liquefied petroleum gas
758 appliances and equipment" means any person in this state
759 manufacturing and offering for sale or selling tanks, cylinders,
760 or other containers and necessary appurtenances for use in the
761 storage, transportation, or delivery of such gas to the ultimate
762 consumer, or manufacturing and offering for sale or selling
763 apparatus, appliances, and equipment for the use of liquefied
764 petroleum gas to the ultimate consumer.

765 ~~(13)(14)~~ "Wholesaler" means any person, as defined by
766 subsection (2), selling or offering to sell any liquefied
767 petroleum gas for industrial, commercial, or domestic use to any
768 person except the ultimate consumer.

769 ~~(14)(15)~~ "Requalifier of cylinders" means any person
770 involved in the retesting, repair, qualifying, or requalifying
771 of liquefied petroleum gas tanks or cylinders manufactured under
772 specifications of the United States Department of Transportation
773 ~~or former Interstate Commerce Commission.~~

774 ~~(15)(16)~~ "Fabricator, repairer, and tester of vehicles and
775 cargo tanks" means any person involved in the hydrostatic
776 testing, fabrication, repair, or requalifying of any motor
777 vehicles or cargo tanks used for the transportation of liquefied
778 petroleum gases, when such tanks are permanently attached to or
779 forming a part of the motor vehicle.

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

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784 ~~(16)(18)~~ "Pipeline system operator" means any person who
785 owns or operates a liquefied petroleum gas pipeline system that
786 is used to transmit liquefied petroleum gas from a common source
787 to the ultimate customer and that serves 10 or more customers.

788 ~~(19)~~ "Category V liquefied petroleum gases dealer for
789 industrial uses only" means any person engaged in the business
790 of filling, selling, and transporting liquefied petroleum gas
791 containers for use in welding, forklifts, or other industrial
792 applications.

793 ~~(17)(20)~~ "License period year" means the period 1 to 3
794 years from the issuance of the license from September 1 through
795 the following August 31, or April 1 through the following March
796 31, depending upon the type of license.

797 Section 19. Section 527.02, Florida Statutes, is amended to
798 read:

799 527.02 License; penalty; fees.—

800 (1) It is unlawful for any person to engage in this state
801 in the activities defined in s. 527.01(6) through (11) of a
802 pipeline system operator, category I liquefied petroleum gas
803 dealer, category II liquefied petroleum gas dispenser, category
804 III liquefied petroleum gas cylinder exchange operator, category
805 IV liquefied petroleum gas dispenser and recreational vehicle
806 servicer, category V liquefied petroleum gas dealer for
807 industrial uses only, LP gas installer, specialty installer,
808 dealer in liquefied petroleum gas appliances and equipment,
809 manufacturer of liquefied petroleum gas appliances and
810 equipment, requalifier of cylinders, or fabricator, repairer,
811 and tester of vehicles and cargo tanks without first obtaining
812 from the department a license to engage in one or more of these

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813 businesses. The sale of liquefied petroleum gas cylinders with a
 814 volume of 10 pounds water capacity or 4.2 pounds liquefied
 815 petroleum gas capacity or less is exempt from the requirements
 816 of this chapter. It is a felony of the third degree, punishable
 817 as provided in s. 775.082, s. 775.083, or s. 775.084, to
 818 intentionally or willfully engage in any of said activities
 819 without first obtaining appropriate licensure from the
 820 department.

821 (2) Each business location of a person having multiple
 822 locations must ~~shall~~ be separately licensed and must meet the
 823 requirements of this section. Such license shall be granted to
 824 any applicant determined by the department to be competent,
 825 qualified, and trustworthy who files with the department a
 826 surety bond, insurance affidavit, or other proof of insurance,
 827 as hereinafter specified, and pays for such license the
 828 following annual license ~~original application fee for new~~
 829 ~~licenses and annual renewal fees for existing licenses:~~

License Category	<u>License</u> Original Application Fee	<u>Per</u> Year	<u>Renewal</u> Fee
Category I liquefied petroleum gas dealer	<u>\$400</u>	\$525	\$425
Category II liquefied petroleum gas dispenser	<u>\$400</u>	525	375

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833 Category III
 liquefied petroleum
 gas cylinder
 exchange unit
 operator \$65 ~~100~~ ~~65~~

834 Category IV
dealer in appliances
and equipment ~~liquefied~~
~~petroleum~~
~~gas dispenser and~~
~~recreational vehicle~~
~~service~~ \$65 ~~525~~ 400

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

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

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

838

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	Dealer in appliances		
	and equipment		
	for use of liquefied		
	petroleum gas	50	45
839			
	Manufacturer of		
	liquefied petroleum		
	gas appliances and		
	equipment	525	375
840			
	Requalifier of		
	eylinders	525	375
841			
	Fabricator, repairer,		
	and tester of		
	vehicles and		
	oargo tanks	525	375
842			

843 (3) (a) ~~An applicant for an original license who submits an~~
 844 ~~application during the last 6 months of the license year may~~
 845 ~~have the original license fee reduced by one-half for the 6-~~
 846 ~~month period. This provision applies only to those companies~~
 847 ~~applying for an original license and may not be applied to~~
 848 ~~licensees who held a license during the previous license year~~
 849 ~~and failed to renew the license.~~ The department may refuse to
 850 issue an initial license to an applicant who is under
 851 investigation in any jurisdiction for an action that would
 852 constitute a violation of this chapter until such time as the
 853 investigation is complete.

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854 (b) The department shall waive the initial license fee for
 855 1 year for an honorably discharged veteran of the United States
 856 Armed Forces, the spouse of such a veteran, or a business entity
 857 that has a majority ownership held by such a veteran or spouse
 858 if the department receives an application, in a format
 859 prescribed by the department, within 60 months after the date of
 860 the veteran's discharge from any branch of the United States
 861 Armed Forces. To qualify for the waiver, a veteran must provide
 862 to the department a copy of his or her DD Form 214, as issued by
 863 the United States Department of Defense or another acceptable
 864 form of identification as specified by the Department of
 865 Veterans' Affairs; the spouse of a veteran must provide to the
 866 department a copy of the veteran's DD Form 214, as issued by the
 867 United States Department of Defense, or another acceptable form
 868 of identification as specified by the Department of Veterans'
 869 Affairs, and a copy of a valid marriage license or certificate
 870 verifying that he or she was lawfully married to the veteran at
 871 the time of discharge; or a business entity must provide to the
 872 department proof that a veteran or the spouse of a veteran holds
 873 a majority ownership in the business, a copy of the veteran's DD
 874 Form 214, as issued by the United States Department of Defense,
 875 or another acceptable form of identification as specified by the
 876 Department of Veterans' Affairs, and, if applicable, a copy of a
 877 valid marriage license or certificate verifying that the spouse
 878 of the veteran was lawfully married to the veteran at the time
 879 of discharge.
 880 (4) Any licensee submitting a material change in their
 881 information for licensing, before the date for renewal, must
 882 submit such change to the department in the manner prescribed by

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883 ~~the department, along with a fee in the amount of \$10 Any person~~
 884 ~~applying for a liquefied petroleum gas license as a specialty~~
 885 ~~installer, as defined by s. 527.01(11), shall upon application~~
 886 ~~to the department identify the specific area of work to be~~
 887 ~~performed. Upon completion of all license requirements set forth~~
 888 ~~in this chapter, the department shall issue the applicant a~~
 889 ~~license specifying the scope of work, as identified by the~~
 890 ~~applicant and defined by rule of the department, for which the~~
 891 ~~person is authorized.~~

892 ~~(5) The license fee for a pipeline system operator shall be~~
 893 ~~\$100 per system owned or operated by the person, not to exceed~~
 894 ~~\$400 per license year. Such license fee applies only to a~~
 895 ~~pipeline system operator who owns or operates a liquefied~~
 896 ~~petroleum gas pipeline system that is used to transmit liquefied~~
 897 ~~petroleum gas from a common source to the ultimate customer and~~
 898 ~~that serves 10 or more customers.~~

899 ~~(5)(6) The department shall adopt promulgate rules~~
 900 ~~specifying acts deemed by the department to demonstrate a lack~~
 901 ~~of trustworthiness to engage in activities requiring a license~~
 902 ~~or qualifier identification card under this section.~~

903 ~~(7) Any license issued by the department may be transferred~~
 904 ~~to any person, firm, or corporation for the remainder of the~~
 905 ~~current license year upon written request to the department by~~
 906 ~~the original licenseholder. Prior to approval of any transfer,~~
 907 ~~all licensing requirements of this chapter must be met by the~~
 908 ~~transferee. A license transfer fee of \$50 shall be charged for~~
 909 ~~each such transfer.~~

910 Section 20. Section 527.0201, Florida Statutes, is amended
 911 to read:

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912 527.0201 Qualifiers; master qualifiers; examinations.-
 913 (1) In addition to the requirements of s. 527.02, any
 914 person applying for a license to engage in category I, category
 915 II, or category V the activities of a ~~pipeline system operator,~~
 916 ~~category I liquefied petroleum gas dealer, category II liquefied~~
 917 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~
 918 ~~dispenser and recreational vehicle servicer, category V~~
 919 ~~liquefied petroleum gases dealer for industrial uses only, LP~~
 920 ~~gas installer, specialty installer, requalifier of cylinders, or~~
 921 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~
 922 must prove competency by passing a written examination
 923 administered by the department or its agent with a grade of 70
 924 75 percent or above in each area tested. Each applicant for
 925 examination shall submit a \$20 nonrefundable fee. The department
 926 shall by rule specify the general areas of competency to be
 927 covered by each examination and the relative weight to be
 928 assigned in grading each area tested.

929 (2) Application for examination for competency may be made
 930 by an individual or by an owner, a partner, or any person
 931 employed by the license applicant. Upon successful completion of
 932 the competency examination, the department shall register ~~issue~~
 933 ~~a qualifier identification card~~ to the examinee.

934 (a) Qualifier registration automatically expires if
 935 ~~identification cards, except those issued to category I~~
 936 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~
 937 ~~installers, shall remain in effect as long as the individual~~
 938 ~~shows to the department proof of active employment in the area~~
 939 ~~of examination and all continuing education requirements are~~
 940 ~~met. Should the individual terminates terminate active~~

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941 employment in the area of examination for a period exceeding 24
 942 months, or ~~fails fail~~ to provide documentation of continuing
 943 education, ~~the individual's qualifier status shall automatically~~
 944 ~~expire~~. If the qualifier registration status has expired, the
 945 individual must apply for and successfully complete an
 946 examination by the department in order to reestablish qualifier
 947 status.

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

954 (3) Qualifier registration expires ~~cards issued to category~~
 955 ~~I liquefied petroleum gas dealers and liquefied petroleum gas~~
 956 ~~installers shall expire~~ 3 years after the date of issuance. All
 957 ~~category I liquefied petroleum gas dealer qualifiers and~~
 958 ~~liquefied petroleum gas installer qualifiers holding a valid~~
 959 ~~qualifier card upon the effective date of this act shall retain~~
 960 ~~their qualifier status until July 1, 2003, and may sit for the~~
 961 ~~master qualifier examination at any time during that time~~
 962 ~~period. All such category I liquefied petroleum gas dealer~~
 963 ~~qualifiers and liquefied petroleum gas installer qualifiers may~~
 964 renew their qualification ~~on or before July 1, 2003,~~ upon
 965 application to the department, payment of a \$20 renewal fee, and
 966 documentation of the completion of a minimum of 16 hours of
 967 approved continuing education courses, as defined by department
 968 rule, during the previous 3-year period. Applications for
 969 renewal must be made 30 calendar days before expiration. Persons

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970 failing to renew before the expiration date must reapply and
 971 take a qualifier competency examination in order to reestablish
 972 ~~category I liquefied petroleum gas dealer qualifier and~~
 973 ~~liquefied petroleum gas installer qualifier status. If a~~
 974 ~~category I liquefied petroleum gas qualifier or liquefied~~
 975 ~~petroleum gas installer qualifier becomes a master qualifier at~~
 976 ~~any time during the effective date of the qualifier card, the~~
 977 ~~card shall remain in effect until expiration of the master~~
 978 ~~qualifier certification.~~

979 (4) A qualifier for a business ~~organization involved in~~
 980 ~~installation, repair, maintenance, or service of liquefied~~
 981 ~~petroleum gas appliances, equipment, or systems~~ must actually
 982 function in a supervisory capacity of other company employees
 983 performing licensed activities installing, repairing,
 984 maintaining, or servicing liquefied petroleum gas appliances,
 985 equipment, or systems. A separate qualifier shall be required
 986 for every 10 such employees. ~~Additional qualifiers are required~~
 987 ~~for those business organizations employing more than 10~~
 988 ~~employees that install, repair, maintain, or service liquefied~~
 989 ~~petroleum gas equipment and systems.~~

990 (5) In addition to all other licensing requirements, each
 991 category I and category V licensee ~~liquefied petroleum gas~~
 992 ~~dealer and liquefied petroleum gas installer~~ must, at the time
 993 of application for licensure, identify to the department one
 994 master qualifier who is a full-time employee at the licensed
 995 location. This person shall be a manager, owner, or otherwise
 996 primarily responsible for overseeing the operations of the
 997 licensed location and must provide documentation to the
 998 department as provided by rule. The master qualifier requirement

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999 shall be in addition to the requirements of subsection (1).

1000 (a) In order to apply for certification as a master

1001 ~~qualifier, each applicant must have been a registered be a~~

1002 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~

1003 ~~petroleum gas installer~~ qualifier for a minimum of 3 years

1004 immediately preceding submission of the application, must be

1005 employed by a licensed category I or category V licensee

1006 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~

1007 ~~installer, or applicant for such license, must provide~~

1008 ~~documentation of a minimum of 1 year's work experience in the~~

1009 ~~gas industry, and must pass a master qualifier competency~~

1010 ~~examination. Master qualifier examinations shall be based on~~

1011 ~~Florida's laws, rules, and adopted codes governing liquefied~~

1012 ~~petroleum gas safety, general industry safety standards, and~~

1013 ~~administrative procedures. The applicant must successfully pass~~

1014 ~~the examination with a grade of 70 75 percent or above. Each~~

1015 ~~applicant for master qualifier registration status must submit~~

1016 ~~to the department a nonrefundable \$30 examination fee before the~~

1017 ~~examination.~~

1018 (b) Upon successful completion of the master qualifier

1019 examination, the department shall issue the examinee a

1020 ~~certificate of master qualifier registration status which shall~~

1021 ~~include the name of the licensed company for which the master~~

1022 ~~qualifier is employed. A master qualifier may transfer from one~~

1023 ~~licenseholder to another upon becoming employed by the company~~

1024 ~~and providing a written request to the department.~~

1025 (c) A master qualifier registration expires status shall

1026 ~~expire 3 years after the date of issuance of the certificate and~~

1027 ~~may be renewed by submission to the department of documentation~~

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1028 of completion of at least 16 hours of approved continuing

1029 education courses during the 3-year period; proof of employment

1030 ~~with a licensed category I liquefied petroleum gas dealer,~~

1031 ~~liquefied petroleum gas installer, or applicant; and a \$30~~

1032 ~~certificate renewal fee. The department shall define, by rule,~~

1033 ~~approved courses of continuing education.~~

1034 ~~(d) Each category I liquefied petroleum gas dealer or~~

1035 ~~liquefied petroleum gas installer licensed as of August 31,~~

1036 ~~2000, shall identify to the department one current category I~~

1037 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~

1038 ~~gas installer qualifier who will be the designated master~~

1039 ~~qualifier for the licenseholder. Such individual must provide~~

1040 ~~proof of employment for 3 years or more within the liquefied~~

1041 ~~petroleum gas industry, and shall, upon approval of the~~

1042 ~~department, be granted a master qualifier certificate. All other~~

1043 ~~requirements with regard to master qualifier certificate~~

1044 ~~expiration, renewal, and continuing education shall apply.~~

1045 (6) A vacancy in a qualifier or master qualifier position

1046 in a business organization which results from the departure of

1047 the qualifier or master qualifier shall be immediately reported

1048 to the department by the departing qualifier or master qualifier

1049 and the licensed company.

1050 (a) If a business organization no longer possesses a duly

1051 designated qualifier, as required by this section, its liquefied

1052 petroleum gas licenses shall be suspended by order of the

1053 department after 20 working days. The license shall remain

1054 suspended until a competent qualifier has been employed, the

1055 order of suspension terminated by the department, and the

1056 license reinstated. A vacancy in the qualifier position for a

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1057 period of more than 20 working days shall be deemed to
 1058 constitute an immediate threat to the public health, safety, and
 1059 welfare. ~~Failure to obtain a replacement qualifier within 60~~
 1060 ~~days after the vacancy occurs shall be grounds for revocation of~~
 1061 ~~licensure or eligibility for licensure.~~

1062 (b) Any category I or category V licensee liquefied
 1063 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses
 1064 a master qualifier but currently employs a ~~category I liquefied~~
 1065 ~~petroleum gas dealer or LP gas installer~~ qualifier as required
 1066 by this section, has ~~shall have~~ 60 days within which to replace
 1067 the master qualifier. If the company fails to replace the master
 1068 qualifier within the 60-day time period, the license of the
 1069 company shall be suspended by order of the department. The
 1070 license shall remain suspended until a competent master
 1071 qualifier has been employed, the order of suspension has been
 1072 terminated by the department, and the license reinstated.
 1073 ~~Failure to obtain a replacement master qualifier within 90 days~~
 1074 ~~after the vacancy occurs shall be grounds for revocation of~~
 1075 ~~licensure or eligibility for licensure.~~

1076 (7) The department may deny, refuse to renew, suspend, or
 1077 revoke any qualifier ~~card~~ or master qualifier registration
 1078 ~~certificate~~ for any of the following causes:

- 1079 (a) Violation of any provision of this chapter or any rule
 1080 or order of the department;
 1081 (b) Falsification of records relating to the qualifier ~~card~~
 1082 or master qualifier registration certificate; or
 1083 (c) Failure to meet any of the renewal requirements.
 1084 (8) Any individual having competency qualifications on file
 1085 with the department may request the transfer of such

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1086 qualifications to any existing licenseholder by making a written
 1087 request to the department for such transfer. Any individual
 1088 having a competency examination on file with the department may
 1089 use such examination for a new license application after making
 1090 application in writing to the department. All examinations are
 1091 confidential and exempt from the provisions of s. 119.07(1).

1092 (9) If a duplicate license, qualifier ~~card~~, or master
 1093 qualifier registration certificate is requested by the licensee,
 1094 a fee of \$10 must be received before issuance of the duplicate
 1095 license or certificate card. ~~If a facsimile transmission of an~~
 1096 ~~original license is requested, upon completion of the~~
 1097 ~~transmission a fee of \$10 must be received by the department~~
 1098 ~~before the original license may be mailed to the requester.~~

1099 (10) All revenues collected herein shall be deposited in
 1100 the General Inspection Trust Fund for the purpose of
 1101 administering the provisions of this chapter.

1102 Section 21. Section 527.021, Florida Statutes, is amended
 1103 to read:

1104 527.021 Registration of transport vehicles.-

1105 (1) Each liquefied petroleum gas bulk delivery vehicle
 1106 owned or leased by a liquefied petroleum gas licensee must be
 1107 registered with the department as part of the licensing
 1108 application or when placed into service annually.

1109 (2) For the purposes of this section, a "liquefied
 1110 petroleum gas bulk delivery vehicle" means any vehicle that is
 1111 used to transport liquefied petroleum gas on any public street
 1112 or highway as liquid cargo in a cargo tank, which tank is
 1113 mounted on a conventional truck chassis or is an integral part
 1114 of a transporting vehicle in which the tank constitutes, in

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1115 whole or in part, the stress member used as a frame and is a
1116 permanent part of the transporting vehicle.

1117 (3) ~~Vehicle registrations shall be submitted by the vehicle~~
1118 ~~owner or lessee in conjunction with the annual renewal of his or~~
1119 ~~her liquefied petroleum gas license, but no later than August 31~~
1120 ~~of each year.~~ A dealer who fails to register a vehicle with the
1121 department does not submit the required vehicle registration by
1122 August 31 of each year is subject to the penalties in s. 527.13.

1123 (4) The department shall issue a decal to be placed on each
1124 vehicle that is inspected by the department and found to be in
1125 compliance with applicable codes.

1126 Section 22. Section 527.03, Florida Statutes, is amended to
1127 read:

1128 527.03 ~~Annual~~ Renewal of license.—All licenses required
1129 under this chapter shall be renewed annually, biennially, or
1130 triennially, as elected by the licensee, subject to the license
1131 fees prescribed in s. 527.02. All renewals must meet the same
1132 requirements and conditions as an annual license for each
1133 licensed year ~~All licenses, except Category III Liquefied~~
1134 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~
1135 ~~Dealer in Appliances and Equipment for Use of Liquefied~~
1136 ~~Petroleum Gas licenses, shall be renewed for the period~~
1137 ~~beginning September 1 and shall expire on the following August~~
1138 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
1139 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~
1140 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~
1141 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~
1142 ~~period beginning April 1 and shall expire on the following March~~
1143 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~

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1144 Any license allowed to expire will ~~shall~~ become inoperative
1145 because of failure to renew. The fee for restoration of a
1146 license is equal to the original license fee and must be paid
1147 before the licensee may resume operations.

1148 Section 23. Section 527.04, Florida Statutes, is amended to
1149 read:

1150 527.04 Proof of insurance required.—

1151 (1) Before any license is issued, except to a category IV
1152 dealer in appliances and equipment ~~for use of liquefied~~
1153 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder
1154 exchange operator, the applicant must deliver to the department
1155 satisfactory evidence that the applicant is covered by a primary
1156 policy of bodily injury liability and property damage liability
1157 insurance that covers the products and operations with respect
1158 to such business and is issued by an insurer authorized to do
1159 business in this state for an amount not less than \$1 million
1160 and that the premium on such insurance is paid. An insurance
1161 certificate, affidavit, or other satisfactory evidence of
1162 acceptable insurance coverage shall be accepted as proof of
1163 insurance. In lieu of an insurance policy, the applicant may
1164 deliver a good and sufficient bond in the amount of \$1 million,
1165 payable to the Commissioner of Agriculture ~~Governor of Florida,~~
1166 with the applicant as principal and a surety company authorized
1167 to do business in this state as surety. The bond must be
1168 conditioned upon the applicant's compliance with this chapter
1169 and the rules of the department with respect to the conduct of
1170 such business and shall indemnify and hold harmless all persons
1171 from loss or damage by reason of the applicant's failure to
1172 comply. However, the aggregated liability of the surety may not

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1173 exceed \$1 million. If the insurance policy is canceled or
 1174 otherwise terminated or the bond becomes insufficient, the
 1175 department may require new proof of insurance or a new bond to
 1176 be filed, and if the licenseholder fails to comply, the
 1177 department shall cancel the license issued and give the
 1178 licenseholder written notice that it is unlawful to engage in
 1179 business without a license. A new bond is not required as long
 1180 as the original bond remains sufficient and in force. If the
 1181 licenseholder's insurance coverage as required by this
 1182 subsection is canceled or otherwise terminated, the insurer must
 1183 notify the department within 30 days after the cancellation or
 1184 termination.

1185 (2) Before any license is issued to a category class III
 1186 liquefied petroleum gas cylinder exchange operator, the
 1187 applicant must deliver to the department satisfactory evidence
 1188 that the applicant is covered by a primary policy of bodily
 1189 injury liability and property damage liability insurance that
 1190 covers the products and operations with respect to the business
 1191 and is issued by an insurer authorized to do business in this
 1192 state for an amount not less than \$300,000 and that the premium
 1193 on the insurance is paid. An insurance certificate, affidavit,
 1194 or other satisfactory evidence of acceptable insurance coverage
 1195 shall be accepted as proof of insurance. In lieu of an insurance
 1196 policy, the applicant may deliver a good and sufficient bond in
 1197 the amount of \$300,000, payable to the Commissioner of
 1198 Agriculture ~~Governor~~, with the applicant as principal and a
 1199 surety company authorized to do business in this state as
 1200 surety. The bond must be conditioned upon the applicant's
 1201 compliance with this chapter and the rules of the department

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1202 with respect to the conduct of such business and must indemnify
 1203 and hold harmless all persons from loss or damage by reason of
 1204 the applicant's failure to comply. However, the aggregated
 1205 liability of the surety may not exceed \$300,000. If the
 1206 insurance policy is canceled or otherwise terminated or the bond
 1207 becomes insufficient, the department may require new proof of
 1208 insurance or a new bond to be filed, and if the licenseholder
 1209 fails to comply, the department shall cancel the license issued
 1210 and give the licenseholder written notice that it is unlawful to
 1211 engage in business without a license. A new bond is not required
 1212 as long as the original bond remains sufficient and in force. If
 1213 the licenseholder's insurance coverage required by this
 1214 subsection is canceled or otherwise terminated, the insurer must
 1215 notify the department within 30 days after the cancellation or
 1216 termination.

1217 (3) Any person having a cause of action on the bond may
 1218 bring suit against the principal and surety, and a copy of such
 1219 bond duly certified by the department shall be received in
 1220 evidence in the courts of this state without further proof. The
 1221 department shall furnish a certified copy of the ~~such~~ bond upon
 1222 payment to it of its lawful fee for making and certifying such
 1223 copy.

1224 Section 24. Section 527.0605, Florida Statutes, is amended
 1225 to read:

1226 527.0605 Liquefied petroleum gas bulk storage locations;
 1227 jurisdiction.—

1228 (1) The provisions of this chapter ~~shall~~ apply to liquefied
 1229 petroleum gas bulk storage locations when:

1230 (a) A single container in the bulk storage location has a

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1231 capacity of 2,000 gallons or more;

1232 (b) The aggregate container capacity of the bulk storage

1233 location is 4,000 gallons or more; or

1234 (c) A container or containers are installed for the purpose

1235 of serving the public the liquid product.

1236 ~~(2) Prior to the installation of any bulk storage~~

1237 ~~container, the licensee must submit to the department a site~~

1238 ~~plan of the facility which shows the proposed location of the~~

1239 ~~container and must obtain written approval of such location from~~

1240 ~~the department.~~

1241 ~~(3) A fee of \$200 shall be assessed for each site plan~~

1242 ~~reviewed by the division. The review shall include~~

1243 ~~preconstruction inspection of the proposed site, plan review,~~

1244 ~~and final inspection of the completed facility.~~

1245 (2)(4) No newly installed container may be placed in

1246 operation until it has been inspected and approved by the

1247 department.

1248 Section 25. Subsection (1) of section 527.065, Florida

1249 Statutes, is amended to read:

1250 527.065 Notification of accidents; leak calls.—

1251 (1) Immediately upon discovery, all liquefied petroleum gas

1252 licensees shall notify the department of any liquefied petroleum

1253 gas-related accident involving a liquefied petroleum gas

1254 licensee or customer account:

1255 (a) Which caused a death or personal injury requiring

1256 professional medical treatment;

1257 (b) Where uncontrolled ignition of liquefied petroleum gas

1258 resulted in death, personal injury, or property damage exceeding

1259 \$3,000 ~~\$1,000~~; or

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1260 (c) Which caused estimated damage to property exceeding

1261 \$3,000 ~~\$1,000~~.

1262 Section 26. Section 527.10, Florida Statutes, is amended to

1263 read:

1264 527.10 Restriction on use of unsafe container or system.—No

1265 liquefied petroleum gas shall be introduced into or removed from

1266 any container or system in this state that has been identified

1267 by the department or its duly authorized inspectors as not

1268 complying with the rules pertaining to such container or system,

1269 until such violations as specified have been satisfactorily

1270 corrected and authorization for continued service or removal

1271 granted by the department. A statement of violations of the

1272 rules that render such a system unsafe for use shall be

1273 furnished in writing by the department to the ~~ultimate~~ consumer

1274 or dealer in liquefied petroleum gas.

1275 Section 27. Subsections (3) and (17) of section 527.21,

1276 Florida Statutes, are amended to read:

1277 527.21 Definitions relating to Florida Propane Gas

1278 Education, Safety, and Research Act.—As used in ss. 527.20-

1279 527.23, the term:

1280 (3) "Dealer" means a business engaged primarily in selling

1281 propane gas and its appliances and equipment to the ~~ultimate~~

1282 consumer or to retail propane gas dispensers.

1283 (17) "Wholesaler" or "reseller" means a seller of propane

1284 gas who is not a producer and who does not sell propane gas to

1285 the ~~ultimate~~ consumer.

1286 Section 28. Paragraph (a) of subsection (2) of section

1287 527.22, Florida Statutes, is amended to read:

1288 527.22 Florida Propane Gas Education, Safety, and Research

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1289 Council established; membership; duties and responsibilities.-
 1290 (2) (a) ~~Within 90 days after the effective date of this act,~~
 1291 ~~the commissioner shall make a call to qualified industry~~
 1292 ~~organizations for nominees to the council.~~ The commissioner
 1293 shall appoint members of the council from a list of nominees
 1294 submitted by qualified industry organizations. The commissioner
 1295 may require such reports or documentation as is necessary to
 1296 document the nomination process for members of the council.
 1297 Qualified industry organizations, in making nominations, and the
 1298 commissioner, in making appointments, shall give due regard to
 1299 selecting a council that is representative of the industry and
 1300 the geographic regions of the state. Other than the public
 1301 member, council members must be full-time employees or owners of
 1302 propane gas producers or dealers doing business in this state.
 1303 Section 29. Section 531.67, Florida Statutes, is amended to
 1304 read:
 1305 531.67 Expiration of sections.—Sections 531.60, 531.61,
 1306 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,
 1307 2025 ~~2020~~.
 1308 Section 30. Subsection (46) is added to section 570.07,
 1309 Florida Statutes, to read:
 1310 570.07 Department of Agriculture and Consumer Services;
 1311 functions, powers, and duties.—The department shall have and
 1312 exercise the following functions, powers, and duties:
 1313 (46) During a state of emergency declared pursuant to s.
 1314 252.36, to waive fees by emergency order for duplicate copies or
 1315 renewal of permits, licenses, certifications, or other similar
 1316 types of authorizations during a period specified by the
 1317 commissioner.

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1318 Section 31. Section 573.111, Florida Statutes, is amended
 1319 to read:
 1320 573.111 Notice of effective date of marketing order.—Before
 1321 the issuance of any marketing order, or any suspension,
 1322 amendment, or termination thereof, a notice ~~must~~ shall be posted
 1323 ~~on a public bulletin board to be maintained by the department in~~
 1324 ~~the Division of Marketing and Development of the department in~~
 1325 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~
 1326 ~~of the notice shall be posted on the department website the same~~
 1327 ~~date that the notice is posted on the bulletin board. A No~~
 1328 marketing order, or any suspension, amendment, or termination
 1329 thereof, ~~may not~~ shall become effective until the ~~termination of~~
 1330 ~~a period of 5 days after from~~ the date of posting and
 1331 publication.
 1332 Section 32. Section 578.011, Florida Statutes, is amended
 1333 to read:
 1334 578.011 Definitions; Florida Seed Law.—When used in this
 1335 chapter, the term:
 1336 (1) "Advertisement" means all representations, other than
 1337 those on the label, disseminated in any manner or by any means,
 1338 relating to seed within the scope of this law.
 1339 (2) "Agricultural seed" includes the seed of grass, forage,
 1340 cereal and fiber crops, and chufas and any other seed commonly
 1341 recognized within the state as agricultural seed, lawn seed, and
 1342 combinations of such seed, and may include identified noxious
 1343 weed seed when the department determines that such seed is being
 1344 used as agricultural seed or field seed and mixtures of such
 1345 seed.
 1346 (3) "Blend" means seed consisting of more than one variety

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1347 of one kind, each present in excess of 5 percent by weight of
 1348 the whole.

1349 (4) "Buyer" means a person who purchases agricultural,
 1350 vegetable, flower, tree, or shrub seed in packaging of 1,000
 1351 seeds or more by count.

1352 (5) "Brand" means a distinguishing word, name, symbol,
 1353 number, or design used to identify seed produced, packaged,
 1354 advertised, or offered for sale by a particular person.

1355 (6)(3) "Breeder seed" means a class of certified seed
 1356 directly controlled by the originating or sponsoring plant
 1357 breeding institution or person, or designee thereof, and is the
 1358 source for the production of seed of the other classes of
 1359 certified seed that are released directly from the breeder or
 1360 experiment station that develops the seed. These seed are one
 1361 class above foundation seed.

1362 (7)(4) "Certified seed," means a class of seed which is the
 1363 progeny of breeder, foundation, or registered seed ~~"registered~~
 1364 ~~seed," and "foundation seed" mean seed that have been produced~~
 1365 ~~and labeled in accordance with the procedures and in compliance~~
 1366 ~~with the rules and regulations of any agency authorized by the~~
 1367 ~~laws of this state or the laws of another state.~~

1368 (8) "Certifying agency" means:

1369 (a) An agency authorized under the laws of a state,
 1370 territory, or possession of the United States to officially
 1371 certify seed and which has standards and procedures approved by
 1372 the United States Secretary of Agriculture to assure the genetic
 1373 purity and identity of the seed certified; or

1374 (b) An agency of a foreign country that the United States
 1375 Secretary of Agriculture has determined as adhering to

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1376 procedures and standards for seed certification comparable to
 1377 those adhered to generally by seed certifying agencies under
 1378 paragraph (a).

1379 (9) "Coated seed" means seed that has been covered by a
 1380 layer of materials that obscures the original shape and size of
 1381 the seed and substantially increases the weight of the product.
 1382 The addition of biologicals, pesticides, identifying colorants
 1383 or dyes, or other active ingredients including polymers may be
 1384 included in this process.

1385 (10)(5) "Date of test" means the month and year the
 1386 percentage of germination appearing on the label was obtained by
 1387 laboratory test.

1388 (11)(6) "Dealer" means any person who sells or offers for
 1389 sale any agricultural, vegetable, flower, ~~or forest tree, or~~
 1390 shrub seed for seeding purposes, and includes farmers who sell
 1391 cleaned, processed, packaged, and labeled seed.

1392 (12)(7) "Department" means the Department of Agriculture
 1393 and Consumer Services or its authorized representative.

1394 (13)(8) "Dormant seed" refers to viable seed, other than
 1395 hard seed, which neither germinate nor decay during the
 1396 prescribed test period and under the prescribed test conditions.

1397 (14)(9) "Flower seed" includes seed of herbaceous plants
 1398 grown for blooms, ornamental foliage, or other ornamental parts,
 1399 and commonly known and sold under the name of flower or
 1400 wildflower seed in this state.

1401 ~~(10) "Forest tree seed" includes seed of woody plants~~
 1402 ~~commonly known and sold as forest tree seed.~~

1403 (15) "Foundation seed" means a class of certified seed
 1404 which is the progeny of breeder or other foundation seed and is

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1405 produced and handled under procedures established by the
 1406 certifying agency, in accordance with this part, for producing
 1407 foundation seed, for the purpose of maintaining genetic purity
 1408 and identity.

1409 (16)-(11) "Germination" means the emergence and development
 1410 from the seed embryo of those essential structures which, for
 1411 the kind of seed in question, are indicative of the ability to
 1412 produce a normal plant under favorable conditions percentage of
 1413 seed capable of producing normal seedlings under ordinarily
 1414 favorable conditions. Broken seedlings and weak, malformed and
 1415 obviously abnormal seedlings shall not be considered to have
 1416 germinated.

1417 (17)-(12) "Hard seed" means seeds that remain hard at the
 1418 end of a prescribed test period because they have not absorbed
 1419 water due to an impermeable seed coat the percentage of seed
 1420 which because of hardness or impermeability did not absorb
 1421 moisture or germinate under prescribed tests but remain hard
 1422 during the period prescribed for germination of the kind of seed
 1423 concerned.

1424 (18)-(13) "Hybrid" means the first generation seed of a
 1425 cross produced by controlling the pollination and by combining:

1426 (a) Two or more inbred lines;

1427 (b) One inbred or a single cross with an open-pollinated
 1428 variety; or

1429 (c) Two varieties or species, except open-pollinated
 1430 varieties of corn (*Zea mays*).

1431
 1432 The second generation or subsequent generations from such
 1433 crosses may ~~shall~~ not be regarded as hybrids. Hybrid

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1434 designations shall be treated as variety names.

1435 (19)-(14) "Inert matter" means all matter that is not a full
 1436 seed includes broken seed when one-half in size or less; seed of
 1437 legumes or crucifers with the seed coats removed; undeveloped
 1438 and badly injured weed seed such as sterile dodder which, upon
 1439 visual examination, are clearly incapable of growth; empty
 1440 glumes of grasses; attached sterile glumes of grasses (which
 1441 must be removed from the fertile glumes except in Rhodes grass);
 1442 dirt, stone, chaff, nematode, fungus bodies, and any matter
 1443 other than seed.

1444 (20)-(15) "Kind" means one or more related species or
 1445 subspecies which singly or collectively is known by one common
 1446 name; e.g., corn, beans, lespedeza.

1447 (21) "Label" means the display or displays of written or
 1448 printed material upon or attached to a container of seed.

1449 (22)-(16) "Labeling" includes all labels and other written,
 1450 printed, or graphic representations, in any form, accompanying
 1451 and pertaining to any seed, whether in bulk or in containers,
 1452 and includes invoices and other bills of shipment when sold in
 1453 bulk.

1454 (23)-(17) "Lot of seed" means a definite quantity of seed
 1455 identified by a lot number or other mark identification, every
 1456 portion or bag of which is uniform within recognized tolerances
 1457 for the factors that appear in the labeling, for the factors
 1458 which appear in the labeling, within permitted tolerances.

1459 (24)-(18) "Mix," "mixed," or "mixture" means seed consisting
 1460 of more than one kind ~~or variety~~, each present in excess of 5
 1461 percent by weight of the whole.

1462 (25) "Mulch" means a protective covering of any suitable

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1463 substance placed with seed which acts to retain sufficient
 1464 moisture to support seed germination and sustain early seedling
 1465 growth and aid in the prevention of the evaporation of soil
 1466 moisture, the control of weeds, and the prevention of erosion.
 1467 (26) "Noxious weed seed" means seed in one of two classes
 1468 of seed:
 1469 (a) "Prohibited noxious weed seed" means the seed of weeds
 1470 that are highly destructive and difficult to control by good
 1471 cultural practices and the use of herbicides.
 1472 (b) "Restricted noxious weed seed" means weed seeds that
 1473 are objectionable in agricultural crops, lawns, and gardens of
 1474 this state and which can be controlled by good agricultural
 1475 practices or the use of herbicides.
 1476 (27)(19) "Origin" means the state, District of Columbia,
 1477 Puerto Rico, or possession of the United States, or the foreign
 1478 country where the seed were grown, except for native species,
 1479 where the term means the county or collection zone and the state
 1480 where the seed were grown for forest tree seed, with respect to
 1481 which the term "origin" means the county or state forest service
 1482 seed collection zone and the state where the seed were grown.
 1483 (28)(20) "Other crop seed" includes all seed of plants
 1484 grown in this state as crops, other than the kind or kind and
 1485 variety included in the pure seed, when not more than 5 percent
 1486 of the whole of a single kind or variety is present, unless
 1487 designated as weed seed.
 1488 (29) "Packet seed" means seed prepared for use in home
 1489 gardens and household plantings packaged in labeled, sealed
 1490 containers of less than 8 ounces and typically sold from seed
 1491 racks or displays in retail establishments, via the Internet, or

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1492 through mail order.
 1493 (30)(21) "Processing" means conditioning, cleaning,
 1494 scarifying, or blending to obtain uniform quality and other
 1495 operations which would change the purity or germination of the
 1496 seed and, therefore, require retesting to determine the quality
 1497 of the seed.
 1498 ~~(22) "Prohibited noxious weed seed" means the seed and~~
 1499 ~~bulblets of perennial weeds such as not only reproduce by seed~~
 1500 ~~or bulblets, but also spread by underground roots or stems and~~
 1501 ~~which, when established, are highly destructive and difficult to~~
 1502 ~~control in this state by ordinary good cultural practice.~~
 1503 (31)(23) "Pure seed" means the seed, exclusive of inert
 1504 matter, of the kind or kind and variety of seed declared on the
 1505 label or tag includes all seed of the kind or kind and variety
 1506 or strain under consideration, whether shriveled, cracked, or
 1507 otherwise injured, and pieces of broken seed larger than one-
 1508 half the original size.
 1509 (32)(24) "Record" includes the symbol identifying the seed
 1510 as to origin, amount, processing, testing, labeling, and
 1511 distribution, file sample of the seed, and any other document or
 1512 instrument pertaining to the purchase, sale, or handling of
 1513 agricultural, vegetable, flower, or forest tree, or shrub seed.
 1514 Such information includes seed samples and records of
 1515 declarations, labels, purchases, sales, conditioning, bulking,
 1516 treatment, handling, storage, analyses, tests, and examinations.
 1517 (33) "Registered seed" means a class of certified seed
 1518 which is the progeny of breeder or foundation seed and is
 1519 produced and handled under procedures established by the
 1520 certifying agency, in accordance with this part, for the purpose

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1521 of maintaining genetic purity and identity.

1522 ~~(25) "Restricted noxious weed seed" means the seed of such~~
 1523 ~~weeds as are very objectionable in fields, lawns, or gardens of~~
 1524 ~~this state, but can be controlled by good cultural practice.~~
 1525 ~~Seed of poisonous plants may be included.~~

1526 (34) "Shrub seed" means seed of a woody plant that is
 1527 smaller than a tree and has several main stems arising at or
 1528 near the ground.

1529 ~~(35)(26)~~ "Stop-sale" means any written or printed notice or
 1530 order issued by the department to the owner or custodian of any
 1531 lot of agricultural, vegetable, flower, ~~or forest tree, or shrub~~
 1532 seed in the state, directing the owner or custodian not to sell
 1533 or offer for sale seed designated by the order within the state
 1534 until the requirements of this law are complied with and a
 1535 written release has been issued; except that the seed may be
 1536 released to be sold for feed.

1537 ~~(36)(27)~~ "Treated" means that the seed has been given an
 1538 application of a material or subjected to a process designed to
 1539 control or repel disease organisms, insects, or other pests
 1540 attacking seed or seedlings grown therefrom to improve its
 1541 planting value or to serve any other purpose.

1542 (37) "Tree seed" means seed of a woody perennial plant
 1543 typically having a single stem or trunk growing to a
 1544 considerable height and bearing lateral branches at some
 1545 distance from the ground.

1546 ~~(38)(28)~~ "Type" means a group of varieties so nearly
 1547 similar that the individual varieties cannot be clearly
 1548 differentiated except under special conditions.

1549 (39)(29) "Variety" means a subdivision of a kind which is

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1550 distinct in the sense that the variety can be differentiated by
 1551 one or more identifiable morphological, physiological, or other
 1552 characteristics from all other varieties of public knowledge;
 1553 uniform in the sense that the variations in essential and
 1554 distinctive characteristics are describable; and stable in the
 1555 sense that the variety will remain unchanged in its essential
 1556 and distinctive characteristics and its uniformity when
 1557 reproduced or reconstituted characterized by growth, plant
 1558 fruit, seed, or other characteristics by which it can be
 1559 differentiated from other sorts of the same kind; e.g.,
 1560 Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.

1561 ~~(40)(30)~~ "Vegetable seed" means the seed of those crops
 1562 that which are grown in gardens or on truck farms, and are
 1563 generally known and sold under the name of vegetable seed or
 1564 herb seed in this state.

1565 ~~(41)(31)~~ "Weed seed" includes the seed of all plants
 1566 generally recognized as weeds within this state, and includes
 1567 prohibited and restricted noxious weed seed, bulblets, ~~and~~
 1568 tubers, and any other vegetative propagules.

1569 Section 33. Section 578.012, Florida Statutes, is created
 1570 to read:

1571 578.012 Preemption.—

1572 (1) It is the intent of the Legislature to eliminate
 1573 duplication of regulation of seed. As such, this chapter is
 1574 intended as comprehensive and exclusive and occupies the whole
 1575 field of regulation of seed.

1576 (2) The authority to regulate seed or matters relating to
 1577 seed in this state is preempted to the state. A local government
 1578 or political subdivision of the state may not enact or enforce

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1579 an ordinance that regulates seed, including the power to assess
 1580 any penalties provided for violation of this chapter.

1581 Section 34. Section 578.08, Florida Statutes, is amended to
 1582 read:

1583 578.08 Registrations.—

1584 (1) Every person, except as provided in subsection (4) ~~and~~
 1585 ~~s. 578.14~~, before selling, distributing for sale, offering for
 1586 sale, exposing for sale, handling for sale, or soliciting orders
 1587 for the purchase of any agricultural, vegetable, flower, ~~or~~
 1588 ~~forest tree, or shrub~~ seed or mixture thereof, shall first
 1589 register with the department as a seed dealer. The application
 1590 for registration must include the name and location of each
 1591 place of business at which the seed is sold, distributed for
 1592 sale, offered for sale, exposed for sale, or handled for sale.

1593 The application must for registration shall be filed with the
 1594 department by using a form prescribed by the department or by
 1595 using the department's website and shall be accompanied by an
 1596 annual registration fee for each such place of business based on
 1597 the gross receipts from the sale of such seed for the last
 1598 preceding license year as follows:

1599 (a)1. Receipts of less than \$500, a fee of \$10.

1600 2. Receipts of \$500 or more but less than \$1,000, a fee of
 1601 \$25.

1602 3. Receipts of \$1,000 or more but less than \$2,500, a fee
 1603 of \$100.

1604 4. Receipts of \$2,500 or more but less than \$5,000, a fee
 1605 of \$200.

1606 5. Receipts of \$5,000 or more but less than \$10,000, a fee
 1607 of \$350.

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1608 6. Receipts of \$10,000 or more but less than \$20,000, a fee
 1609 of \$800.

1610 7. Receipts of \$20,000 or more but less than \$40,000, a fee
 1611 of \$1,000.

1612 8. Receipts of \$40,000 or more but less than \$70,000, a fee
 1613 of \$1,200.

1614 9. Receipts of \$70,000 or more but less than \$150,000, a
 1615 fee of \$1,600.

1616 10. Receipts of \$150,000 or more but less than \$400,000, a
 1617 fee of \$2,400.

1618 11. Receipts of \$400,000 or more, a fee of \$4,600.

1619 (b) For places of business not previously in operation, the
 1620 fee shall be based on anticipated receipts for the first license
 1621 year.

1622 (2) A ~~written~~ receipt from the department of the
 1623 registration and payment of the fee shall constitute a
 1624 sufficient permit for the dealer to engage in or continue in the
 1625 business of selling, distributing for sale, offering or exposing
 1626 for sale, handling for sale, or soliciting orders for the
 1627 purchase of any agricultural, vegetable, flower, ~~or forest tree,~~
 1628 or shrub seed within the state. However, the department has
 1629 ~~shall have~~ authority to suspend or revoke any permit for the
 1630 violation of any provision of this law or of any rule adopted
 1631 under authority hereof. The registration shall expire on June 30
 1632 of the next calendar year and shall be renewed on July 1 of each
 1633 year. If any person subject to the requirements of this section
 1634 fails to comply, the department may issue a stop-sale notice or
 1635 order which shall prohibit the person from selling or causing to
 1636 be sold any agricultural, vegetable, flower, ~~or forest tree,~~ or

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1637 shrub seed until the requirements of this section are met.

1638 (3) Every person selling, distributing for sale, offering
1639 for sale, exposing for sale, handling for sale, or soliciting
1640 orders for the purchase of any agricultural, vegetable, flower,
1641 ~~or forest tree, or shrub~~ seed in the state other than as
1642 provided in subsection (4) s. 578.14, shall be subject to the
1643 requirements of this section; ~~except that agricultural~~
1644 ~~experiment stations of the State University System shall not be~~
1645 ~~subject to the requirements of this section.~~

1646 (4) ~~The provisions of~~ This chapter does shall not apply to
1647 farmers who sell only uncleaned, unprocessed, unpackaged, and
1648 unlabeled seed, but shall apply to farmers who sell cleaned,
1649 processed, packaged, and labeled seed in amounts in excess of
1650 \$10,000 in any one year.

1651 (5) When packet seed is sold, offered for sale, or exposed
1652 for sale, the company who packs seed for retail sale must
1653 register and pay fees as provided under subsection (1).

1654 Section 35. Section 578.09, Florida Statutes, is amended to
1655 read:

1656 578.09 Label requirements for agricultural, vegetable,
1657 flower, tree, or shrub seeds.—Each container of agricultural,
1658 vegetable, ~~or flower, tree, or shrub~~ seed which is sold, offered
1659 for sale, exposed for sale, or distributed for sale within this
1660 state for sowing ~~or planting~~ purposes must shall bear thereon or
1661 have attached thereto, in a conspicuous place, ~~a label or labels~~
1662 ~~containing all information required under this section,~~ plainly
1663 written or printed label or tag in the English language, in
1664 Century type. All data pertaining to analysis must shall appear
1665 on a single label. Language setting forth the requirements for

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1666 filing and serving complaints as described in s. 578.26(1)(c)
1667 ~~must s. 578.26(1)(b)~~ shall be included on the analysis label or
1668 be otherwise attached to the package, except for packages
1669 containing less than 1,000 seeds by count.

1670 (1) ~~FOR TREATED SEED.~~ For all treated agricultural,
1671 vegetable, ~~or flower, tree, or shrub~~ seed ~~treated~~ as defined in
1672 this chapter:

1673 (a) A word or statement indicating that the seed has been
1674 treated ~~or description of process used.~~

1675 (b) The commonly accepted coined, chemical, or abbreviated
1676 chemical (generic) name of the applied substance or description
1677 of the process used and the words "poison treated" in red
1678 letters, in not less than 1/4 inch type.

1679 (c) If the substance in the amount present with the seed is
1680 harmful to humans or other vertebrate animals, a caution
1681 statement such as "Do not use for food, feed, or oil purposes."
1682 The caution for mercurials, Environmental Protection Agency
1683 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and
1684 similarly toxic substances shall be designated by a poison
1685 statement or symbol.

1686 ~~(d) Rate of application or statement "Treated at~~
1687 ~~manufacturer's recommended rate."~~

1688 ~~(d)(e)~~ If the seed is treated with an inoculant, the date
1689 beyond which the inoculant is not to be considered effective
1690 (date of expiration).

1691
1692 A label separate from other labels required by this section or
1693 other law may be used to identify seed treatments as required by
1694 this subsection.

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1695 (2) For agricultural seed, including lawn and turf grass
 1696 seed and mixtures thereof: AGRICULTURAL SEED.
 1697 (a) ~~Commonly accepted~~ The name of the kind and variety of
 1698 each agricultural seed component present in excess of 5 percent
 1699 of the whole, and the percentage by weight of each in the order
 1700 of its predominance. Where more than one component is required
 1701 to be named, the word "mixed," "mixture," or "blend" the word
 1702 "mixed" shall be shown conspicuously on the label. Hybrids must
 1703 be labeled as hybrids.
 1704 (b) Lot number or other lot identification.
 1705 (c) Net weight or seed count.
 1706 (d) Origin, if known. If the origin is ~~if~~ unknown, that
 1707 fact must ~~shall~~ be stated.
 1708 (e) Percentage by weight of all weed seed.
 1709 (f) ~~The~~ Name and number of noxious weed seed per pound, if
 1710 present per pound of each kind of restricted noxious weed seed.
 1711 (g) Percentage by weight of agricultural seed which may be
 1712 designated as other crop seed, other than those required to be
 1713 named on the label.
 1714 (h) Percentage by weight of inert matter.
 1715 (i) For each named agricultural seed, including lawn and
 1716 turf grass seed:
 1717 1. Percentage of germination, exclusive of hard or dormant
 1718 seed;
 1719 2. Percentage of hard or dormant seed, if when present, ~~if~~
 1720 desired; and
 1721 3. The calendar month and year the test was completed to
 1722 determine such percentages, provided that the germination test
 1723 must have been completed within the previous 9 months, exclusive

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1724 of the calendar month of test.
 1725 (j) Name and address of the person who labeled said seed or
 1726 who sells, distributes, offers, or exposes said seed for sale
 1727 within this state.
 1728 The sum total of the percentages listed pursuant to paragraphs
 1729 (a), (e), (g), and (h) must be equal to 100 percent.
 1730 (3) For seed that is coated:
 1731 (a) Percentage by weight of pure seed with coating material
 1732 removed. The percentage of coating material may be included with
 1733 the inert matter percentage or may be listed separately.
 1734 (b) Percentage of germination. This percentage must be
 1735 determined based on an examination of 400 coated units with or
 1736 without seed.
 1737
 1738 In addition to the requirements of this subsection, labeling of
 1739 coated seed must also comply with the requirements of any other
 1740 subsection pertaining to that type of seed. FOR VEGETABLE SEED
 1741 IN CONTAINERS OF 8 OUNCES OR MORE.
 1742 (a) ~~Name of kind and variety of seed.~~
 1743 (b) ~~Net weight or seed count.~~
 1744 (c) ~~Lot number or other lot identification.~~
 1745 (d) ~~Percentage of germination.~~
 1746 (e) ~~Calendar month and year the test was completed to~~
 1747 ~~determine such percentages.~~
 1748 (f) ~~Name and address of the person who labeled said seed or~~
 1749 ~~who sells, distributes, offers or exposes said seed for sale~~
 1750 ~~within this state.~~
 1751 (g) ~~For seed which germinate less than the standard last~~
 1752

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1753 established by the department the words "below standard," in not
 1754 less than 8-point type, must be printed or written in ink on the
 1755 face of the tag, in addition to the other information required.
 1756 ~~Provided, that no seed marked "below standard" shall be sold~~
 1757 ~~which falls more than 20 percent below the standard for such~~
 1758 ~~seed which has been established by the department, as authorized~~
 1759 ~~by this law.~~

1760 ~~(h) The name and number of restricted noxious weed seed per~~
 1761 ~~pound.~~

1762 (4) For combination mulch, seed, and fertilizer products:

1763 (a) The word "combination" followed, as appropriate, by the
 1764 words "mulch - seed - fertilizer" must appear prominently on the
 1765 principal display panel of the package.

1766 (b) If the product is an agricultural seed placed in a
 1767 germination medium, mat, tape, or other device or is mixed with
 1768 mulch or fertilizer, it must also be labeled with all of the
 1769 following:

1770 1. Product name.

1771 2. Lot number or other lot identification.

1772 3. Percentage by weight of pure seed of each kind and
 1773 variety named which may be less than 5 percent of the whole.

1774 4. Percentage by weight of other crop seed.

1775 5. Percentage by weight of inert matter.

1776 6. Percentage by weight of weed seed.

1777 7. Name and number of noxious weed seeds per pound, if
 1778 present.

1779 8. Percentage of germination, and hard or dormant seed if
 1780 appropriate, of each kind or kind and variety named. The
 1781 germination test must have been completed within the previous 12

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1782 months exclusive of the calendar month of test.

1783 9. The calendar month and year the test was completed to
 1784 determine such percentages.

1785 10. Name and address of the person who labeled the seed, or
 1786 who sells, offers, or exposes the seed for sale within the
 1787 state.

1788

1789 The sum total of the percentages listed pursuant to
 1790 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

1791 (5) For vegetable seed in packets as prepared for use in
 1792 home gardens or household plantings or vegetable seeds in
 1793 preplanted containers, mats, tapes, or other planting devices:
 1794 FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—

1795 (a) Name of kind and variety of seed. Hybrids must be
 1796 labeled as hybrids.

1797 (b) Lot number or other lot identification.

1798 (c) Germination test date identified in the following
 1799 manner:

1800 1. The calendar month and year the germination test was
 1801 completed and the statement "Sell by ...(month/year)...", which
 1802 may be no more than 12 months from the date of test, beginning
 1803 with the month after the test date;

1804 2. The month and year the germination test was completed,
 1805 provided that the germination test must have been completed
 1806 within the previous 12 months, exclusive of the calendar month
 1807 of test; or

1808 3. The year for which the seed was packaged for sale as
 1809 "Packed for ...(year)..." and the statement "Sell by
 1810 ...(year)..." which shall be one year after the seed was

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1811 packaged for sale.

1812 (d) (b) Name and address of the person who labeled the seed
 1813 or who sells, ~~distributes,~~ offers, or exposes said seed for sale
 1814 within this state.

1815 (e) (c) For seed which germinate less than standard last
 1816 established by the department, ~~the additional information must~~
 1817 ~~be shown:~~

1818 1. Percentage of germination, exclusive of hard or dormant
 1819 seed.

1820 2. Percentage of hard or dormant seed ~~when present,~~ if
 1821 present desired.

1822 3. ~~Calendar month and year the test was completed to~~
 1823 ~~determine such percentages.~~

1824 ~~3.4.~~ The words "Below Standard" prominently displayed in
 1825 ~~not less than 8-point type.~~

1826
 1827 (f) (d) No seed marked "below standard" ~~may~~ shall be sold
 1828 that ~~falls which fall~~ more than 20 percent below the established
 1829 standard for such seed. For seeds that do not have an
 1830 established standard, the minimum germination standard shall be
 1831 50 percent, and no such seed may be sold that is 20 percent
 1832 below this standard.

1833 (g) For seed placed in a germination medium, mat, tape, or
 1834 other device in such a way as to make it difficult to determine
 1835 the quantity of seed without removing the seeds from the medium,
 1836 mat, tape or device, a statement to indicate the minimum number
 1837 of seeds in the container.

1838 (6) For vegetable seed in containers, other than packets
 1839 prepared for use in home gardens or household plantings, and

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1840 other than preplanted containers, mats, tapes, or other planting
 1841 devices:

1842 (a) The name of each kind and variety present of any seed
 1843 in excess of 5 percent of the total weight in the container, and
 1844 the percentage by weight of each type of seed in order of its
 1845 predominance. Hybrids must be labeled as hybrids.

1846 (b) Net weight or seed count.

1847 (c) Lot number or other lot identification.

1848 (d) For each named vegetable seed:

1849 1. Percentage germination, exclusive of hard or dormant
 1850 seed;

1851 2. Percentage of hard or dormant seed, if present;

1852 3. Listed below the requirements of subparagraphs 1. and
 1853 2., the "total germination and hard or dormant seed" may be
 1854 stated as such, if desired; and

1855 4. The calendar month and year the test was completed to
 1856 determine the percentages specified in subparagraphs 1. and 2.,
 1857 provided that the germination test must have been completed
 1858 within 9 months, exclusive of the calendar month of test.

1859 (e) Name and address of the person who labeled the seed, or
 1860 who sells, offers, or exposes the seed for sale within this
 1861 state.

1862 (f) For seed which germinate less than the standard last
 1863 established by the department, the words "Below Standard"
 1864 prominently displayed.

1865 1. No seed marked "Below Standard" may be sold if the seed
 1866 is more than 20 percent below the established standard for such
 1867 seed.

1868 2. For seeds that do not have an established standard, the

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1869 minimum germination standard shall be 50 percent, and no such
 1870 seed may be sold that is 20 percent below this standard.

1871 (7)(5) For flower seed in packets prepared for use in home
 1872 gardens or household plantings or flower seed in preplanted
 1873 containers, mats, tapes, or other planting devices: ~~FOR FLOWER~~
 1874 ~~SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD~~
 1875 ~~PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,~~
 1876 ~~OR OTHER PLANTING DEVICES.~~

1877 (a) For all kinds of flower seed:

1878 1. The name of the kind and variety or a statement of type
 1879 and performance characteristics as prescribed in the rules and
 1880 regulations adopted ~~promulgated~~ under the provisions of this
 1881 chapter.

1882 2. Germination test date, identified in the following
 1883 manner:

1884 a. The calendar month and year the germination test was
 1885 completed and the statement "Sell by ...(month/year)...". The
 1886 sell by date must be no more than 12 months from the date of
 1887 test, beginning with the month after the test date;

1888 b. The year for which the seed was packed for sale as
 1889 "Packed for ...(year)..." and the statement "Sell by
 1890 ...(year)..." which shall be for a calendar year; or

1891 c. The calendar month and year the test was completed,
 1892 provided that the germination test must have been completed
 1893 within the previous 12 months, exclusive of the calendar month
 1894 of test.

1895 ~~2. The calendar month and year the seed was tested or the~~
 1896 ~~year for which the seed was packaged.~~

1897 3. The name and address of the person who labeled said

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1898 seed, or who sells, offers, or exposes said seed for sale within
 1899 this state.

1900 (b) For seed of those kinds for which standard testing
 1901 procedures are prescribed and which germinate less than the
 1902 germination standard last established under the provisions of
 1903 this chapter:

1904 1. The percentage of germination exclusive of hard or
 1905 dormant seed.

1906 2. Percentage of hard or dormant seed, if present.

1907 3. The words "Below Standard" prominently displayed in not
 1908 less than 8-point type.

1909 (c) For seed placed in a germination medium, mat, tape, or
 1910 other device in such a way as to make it difficult to determine
 1911 the quantity of seed without removing the seed from the medium,
 1912 mat, tape, or device, a statement to indicate the minimum number
 1913 of seed in the container.

1914 (8)(6) For flower seed in containers other than packets and
 1915 other than preplanted containers, mats, tapes, or other planting
 1916 devices and not prepared for use in home flower gardens or
 1917 household plantings: ~~FOR FLOWER SEED IN CONTAINERS OTHER THAN~~
 1918 ~~PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD~~
 1919 ~~PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR~~
 1920 ~~OTHER PLANTING DEVICES.~~

1921 (a) The name of the kind and variety, and for wildflowers,
 1922 the genus and species and subspecies, if appropriate ~~or a~~
 1923 ~~statement of type and performance characteristics as prescribed~~
 1924 ~~in rules and regulations promulgated under the provisions of~~
 1925 ~~this chapter.~~

1926 (b) Net weight or seed count.

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1927 ~~(c)(b)~~ The Lot number or other lot identification.

1928 (d) For flower seed with a pure seed percentage of less

1929 than 90 percent:

1930 1. Percentage, by weight, of each component listed in order

1931 of its predominance.

1932 2. Percentage by weight of weed seed, if present.

1933 3. Percentage by weight of other crop seed.

1934 4. Percentage by weight of inert matter.

1935 (e) For those kinds of seed for which standard testing

1936 procedures are prescribed:

1937 1. Percentage germination exclusive of hard or dormant

1938 seed.

1939 2. Percentage of hard or dormant seed, if present.

1940 3. ~~(e)~~ The calendar month and year that the test was

1941 completed. The germination test must have been completed within

1942 the previous 9 months, exclusive of the calendar month of test.

1943 (f) For those kinds of seed for which standard testing

1944 procedures are not available, the year of production or

1945 collection ~~seed were tested or the year for which the seed were~~

1946 packaged.

1947 (g) ~~(d)~~ The name and address of the person who labeled said

1948 seed or who sells, offers, or exposes said seed for sale within

1949 this state.

1950 ~~(e) For those kinds of seed for which standard testing~~

1951 ~~procedures are prescribed:~~

1952 ~~1. The percentage germination exclusive of hard seed.~~

1953 ~~2. The percentage of hard seed, if present.~~

1954 (h) ~~(f)~~ For those seeds which germinate less than the

1955 standard last established by the department, the words "Below

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1956 Standard" prominently displayed in not less than 8 point type

1957 must be printed or written in ink on the face of the tag.

1958 (9) For tree or shrub seed:

1959 (a) Common name of the species of seed and, if appropriate,

1960 subspecies.

1961 (b) The scientific name of the genus, species, and, if

1962 appropriate, subspecies.

1963 (c) Lot number or other lot identification.

1964 (d) Net weight or seed count.

1965 (e) Origin, indicated in the following manner:

1966 1. For seed collected from a predominantly indigenous

1967 stand, the area of collection given by latitude and longitude or

1968 geographic description, or political subdivision, such as state

1969 or county.

1970 2. For seed collected from other than a predominantly

1971 indigenous stand, the area of collection and the origin of the

1972 stand or the statement "Origin not Indigenous".

1973 3. The elevation or the upper and lower limits of

1974 elevations within which the seed was collected.

1975 (f) Purity as a percentage of pure seed by weight.

1976 (g) For those species for which standard germination

1977 testing procedures are prescribed by the department:

1978 1. Percentage germination exclusive of hard or dormant

1979 seed.

1980 2. Percentage of hard or dormant seed, if present.

1981 3. The calendar month and year test was completed, provided

1982 that the germination test must have been completed within the

1983 previous 12 months, exclusive of the calendar month of test.

1984 (h) In lieu of subparagraphs (g)1., 2., and 3., the seed

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1985 may be labeled "Test is in progress; results will be supplied
 1986 upon request."

1987 (i) For those species for which standard germination
 1988 testing procedures have not been prescribed by the department,
 1989 the calendar year in which the seed was collected.

1990 (j) The name and address of the person who labeled the seed
 1991 or who sells, offers, or exposes the seed for sale within this
 1992 state.

1993 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG.—The~~
 1994 ~~department shall have the authority to prescribe a uniform~~
 1995 ~~analysis tag required by this section.~~

1996 The information required by this section to be placed on labels
 1997 attached to seed containers may not be modified or denied in the
 1998 labeling or on another label attached to the container. However,
 1999 labeling of seed supplied under a contractual agreement may be
 2000 by invoice accompanying the shipment or by an analysis tag
 2001 attached to the invoice if each bag or other container is
 2002 clearly identified by a lot number displayed on the bag or other
 2003 container. Each bag or container that is not so identified must
 2004 carry complete labeling.

2006 Section 36. Section 578.091, Florida Statutes, is repealed.

2007 Section 37. Subsections (2) and (3) of section 578.10,
 2008 Florida Statutes, are amended to read:

2009 578.10 Exemptions.—

2010 (2) The provisions of ss. 578.09 and 578.13 do not apply
 2011 to:

2012 (a) ~~Te~~ Seed or grain not intended for sowing or planting
 2013 purposes.

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2014 (b) ~~Te~~ Seed stored in storage in, consigned to, or being
 2015 transported to seed cleaning or processing establishments for
 2016 cleaning or processing only. Any labeling or other
 2017 representation which may be made with respect to the unclean
 2018 seed ~~is shall be~~ subject to this law.

2019 (c) Seed under development or maintained exclusively for
 2020 research purposes.

2021 (3) If seeds cannot be identified by examination thereof, a
 2022 person is not subject to the criminal penalties of this chapter
 2023 for having sold or offered for sale seeds subject to this
 2024 chapter which were incorrectly labeled or represented as to
 2025 kind, species, and, if appropriate, subspecies, variety, type,
 2026 or origin, elevation, and, if required, year of collection
 2027 unless he or she has failed to obtain an invoice, genuine
 2028 grower's or tree seed collector's declaration, or other labeling
 2029 information and to take such other precautions as may be
 2030 reasonable to ensure the identity of the seeds to be as stated
 2031 by the grower. A genuine grower's declaration of variety must
 2032 affirm that the grower holds records of proof of identity
 2033 concerning parent seed, such as invoice and labels ~~No person~~
 2034 ~~shall be subject to the criminal penalties of this law for~~
 2035 ~~having sold, offered, exposed, or distributed for sale in this~~
 2036 ~~state any agricultural, vegetable, or forest tree seed which~~
 2037 ~~were incorrectly labeled or represented as to kind and variety~~
 2038 ~~or origin, which seed cannot be identified by examination~~
 2039 ~~thereof, unless she or he has failed to obtain an invoice or~~
 2040 ~~grower's declaration giving kind and variety and origin.~~

2041 Section 38. Section 578.11, Florida Statutes, is amended to
 2042 read:

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2043 578.11 Duties, authority, and rules of the department.-
 2044 (1) The duty of administering this law and enforcing its
 2045 provisions and requirements shall be vested in the Department of
 2046 Agriculture and Consumer Services, which is hereby authorized to
 2047 employ such agents and persons as in its judgment shall be
 2048 necessary therefor. It shall be the duty of the department,
 2049 which may act through its authorized agents, to sample, inspect,
 2050 make analyses of, and test agricultural, vegetable, flower, ~~or~~
 2051 ~~forest tree, or shrub~~ seed transported, sold, offered or exposed
 2052 for sale, or distributed within this state for sowing or
 2053 planting purposes, at such time and place and to such extent as
 2054 it may deem necessary to determine whether said agricultural,
 2055 vegetable, flower, ~~or forest tree, or shrub~~ seed are in
 2056 compliance with the provisions of this law, and to notify
 2057 promptly the person who transported, distributed, sold, offered
 2058 or exposed the seed for sale, of any violation.

2059 (2) The department is authorized to:

2060 (a) ~~To~~ Enforce this ~~chapter act~~ and prescribe the methods
 2061 of sampling, inspecting, testing, and examining agricultural,
 2062 vegetable, flower, ~~or forest tree, or shrub~~ seed.

2063 (b) ~~To~~ Establish standards and tolerances to be followed in
 2064 the administration of this law, which shall be in general accord
 2065 with officially prescribed practices in interstate commerce.

2066 (c) ~~To~~ Prescribe uniform labels.

2067 (d) ~~To~~ Adopt prohibited and restricted noxious weed seed
 2068 lists.

2069 (e) ~~To~~ Prescribe limitations for each restricted noxious
 2070 weed to be used in enforcement of this ~~chapter act~~ and to add or
 2071 subtract therefrom from time to time as the need may arise.

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2072 (f) ~~To~~ Make commercial tests of seed and to fix and collect
 2073 charges for such tests.

2074 (g) ~~To~~ List the kinds of flower, and forest tree, and shrub
 2075 seed subject to this law.

2076 (h) ~~To~~ Analyze samples, as requested by a consumer. The
 2077 department shall establish, by rule, a fee schedule for
 2078 analyzing samples at the request of a consumer. The fees shall
 2079 be sufficient to cover the costs to the department for taking
 2080 the samples and performing the analysis, not to exceed \$150 per
 2081 sample.

2082 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to
 2083 implement ~~the provisions of this chapter act~~.

2084 (j) ~~To~~ Establish, by rule, requirements governing aircraft
 2085 used for the aerial application of seed, including requirements
 2086 for recordkeeping, annual aircraft registration, secure storage
 2087 when not in use, area-of-application information, and reporting
 2088 any sale, lease, purchase, rental, or transfer of such aircraft
 2089 to another person.

2090 (3) For the purpose of carrying out ~~the provisions of~~ this
 2091 law, the department, through its authorized agents, is
 2092 authorized to:

2093 (a) ~~To~~ Enter upon any public or private premises, where
 2094 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed
 2095 is sold, offered, exposed, or distributed for sale during
 2096 regular business hours, in order to have access to seed subject
 2097 to this law and the rules and regulations hereunder.

2098 (b) ~~To~~ Issue and enforce a stop-sale notice or order to the
 2099 owner or custodian of any lot of agricultural, vegetable,
 2100 flower, ~~or forest tree, or shrub~~ seed, which the department

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2101 finds or has good reason to believe is in violation of any
 2102 provisions of this law, which shall prohibit further sale,
 2103 barter, exchange, or distribution of such seed until the
 2104 department is satisfied that the law has been complied with and
 2105 has issued a written release or notice to the owner or custodian
 2106 of such seed. After a stop-sale notice or order has been issued
 2107 against or attached to any lot of seed and the owner or
 2108 custodian of such seed has received confirmation that the seed
 2109 does not comply with this law, she or he has ~~shall have~~ 15 days
 2110 beyond the normal test period within which to comply with the
 2111 law and obtain a written release of the seed. ~~The provisions of~~
 2112 This paragraph may ~~shall~~ not be construed as limiting the right
 2113 of the department to proceed as authorized by other sections of
 2114 this law.

2115 (c) ~~To~~ Establish and maintain a seed laboratory, employ
 2116 seed analysts and other personnel, and incur such other expenses
 2117 as may be necessary to comply with these provisions.

2118 Section 39. Section 578.12, Florida Statutes, is amended to
 2119 read:

2120 578.12 Stop-sale, stop-use, removal, or hold orders.—When
 2121 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed
 2122 is being offered or exposed for sale or held in violation of any
 2123 of the provisions of this chapter, the department, through its
 2124 authorized representative, may issue and enforce a stop-sale,
 2125 stop-use, removal, or hold order to the owner or custodian of
 2126 said seed ordering it to be held at a designated place until the
 2127 law has been complied with and said seed is released in writing
 2128 by the department or its authorized representative. If seed is
 2129 not brought into compliance with this law it shall be destroyed

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2130 within 30 days or disposed of by the department in such a manner
 2131 as it shall by regulation prescribe.

2132 Section 40. Section 578.13, Florida Statutes, is amended to
 2133 read:

2134 578.13 Prohibitions.—

2135 (1) It shall be unlawful for any person to sell, distribute
 2136 for sale, offer for sale, expose for sale, handle for sale, or
 2137 solicit orders for the purchase of any agricultural, vegetable,
 2138 flower, ~~or forest tree, or shrub,~~ seed within this state:

2139 (a) Unless the test to determine the percentage of
 2140 germination required by s. 578.09 has ~~shall have~~ been completed
 2141 ~~within a period of 7 months, exclusive of the calendar month in~~
 2142 ~~which the test was completed,~~ immediately prior to sale,
 2143 exposure for sale, offering for sale, or transportation, except
 2144 for a germination test for seed in hermetically sealed
 2145 containers which is provided for in s. 578.092 ~~s. 578.29~~.

2146 (b) Not labeled in accordance with ~~the provisions of~~ this
 2147 law, or having false or misleading labeling.

2148 (c) Pertaining to which there has been a false or
 2149 misleading advertisement.

2150 (d) Containing noxious weed seeds subject to tolerances and
 2151 methods of determination prescribed in the rules and regulations
 2152 under this law.

2153 (e) Unless a seed license has been obtained in accordance
 2154 with ~~the provisions of~~ this law.

2155 (f) Unless such seed conforms to the definition of a "lot
 2156 ~~of seed.~~"

2157 (2) It shall be unlawful for a any person within this state
 2158 to:

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2159 (a) ~~Te~~ Detach, deface, destroy, or use a second time any
 2160 label or tag provided for in this law or in the rules and
 2161 regulations made and promulgated hereunder or to alter or
 2162 substitute seed in a manner that may defeat the purpose of this
 2163 law.

2164 (b) ~~Te~~ Disseminate any false or misleading advertisement
 2165 concerning agricultural, vegetable, flower, ~~or forest tree~~ ,or
 2166 shrub seed in any manner or by any means.

2167 (c) ~~Te~~ Hinder or obstruct in any way any authorized person
 2168 in the performance of her or his duties under this law.

2169 (d) ~~Te~~ Fail to comply with a stop-sale order or to move,
 2170 handle, or dispose of any lot of seed, or tags attached to such
 2171 seed, held under a "stop-sale" order, except with express
 2172 permission of the department and for the purpose specified by
 2173 the department or seizure order.

2174 (e) Label, advertise, or otherwise represent seed subject
 2175 to this chapter to be certified seed or any class thereof,
 2176 including classes such as "registered seed," "foundation seed,"
 2177 "breeder seed" or similar representations, unless:

2178 1. A seed certifying agency determines that such seed
 2179 conformed to standards of purity and identify as to the kind,
 2180 variety, or species and, if appropriate, subspecies and the seed
 2181 certifying agency also determines that tree or shrub seed was
 2182 found to be of the origin and elevation claimed, in compliance
 2183 with the rules and regulations of such agency pertaining to such
 2184 seed; and

2185 2. The seed bears an official label issued for such seed by
 2186 a seed certifying agency certifying that the seed is of a
 2187 specified class and specified to the kind, variety, or species

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2188 and, if appropriate, subspecies.

2189 (f) Label, by variety name, seed not certified by an
 2190 official seed-certifying agency when it is a variety for which a
 2191 certificate of plant variety protection under the United States
 2192 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies
 2193 sale only as a class of certified seed, except that seed from a
 2194 certified lot may be labeled as to variety name when used in a
 2195 mixture by, or with the written approval of, the owner of the
 2196 variety. ~~To sell, distribute for sale, offer for sale, expose~~
 2197 for sale, handle for sale, or solicit orders for the purchase of
 2198 any agricultural, vegetable, flower, or forest tree seed labeled
 2199 "certified seed," "registered seed," "foundation seed," "breeder
 2200 seed," or similar terms, unless it has been produced and labeled
 2201 under seal in compliance with the rules and regulations of any
 2202 agency authorized by law.

2203 (g) ~~(f)~~ ~~Te~~ Fail to keep a complete record, including a file
 2204 sample which shall be retained for 1 year after seed is sold, of
 2205 each lot of seed and to make available for inspection such
 2206 records to the department or its duly authorized agents.

2207 (h) ~~(g)~~ ~~Te~~ Use the name of the Department of Agriculture and
 2208 Consumer Services or Florida State Seed Laboratory in connection
 2209 with analysis tag, labeling advertisement, or sale of any seed
 2210 in any manner whatsoever.

2211 Section 41. Section 578.14, Florida Statutes, is repealed.

2212 Section 42. Subsection (1) of section 578.181, Florida
 2213 Statutes, is amended to read:

2214 578.181 Penalties; administrative fine.—

2215 (1) The department may enter an order imposing one or more
 2216 of the following penalties against a person who violates this

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2217 chapter or the rules adopted under this chapter or who impedes,
 2218 obstructs, ~~or hinders, or otherwise attempts to prevent~~ the
 2219 department from performing its duty in connection with
 2220 ~~performing its duties under~~ this chapter:

2221 (a) For a minor violation, issuance of a warning letter.

2222 (b) For violations other than a minor violation:

2223 1. Imposition of an administrative fine in the Class I
 2224 category pursuant to s. 570.971 for each occurrence ~~after the~~
 2225 issuance of a warning letter.

2226 2. ~~(e)~~ Revocation or suspension of the registration as a
 2227 seed dealer.

2228 Section 43. Section 578.23, Florida Statutes, is amended to
 2229 read:

2230 578.23 ~~Dealers' Records to be kept available.~~ Each person
 2231 who allows his or her name or brand to appear on the label as
 2232 handling agricultural, vegetable, flower, tree, or shrub seeds
 2233 subject to this chapter must keep, for 2 years, complete records
 2234 of each lot of agricultural, vegetable, flower, tree, or shrub
 2235 seed handled, and keep for 1 year after final disposition a file
 2236 sample of each lot of seed. All such records and samples
 2237 pertaining to the shipment or shipments involved must be
 2238 accessible for inspection by the department or its authorized
 2239 representative during normal business hours ~~Every seed dealer~~
 2240 ~~shall make and keep for a period of 3 years satisfactory records~~
 2241 ~~of all agricultural, vegetable, flower, or forest tree seed~~
 2242 ~~bought or handled to be sold, which records shall at all times~~
 2243 ~~be made readily available for inspection, examination, or audit~~
 2244 ~~by the department. Such records shall also be maintained by~~
 2245 ~~persons who purchase seed for production of plants for resale.~~

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2246 Section 44. Section 578.26, Florida Statutes, is amended to
 2247 read:

2248 578.26 Complaint, investigation, hearings, findings, and
 2249 recommendation prerequisite to legal action.-

2250 (1) (a) When any buyer farmer is damaged by the failure of
 2251 agricultural, vegetable, flower, ~~or forest tree, or shrub seed~~
 2252 planted in this state to produce or perform as represented by
 2253 the labeling of such label attached to the seed as required by
 2254 s. 578.09, as a prerequisite to her or his right to maintain a
 2255 legal action against the dealer from whom the seed was
 2256 purchased, the buyer must farmer shall make a sworn complaint
 2257 against the dealer alleging damages sustained. The complaint
 2258 shall be filed with the department, and a copy of the complaint
 2259 shall be served by the department on the dealer by certified
 2260 mail, within such time as to permit inspection of the property,
 2261 crops, plants, or trees referenced in, or related to, the
 2262 buyer's complaint by the seed investigation and conciliation
 2263 council or its representatives and by the dealer from whom the
 2264 seed was purchased.

2265 (b) For types of claims specified in paragraph (a), the
 2266 buyer may not commence legal proceedings against the dealer or
 2267 assert such a claim as a counterclaim or defense in any action
 2268 brought by the dealer until the findings and recommendations of
 2269 the seed investigation and conciliation council are transmitted
 2270 to the complainant and the dealer.

2271 (c) ~~(b)~~ Language setting forth the requirement for filing
 2272 and serving the complaint shall be legibly typed or printed on
 2273 the analysis label or be attached to the package containing the
 2274 seed at the time of purchase by the buyer farmer.

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2275 ~~(d)(e)~~ A nonrefundable filing fee of \$100 shall be paid to
 2276 the department with each complaint filed. However, the
 2277 complainant may recover the filing fee cost from the dealer upon
 2278 the recommendation of the seed investigation and conciliation
 2279 council.

2280 (2) Within 15 days after receipt of a copy of the
 2281 complaint, the dealer shall file with the department her or his
 2282 answer to the complaint and serve a copy of the answer on the
 2283 buyer farmer by certified mail. ~~Upon receipt of the findings and~~
 2284 ~~recommendation of the arbitration council, the department shall~~
 2285 ~~transmit them to the farmer and to the dealer by certified mail.~~

2286 (3) The department shall refer the complaint and the answer
 2287 thereto to the seed investigation and conciliation council
 2288 provided in s. 578.27 for investigation, informal hearing,
 2289 findings, and recommendation on the matters complained of.

2290 (a) Each party must ~~shall~~ be allowed to present its side of
 2291 the dispute at an informal hearing before the seed investigation
 2292 and conciliation council. Attorneys may be present at the
 2293 hearing to confer with their clients. However, no attorney may
 2294 participate directly in the proceeding.

2295 (b) Hearings, including the deliberations of the seed
 2296 investigation and conciliation council, must ~~shall~~ be open to
 2297 the public.

2298 (c) Within 30 days after completion of a hearing, the seed
 2299 investigation and conciliation council shall transmit its
 2300 findings and recommendations to the department. Upon receipt of
 2301 the findings and recommendation of the seed investigation and
 2302 conciliation council, the department shall transmit them to the
 2303 buyer farmer and to the dealer by certified mail.

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2304 (4) The department shall provide administrative support for
 2305 the seed investigation and conciliation council and shall mail a
 2306 copy of the council's procedures to each party upon receipt of a
 2307 complaint by the department.

2308 Section 45. Subsections (1), (2), and (4) of section
 2309 578.27, Florida Statutes, are amended to read:

2310 578.27 Seed investigation and conciliation council;
 2311 composition; purpose; meetings; duties; expenses.—

2312 (1) The Commissioner of Agriculture shall appoint a seed
 2313 investigation and conciliation council composed of seven members
 2314 ~~and seven alternate members~~, one member ~~and one alternate~~ to be
 2315 appointed upon the recommendation of each of the following: the
 2316 deans of extension and research, Institute of Food and
 2317 Agricultural Sciences, University of Florida; president of the
 2318 Florida Seed Seedsmen and Garden Supply Association; president
 2319 of the Florida Farm Bureau Federation; and the president of the
 2320 Florida Fruit and Vegetable Association. The Commissioner of
 2321 Agriculture shall appoint a representative ~~and an alternate~~ from
 2322 the agriculture industry at large and from the Department of
 2323 Agriculture and Consumer Services. Each member shall be
 2324 appointed for a term of 4 years or less and shall serve until
 2325 his or her successor is appointed ~~Initially, three members and~~
 2326 ~~their alternates shall be appointed for 4-year terms and four~~
 2327 ~~members and their alternates shall be appointed for 2-year~~
 2328 ~~terms. Thereafter, members and alternates shall be appointed for~~
 2329 ~~4-year terms. Each alternate member shall serve only in the~~
 2330 ~~absence of the member for whom she or he is an alternate. A~~
 2331 vacancy shall be filled for the remainder of the unexpired term
 2332 in the same manner as the original appointment. The council

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2333 shall annually elect a chair from its membership. It shall be
 2334 the duty of the chair to conduct all meetings and deliberations
 2335 held by the council and to direct all other activities of the
 2336 council. The department representative shall serve as secretary
 2337 of the council. It shall be the duty of the secretary to keep
 2338 accurate and correct records on all meetings and deliberations
 2339 and perform other duties for the council as directed by the
 2340 chair.

2341 (2) The purpose of the seed investigation and conciliation
 2342 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed
 2343 dealers in determining the validity of seed complaints made by
 2344 buyers ~~farmers~~ against dealers and recommend a settlement, when
 2345 appropriate, cost damages resulting from the alleged failure of
 2346 the seed to produce or perform as represented by the label of
 2347 such on the seed package.

2348 (4) (a) When the department refers to the seed investigation
 2349 and conciliation council any complaint made by a buyer ~~farmer~~
 2350 against a dealer, the said council must shall make a full and
 2351 complete investigation of the matters complained of and at the
 2352 conclusion of the said investigation must shall report its
 2353 findings and make its recommendation ~~of cost damages~~ and file
 2354 same with the department.

2355 (b) In conducting its investigation, the seed investigation
 2356 and conciliation council or any representative, member, or
 2357 members thereof are authorized to examine the buyer's property,
 2358 crops, plants, or trees referenced in or relating to the
 2359 complaint ~~farmer on her or his farming operation of which she or~~
 2360 ~~he complains~~ and the dealer on her or his packaging, labeling,
 2361 and selling operation of the seed alleged to be faulty; to grow

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2362 to production a representative sample of the alleged faulty seed
 2363 through the facilities of the state, under the supervision of
 2364 the department when such action is deemed to be necessary; to
 2365 hold informal hearings at a time and place directed by the
 2366 department or by the chair of the council upon reasonable notice
 2367 to the buyer ~~farmer~~ and the dealer.

2368 (c) Any investigation made by less than the whole
 2369 membership of the council must shall be by authority of a
 2370 written directive by the department or by the chair, and such
 2371 investigation must shall be summarized in writing and considered
 2372 by the council in reporting its findings and making its
 2373 recommendation.

2374 Section 46. Section 578.28, Florida Statutes, is renumbered
 2375 as section 578.092, Florida Statutes, and amended to read:

2376 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The
 2377 period of validity of germination tests is extended to the
 2378 following periods for seed packaged in hermetically sealed
 2379 containers, under conditions and label requirements set forth in
 2380 this section:

2381 (1) GERMINATION TESTS.—The germination test for
 2382 agricultural and vegetable seed must shall have been completed
 2383 within the following periods, exclusive of the calendar month in
 2384 which the test was completed, immediately prior to shipment,
 2385 delivery, transportation, or sale:

2386 (a) In the case of agricultural or vegetable seed shipped,
 2387 delivered, transported, or sold to a dealer for resale, 18
 2388 months;

2389 (b) In the case of agricultural or vegetable seed for sale
 2390 or sold at retail, 24 months.

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2391 (2) CONDITIONS OF PACKAGING.—The following conditions are
2392 considered as minimum:

2393 (a) *Hermetically sealed packages or containers.*—A
2394 container, to be acceptable under the provisions of this
2395 section, shall not allow water vapor penetration through any
2396 wall, including the wall seals, greater than 0.05 gram of water
2397 per 24 hours per 100 square inches of surface at 100 °F. with a
2398 relative humidity on one side of 90 percent and on the other of
2399 0 percent. Water vapor penetration (WVP) is measured by the
2400 standards of the National Institute of Standards and Technology
2401 as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent
2402 RH.

2403 (b) *Moisture of seed packaged.*—The moisture of agricultural
2404 or vegetable seed subject to the provisions of this section
2405 shall be established by rule of the department.

2406 (3) LABELING REQUIRED.—In addition to the labeling required
2407 by s. 578.09, seed packaged under the provisions of this section
2408 shall be labeled with the following information:

2409 (a) Seed has been preconditioned as to moisture content.

2410 (b) Container is hermetically sealed.

2411 (c) "Germination test valid until (month, year)" may be
2412 used. (Not to exceed 24 months from date of test).

2413 Section 47. Section 578.29, Florida Statutes, is created to
2414 read:

2415 578.29 Prohibited noxious weed seed.—Seeds meeting the
2416 definition of prohibited noxious weed seed under s. 578.011, may
2417 not be present in agricultural, vegetable, flower, tree, or
2418 shrub seed offered or exposed for sale in this state.

2419 Section 48. Subsection (1) of section 590.02, Florida

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2420 Statutes, is amended to read:

2421 590.02 Florida Forest Service; powers, authority, and
2422 duties; liability; building structures; Withlacoochee Training
2423 Center.—

2424 (1) The Florida Forest Service has the following powers,
2425 authority, and duties to:

2426 (a) ~~Te~~ Enforce the provisions of this chapter;

2427 (b) ~~Te~~ Prevent, detect, and suppress wildfires wherever
2428 they may occur on public or private land in this state and to do
2429 all things necessary in the exercise of such powers, authority,
2430 and duties;

2431 (c) ~~Te~~ Provide firefighting crews, who shall be under the
2432 control and direction of the Florida Forest Service and its
2433 designated agents;

2434 (d) ~~Te~~ Appoint center managers, forest area supervisors,
2435 forestry program administrators, a forest protection bureau
2436 chief, a forest protection assistant bureau chief, a field
2437 operations bureau chief, deputy chiefs of field operations,
2438 district managers, forest operations administrators, senior
2439 forest rangers, investigators, forest rangers, firefighter
2440 rotorcraft pilots, and other employees who may, at the Florida
2441 Forest Service's discretion, be certified as forestry
2442 firefighters pursuant to s. 633.408(8). Other law
2443 notwithstanding, center managers, district managers, forest
2444 protection assistant bureau chief, and deputy chiefs of field
2445 operations ~~shall have~~ Selected Exempt Service status in the
2446 state personnel designation;

2447 (e) ~~Te~~ Develop a training curriculum for forestry
2448 firefighters which must contain the basic volunteer structural

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2449 fire training course approved by the Florida State Fire College
2450 of the Division of State Fire Marshal and a minimum of 250 hours
2451 of wildfire training;

2452 (f) Pay the cost of the initial commercial driver license
2453 examination fee for those employees whose position requires them
2454 to operate equipment requiring a license. This paragraph is
2455 intended to be an authorization to the department to pay such
2456 costs, not an obligation;

2457 ~~(f) To make rules to accomplish the purposes of this~~
2458 ~~chapter;~~

2459 (g) ~~Provide~~ Provide fire management services and emergency
2460 response assistance and to set and charge reasonable fees for
2461 performance of those services. Moneys collected from such fees
2462 shall be deposited into the Incidental Trust Fund of the Florida
2463 Forest Service;

2464 (h) ~~Require~~ Require all state, regional, and local government
2465 agencies operating aircraft in the vicinity of an ongoing
2466 wildfire to operate in compliance with the applicable state
2467 Wildfire Aviation Plan; ~~and~~

2468 (i) ~~Authorize~~ Authorize broadcast burning, prescribed burning,
2469 pile burning, and land clearing debris burning to carry out the
2470 duties of this chapter and the rules adopted thereunder; ~~and~~

2471 (j) Make rules to accomplish the purposes of this chapter.

2472 Section 49. Paragraph (c) of subsection (6) and subsection
2473 (9) of section 790.06, Florida Statutes, are amended to read:
2474 790.06 License to carry concealed weapon or firearm.—

2475 (6)

2476 (c) The Department of Agriculture and Consumer Services
2477 shall, within 90 days after the date of receipt of the items

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2478 listed in subsection (5):

2479 1. Issue the license; or

2480 2. Deny the application based solely on the ground that the
2481 applicant fails to qualify under the criteria listed in
2482 subsection (2) or subsection (3). If the Department of
2483 Agriculture and Consumer Services denies the application, it
2484 shall notify the applicant in writing, stating the ground for
2485 denial and informing the applicant of any right to a hearing
2486 pursuant to chapter 120.

2487 3. In the event the department receives incomplete criminal
2488 history information or with no final disposition on a crime
2489 which may disqualify the applicant, the Department of
2490 Agriculture and Consumer Services must expedite efforts to
2491 acquire the final disposition or proof of restoration of civil
2492 and firearm rights, or confirmation that clarifying records are
2493 not available from the jurisdiction where the criminal history
2494 originated. Ninety days after the date of receipt of the
2495 completed application, if the department has not acquired final
2496 disposition or proof of restoration of civil and firearm rights,
2497 or confirmation that clarifying records are not available from
2498 the jurisdiction where the criminal history originated, the
2499 department shall issue the license in the absence of
2500 disqualifying information. However, such license must be
2501 immediately suspended and revoked upon receipt of disqualifying
2502 information pursuant to this section time limitation prescribed
2503 by this paragraph may be suspended until receipt of the final
2504 disposition or proof of restoration of civil and firearm rights.

2505 (9) In the event that a concealed weapon or firearm license
2506 is lost or destroyed, the license shall be automatically

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2507 invalid, and the person to whom the same was issued may, upon
 2508 payment of \$15 to the Department of Agriculture and Consumer
 2509 Services, obtain a duplicate, or substitute thereof, upon
 2510 furnishing a ~~notarized~~ statement under oath to the Department of
 2511 Agriculture and Consumer Services that such license has been
 2512 lost or destroyed.

2513 Section 50. Subsections (5) and (8) of section 790.0625,
 2514 Florida Statutes, are amended, and sections (9) and (10) are
 2515 added to that section, to read:

2516 790.0625 Appointment of tax collectors to accept
 2517 applications for a concealed weapon or firearm license; fees;
 2518 penalties.—

2519 (5) A tax collector appointed under this section shall
 2520 collect and remit weekly to the department the license fees
 2521 pursuant to s. 790.06 for deposit in the Division of Licensing
 2522 Trust Fund and may collect and retain a convenience fees for the
 2523 following: fee of \$22 for each new application and \$12 for each
 2524 renewal application and shall remit weekly to the department the
 2525 license fees pursuant to s. 790.06 for deposit in the Division
 2526 of Licensing Trust Fund.

2527 (a) Twenty-two dollars for each new application.

2528 (b) Twelve dollars for each renewal application.

2529 (c) Twelve dollars for each duplicate license issued to
 2530 replace a lost or destroyed license.

2531 (d) Six dollars for fingerprinting.

2532 (e) Six dollars for photographing services associated with
 2533 the completion of an application submitted online.

2534 (8) Upon receipt of a completed renewal application, a new
 2535 color photograph, and ~~appropriate~~ payment of required fees, a

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2536 tax collector authorized to accept renewal applications for
 2537 concealed weapon or firearm licenses under this section may,
 2538 upon approval and confirmation of license issuance by the
 2539 department, print and deliver a concealed weapon or firearm
 2540 license to a licensee renewing his or her license at the tax
 2541 collector's office.

2542 (9) Upon receipt of a statement under oath to the
 2543 department, and the payment of required fees, a tax collector
 2544 authorized to accept applications for concealed weapon or
 2545 firearm licenses under this section may, upon approval and
 2546 confirmation from the department that a license is in good
 2547 standing, print and deliver a concealed weapon or firearm
 2548 license to a licensee whose license has been lost or destroyed.

2549 (10) Tax collectors authorized to accept applications for
 2550 concealed weapon or firearm licenses under this section may
 2551 provide fingerprinting and photographing services to aid
 2552 concealed weapon and firearm applicants and licensees with
 2553 online initial and renewal applications.

2554 Section 51. Section 817.417, Florida Statutes, is created
 2555 to read:

2556 817.417 Government Impostor and Deceptive Advertisement
 2557 Act.—

2558 (1) SHORT TITLE.—This act may be cited as the "Government
 2559 Impostor and Deceptive Advertisements Act."

2560 (2) DEFINITIONS.—As used in this section:

2561 (a) "Advertisement" means any representation disseminated
 2562 in any manner or by any means, other than by a label, for the
 2563 purpose of inducing, or which is reasonably likely to induce,
 2564 directly or indirectly, a purchase.

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2565 (b) "Department" means the Department of Agriculture and
 2566 Consumer Services.
 2567 (c) "Governmental entity" means a political subdivision or
 2568 agency of any state, possession, or territory of the United
 2569 States, or the Federal Government, including, but not limited
 2570 to, a board, a department, an office, an agency, a military
 2571 veteran entity, or a military or veteran service organization by
 2572 whatever name known.
 2573 (3) DUTIES AND RESPONSIBILITIES.—The department has the
 2574 duty and responsibility to:
 2575 (a) Investigate potential violations of this section.
 2576 (b) Request and obtain information regarding potential
 2577 violations of this section.
 2578 (c) Seek compliance with this section.
 2579 (d) Enforce this section.
 2580 (e) Adopt rules necessary to administer this section.
 2581 (4) VIOLATIONS.—Each occurrence of the following acts or
 2582 practices constitute a violation of this section:
 2583 (a) Disseminating an advertisement that:
 2584 1. Simulates a summons, complaint, jury notice, or other
 2585 court, judicial, or administrative process of any kind.
 2586 2. Represents, implies, or otherwise engages in an action
 2587 that may reasonably cause confusion that the person using or
 2588 employing the advertisement is a part of or associated with a
 2589 governmental entity, when such is not true.
 2590 (b) Representing, implying, or otherwise reasonably causing
 2591 confusion that goods, services, an advertisement, or an offer
 2592 was disseminated by or has been approved, authorized, or
 2593 endorsed, in whole or in part, by a governmental entity, when

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2594 such is not true.
 2595 (c) Using or employing language, symbols, logos,
 2596 representations, statements, titles, names, seals, emblems,
 2597 insignia, trade or brand names, business or control tracking
 2598 numbers, website or e-mail addresses, or any other term, symbol,
 2599 or other content that represents or implies or otherwise
 2600 reasonably causes confusion that goods, services, an
 2601 advertisement, or an offer is from a governmental entity, when
 2602 such is not true.
 2603 (d) Failing to provide the disclosures as required in
 2604 subsections (5) or (6).
 2605 (e) Failing to timely submit to the department written
 2606 responses and answers to its inquiries concerning alleged
 2607 practices inconsistent with, or in violation of, this section.
 2608 Responses or answers may include, but are not limited to, copies
 2609 of customer lists, invoices, receipts, or other business
 2610 records.
 2611 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.—
 2612 (a) Any person offering documents that are available free
 2613 of charge or at a lesser price from a governmental entity must
 2614 provide the notice specified in paragraph (b) on advertisements
 2615 as follows:
 2616 1. For printed or written advertisements, notice must be in
 2617 the same font size, color, style, and visibility as primarily
 2618 used elsewhere on the page or envelope and displayed as follows:
 2619 a. On the outside front of any mailing envelope used in
 2620 disseminating the advertisement.
 2621 b. At the top of each printed or written page used in the
 2622 advertisement.

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2623 2. For electronic advertisements, notice must be in the
 2624 same font size, color, style, and visibility as the body text
 2625 primarily used in the e-mail or web page and displayed as
 2626 follows:

2627 a. At the beginning of each e-mail message, before any
 2628 offer or other substantive information.

2629 b. In a prominent location on each web page, such as the
 2630 top of each page or immediately following the offer or other
 2631 substantive information on the page.

2632 (b) Advertisements specified in paragraph (a) must include
 2633 the following disclosure:

2634 "IMPORTANT NOTICE:
 2635 The documents offered by this advertisement are available to
 2636 Florida consumers free of charge or for a lesser price from
 2637 ...(insert name, telephone number, and mailing address of the
 2638 applicable governmental entity).... You are NOT required to
 2639 purchase anything from this company and the company is NOT
 2640 affiliated, endorsed, or approved by any governmental entity.
 2641 The item offered in this advertisement has NOT been approved or
 2642 endorsed by any governmental agency, and this offer is NOT being
 2643 made by an agency of the government."

2644 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.-
 2645 (a) Any person disseminating an advertisement that includes
 2646 a form or template to be completed by the consumer with the
 2647 claim that such form or template will assist the consumer in
 2648 complying with a legal filing or record retention requirement
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2652 must provide the notice specified in paragraph (b) on
 2653 advertisements as follows:

2654 1. For printed or written advertisements, the notice must
 2655 be in the same font size, color, style, and visibility as
 2656 primarily used elsewhere on the page or envelope and displayed
 2657 as follows:

2658 a. On the outside front of any mailing envelope used in
 2659 disseminating the advertisement.

2660 b. At the top of each printed or written page used in the
 2661 advertisement.

2662 2. For electronic advertisements, the notice must be in the
 2663 same font size, color, style, and visibility as the body text
 2664 primarily used in the e-mail or web page and displayed as
 2665 follows:

2666 a. At the beginning of each e-mail message, before any
 2667 offer or other substantive information.

2668 b. In a prominent location on each web page, such as the
 2669 top of each page or immediately following the offer or other
 2670 substantive information on the page.

2671 (b) Advertisements specified in paragraph (a) must include
 2672 the following disclosure:

2673 "IMPORTANT NOTICE:
 2674 You are NOT required to purchase anything from this company and
 2675 the company is NOT affiliated, endorsed, or approved by any
 2676 governmental entity. The item offered in this advertisement has
 2677 NOT been approved or endorsed by any governmental agency, and
 2678 this offer is NOT being made by an agency of the government."
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2709(7) PENALTIES.—

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

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

1. A civil action in circuit court for:

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

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

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

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

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

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

2. An action for an administrative fine in the Class III

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category pursuant to s. 570.971 for each act or omission which constitutes a violation under this section.

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

(d) Any person who violates paragraphs (4) (a)-(d) also commits an unfair and deceptive trade practice in violation of part II of chapter 501 and is subject to the penalties and remedies imposed for such violation.

Section 52. Paragraph (m) of subsection (3) of section 489.105, Florida Statutes, is amended to read:

489.105 Definitions.—As used in this part:

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

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2739 those contractors defined in paragraphs (d)-(q):
 2740 (m) "Plumbing contractor" means a contractor whose services
 2741 are unlimited in the plumbing trade and includes contracting
 2742 business consisting of the execution of contracts requiring the
 2743 experience, financial means, knowledge, and skill to install,
 2744 maintain, repair, alter, extend, or, if not prohibited by law,
 2745 design plumbing. A plumbing contractor may install, maintain,
 2746 repair, alter, extend, or, if not prohibited by law, design the
 2747 following without obtaining an additional local regulatory
 2748 license, certificate, or registration: sanitary drainage or
 2749 storm drainage facilities, water and sewer plants and
 2750 substations, venting systems, public or private water supply
 2751 systems, septic tanks, drainage and supply wells, swimming pool
 2752 piping, irrigation systems, and solar heating water systems and
 2753 all appurtenances, apparatus, or equipment used in connection
 2754 therewith, including boilers and pressure process piping and
 2755 including the installation of water, natural gas, liquefied
 2756 petroleum gas and related venting, and storm and sanitary sewer
 2757 lines. The scope of work of the plumbing contractor also
 2758 includes the design, if not prohibited by law, and installation,
 2759 maintenance, repair, alteration, or extension of air-piping,
 2760 vacuum line piping, oxygen line piping, nitrous oxide piping,
 2761 and all related medical gas systems; fire line standpipes and
 2762 fire sprinklers if authorized by law; ink and chemical lines;
 2763 fuel oil and gasoline piping and tank and pump installation,
 2764 except bulk storage plants; and pneumatic control piping
 2765 systems, all in a manner that complies with all plans,
 2766 specifications, codes, laws, and regulations applicable. The
 2767 scope of work of the plumbing contractor applies to private

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2768 property and public property, including any excavation work
 2769 incidental thereto, and includes the work of the specialty
 2770 plumbing contractor. Such contractor shall subcontract, with a
 2771 qualified contractor in the field concerned, all other work
 2772 incidental to the work but which is specified as being the work
 2773 of a trade other than that of a plumbing contractor. This
 2774 definition does not limit the scope of work of any specialty
 2775 contractor certified pursuant to s. 489.113(6) and does not
 2776 require certification or registration under this part as a
 2777 category I liquefied petroleum gas dealer, or category V LP gas
 2778 installer, as defined in s. 527.01, ~~or specialty installer~~ who
 2779 is licensed under chapter 527 or an authorized employee of a
 2780 public natural gas utility or of a private natural gas utility
 2781 regulated by the Public Service Commission when disconnecting
 2782 and reconnecting water lines in the servicing or replacement of
 2783 an existing water heater. A plumbing contractor may perform
 2784 drain cleaning and clearing and install or repair rainwater
 2785 catchment systems; however, a mandatory licensing requirement is
 2786 not established for the performance of these specific services.

2787 Section 53. Subsection (3) of section 527.06, Florida
 2788 Statutes, is reenacted to read:

2789 527.06 Rules.—

2790 (3) Rules in substantial conformity with the published
 2791 standards of the National Fire Protection Association (NFPA) are
 2792 deemed to be in substantial conformity with the generally
 2793 accepted standards of safety concerning the same subject matter.

2794 Section 54. This act shall take effect July 1, 2018.

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

24 Jan. 18

Meeting Date

740

Bill Number (if applicable)

Topic Department Package

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Dir. of Legislative Affairs

Address PL 10 The Capitol

Phone 850 617 7700

Street

Tallahassee FL 32399

City

State

Zip

Email grace.lovett@freshfromflorida.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing FL Dept. of Agriculture & Consumer Services

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on the Environment and Natural Resources

BILL: PCS/SB 872 (620914)

INTRODUCER: Appropriations Subcommittee on the Environment and Natural Resources and Senator Grimsley

SUBJECT: Young Farmers and Ranchers

DATE: January 26, 2018 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEN</u>	Recommend: Fav/CS
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/SB 872 creates the Florida Young Farmer and Rancher matching grant program within the Department of Agriculture and Consumer Services (department) to support start up functions for new farming and ranching operations. An individual with less than 10 years of farming or ranching experience who is between the ages of 18 and 35 or is a veteran as defined in s. 1.01, F.S., will be eligible for a grant award. If funded by the legislature, each grant award must be between \$5,000 and \$20,000, and a recipient may receive only one award per year. The bill requires the department to establish a webpage with a resource center for young farmers and ranchers.

The bill establishes the Florida Young Farmer and Rancher Advisory Council within the department. The Commissioner of Agriculture (commissioner) will appoint 12 members to the council. The council may submit findings and recommendations for mitigating challenges facing young farmers and ranchers to the commissioner.

The department will incur an indeterminate increase in costs relating to workload to implement the provisions of the bill. These costs will be absorbed within the department's existing resources. The bill creates a new grant program that is contingent upon specific appropriation by the Legislature. The department will incur additional workload associated with the implementation of the grant program. The costs associated with this workload will need to be

funded through the overall appropriation for the grant program. This bill does not provide funding for the grant program.

The bill takes effect July 1, 2018.

II. Present Situation:

Currently, there are no grant programs or councils within the department specifically to assist young farmers and ranchers. The department does provide resources through its Agricultural Industry,¹ Grant Opportunity,² and Business Development³ public webpages. At this time, financial resource content is limited to assisting growers with export operations.

III. Effect of Proposed Changes:

Section 1 creates s. 570.842, F.S., to establish the Florida Young Farmer and Rancher Matching Grant Program. The bill requires the department to administer grants to foster the creation and expansion of agricultural businesses by young farmers and ranchers in Florida. The bill requires the department to adopt rules regarding the program. To be eligible, grant recipients must be:

- An agricultural producer who is at least 18 years of age but younger than 35 years of age or who is a veteran;
- A farmer or rancher with less than 10 years' experience;
- Demonstrate, at a minimum, a dollar-for-dollar matching investment for grant money requested; and
- Timely in submitting a grant application.

The bill specifies that each grant award must be between \$5,000 and \$20,000 and no more than one award per year may go to a recipient. Grant funding for the program is contingent upon specific annual appropriation by the Legislature.

Section 2 creates s. 570.843, F.S., to establish the Florida Young Farmer and Rancher Advisory Council within the department. The bill specifies the membership and terms of the council and its statutory requirements. The bill specifies issues for which the council may provide findings and recommendations to the Commissioner of Agriculture.

Section 3 creates s. 570.844, F.S., to authorize the department to establish on its website a clearinghouse for resources available to young and beginning farmers and ranchers. These resources could include local, state, federal, and private sources of grants, loans, and scholarships, as well as general resources on finance and business planning.

¹ Information pertaining to the agricultural industry may be retrieved from <http://www.freshfromflorida.com/Agriculture-Industry/Search-by-Industry>.

² Information pertaining to grant opportunities can be retrieved from <http://www.freshfromflorida.com/Business-Services/Grant-Opportunities>.

³ Information pertaining to business development can be retrieved from <http://www.freshfromflorida.com/Divisions-Offices/Marketing-and-Development/Agriculture-Industry/Business-Development-Resources/Exporting-Florida-Agricultural-Products>.

Section 4 provides that this act shall take effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Florida's young farmers, ranchers and veterans with new farming and ranch operations may benefit from the grant program.

C. Government Sector Impact:

The Department of Agriculture and Consumer Services will experience increased workload relating to the advisory council and clearinghouse. The costs associated with these administrative responsibilities, while indeterminate, can be absorbed within the department's existing resources.

If the legislature provides funding for the Florida Young Farmer and Rancher Matching Grant Program, the department will incur additional workload, depending on the amount of the annual appropriation and the size of the applicant pool.⁴ Temporary staff may be needed to manage the application and grant award process.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

⁴ Department of Agriculture and Consumer Services, *Senate Bill 872 Agency Bill Analysis*, (Dec. 8, 2017) (on file with the Appropriations Subcommittee on the Environment and Natural Resources).

VIII. Statutes Affected:

This bill creates sections 570.842, 570.843, and 570.844 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on the Environment and Natural Resources on January 24, 2018:

The committee substitute includes a technical revision to clarify the definition of a veteran.

- B. **Amendments:**

None.



364998

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on the Environment and Natural Resources (Grimsley) recommended the following:

Senate Amendment

Delete lines 91 - 92
and insert:
available to beginning agricultural producers who are veterans
as defined in s. 1.01.

By Senator Grimsley

26-00676A-18

2018872__

1 A bill to be entitled
 2 An act relating to young farmers and ranchers;
 3 creating s. 570.842, F.S.; creating the Florida Young
 4 Farmer and Rancher Matching Grant Program within the
 5 Department of Agriculture and Consumer Services;
 6 specifying the purpose of the grants; requiring the
 7 department to select grant recipients based on certain
 8 criteria; requiring the department to adopt rules;
 9 specifying minimum grant selection criteria;
 10 specifying a grant award minimum and maximum;
 11 requiring that no more than one award per year may go
 12 to an individual recipient; specifying that grant
 13 funding is contingent upon specific appropriation from
 14 the Legislature; creating s. 570.843, F.S.; creating
 15 the Florida Young Farmer and Rancher Advisory Council
 16 within the department; specifying membership of the
 17 council; providing for staggered terms; specifying the
 18 meetings, powers, duties, procedures, and
 19 recordkeeping of the council; specifying that the
 20 council may submit findings and recommendations to the
 21 Commissioner of Agriculture; specifying the issues the
 22 council may examine; creating s. 570.844, F.S.;

23 requiring the department to establish a clearinghouse
 24 on its website for resources to assist young and
 25 beginning farmers and ranchers; providing an effective
 26 date.

27
 28 Be It Enacted by the Legislature of the State of Florida:
 29

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26-00676A-18

2018872__

30 Section 1. Section 570.842, Florida Statutes, is created to
 31 read:
 32 570.842 Florida Young Farmer and Rancher Matching Grant
 33 Program.—
 34 (1) To support the start-up functions associated with new
 35 farming and ranching operations, there is created within the
 36 department the Florida Young Farmer and Rancher Matching Grant
 37 Program.
 38 (a) Grants administered by the department through this
 39 program must be for the purpose of fostering the creation and
 40 expansion of agricultural businesses by young farmers and
 41 ranchers in the state.
 42 (b) The department shall select grant recipients based on
 43 selection criteria developed pursuant to subsection (2).
 44 (2) The department shall adopt rules governing the
 45 operation of the program, an application process, and selection
 46 criteria for grant recipients. At a minimum, in order to be
 47 eligible to receive a grant, a person must:
 48 (a) Be an agricultural producer who is at least 18 years of
 49 age but younger than 35 years of age or be an agricultural
 50 producer who is a veteran as defined by s. 1.01;
 51 (b) Have operated a farm or ranch for not more than 10
 52 years;
 53 (c) Demonstrate, at minimum, a dollar-for-dollar matching
 54 investment for grant money requested; and
 55 (d) Submit, on a form prescribed by the department, a grant
 56 application during the application period established by the
 57 department. The department may designate only one period each
 58 year for accepting applications.

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26-00676A-18

2018872__

59 (3) Each grant award under the program must be between
 60 \$5,000 and \$20,000, with no more than one award being made to an
 61 individual grant recipient per grant period.

62 (4) Annual grant funding for this program is contingent
 63 upon specific annual appropriation by the Legislature.

64 Section 2. Section 570.843, Florida Statutes, is created to
 65 read:

66 570.843 Florida Young Farmer and Rancher Advisory Council.-

67 (1) There is created within the department the Florida
 68 Young Farmer and Rancher Advisory Council, to consist of 12
 69 members to be appointed by the commissioner. Initially, six
 70 members shall be appointed by the commissioner for a 1-year term
 71 and six members for a 2-year term. Thereafter, members shall be
 72 appointed for 2-year terms.

73 (2) The meetings, powers, duties, procedures, and
 74 recordkeeping of the Florida Young Farmers and Ranchers Advisory
 75 Council shall be pursuant to s. 570.232.

76 (3) The council may submit to the commissioner, annually,
 77 findings and recommendations for mitigating challenges facing
 78 aspiring farmers and ranchers in the early stages of their
 79 careers. The council may examine issues that include, but are
 80 not limited to, access to land, availability of credit and
 81 capital, and access to business skills training.

82 Section 3. Section 570.844, Florida Statutes, is created to
 83 read:

84 570.844 Florida Young Farmer and Rancher Resource
 85 Clearinghouse.-The department shall establish on its website a
 86 clearinghouse for resources available to young and beginning
 87 farmers and ranchers, including, but not limited to, local,

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

26-00676A-18

2018872__

88 state, federal, and private sources of grants, loans, and
 89 scholarships, as well as general resources on finance and
 90 business planning. The clearinghouse also must include resources
 91 available to beginning agricultural producers who are defined as
 92 veterans under s. 1.01.

93 Section 4. This act shall take effect July 1, 2018.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



The Florida Senate

Committee Agenda Request

To: Senator Lauren Book, Chair
Appropriations Subcommittee on The Environment and Natural Resources

Subject: Committee Agenda Request

Date: January 17, 2018

I respectfully request that **Senate Bill #872**, relating to Young Farmers and Ranchers, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in cursive script that reads "Denise Grimsley".

Senator Denise Grimsley
Florida Senate, District 26

cc: Giovanni Betta, Staff Director
Lisa Waddell, Committee Administrative Assistant

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on the Environment and Natural Resources

BILL: PCS/SB 1132 (237298)

INTRODUCER: Appropriations Subcommittee on the Environment and Natural Resources and Senator Hutson

SUBJECT: Vessel Safety Inspection Decals

DATE: January 26, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Istler</u>	<u>Rogers</u>	<u>EP</u>	Favorable
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEN</u>	Recommend: Fav/CS
3.	_____	_____	<u>AP</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

PCS/SB 1132 authorizes the Fish and Wildlife Conservation Commission (FWC) to designate by rule the timeframe for the expiration of, and the specific design for, the safety inspection decal for vessels. The bill specifies that the decal may not be valid for more than five years, and, at a minimum, meet the standards specified in s. 327.70(2)(a), F.S., which requires the decal to be displayed:

- Within six inches of the vessel's properly displayed vessel registration decal; or
- For a non-motorized vessel which is not required to be registered, on the forward half of the port side of the vessel above the waterline.

The FWC will have additional workload relating to rulemaking to implement the bill. The associated costs of such workload will be absorbed within the FWC's existing resources.

II. Present Situation:

Florida Vessel Safety Law

Florida leads the nation in the number of vessels registered in any state with close to one million vessels.¹ The Fish and Wildlife Conservation Commission (FWC) is charged with coordinating

¹ Fish and Wildlife Conservation Commission (FWC), 2016 Boating Accident Statistical Report, *Introduction*, II (2016) available at <http://myfwc.com/media/4215167/2016BoatStatBook.pdf> (last visited Jan. 3, 2018).

and managing the waterways of the state to provide for safe and enjoyable boating.² Specifically, the Division of Law Enforcement within the FWC provides protection to those who enjoy Florida's waterways, while also enforcing resource protection and boating safety laws.³

Chapter 327, F.S., titled the "Florida Vessel Safety Law," includes laws relating to vessel safety, such as boating safety education course requirements, vessel operation requirements, and the delineation of boating-restricted areas. The Florida Vessel Safety Law, as well as vessel titling, certificate, and registration requirements, are authorized to be enforced by the following entities or officers:

- The Division of Law Enforcement within the FWC and its officers;
- Sheriffs of the various counties and their deputies;
- Municipal police officers; and
- Any other law enforcement officer described in s. 943.10, F.S.⁴

Safety Equipment and Inspections

The following safety items are required by state and federal law to be aboard a vessel and if found to be missing during a safety inspection can result in a vessel citation:

- Visible distress signals;
- Fire extinguishers;
- Navigation lights;
- Personal floatation devices; and
- Sound-producing devices.⁵

The United States Coast Guard offers Vessel Safety Checks (VSC) free of charge.⁶ Boats that pass the safety check are awarded a distinctive VSC Decal that alerts the Coast Guard, Harbor Patrol, and other law enforcement agencies that the boat was in full compliance with all federal and state boating laws for that year.⁷ The decal must be immediately affixed to a portion of the boat where it is readily visible to law enforcement authorities.⁸

The FWC also issues safety inspection decals upon demonstrated compliance with the safety equipment carriage and use requirements during a safety inspection administered by a law enforcement officer.⁹ The safety inspection decal, if displayed, must be located within six inches

² FWC, *Boating in Florida*, <http://myfwc.com/boating/> (last visited Jan. 8, 2018).

³ FWC, 2016 Boating Accident Statistical Report, *Introduction*, I (2016) available at <http://myfwc.com/media/4215167/2016BoatStatBook.pdf> (last visited Jan. 3, 2018).

⁴ Section 327.70, F.S.; Section 943.10, F.S., defines the term "law enforcement officer" as "any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state..."

⁵ See s. 327.50, F.S., and FWC, *Boating Regulations, Equipment and Lighting Requirements*, available at <http://myfwc.com/boating/regulations/#nogo> (last visited Jan. 8, 2018) and U.S. Coast Guard Auxiliary, *Vessel Safety Checks*, available at <http://cgaux.org/vsc/> (last visited Jan. 8, 2018).

⁶ U.S. Coast Guard Auxiliary, *Vessel Safety Check Website*, available at <http://wow.uscgaux.info/content.php?unit=V-DEPT> (last visited Jan. 8, 2018).

⁷ U.S. Coast Guard, *Vessel Safety Check Manual*, (Oct. 2014) available at http://vdept.cgaux.org/pdf-files/CIM_16796_8A_Printable_Version.pdf (last visited Jan. 8, 2018).

⁸ *Id.*

⁹ Section 327.70(2), F.S.

of the inspected vessel's properly displayed vessel registration decal or, for nonmotorized vessels that are not required to be registered, must be located above the waterline on the forward half of the port side of the vessel.¹⁰

The FWC and any other law enforcement agency are authorized to inspect and investigate vessels as necessary to carry out and enforce the Florida Vessel Safety Law.¹¹ An officer is prohibited from boarding a vessel to make a safety inspection if the owner or operator is not aboard.¹² If the owner or operator is aboard, an officer is authorized to board a vessel with the consent or when the officer has probable cause or knowledge to believe that a violation of the Florida Vessel Safety Law is occurring. An officer may board a vessel if the operator refuses or is unable to display the safety equipment required by law when requested to do so by an officer or when the safety equipment to be inspected is permanently installed and is not visible for inspection unless the officer boards the vessel.¹³

Additionally, if a vessel has a properly displayed and valid safety inspection decal created or approved by the FWC, a law enforcement officer may not stop such vessel for the sole purpose of inspecting the vessel for compliance with the safety equipment carriage and use requirements, unless there is a reasonable suspicion that a violation of a safety equipment carriage or use requirement has occurred or is occurring.¹⁴

The following chart provides a summary of the citations that were issued in 2016 relating to violations for registration and numbering requirements or safety equipment and regulations.

¹⁰ *Id.*

¹¹ See ss. 327.56, 327.70(4) and 328.18, F.S.; ch. 327, F.S. comprises the *Florida Vessel Safety Law*. The U.S. Constitution protects people from unreasonable searches and seizures by the government through the Fourth Amendment, which provides that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated...." The extent to which an individual is protected by the Fourth Amendment depends on the location of the search or seizure. None of the similar safeguards that are applicable to stops of motor vehicles on less than a probable cause are necessary predicates to stop a vessel. See U.S. CONST. amend. IV and U.S. Government Publishing Office, *Amendment 4-Search and Seizure*, pg. 1241 (Oct. 5, 2014), available at <https://www.gpo.gov/fdsys/pkg/GPO-CONAN-1992/pdf/GPO-CONAN-1992-10-5.pdf> (last visited Jan. 8, 2018).

¹² Section 327.56, F.S.

¹³ *Id.*

¹⁴ Section 327.70, F.S.

2016 Uniform Boating Citation Summary¹⁵

Citation Type	Number of Citations Issued	
	FWC	Other
Registration and Numbering Operation of unregistered/unnumbered vessels Application, certificate, number or decal violation Special manufacturer and dealer numbers Violation relating to vessel titling Violation relating to Hull Identification Numbers	1,970	556
Safety Equipment and Regulations Equipment and lighting requirements	3,260	432

III. Effect of Proposed Changes:

The bill authorizes the Fish and Wildlife Conservation Commission (FWC) to designate by rule the timeframe for the expiration of, and the specific design for, the safety inspection decal. The bill specifies that the decal may not be valid for more than five years, and, at a minimum, meet the standards specified in s. 327.70(2)(a), F.S., which requires the decal to be displayed:

- Within six inches of the vessel’s properly displayed vessel registration decal; or
- For a non-motorized vessel which is not required to be registered, on the forward half of the port side of the vessel above the waterline.

The bill provides that all safety inspection decals issued by the FWC on or before December 31, 2018, are no longer valid after that date.

The bill takes effect January 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹⁵ FWC, 2016 Boating Accident Statistical Report, *Violation Summary*, 35 (2016) available at <http://myfwc.com/media/4215167/2016BoatStatBook.pdf> (last visited Jan. 3, 2018).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Fish and Wildlife Conservation Commission will experience additional workload associated with rulemaking authorized by this bill. The indeterminate costs associated with this workload will be absorbed within the commission's existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 327.70 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on the Environment and Natural Resources on January 24, 2018:

Provides that all decals issued by the FWC on or before December 31, 2018, are no longer valid after that date. Delays the effective date from July 1, 2018, to January 1, 2019.

B. Amendments:

None.



437984

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on the Environment and Natural Resources (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 25 - 32
and insert:
must meet the standards specified in this paragraph. All decals issued by the commission on or before December 31, 2018 are no longer valid after that date.

2. The safety inspection decal, if displayed, must be located within 6 inches of the inspected vessel's properly displayed vessel registration decal. For nonmotorized vessels



437984

11 that are not required to be registered, the safety inspection
12 decal, if displayed, must be located above the waterline on the
13 forward half of the port side of the vessel.

14 Section 2. This act shall take effect July 1, 2019.

15

16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 Between lines 7 and 8

19 insert:

20 specifying that decals issued on or before a specified
21 date are no longer valid after that date;



659442

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on the Environment and Natural Resources (Hutson) recommended the following:

1 **Senate Substitute for Amendment (437984) (with title**
2 **amendment)**

3
4 Delete lines 25 - 32

5 and insert:

6 must meet the standards specified in this paragraph. All decals
7 issued by the commission on or before December 31, 2018, are no
8 longer valid after that date.

9 2. The safety inspection decal, if displayed, must be
10 located within 6 inches of the inspected vessel's properly



659442

11 displayed vessel registration decal. For nonmotorized vessels
12 that are not required to be registered, the safety inspection
13 decal, if displayed, must be located above the waterline on the
14 forward half of the port side of the vessel.

15 Section 2. This act shall take effect January 1, 2019.

16

17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Between lines 7 and 8

20 insert:

21 specifying that decals issued on or before a specified
22 date are no longer valid after that date;

By Senator Hutson

7-00683A-18

20181132__

A bill to be entitled

An act relating to vessel safety inspection decals;
amending s. 327.70, F.S.; providing rulemaking
authority to the Fish and Wildlife Conservation
Commission regarding expiration and design of safety
inspection decals; specifying standards for such
rulemaking; providing a maximum period of validity;
providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section
327.70, Florida Statutes, is amended to read:

327.70 Enforcement of this chapter and chapter 328.—

(2) (a) 1. Upon demonstrated compliance with the safety
equipment carriage and use requirements of this chapter during a
safety inspection initiated by a law enforcement officer, the
operator of a vessel shall be issued a safety inspection decal
signifying that the vessel is deemed to have met the safety
equipment carriage and use requirements of this chapter at the
time and location of such inspection. The commission may
designate by rule the timeframe for expiration of, and the
specific design for, the safety inspection decal. However, a
decal may not be valid for more than 5 years and, at a minimum,
must meet the standards specified in this paragraph.

2. The safety inspection decal, if displayed, must be
located within 6 inches of the inspected vessel's properly
displayed vessel registration decal. For nonmotorized vessels
that are not required to be registered, the safety inspection

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

7-00683A-18

20181132__

decal, if displayed, must be located above the waterline on the
forward half of the port side of the vessel.

Section 2. This act shall take effect July 1, 2018.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on the Environment and Natural Resources

BILL: SB 1370

INTRODUCER: Senator Book

SUBJECT: Trust Funds/Land Acquisition Trust Fund/Department of Agriculture and Consumer Services

DATE: January 23, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Blizzard</u>	<u>Betta</u>	<u>AEN</u>	Recommend: Favorable
2.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 1370 re-creates, without modification, the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services and repeals the scheduled termination of the trust fund. The bill has no impact on state or local funds.

II. Present Situation:

Trust Funds

Article III, s. 19(f) of the State Constitution requires the termination of a trust fund within four years of the effective date of the act authorizing the initial creation of the trust fund, unless the trust fund is exempted from termination by the State Constitution.

Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund.

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229, Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the Land Acquisition Trust Fund receive at least 33 percent of net revenues derived from documentary stamp taxes.
- Section 375.041, F.S., to designate the Land Acquisition Trust Fund within the Department of Environmental Protection as the trust fund to serve as the constitutionally mandated depository for the required percentage of documentary stamp tax revenues.

- Section 379.212, F.S., to limit revenues deposited into the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission to only those transferred from the Land Acquisition Trust Fund within the Department of Environmental Protection to maintain the integrity of such funds.¹

Additionally, to ensure that funds transferred from the Land Acquisition Trust Fund within the Department of Environmental Protection are tracked from distribution to expenditure the Legislature created two additional Land Acquisition Trust Funds, one within the Department of Agriculture and Consumer Services and one within the Department of State.²

Specifically, s. 20.142, F.S., was created to establish the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services to be used as a depository for funds received from the Land Acquisition Trust Fund within the Department of Environmental Protection and for the expenditure of such funds for the purposes set forth in Art. X, s. 28 of the State Constitution. The effective date of the act creating the trust fund was July 1, 2015.

In accordance with Art. III, s. 19(f)(2) of the State Constitution, the Land Acquisition Trust Fund within the Department of Agriculture is scheduled to terminate on July 1, 2019, unless terminated sooner.

III. Effect of Proposed Changes:

To ensure that the Land Acquisition Trust Fund within the Department of Agriculture and Consumer Services is not terminated, the bill re-creates such trust fund without modification.

The bill repeals the scheduled termination of the trust fund codified in s. 20.142(5), F.S.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Article III, s. 19(f)(1) of the State Constitution requires bills that create or re-create trust funds to pass by three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only.

¹ Ch. 2015-229, s. 9, s. 50, Laws of Fla.

² Ch. 2015-230 and Ch. 2015-231, Laws of Fla.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

This bill repeals section 20.142(5) of the Florida Statutes:

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Book

32-00912A-18

20181370__

1 A bill to be entitled
2 An act relating to trust funds; re-creating the Land
3 Acquisition Trust Fund within the Department of
4 Agriculture and Consumer Services without
5 modification; repealing s. 20.142(5), F.S.; abrogating
6 provisions relating to the termination of the trust
7 fund, to conform; providing an effective date.
8

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

10

11 Section 1. The Land Acquisition Trust Fund within the
12 Department of Agriculture and Consumer Services, FLAIR number
13 42-2-2423, which is to be terminated pursuant to s. 19(f)(2),
14 Article III of the State Constitution on July 1, 2019, is re-
15 created.

16 Section 2. Subsection (5) of section 20.142, Florida
17 Statutes, is repealed.

18 Section 3. This act shall take effect July 1, 2018.



RICK SCOTT
GOVERNOR

RECEIVED
17 AUG 11 PM 12:20
DIVISION OF ELECTIONS
SECRETARY OF STATE

August 08, 2017

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have approved the following appointment under the provisions of Section 373.079, Florida Statutes:

Mr. Ernie Marks
3301 Gun Club Road
West Palm Beach, Florida 33406

as Executive Director of the South Florida Water Management District, subject to confirmation by the Senate. This appointment is effective for a term beginning July 31, 2017, and ending at the pleasure of the Board of Directors of the South Florida Water Management District.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED
DEPARTMENT OF
17 AUG 21 AM 9:
DIVISION OF ELECTIO
TALLAHASSEE, FL

STATE OF FLORIDA

County of Palm Beach

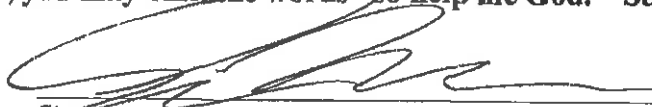
I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Executive Director, South Florida Water Management District

(Title of Office)

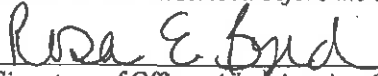
on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

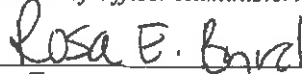


Signature ERNIE MARKS

Sworn to and subscribed before me this 18 day of August, 2017.



Signature of Officer Administering Oath or of Notary Public



Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known OR Produced Identification

Type of Identification Produced _____

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

3301 Gun Club Road

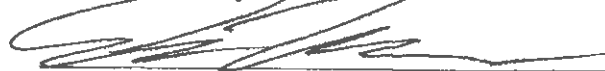
Street or Post Office Box

West Palm Beach, FL 33406

City, State, Zip Code

Ernie Marks

Print name as you desire commission issued



Signature

2440

STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections

I, Ken Detzner, Secretary of State,
do hereby certify that

Ernie Marks

is duly appointed

**Executive Director,
South Florida Water Management District**

for a term beginning on the Thirty-First day of July, A.D., 2017,
to serve at the pleasure of the District's Governing Board and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.

*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the Twenty-Third day of August, A.D., 2017.*



Ken Detzner

Secretary of State

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Ernie Marks III
Executive Director of South Florida Water Management District

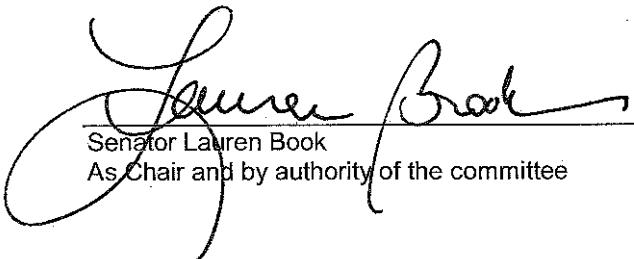
NOTICE OF HEARING

TO: Mr. Ernie Marks III

YOU ARE HEREBY NOTIFIED that the Appropriations Subcommittee on the Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, January 24, 2018, in 301 Senate Office Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 18th day of January, 2018

Appropriations Subcommittee on the
Environment and Natural Resources



Senator Lauren Book
As Chair and by authority of the committee

cc: Members, Appropriations Subcommittee on the Environment and Natural Resources
Office of the Sergeant at Arms

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Ernie Marks

ANSWER: I do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Appropriations Subcommittee on the Environment and Natural Resources

DATE: January 24, 2018

The Florida Senate
COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT

COMMITTEE: Appropriations Subcommittee on the Environment and Natural Resources
MEETING DATE: Wednesday, January 24, 2018
TIME: 9:00—11:00 a.m.
PLACE: 301 Senate Office Building

TO: The Honorable Joe Negron, President

FROM: Appropriations Subcommittee on the Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Executive Director of South Florida Water Management District

Appointee: Marks III, Ernie

Term: 7/31/2017-Pleasure of the Board

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governing Board.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/18

Meeting Date

Bill Number (if applicable)

Topic CONFIRMATION HEARING

Amendment Barcode (if applicable)

Name ERNEST MARKS

Job Title EXECUTIVE DIRECTOR

Address _____

Phone _____

Street

Email _____

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing SOUTH FLORIDA WATER MANAGEMENT DISTRICT

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)



RICK SCOTT
GOVERNOR

RECEIVED

17 NOV -3 AM 8:50

DIVISION OF ELECTIONS
SECRETARY OF STATE

September 28, 2017

Secretary Kenneth W. Detzner
Secretary of State
State of Florida
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250

Dear Secretary Detzner:

Please be advised I have approved the following appointment under the provisions of Section 373.079, Florida Statutes:

Mr. Hugh Thomas
9225 County Road 49
Live Oak, Florida 32060

as Executive Director of the Suwannee River Water Management District, subject to confirmation by the Senate. This appointment is effective for a term beginning July 11, 2017, and ending at the pleasure of the Board of Directors of the South Florida Water Management District.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Scott".

Rick Scott
Governor

RS/kb

OATH OF OFFICE

(Art. II, § 5(b), Fla. Const.)

RECEIVED

STATE OF FLORIDA

17 OCT 26 PM 1:27

County of Suwannee

DIVISION OF ELECTIONS
SECRETARY OF STATE

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of

Suwannee River Water Management District Executive Director

(Title of Office)

on which I am now about to enter, so help me God.

[NOTE: If you affirm, you may omit the words "so help me God." See § 92.52, Fla. Stat.]

[Signature]
Signature

Sworn to and subscribed before me this 26 day of October, 2017.

[Signature]
Signature of Officer Administering Oath or of Notary Public

Robin R. Lamm
Print, Type, or Stamp Commissioned Name of Notary Public

Personally Known OR Produced Identification

Type of Identification Produced _____



Robin R. Lamm
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG107867
Expires 8/28/2021

ACCEPTANCE

I accept the office listed in the above Oath of Office.

Mailing Address: Home Office

9225 CR 49

Street or Post Office Box

Live Oak, FL 32060

City, State, Zip Code

Hugh Thomas

Print Name

[Signature]
Signature

2560

**STATE OF FLORIDA
DEPARTMENT OF STATE
Division of Elections**

I, Ken Detzner, Secretary of State,
do hereby certify that

Hugh Thomas

is duly appointed

**Executive Director,
Suwannee River Water Management District**

for a term beginning on the Eleventh day of July, A.D., 2017, to
serve at the pleasure of the District's Governing Board and is
subject to be confirmed by the Senate during the next regular
session of the Legislature.



*Given under my hand and the Great Seal of the
State of Florida, at Tallahassee, the Capital, this
the First day of November, A.D., 2017.*

Ken Detzner

Secretary of State

DSDE 99 (3/03)

If photocopied or chemically altered, the word "VOID" will appear.

"State of Florida" appears in small letters across the face of this 8 1/2 x 11" document.

The Florida Senate
Committee Notice Of Hearing

IN THE FLORIDA SENATE
TALLAHASSEE, FLORIDA

IN RE: Executive Appointment of
Hugh L. Thomas
Executive Director of Suwannee River Water Management District

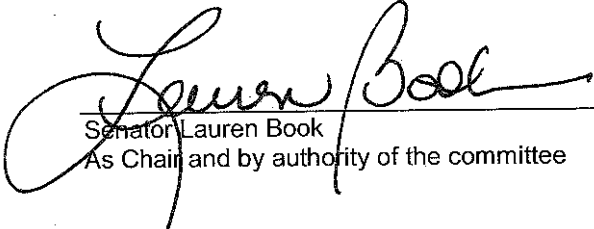
NOTICE OF HEARING

TO: Mr. Hugh L. Thomas

YOU ARE HEREBY NOTIFIED that the Appropriations Subcommittee on the Environment and Natural Resources of the Florida Senate will conduct a hearing on your executive appointment on Wednesday, January 24, 2018, in 301 Senate Office Building, commencing at 9:00 a.m., pursuant to Rule 12.7(1) of the Rules of the Florida Senate.

Please be present at the time of the hearing.
DATED this the 18th day of January, 2018

Appropriations Subcommittee on the
Environment and Natural Resources



Senator Lauren Book
As Chair and by authority of the committee

cc: Members, Appropriations Subcommittee on the Environment and Natural Resources
Office of the Sergeant at Arms

COMMITTEE WITNESS OATH

CHAIR:

Please raise your right hand and be sworn in as a witness.

Do you swear or affirm that the evidence you are about to give will be the truth, the whole truth, and nothing but the truth?

WITNESS'S NAME: Hugh Thomas

ANSWER: I do

Pursuant to §90.605(1), *Florida Statutes*: "The witness's answer shall be noted in the record."

COMMITTEE NAME: Appropriations Subcommittee on the Environment and Natural Resources

DATE: January 24, 2018

The Florida Senate
COMMITTEE RECOMMENDATION ON
EXECUTIVE APPOINTMENT

COMMITTEE: Appropriations Subcommittee on the Environment and Natural Resources
MEETING DATE: Wednesday, January 24, 2018
TIME: 9:00—11:00 a.m.
PLACE: 301 Senate Office Building

TO: The Honorable Joe Negron, President

FROM: Appropriations Subcommittee on the Environment and Natural Resources

The committee was referred the following executive appointment subject to confirmation by the Senate:

Office: Executive Director of Suwannee River Water Management District

Appointee: Thomas, Hugh L.

Term: 7/11/2017-Pleasure of the Board

After inquiry and due consideration, the committee recommends that the Senate **confirm** the aforesaid executive appointment made by the Governing Board.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 24, 2018

Meeting Date

Bill Number (if applicable)

Topic Confirmation Hearing

Amendment Barcode (if applicable)

Name Hugh Thomas

Job Title Executive Director

Address 9225 CR 49

Phone 386.362.1001

Street

Live Oak

FL

32060

Email Hugh.Thomas@srwmd.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

Chair's Recommendation
Budget Detailed Spreadsheet
FY 2018-19

*Senate Appropriations Subcommittee on the
Environment and Natural Resources*

**Color Key for Budget Spreadsheet
FY 2018-19**

Yellow	= Base/Continuation Budget
Pink	= Budget Amendments and/or Non-Policy Technical Adjustments
Light Green	= CA1 Budget Restructure/Fund Shifts into LATF
Lavender	= Base Budget Reductions Issues & Other Fund Shifts
Light Blue	Federal Grants/Donations/Other Entity Contracts (state match in-kind, = if applicable)
Light Yellow	= Full Appropriations Committee Decisions - Statewide Issues
Blue	= Total By Agency
Orange	Total for Appropriations Subcommittee on the Environment and Natural Resources

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
1	AGRICULTURE & CONSUMER SERVICES									1
2	1100001	Startup (OPERATING)	3,653.25	97,575,461		94,243,515		1,483,671,863	1,675,490,839	2
3	1800370	Transfer Position(S) from Fruit and Vegetables to Agriculture Technology Services - Add	3.00	-		-		179,859	179,859	3
4	1800380	Transfer Position(S) from Fruit and Vegetables to Agriculture Technology Services - Deduct	(3.00)	-		-		(179,859)	(179,859)	4
5	2002010	Realign Domestic Marijuana Eradication Funding from Contracted Services and Expenses to Special Category - Deduct						(500,000)	(500,000)	5
6	2002020	Realign Domestic Marijuana Eradication Funding from Contracted Services and Expenses to Special Category - Add						500,000	500,000	6
7	2003100	Transfer One (1) Fte from the Division of Fruit & Vegetable to the Division of Agricultural Environmental Services - Add	1.00	-		-		55,605	55,605	7
8	2003200	Transfer One (1) Fte from the Division of Fruit & Vegetable to the Division of Agricultural Environmental Services - Deduct	(1.00)	-		-		(55,605)	(55,605)	8
9	2004000	Realign Expenses to Acquisition of Motor Vehicles - Deduct						(28,193)	(28,193)	9
10	2004100	Realign Expenses to Acquisition of Motor Vehicles - Add						28,193	28,193	10
11	2401000	Replacement Equipment			6,000,000				6,000,000	11
12	2401500	Replacement of Motor Vehicles						936,257	936,257	12
13	2402400	Additional Equipment - Motor Vehicles						105,367	105,367	13
14	2503080	Direct Billing for Administrative Hearings						(50,230)	(50,230)	14
15	3000210	Exec Direction & Support Services Increase In Contracted Services for Merchant Fees Associated with Expanded Online Revenue Collections						400,000	400,000	15
16	33V1620	Reduce Positions Vacant In Excess of 180 Days	(3.00)	(122,224)					(122,224)	16
17	33V6260	Reduce Florida Ag Promotion Campaign		(1,000,000)					(1,000,000)	17
18	33V0890	Reduce Farm Share		(434,909)					(434,909)	18
19	33V0900	Reduce Support for Food Banks		(450,000)					(450,000)	19
20	33V0001	Reduce Ag Non-Point BMP Category		(4,000,000)					(4,000,000)	20
21	34N0710	Fund Shift Salaries to General Inspection Trust Fund - Deduct		(249,952)					(249,952)	21
22	34N0720	Fund Shift Salaries to General Inspection Trust Fund - Add						249,952	249,952	22
23	33V5280	Reduce Land Management				(1,500,000)			(1,500,000)	23

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
24	340L650	Fund Shift Administrative Program Expenditures to GR - Deduct				(2,803,559)			(2,803,559)	24
25	340L660	Fund Shift Administrative Program Expenditures to GR - Add		2,803,559					2,803,559	25
26	3408350	Fund Shift Ag Non-point Source BMP Implementation to GR - Deduct				(23,697,449)			(23,697,449)	26
27	3408360	Fund Shift Ag Non-point Source BMP Implementaion to GR - Add		23,697,449					23,697,449	27
28	3400050	Fund Shift Citrus Inspection Trust Fund to General Inspection Trust Fund - Add						164,110	164,110	28
29	3400060	Fund Shift Citrus Inspection Trust Fund to General Inspection Trust Fund - Deduct						(164,110)	(164,110)	29
30	3400070	Fund Shift Citrus Inspection Trust Fund to Federal Grants Trust Fund - Add						(284,672)	(284,672)	30
31	3400080	Fund Shift Citrus Inspection Trust Fund to Federal Grants Trust Fund - Deduct						284,672	284,672	31
32	36245C0	Technology Research and Advisory Services			55,000				55,000	32
33	36260C0	Enterprise Regulatory Life-Cycle Management System for Department Regulatory Services						13,292,708	13,292,708	33
34	4900060	Food Safety Modernization Act Produce Safety Program						89,357	89,357	34
35	4900070	Reopening of the Live Oak Diagnostic Laboratory	4.00	-		-		390,108	390,108	35
36	4900080	Natural Gas Fuel Fleet Vehicle Supplemental Rebate Program						1,000,000	1,000,000	36
37	4900120	Energy Education Kits						499,800	499,800	37
38	4900150	Laurel Wilt Survey and Mitigation Program						150,000	150,000	38
39	4900210	Giant African Land Snail Eradication Program						1,473,117	1,473,117	39
40	4900440	Community Wildfire Mitigation Program						250,000	250,000	40
41	4900700	Florida Agriculture Promotion Campaign						1,500,000	1,500,000	41
42	4900730	Farm Share Program			1,000,000				1,000,000	42
43	4900930	Apiary Pest Control Development						105,000	105,000	43
44	4901065	Transfer General Revenue Funding to Agricultural Emergency Eradication Trust Fund			22,110,000				22,110,000	44
45	4901130	Citrus Crop Decline Supplemental Funding						2,500,000	2,500,000	45
46	4901230	New State Forest	1.00			127,108	111,755		238,863	46
47	4901820	Viticulture Program						50,000	50,000	47

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
48	4902700	Aircraft Acquisition-Florida Forest Service						671,000	671,000	48
49	4902810	Agricultural Best Management Practices Development and Implementation			4,000,000				4,000,000	49
50	4904007	Support for Food Bank			1,000,000				1,000,000	50
51	4906600	Citrus Health Response Program						7,055,176	7,055,176	51
52	4908710	Citrus Research			6,000,000			2,000,000	8,000,000	52
53	990C000	Code Corrections								53
54	083715	Code/Life Safe Sfm-Stw			350,000				350,000	54
55	990G000	Grants and Aids - Fixed Capital Outlay								55
56	146556	Us Dept of Energy/Projects						850,000	850,000	56
57	990L000	Land Acquisition								57
58	082002	Florida Forever - Land Protection Easements						5,250,000	5,250,000	58
59	83045	Florida Forever - Florida Forest Service						2,250,000	2,250,000	59
60	990M000	Maintenance and Repair								60
61	083622	Roads,Bridges/Maint			1,000,000				1,000,000	61
62	083643	Main/Rep/Const-Statewide			2,312,750			1,160,000	3,472,750	62
63	083703	Maint/Rep Sfm-Stw			437,250				437,250	63
64	990S000	Special Purpose								64
65	080128	Modular Offices					130,000		130,000	65
66	145448	Florida Horse Park			500,000				500,000	66
67	145550	Ag Promotion/Education Facility			5,450,000				5,450,000	67
68	083791	Rep Forestry Stations-Stw						1,000,000	1,000,000	68
69	AGRICULTURE & CONSUMER SERVICES		3,655.25	117,819,384	50,215,000	66,369,615	241,755	1,526,849,475	1,761,495,229	69
70										70
71	CITRUS									71
72	1100001	Startup (OPERATING)	41.00	1,585,550		-		28,106,242	29,691,792	72
73	33V0100	Reduction of Paid Advertising / Promotions		(935,550)				(2,000,000)	(2,935,550)	73
74	33V0300	Reduction of Citrus Research Programs		(650,000)				(500,000)	(1,150,000)	74
75	4400030	Citrus Research/New Varieties Development			650,000				650,000	75
76	4400060	"Florida Forward" Consumer Communication/Marketing Program			2,000,000				2,000,000	76
77	CITRUS		41.00	-	2,650,000	-	-	25,606,242	28,256,242	77
78										78

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
79	ENVIRONMENTAL PROTECTION									79
80	1100001	Startup (OPERATING)	2,899.50	11,464,074		119,933,589		253,227,408	384,625,071	80
81	1100002	Startup Recurring Fixed Capital Outlay (DEBT SERVICE/OTHER)		1,701,131		315,489,944		36,341,850	353,532,925	81
82	160F310	Continue Transfer of On-Call Fees (Deduct)						(8,000)	(8,000)	82
83	160F320	Continue Transfer of On-Call Fees (Add)						8,000	8,000	83
84	160S210	Correct FSI in LATF - Deduct						(24,009)	(24,009)	84
85	160S220	Correct FSI in LATF - Add						24,009	24,009	85
86	1700510	Transfer Geographic Information Systems Staff from AST To DEP - Add	2.00					238,273	238,273	86
87	1800120	Transfer Positions and Funding to Land and Recreation Programs - Deduct	(71.00)	(278,468)		(2,591,061)		(5,088,532)	(7,958,061)	87
88	1800130	Transfer Positions and Funding to Land and Recreation Programs - Add	71.00	278,468		2,591,061		5,088,532	7,958,061	88
89	2000220	Realign Budget Between Categories In Water Resource Management - Deduct						(100,000)	(100,000)	89
90	2000230	Realign Budget Between Categories In Water Resource Management - Add						100,000	100,000	90
91	2000260	Realign Budget Between Categories In the Division of State Lands - Deduct						(75,000)	(75,000)	91
92	2000270	Realign Budget Between Categories In the Division of State Lands - Add						75,000	75,000	92
93	2000320	Realign Positions Between Budget Entities - Deduct	(4.00)					(535,364)	(535,364)	93
94	2000330	Realign Positions Between Budget Entities - Add	4.00					535,364	535,364	94
95	2000460	Realign Budget Between Categories In Coastal and Aquatic Managed Areas - Deduct						(257,834)	(257,834)	95
96	2000470	Realign Budget Between Categories In Coastal and Aquatic Managed Areas - Add						257,834	257,834	96
97	2000710	Realign Rent - Deduct						(172,368)	(172,368)	97
98	2000720	Realign Rent - Add						172,368	172,368	98
99	2000790	Realign Budget Between Categories - Office of Coastal and Aquatic Managed Areas - Deduct				(250,000)			(250,000)	99
100	2000800	Realign Budget Between Categories - Office of Coastal and Aquatic Managed Areas - Add				250,000			250,000	100
101	2000810	Realign Positions and Funding Between Programs - Deduct	(10.00)			(1,974)		(1,537,108)	(1,539,082)	101
102	2000820	Realign Positions and Funding Between Programs - Add	10.00			-		1,539,082	1,539,082	102

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
103	2000830	Realign Positions and Funding for Florida Coastal Office - Deduct	(2.00)			(295,912)			(295,912)	103
104	2000840	Realign Positions and Funding for Florida Coastal Office - Add	2.00			295,912			295,912	104
105	2000850	Realign Expenses to Other Personal Services - Regulatory District Offices - Deduct						(100,000)	(100,000)	105
106	2000860	Realign Expenses to Other Personal Services - Regulatory District Offices - Add						100,000	100,000	106
107	2000950	Realign Funding Between Programs - Deduct						(77)	(77)	107
108	2000960	Realign Funding Between Programs - Add						77	77	108
109	20024C0	Realign Budget for Information Technology Services - Deduct				(9,827)			(9,827)	109
110	20025C0	Realign Budget for Information Technology Services - Add				9,827			9,827	110
111	20030C0	Realign Budget for Cloud Ready Applications - Technology and Information Services - Deduct						(280,000)	(280,000)	111
112	20035C0	Realign Budget for Cloud Ready Applications - Technology and Information Services - Add						280,000	280,000	112
113	2503080	Direct Billing for Administrative Hearings						(45,556)	(45,556)	113
114	3306500	Reduce Greenways CARL Management				(1,000,000)			(1,000,000)	114
115	99R0000	Eliminate Double Budget Item						(26,659,787)	(26,659,787)	115
116	340L650	Fund Shift Administrative Program Expenditures from LATF to GR - Deduct				(18,206,824)			(18,206,824)	116
117	340L660	Fund Shift Administrative Program Expenditures from LATF to GR - Add		18,206,824					18,206,824	117
118	3409500	Statewide Fund Shift LATF to GR - Deduct				(68,925,328)			(68,925,328)	118
119	3409510	Statewide Fund Shift LATF to GR - Add		68,925,328	-				68,925,328	119
120	3400400	Fund Shift Payment In Lieu of Taxes from General Revenue to Internal Improvement Trust Fund - Deduct		(1,160,000)					(1,160,000)	120
121	3400410	Fund Shift Payment In Lieu of Taxes from General Revenue to Internal Improvement Trust Fund - Add						1,160,000	1,160,000	121
122	36209C0	Increase Bandwidth - Technology and Information Services						330,000	330,000	122
123	36305C0	Submerged and Uplands Public Revenue System (SUPRS) Technology Refresh - State Lands						750,000	750,000	123
124	36311C0	Application Maintenance - Technology and Information Services						160,094	160,094	124
125	4200160	Transfer to Florida Forever Trust Fund			50,000,000	100,000,000			150,000,000	125
126	4500140	Indian River Lagoon National Estuary Program		250,000					250,000	126

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
127	4700390	Diesel Emissions Reduction Act (DERA) Grant - Air Resources Management						452,985	452,985	127
128	5300450	Florida Public Land Survey Restoration and Perpetuation - State Lands						500,000	500,000	128
129	57005C0	Geological Data Enterprise System Project						200,000	200,000	129
130	6500400	Increase In State Park Donations						500,000	500,000	130
131	6500500	Increase Funding for Park Operating Costs						1,900,000	1,900,000	131
132	990D000	Debt Service								132
133	089070	Debt Service				(3,304,816)			(3,304,816)	133
134	089080	Debt Service-Save Everg				324,183			324,183	134
135	089270	Debt Service						(110,700)	(110,700)	135
136	990E000	Environmental Projects								136
137	080083	Volkswagen Settlement						500,000	500,000	137
138	080185	Sjr/Khlr Projects				44,500,000			44,500,000	138
139	080524	Dry Clean/Site Cleanup						8,500,000	8,500,000	139
140	086000	Waste Tire Abatement						500,000	500,000	140
141	087125	Restore/Deepwater Horizon						500,000	500,000	141
142	087126	Nfwf/Deepwater Horizon						12,772,434	12,772,434	142
143	087127	Nrdrr/Final - Deepwater Hor						20,000,000	20,000,000	143
144	087777	Landfill Closures						1,500,000	1,500,000	144
145	087870	Springs Restoration			25,000,000	25,000,000			50,000,000	145
146	087889	Petroleum Tanks Cleanup						100,000,000	100,000,000	146
147	088502	Hazard Waste/Site Cleanup						5,000,000	5,000,000	147
148	088964	Total Max Daily Loads			7,435,000				7,435,000	148
149	140076	G/A-Nps Mgmt Planning			5,000,000			12,500,000	17,500,000	149
150	140122	Clean Marina						2,160,000	2,160,000	150
151	140126	Beach Projects - Stw				20,506,111			20,506,111	151
152	140129	Drink Water Fac Constr-Srl			5,108,600			122,867,416	127,976,016	152
153	140131	Wastewater Treat Fac Const			11,350,600			163,668,087	175,018,687	153
154	140134	Solid Waste Management						3,000,000	3,000,000	154
155	141117	Everglades Restoration					118,100,000	1,376,213	119,476,213	155
156	141118	N Everglades/Estuaries Prt						1,123,787	1,123,787	156
157	141132	G/A-Reef Prot/Tire Abate						500,000	500,000	157
158	143276	Small Co Wastewtr Trmt Gnt						15,000,000	15,000,000	158
159	990G000	Grants and Aids - Fixed Capital Outlay								159
160	140001	Fed Land/Water Conserv/Grnts						4,000,000	4,000,000	160
161	140061	Florida Czm Program						832,000	832,000	161
162	140127	Madeira Beach Sand Groin Refurbishment			250,000				250,000	162

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
163	140128	Bal Harbour Inlet Bypassing Project			200,000				200,000	163
164	140185	Nat'L Rec Trail Grants						4,000,000	4,000,000	164
165	14xxxx	Florida Forever - Florida Recreation Development Assistance Program (FRDAP) - Outdoor Educational and Recreational Park Grants						4,000,000	4,000,000	165
166	14xxxx	Florida Forever - Florida Recreation Development Assistance Program (FRDAP)						3,000,000	3,000,000	166
167	xxxxxx	Florida Forever - Water Management Districts						45,000,000	45,000,000	167
168	140047	Water Projects			25,100,000				25,100,000	168
169	140694	Local Parks			1,550,000				1,550,000	169
170	14XXXX	Fort Meade Phosphorus Reduction			-			750,000	750,000	170
171	990L000	Land Acquisition								171
172	084108	Florida Forever - Division of State Lands						47,500,000	47,500,000	172
173	084108	Florida Forever - Florida Keys Area of Critical State Concern						5,000,000	5,000,000	173
174	084112	Florida Forever - Florida Communities Trust						31,500,000	31,500,000	174
175	xxxxxx	Florida Forever - Stan Mayfield Working Waterfronts						3,750,000	3,750,000	175
176	xxxxxx	Florida Forever - Parks and Recreation						2,250,000	2,250,000	176
177	xxxxxx	Florida Forever - Greenways and Trails						2,250,000	2,250,000	177
178	990M000	Maintenance and Repair								178
179	080039	State Park Facility Improv			5,000,000			27,875,000	32,875,000	179
180	083643	Main/Rep/Const-Statewide						750,000	750,000	180
181	087937	Partnership/Parks/St Match						750,000	750,000	181
182	088130	Remove Access Barriers-Stw						4,000,000	4,000,000	182
183	088137	Grants & Donat Spdg Auth						5,000,000	5,000,000	183
184	ENVIRONMENTAL PROTECTION		2,901.50	99,387,357	135,994,200	534,314,885	118,100,000	932,621,478	1,820,417,920	184
185										185
186	FISH & WILDLIFE CONSERVATION COMMISSION									186
187	1100001	Startup (OPERATING)	2,118.50	30,355,664		102,283,902		223,314,542	355,954,108	187
188	160S070	FSI Technical Corrections - Deduct						(47,823)	(47,823)	188
189	160S080	FSI Technical Corrections - Add						47,823	47,823	189
190	1609110	Continue BA 18-03 Realign Gulf Coast Restoration Spending Authority - Deduct						(174,400)	(174,400)	190
191	1609120	Continue BA 18-03 Realign Gulf Coast Restoration Spending Authority - Add						174,400	174,400	191
192	2401500	Replacement of Motor Vehicles						321,228	321,228	192
193	2402500	Replacement Equipment - Boats, Motors, and Trailers						485,590	485,590	193
194	2503080	Direct Billing for Administrative Hearings						(36,848)	(36,848)	194

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
195	33XXXXX	Reduce Control of Invasive Exotics				(1,000,000)			(1,000,000)	195
196	33XXXXX	Reduce Land Management				(1,000,000)			(1,000,000)	196
197	3405110	Fund Shift - Realign Fish and Wildlife Research Institute from General Revenue to Marine Resources Conservation Trust Fund - Deduct		(1,925,400)					(1,925,400)	197
198	3405120	Fund Shift - Realign Fish and Wildlife Research Institute from General Revenue to Marine Resources Conservation Trust Fund - Add						1,925,400	1,925,400	198
199	3405210	Fund Shift - Realign Law Enforcement from Marine Resources Conservation Trust Fund to General Revenue - Deduct						(1,925,400)	(1,925,400)	199
200	3405220	Fund Shift - Realign Law Enforcement from Marine Resources Conservation Trust Fund to General Revenue - Add		1,925,400					1,925,400	200
201	3300020	Vehicle and Vessel Replacement Reduction						(1,765,276)	(1,765,276)	201
202	2401000	Law Enforcement Vehicle Replacement						1,222,271	1,222,271	202
203	2402500	LE Boats, Motors and Trailers						543,005	543,005	203
204	340L650	Administrative Overhead Fund Shift to GR - Deduct				(6,284,966)			(6,284,966)	204
205	340L660	Administrative Overhead Fund Shift to GR - Add		6,284,966					6,284,966	205
206	3409500	Fund Shift LATF to GR - Deduct				(15,805,018)			(15,805,018)	206
207	3409510	Fund Shift LATF to GR - Add		15,805,018					15,805,018	207
208	36100C0	Enterprise Mobile Development Initiative						488,000	488,000	208
209	36280C0	Cybersecurity Remediation						200,000	200,000	209
210	4402750	Florida Black Bear Conflict Reduction						500,000	500,000	210
211	4403290	Nuisance Alligator Trapper Stipends						90,000	90,000	211
212	4404100	Youth Conservation Education Donations						150,000	150,000	212
213	4404290	Non-Native and Conflict Species Management						425,000	425,000	213
214	4601000	Increase Spending Authority for Tenant Broker Commissions						15,000	15,000	214
215	990S000	Fish and Wildlife Research Institute Facility Safety and Security Repairs						310,000	310,000	215
216	5000800	Stone Crab Research and Monitoring						300,000	300,000	216
217	6503700	Law Enforcement Body Worn Cameras						735,760	735,760	217
218	6503800	Law Enforcement Enhanced Patrol and Support	10.00					1,680,538	1,680,538	218
219	6506000	Law Enforcement Officer Reserve Program						243,052	243,052	219
220	990E000	Environmental Projects								220
221	140004	Art Fish Reef Const Prog						600,000	600,000	221
222	145000	Robinson Preserve Habitat Restoration			600,000				600,000	222

Appropriations Subcommittee on the Environment and Natural Resources

AGENCY			Chair's Recommended Budget							
Row#	ISSUE CODE	ISSUE TITLE	FTE	REC GR	NR GR	LATF	NR LATF	OTHER TFs	ALL FUNDS	Row#
223	990G000	Grants and Aids - Fixed Capital Outlay								223
224	082800	Boating Infrastructure						3,900,000	3,900,000	224
225	140060	Derelict Vessel Removal Prg			1,000,000				1,000,000	225
226	140270	FI Boating Improvement Prg						3,842,600	3,842,600	226
227	990L000	Land Acquisition								227
228	084108	Florida Forever - Land Acq, Envir/Uniq, Stw						2,250,000	2,250,000	228
229	990S000	Special Purpose								229
230	089801	Center for Conservation Coral Ark & Guest Experience			500,000				500,000	230
231	140005	Lowry Park Zoo			500,000				500,000	231
232	080956	Facilities Repair & Maint						750,000	750,000	232
233	082528	Roof Replace/Repair-Stwide						187,000	187,000	233
234	084010	Palm Bch Rec Shooting Park						3,000,000	3,000,000	234
235	084100	Sw Reg Ofc Parking Lot Rep						150,000	150,000	235
236	FISH & WILDLIFE CONSERVATION COMMISSION		2,128.50	52,445,648	2,600,000	78,193,918	-	243,901,462	377,141,028	236
237	Grand Total		8,726.25	269,652,389	191,459,200	678,878,418	118,341,755	2,728,978,657	3,987,310,419	237

Chair's
Recommendation
Proviso
FY 2018-19

*Senate Appropriations Subcommittee on the
Environment and Natural Resources*

DEPARTMENT	PAGE
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FISH AND WILDLIFE CONSERVATION COMMISSION	9
SECTION 6 - GENERAL GOVERNMENT	
CITRUS, DEPARTMENT OF	10

TEXT REPORT

The moneys contained herein are appropriated from the named funds to the Department of Agriculture and Consumer Services, Department of Environmental Protection, Fish and Wildlife Conservation Commission and the Department of Transportation as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

AGRICULTURE AND CONSUMER SERVICES, DEPARTMENT OF,
AND COMMISSIONER OF AGRICULTURE

PROGRAM: OFFICE OF THE COMMISSIONER AND
ADMINISTRATION

AGRICULTURAL WATER POLICY COORDINATION

SPECIAL CATEGORIES
AGRICULTURAL NONPOINT SOURCES BEST
MANAGEMENT PRACTICES IMPLEMENTATION

From the funds in Specific Appropriation *****, \$8,800,000 in recurring funds from the General Revenue Fund are provided for the operations and maintenance of the Hybrid Wetland Treatment Systems.

From the funds in Specific Appropriation *****, \$5,100,000 in recurring funds from the General Revenue Fund are provided for the operations and maintenance of the Floating Aquatic Vegetative Tilling Systems.

PROGRAM: AGRICULTURE MANAGEMENT INFORMATION CENTER

OFFICE OF AGRICULTURE TECHNOLOGY SERVICES

EXPENSES

From the funds provided in Specific Appropriation *****, \$55,000 in nonrecurring funds from the General Revenue Fund is provided for technology research and advisory services (Senate Form 1558).

SPECIAL CATEGORIES
REGULATORY LIFECYCLE MANAGEMENT SYSTEM

From the funds in Specific Appropriation *****, \$13,292,708 in nonrecurring funds from the Division of Licensing Trust Fund is provided for the Regulatory Lifecycle Management System project. Of these funds, \$9,969,531 shall be placed in reserve. The department is authorized to submit quarterly budget amendments to request release of funds pursuant to the provisions of chapter 216, Florida Statutes, and based on the department's planned quarterly expenditures. The budget amendments shall include a detailed operational work plan, project spending plan, and progress made to date for each project milestone, planned and actual deliverable completion dates, planned and actual costs incurred, and any current project issues and risks. The department shall submit independent verification and validation assessments and quarterly project status reports to the Executive Office of the Governor's Office of Policy and Budget and the chairs of the Senate Appropriations Committee and the House of Representatives Appropriations Committee.

PROGRAM: CONSUMER PROTECTION

AGRICULTURAL ENVIRONMENTAL SERVICES

AID TO LOCAL GOVERNMENTS
MOSQUITO CONTROL PROGRAM

Of the funds provided in Specific Appropriation *****, \$500,000 from the General Inspection Trust Fund shall be used to support personnel at the Institute of Food and Agricultural Sciences (IFAS)/Florida Medical Entomology Laboratory to perform applied research to develop and test formulations, application techniques, and procedures of pesticides and biological control agents for the control of arthropods.

Of the funds provided in Specific Appropriation *****, \$500,000 from the General Inspection Trust Fund shall be used for competitive grants as approved by the department for applied and basic research into the practical methods of control to be used by local mosquito control agencies, including research into the prevention of mosquito-borne illnesses. The research may be conducted by any public university or

TEXT REPORT

college in Florida.

PROGRAM: AGRICULTURAL ECONOMIC DEVELOPMENT

FRUITS AND VEGETABLES INSPECTION AND ENFORCEMENT

SPECIAL CATEGORIES
CITRUS RESEARCH

From the funds in Specific Appropriation *****, \$6,000,000 in nonrecurring funds from the General Revenue Fund and \$2,000,000 from the Agricultural Emergency Eradication Trust Fund shall be transferred to the Citrus Research and Development Foundation, Inc., to conduct, or cause to be conducted, research projects on citrus disease, pursuant to section 581.031(32), Florida Statutes.

The Citrus Research and Development Foundation shall hold public meetings that includes reporting results of completed research projects, current research and planned research projects on citrus disease, including but not limited to citrus canker and greening. Scientists, growers, and industry representatives must be represented at the meetings.

AGRICULTURAL PRODUCTS MARKETING

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA HORSE PARK

Funds in Specific Appropriation *****, are for the Florida Horse Park (Senate Form 1648).

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
AGRICULTURAL PROMOTION AND EDUCATION
FACILITIES

From the funds provided in Specific Appropriation *****, \$5,450,000 in nonrecurring funds from the General Revenue Fund shall be used for the following:

Arcadia Rodeo Equestrian Facility.....	300,000
Bradford County Fair Association (Senate Form XXXX).....	4,000,000
Manatee River Fair Association.....	450,000
Marion County Southeastern Livestock Pavilion.....	200,000
Northeast Florida Fair Association.....	300,000
Pasco County Fair Association.....	200,000

PLANT PEST AND DISEASE CONTROL

SPECIAL CATEGORIES
CONTRACTED SERVICES

From the funds in Specific Appropriation *****, \$150,000 in nonrecurring funds from the Agricultural Emergency Eradication Trust Fund is provided for removal and destruction of infested avocado trees that are acting as hosts and breeding factories for pests and disease (Senate Form 1239).

FOOD, NUTRITION AND WELLNESS

SPECIAL CATEGORIES
SUPPORT FOR FOOD BANK

From the funds in Specific Appropriation *****, \$800,000 in nonrecurring funds from the General Revenue Fund is provided to Feeding Florida, formerly known as Florida Association of Food Banks (Senate Form 2416).

From the funds in Specific Appropriation *****, \$100,000 in nonrecurring funds from the General Revenue Fund is provided for the Harry Chapin Food Bank of Southwest Florida (Senate Form 1241).

From the funds in Specific Appropriation *****, \$100,000 in nonrecurring funds from the General Revenue Fund is provided for the Southeastern Food Bank (Senate Form 1706).

SPECIAL CATEGORIES
FARM SHARE PROGRAM

From the funds in Specific Appropriation *****, \$1,000,000 in nonrecurring funds from the General Revenue Fund is provided to Farm Share. Farm Share may not allow any candidate for elective office host a food distribution event during the period of time between the last day of the election qualifying period and the day of the election, if the candidate is opposed for election or re-election at the time of the event. This provision does not apply when the event is in response to a direct emergency (Senate Form 1088).

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

PROGRAM: STATE LANDS

LAND ADMINISTRATION AND MANAGEMENT

SPECIAL CATEGORIES
LAND MANAGEMENT

Funds from Specific Appropriation ***** may be used for resource stewardship, including program management, inventory management, administration, and planning.

FIXED CAPITAL OUTLAY
DEBT SERVICE

Funds provided in Specific Appropriation ***** are for Fiscal Year 2017-2018 debt service on bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies as a result of a change in the interest rate, timing of issuance, or other circumstances, there is appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

PROGRAM: WATER POLICY AND ECOSYSTEMS RESTORATION

WATER POLICY AND ECOSYSTEMS RESTORATION

AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT
DISTRICTS - LAND MANAGEMENT

From the funds in Specific Appropriation *****, \$1,610,000 is provided to the Northwest Florida Water Management District, \$1,777,210 is provided to the Suwannee River Water Management District, \$2,250,000 is provided to the St. Johns Water Management District, \$2,250,000 is provided to the Southwest Florida Water Management District, and \$2,350,000 is provided to the South Florida Water Management District.

AID TO LOCAL GOVERNMENTS
GRANTS AND AIDS - WATER MANAGEMENT
DISTRICTS - MFLS

From the funds in Specific Appropriation *****, \$1,811,000 is provided to the Northwest Florida Water Management District and \$1,635,000 is provided to the Suwannee River Water Management District for activities related to establishing minimum flows and levels.

FIXED CAPITAL OUTLAY
DEBT SERVICE - SAVE OUR EVERGLADES BONDS

Funds provided in Specific Appropriation ***** are for Fiscal Year 2018-2019 debt service on bonds authorized pursuant to section 215.619, Florida Statutes, including any other continuing payments necessary or incidental to the repayment of the bonds. These funds may be used to refinance any or all series if it is in the best interest of the state as determined by the Division of Bond Finance. If the debt service varies as a result of a change in the interest rate, timing of issuance, or other circumstances, there is appropriated from the Land Acquisition Trust Fund an amount sufficient to pay such debt service.

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
EVERGLADES RESTORATION

From the funds in Specific Appropriation *****, \$32,000,000 from the

TEXT REPORT

Land Acquisition Trust Fund is provided for the Restoration Strategies Regional Water Quality Plan.

From the funds in Specific Appropriation *****, \$1,376,213 in nonrecurring funds from the Save Our Everglades Trust Fund and \$118,100,000 in nonrecurring funds from the Land Acquisition Trust Fund shall be distributed to the South Florida Water Management District for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan (CERP). Distribution of these funds to the district shall be equally matched by the cumulative contributions from the district by Fiscal Year 2019-2020 by providing funding or credits toward project components. The dollar value of in-kind project design and construction work by the district in furtherance of the CERP and existing interest in public lands needed for a project component are credits toward the district's contributions.

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
NORTHERN EVERGLADES AND ESTUARIES
PROTECTION

From the funds provided in Specific Appropriation *****, \$1,701,131 in recurring funds from the General Revenue Fund, \$1,123,787 in nonrecurring funds from the Save Our Everglades Trust Fund, and \$28,175,082 in recurring funds from the Land Acquisition Trust Fund, shall be used to implement the Northern Everglades and Estuaries Protection Program, pursuant to section 373.4595, Florida Statutes.

PROGRAM: WATER RESTORATION ASSISTANCE

WATER RESTORATION ASSISTANCE

Funds in Specific Appropriations 1610, 1611, and 1614 are provided from the named funds to the Department of Environmental Protection to fund the Drinking Water and Wastewater Treatment Facility Construction State Revolving Loan Programs and the Small Community Sewer Construction Assistance Program developed pursuant to provisions of sections 403.8532, 403.1835, and 403.1838, Florida Statutes. Those appropriations used by the department for grants and aids may be advanced in part or in total.

FIXED CAPITAL OUTLAY
ST. JOHNS RIVER AND KEYSTONE HEIGHTS LAKE
REGION PROJECTS

From the funds in Specific Appropriation *****, \$50,000,000 in recurring funds from the Land Acquisition Trust Fund are provided to the St. Johns River Water Management District for St. Johns River and/or Keystone Heights Lake Region restoration, public access and recreation projects.

FIXED CAPITAL OUTLAY
SPRINGS RESTORATION

Funds in Specific Appropriation ***** may be used for land acquisition to protect springs and for capital projects that protect the quality and quantity of water that flow from springs.

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - WATER PROJECTS

From the funds in Specific Appropriation *****, \$25,100,000 in nonrecurring funds from the General Revenue Fund is provided for the following water projects:

Apopka Asbestos-Cement Potable Water Line Replacement (Senate Form 2181).....	200,000
Atlantic Beach Aquatic Gardens/Hopkins Creek Flood Mitigation (Senate Form 1757).....	200,000
Belle Isle - Gene Polk Park Stormwater Drainage Project (Senate Form 2228).....	250,000
Boynton Beach - Alternative Reclaimed Water Supply Project (Senate Form 2169).....	250,000
Brevard County - Indian River Lagoon Living Shoreline Oyster Bars (Senate Form 1123).....	300,000
Brevard County Osprey Water Reclamation Facility Nutrient Removal Upgrade (Senate Form 2224).....	300,000
Brevard County - Replacing 1370 Septic Systems with Sewer	

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Service (Senate Form 1122).....	200,000
Bristol Water Supply Well (Senate Form 1434).....	225,000
Brooksville Master Pump Station Modification (Senate Form 1831).....	200,000
Charlotte County El Jobean Septic to Sewer Transmission Line (Senate Form 1213).....	200,000
Citrus County Cambridge Greens Septic to Sewer (Senate Form 1837).....	150,000
Citrus County Old Homosassa West Septic to Sewer Project (Senate Form 1836).....	235,600
Coconut Creek - Wynmoor Potable Water Line Retrofit Project (Senate Form 1425).....	100,000
Collier County - West Goodlette Frank Road Area Stormwater, Septic to Sewer Improvement Project (Senate Form 1374).....	300,000
Columbia County Cannon Creek Stormwater Treatment Flood Abatement (Senate Form 2423).....	500,000
Columbia County Fairgrounds Drainage Improvement Project (Senate Form 2377).....	100,000
Cooper City Natalie's Cove/Flamingo Gardens Drainage Improvements (Senate Form 1296).....	300,000
Coral Gables Waterway and Tributary Canals Water Quality Improvement Feasibility Assessment (Senate Form 1145).....	86,141
Coral Gables-Citywide Stormwater System Improvements and and Stormwater Outfall Baffles (Senate Form 1105).....	200,000
Coral Springs Stormwater Improvement (Senate Form 1847).....	100,000
Corbett Levee Construction - Phase II (Senate Form 1067)....	250,000
Dade City Dade Oaks Stormwater Pond (Senate Form 1819).....	250,000
Dania Beach - Melaleuca Gardens Water Main (Senate Form 1383).....	153,389
Davie Westside Drainage Improvements (Senate Form 1884).....	150,000
Doral Stormwater Improvements at Sub Basin A-4 (Senate Form 1243).....	250,000
Dunnellon Downtown Infrastructure Improvements (Senate Form 2253).....	350,000
East Palatka Fire Station Water Expansion (Senate Form 2250)	200,000
Eatonville Water Main Replacement Project (Senate Form 1923)	150,000
Fernandina Beach Stormwater Shoreline Stabilization (Senate Form 1549).....	200,000
Florida City NW 1st St-NW 2 St from NW 7th Ave to Redland Road Drainage and Roadway Improvements (Senate Form 2164)...	200,000
Fort Myers Beach - Stormwater Outfall Improvements (Senate Form 1393).....	250,000
Freeport - Kylea Laird and Live Oak Waterline Upgrades (Senate Form 1540).....	215,656
Gulfport Private Lateral Lines Replacement Incentive Program (Senate Form 2301).....	150,000
Hardee County Regional Wastewater Service Improvements, Phase 6 (Senate Form 1131).....	300,000
Hillsborough County Stormwater Enhancement and Improvement (Senate Form 2341).....	250,000
Holley by the Sea CamGen Drive Outfall Improvements Phase 2 (Senate Form 1338).....	250,000
Homosassa River Restoration Project (Senate Form 1805).....	250,000
Indian River County - West Wabasso Septic to Sewer Conversion (Senate Form 2034).....	200,000
Inglis Sub Regional Wastewater Treatment Plant (Senate Form 2338).....	1,000,000
Jacksonville Beach Land Acquisition: Taylor Property on the Intracoastal Waterway (Senate Form 1579).....	150,000
Jacksonville Septic Tank Phase Out Program (Senate Form 2294).....	500,000
Kings Bay Restoration Project Phase 1 (Senate Form 1806)....	250,000
LaBelle Zone J Septic Tank to Sewer Conversion Project (Senate Form 1379).....	250,000
Lake County South Lake Regional (Senate Form 1355).....	400,000
Lake Okeechobee Watershed Area Stormwater Conveyance Improvements - NW/SW 3rd SW AVE B (Senate Form 1423).....	200,000
Lakeland Seven Wetlands Wastewater Treatment Facility (Senate Form 1146).....	400,000
Lee County Artesian Well Abandonment Project (Senate Form 1301).....	80,000
Lee County Caloosahatchee Tributary Canal Rehabilitation L-3 (Senate Form 1380).....	250,000
Leon County Orchard Pond Greenway Trail, Phase II (Senate Form 1433).....	300,000
Marco Island San Marco Road Drainage Project Improvements (Senate Form 1225).....	300,000
Margate Cured-in-Place Piping Rehabilitation Project (Senate Form 1228).....	225,000

TEXT REPORT

Martin County Manatee Pocket Southwest Prong Stormwater Quality Retrofit Project (Senate Form 2025).....	100,000
Martin County Old Palm City Septic to Sewer (Senate Form 2134).....	2,000,000
Medley Seawall Expansion Phase II (Senate Form 1084).....	150,000
Miami Gardens Neighborhood Stormwater Swale Re-grading Project (Senate Form 1733).....	20,000
Miami Gardens NW 42 Avenue and NW 167 Terrace Intersection Drainage Improvement Project (Senate Form 1732).....	65,000
Miami Gardens Vista Verde Drainage Improvement Project Phase #4 (Senate Form 1743).....	300,000
Miami-Dade County Model Lands North Canal Everglades Wetlands Restoration Project (Senate Form 2339).....	200,000
Miami-Dade County Pump Station Storm Hardening Project (Senate Form 1369).....	52,200
Neptune Beach Florida Boulevard Stormwater Culvert Improvements (Senate Form 1273).....	200,000
North Miami Beach Master Force Main Installation (Senate Form 1899).....	225,000
Oak Hill Septic Removal and Wastewater Hookup (Senate Form 1850).....	250,000
Ocala Silver Springs Stormwater and Nutrient Reduction Project (Senate Form 1934).....	300,000
Ormond Beach South Peninsula Reclaimed Water Main Extension (Senate Form 1783).....	100,000
Oviedo Twin Rivers Golf Course Reclaimed Water Improvements (Senate Form 1727).....	150,000
Peace Creek Integrated Water Supply Plan Phase 1.....	78,865
Pembroke Park I-95 Mitigation Renovation Drainage Improvements (Senate Form 1744).....	200,000
Pembroke Pines Utility Water Main Project (Senate Form 1845)	386,328
Penny Farms Stormwater Update (Senate Form 2413).....	650,000
Pinellas Park Pinebrook Estates Pond Improvements (Senate Form 1422).....	310,000
Plant City Franklin Street Neighborhood Stormwater Improvements (Senate Form 2055).....	200,000
Plant City Westside Integrated Treatment Park (Senate Form 2068).....	125,000
Port Manatee Stormwater Requirements Study (Senate Form 2158).....	200,000
Port Orange Flooding Mitigation and Stormwater Quality Improvement Phase II (Senate Form 1844).....	200,000
Riviera Beach Water Treatment Plant Disinfectant Facility (Senate Form 1278).....	200,000
Royal Palm Beach Canal System Rehabilitation Project (Senate Form 1356).....	200,000
Sanford Nutrient Reduction at Lake Monroe and Lake Jessup (Senate Form 1829).....	500,000
Sanibel Donax Wastewater Reclamation Facility Process Improvements (Senate Form 1388).....	300,000
Santa Rosa County East Bay Boulevard Culvert Upgrades (Senate Form 1298).....	275,000
South Dade Wetlands Preserve Land Acquisition for Salt Intrusion (Senate Form 1959).....	200,000
Southeast Wellfield Lower Floridan Aquifer Project - Phase I	489,796
Southwest Ranches Green Meadows Drainage (Senate Form 1368) ..	150,000
St. Pete Beach Sanitary Sewer Expansion (Senate Form 2031) ..	300,000
Summer Haven River Restoration Project (Senate Form 1584)...	691,000
Sunny Isles Golden Shores Pump Station (Senate Form 1956)...	200,000
Sunrise Emergency Lift Station Power and Pumping (Senate Form 1297).....	200,000
Tallahassee Water Tower to Sustain Water Supply During Hurricanes (Senate Form 2286).....	200,000
Tamarac The Boulevards Stormwater Drainage Repair and Pipe Lining(Senate Form 1362).....	225,000
Venice Eastgate Water and Sewer Relocation - Phase 2 (Senate Form 1016).....	250,000
Volusia County Bellevue/Beville/DBIA Regional Flood Attenuation Project (Senate Form 1577).....	200,000
Volusia County Sanitary Sewer Design for Protection of Mosquito/Indian River Lagoon (Senate Form 1578).....	200,000
Wauchula Water Mainlines Connections (Senate Form 1135).....	250,000
West Polk Lower Floridan Aquifer Project Phase I.....	386,025
Winter Park Mead Botanical Garden Boardwalk (Senate Form 2223).....	400,000
Zolfo Springs Engineering for Infrastructure Expansion (Senate Form 1144).....	100,000

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
BEACH PROJECTS - STATEWIDE

From the funds in Specific Appropriation *****, \$50,000,000 in recurring funds from the Land Acquisition Trust Fund are provided for the Department of Environmental Protection's Beach Management Funding Assistance Program (BMFAP) Local Government Funding Requests for Fiscal Year 2018-2019 pursuant to section 161.101, Florida Statutes, for Beach Restoration/Nourishment and Inlet Sand Bypassing/Inlet Management Plan Implementation Projects Lists.

Funds in Specific Appropriation ***** shall be provided for Beach Restoration and Nourishment projects on the Fiscal Year 2018-2019 list, in priority order.

Funds in Specific Appropriation ***** shall be provided for Inlet Sand Bypassing and Inlet Management Plan Implementation projects including post-construction monitoring, in priority order, based on the amount of inlet funding requested as a percentage of the total statewide funding requested.

Funds in Specific Appropriation ***** shall be provided for post-construction monitoring projects for Beach Restoration/Nourishment and Inlet Sand Bypassing/Inland Management projects, to be cost-shared equally, in the BMFAP.

Funds in Specific Appropriation ***** shall not be provided for any activities related to beach nourishment utilizing offshore sand sources from Martin and St. Lucie counties for the Dade County Shore Protection Project. Any funds in Specific Appropriation ***** to the Surfside Segment/Dade County Shore Protection Project included in the Department of Environmental Protection's Beach Management Funding Assistance Program Fiscal Year 2018-2019 Local Government Funding Requests may only utilize upland sand sources.

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - MADEIRA BEACH SAND GROIN
REFURBISHMENT

From the funds in Specific Appropriation *****, \$250,000 in nonrecurring funds from the General Revenue Fund are provided for the Madeira Beach Sand Groin Refurbishment (Senate Form 1990).

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AIDS - BAL HARBOUR VILLAGE
BAKERS HAULOVER INLET BYPASSING

From the funds in Specific Appropriation *****, \$200,000 in nonrecurring funds from the General Revenue Fund are provided for the Bal Harbour Village Bakers Haulover Inlet Bypassing Project (Senate Form 1909).

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
SMALL COUNTY WASTEWATER TREATMENT GRANTS

From the funds in Specific Appropriation *****, \$1,000,000 is provided to publicly owned utilities to remove sand and grit from wastewater treatment plants with daily flow less than 3 MGD that must remain in operation during cleaning to avoid the discharge of untreated wastewater. The department shall coordinate the selection and administration of projects. Funds shall be distributed on a first-come, first-serve basis and require a local match of at least 50 percent, with the exception that the local match shall be waived by the department if: 1) the public utility is located in a Rural Area of Opportunity pursuant to section 288.0656, Florida Statutes; 2) the public utility is located in a county that has a poverty level equal to or greater than 20 percent as defined in the most recent federal census; or, 3) the public utility is located in and wholly serves a municipality that has a poverty level equal to or greater than 25 percent as qualified by the municipality and such qualification is accepted by the department (Senate Form 1385).

TEXT REPORT

PROGRAM: ENVIRONMENTAL ASSESSMENT AND RESTORATION

WATER SCIENCE AND LABORATORY SERVICES

SPECIAL CATEGORIES
TRANSFER TO INDIAN RIVER LAGOON NATIONAL
ESTUARY PROGRAM

From the funds in Specific Appropriation *****, \$250,000 in recurring funds from the General Revenue Fund shall be used for National Estuary Program activities necessary to achieve the total maximum daily load adopted by the Department of Environmental Protection for the Indian River and Banana River Lagoons. The Indian River Lagoon National Estuary Program will report to the department annually on use of these funds.

PROGRAM: WASTE MANAGEMENT

WASTE MANAGEMENT

FIXED CAPITAL OUTLAY
DEBT SERVICE - INLAND PROTECTION FINANCING
CORPORATION

Funds in Specific Appropriation ***** are for Fiscal Year 2018-2019 debt service on bonds pursuant to Specific Appropriation 1733, chapter 2009-81, Laws of Florida, and any administrative expenses of the Inland Protection Financing Corporation for the purpose of rehabilitation of petroleum contamination sites pursuant to sections 376.30 through 376.317, Florida Statutes.

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANTS AND AID - FORT MEADE PHOSPHORUS
REDUCTION

From the funds in Specific Appropriation *****, \$750,000 in nonrecurring funds from the Solid Waste Management Trust Fund shall be provided to the Fort Meade Phosphorus Reduction Project (Senate Form 2357).

PROGRAM: RECREATION AND PARKS

STATE PARK OPERATIONS

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
FLORIDA RECREATION DEVELOPMENT ASSISTANCE
GRANTS

From the funds in Specific Appropriation *****, \$4,000,000 of nonrecurring funds from the Florida Forever Trust Fund is provided to fund projects that provide recreational enhancements and opportunities for children and \$3,000,000 of nonrecurring funds from the Florida Forever Trust Fund is provided for the top 60 small projects on the Florida Recreation Development Assistance Program (FRDAP) 2018-19 Combined Applicant Priority List.

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LOCAL PARKS

From the funds in Specific Appropriation *****, \$1,550,000 in nonrecurring funds from the General Revenue Fund is provided for the following local parks:

Cooper City Flamingo West Park (Senate Form 2266).....	800,000
Historic Spring Park Public Access Pier St. Johns River Senate Form 2441).....	600,000
Plant City Development of McIntosh Regional Park (Senate Form 2067).....	150,000

FISH AND WILDLIFE CONSERVATION COMMISSION

PROGRAM: HABITAT AND SPECIES CONSERVATION

HABITAT AND SPECIES CONSERVATION

SPECIAL CATEGORIES
NUISANCE WILDLIFE CONTROL

From the funds in Specific Appropriation *****, \$500,000 in nonrecurring funds from the State Game Trust Fund may be distributed to counties or local governments to cost-share the purchase of bear-resistant garbage containers. At least 60 percent of those funds shall go to counties or local governments having an ordinance in place focused on resolving issues associated with bear food sources and garbage.

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
GRANT AND AIDS - MANATEE COUNTY ROBINSON
PRESERVE HABITAT RESTORATION

From the funds in Specific Appropriation *****, \$600,000 in nonrecurring funds from the General Revenue Fund is provided for the Robinson Preserve Habitat Restoration in Manatee County (Senate Form 1518).

PROGRAM: RESEARCH

FISH AND WILDLIFE RESEARCH INSTITUTE

FIXED CAPITAL OUTLAY
FLORIDA CONSERVATION AND TECHNOLOGY CENTER
- CENTER FOR CONSERVATION

From the funds in Specific Appropriation *****, \$500,000 in nonrecurring funds from the General Revenue fund are provided for the Center for Conservation Coral Ark and Guest Experience (Senate Form 1601).

GRANTS AND AIDS TO LOCAL GOVERNMENTS AND
NONSTATE ENTITIES - FIXED CAPITAL OUTLAY
LOWRY PARK ZOO MANATEE HOSPITAL

From the funds in Specific Appropriation *****, \$500,000 in nonrecurring funds from the General Revenue Fund are provided for the Lowry Park Zoo Manatee Hospital (Senate Form 1344).

TEXT REPORT

The moneys contained herein are appropriated from the named funds to Administered Funds, Department of Business and Professional Regulation, Department of Citrus, Department of Economic Opportunity, Department of Financial Services, Executive Office of the Governor, Department of Highway Safety and Motor Vehicles, Legislative Branch, Department of the Lottery, Department of Management Services, Department of Military Affairs, Public Service Commission, Department of Revenue and the Department of State as the amounts to be used to pay the salaries, other operational expenditures and fixed capital outlay of the named agencies.

PROGRAM: CITRUS, DEPARTMENT OF

AGRICULTURAL PRODUCTS MARKETING

SPECIAL CATEGORIES

PAID ADVERTISING AND PROMOTION

From the funds provided in Specific Appropriation *****, no funds are appropriated for activities intended for any other purpose than to produce consumer or influencer engagement and awareness of the health, safety, wellness, nutrition and uses of Florida citrus products. The funds shall not be used for mainstream national or international advertising campaigns.

SECTION 8. The unexpended balance of funds provided to the Department of Agriculture and Consumer Services for storm damages associated with Tropical Storm Debby pursuant to budget amendment EOG #B2013-0213, and subsequently distributed to the Department of Agriculture and Consumer Services pursuant to budget amendment EOG #B2018-0005, shall revert and is appropriated for Fiscal Year 2018-2019 to the department for the same purpose.

SECTION 9. The unexpended balance of funds provided to the Department of Agriculture and Consumer Services for domestic security issues in Specific Appropriation 1981A of chapter 2017-70, Laws of Florida, and subsequently distributed to the Department of Agriculture and Consumer Services pursuant to budget amendment EOG #B2018-0005, shall revert and is appropriated for Fiscal Year 2018-2019 to the department for the same purpose.

SECTION 10. The unexpended balance of funds provided to the Department of Agriculture and Consumer Services from the Federal Grants Trust Fund for the Bio-fuel Infrastructure Partnership Program in Specific Appropriation 1366A of chapter 2016-66, Laws of Florida, shall revert and is appropriated for Fiscal Year 2018-2019 to the department for the same purpose.

SECTION 11. Contingent upon the Division of Emergency Management receiving at least \$135,000,000 of reimbursement from the Federal Emergency Management Agency associated with moneys expended by the State of Florida in response to declared states of emergency in 2017 and such moneys being deposited into the General Revenue Fund on or after July 1, 2018, the sum of \$50,000,000 of nonrecurring funds is appropriated from the General Revenue Fund to the Department of Environmental Protection for transfer to the South Florida Water Management District to enter into agreements, as necessary, with the U.S. Army Corps of Engineers for rehabilitation of the Herbert Hoover Dike.

SECTION 12. The unexpended balance of funds in the Coastal Protection Trust Fund provided to the Department of Environmental Protection in Budget Amendment EOG# B2018-0021 for Natural Resource Damage Assessment, shall revert and is appropriated for Fiscal Year 2018-2019 to the Department of Environmental Protection for the same purpose.

SECTION 13. The unexpended balance of funds provided to the Department of Environmental Protection in Specific Appropriation 1714 of Chapter 2017-70, Laws of Florida, for statewide maintenance, repairs and construction of Coastal and Aquatic Managed Areas shall revert and is appropriated for Fiscal Year 2017-2018 from the Land Acquisition Trust Fund for the same purpose. This section shall take effect upon becoming law.

SECTION 14. The nonrecurring sums of \$58,204 from the State Game Trust Fund and \$266,442 from the Land Acquisition Trust Fund are hereby appropriated for Fiscal Year 2017-2018 to the Fish and Wildlife Conservation Commission to provide for vehicle and truck purchases that were delayed from storms as follows. This section shall take effect upon becoming law.

Chair's
Recommendation
Implementing Bill
Issues
FY 2018-19

*Senate Appropriations Subcommittee on the
Environment and Natural Resources*

**2018-19
Implementing Bill**

SB 2502	2017 IB	Description	F.S Amended	History
		Environment and Natural Resources		
AE1	34	FIXED CAPITAL OUTLAY PROJECTS/DEEPWATER HORIZON. Amends s. 216.181 to authorize the Legislative Budget Commission to increase amounts appropriated to the Fish and Wildlife Conservation Commission or the Department of Environmental Protection for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from the Gulf Environmental Benefit Fund administered by the National Fish and Wildlife Foundation, the Gulf Coast Restoration Trust Fund related to the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast Act of 2012 (RESTORE Act), or from British Petroleum Corporation (BP) for natural resources damage assessment restoration projects. Any continuing commitment for future appropriations by the Legislature must be specifically identified.	216.181	2017-71(34)
AE2	35	LAND ACQUISITION TRUST FUND LOAN. Amends s. 215.18, F.S. to authorize loans to land acquisition trust funds.	215.18	2017-71(35)
AE3	37	LAND ACQUISITION TRUST FUND Amends s. 375.041(3)(B)3, F.S. relating to the Land Acquisition Trust fund to reduce funding for restoration of Lake Apopka.	375.041	2017-71(37)
AE4	38,39	SAVE OUR EVERGLADES TRUST FUND AND LAND ACQUISITION TRUST FUND. Amends 373.470(6)(a), relating to match requirements of the SFWMD for Everglades Restoration funded from the Save Our Everglades Trust Fund. This section will require the match from SFWMD for Everglades Restoration funded from the Land Acquisition Trust Fund.	373.470	2017-71(38,39)
AE5	40	FIXED CAPITAL OUTLAY PROJECTS/VOLKSWAGEN CLEAN AIR ACT. Amends s. 216.181 to authorize the Legislative Budget Commission to increase amounts appropriated to the Department of Environmental Protection for fixed capital outlay projects. The increase in fixed capital outlay budget authority is authorized for funds provided to the state from Trustee of the Environmental Mitigation Trust administered by Wilmington Trust for violation of the Clean Air Act by Volkswagen. Any continuing commitment for future appropriations by the Legislature must be specifically identified.	216.181(11)	2017-71(40)

**2018-19
Implementing Bill**

SB 2502	2017 IB	Description	F.S Amended	History
AE6	36	<p>DISTRIBUTION OF FUNDS FROM THE LAND ACQUISITION TRUST FUND WITHIN THE DEPARTMENT OF ENVIRONMENTAL PROTECTION TO OTHER AGENCIES' LAND ACQUISITION TRUST FUNDS. (1) Allows DEP to transfer LATF funds to other agencies' LATFs. (2) Provides that proportionate share of revenues to be transferred to a land acquisition trust fund from the DEP LATF will be calculated by dividing the appropriations from each of the land acquisition trust funds for the fiscal year by the total appropriations from the DEP LATF and the land acquisition trust funds within the Department of Agriculture and Consumer Services, the Fish and Wildlife Commission, and the Department of State for the fiscal year. (3) Authorizes DEP to transfer funds from LATF to DACS, DOS and FWC land acquisition trust funds equal to the difference between amounts appropriated in 16-17 GAA and the amounts actually transferred.</p> <p>(4)The Department of Environmental Protection may advance funds from the beginning cash balance in the Land Acquisition Trust Fund to the Land Acquisition Trust Fund in the Fish and Wildlife Conservation Commission amounts needed for cash flow purposes based on detailed expenditure plan. The Department of Environmental Protection shall prorate amounts transferred quarterly to recoup the amount of funds advanced by June 30, 2018.</p>		2017-71(36)
AE7		<p>Florida Forever Distribution amends s. 259.105, F.S. to provide the distribution of funds to the DEP, DACS, FWCC, and WMDs.</p>	259.105(3)	New
AE8		<p>FRDAP - Requiring an amount to be spent on facilities to improve recreational opportunities for children. Funding \$4 million from Florida Forever Trust Fund</p>	375.075(4)	New

CourtSmart Tag Report

Room: SB 301

Case No.:

Type:

Caption: Appropriations Subcommittee on Environment and Natural Resources

Judge:

Started: 1/24/2018 9:03:05 AM

Ends: 1/24/2018 9:36:12 AM

Length: 00:33:08

9:03:17 AM Sen. Book (Chair)
9:03:20 AM Roll Call
9:03:36 AM Sen. Book
9:04:01 AM TAB 1 - S 168
9:04:08 AM Sen. Steube
9:04:26 AM Sen. Book
9:04:36 AM Brittany Dover, Government Relations, National Marine Manufacturers Association (waives in support)
9:04:46 AM Preston Robertson, Vice President/General Counsel, Florida Wildlife Federation (waives in support)
9:04:52 AM Sen. Steube
9:04:55 AM Sen. Book
9:05:25 AM TAB 3 - S 872
9:05:42 AM Sen. Grimsley
9:07:06 AM Sen. Book
9:07:15 AM Am. 364998
9:07:23 AM Sen. Grimsley
9:07:32 AM Sen. Book
9:07:49 AM S 872 (cont)
9:07:54 AM Sen. Book
9:08:18 AM TAB 4 - S 1132
9:08:30 AM Sen. Hutson
9:09:07 AM Sen. Book
9:09:31 AM Am. 659442
9:09:37 AM Sen. Hutson
9:10:02 AM Sen. Book
9:10:30 AM S 1132 (cont)
9:10:33 AM Sen. Book
9:11:05 AM Sen. Hukill
9:11:23 AM TAB 5 - S 1370
9:11:27 AM Sen. Book
9:12:19 AM Sen. Hukill
9:12:33 AM Sen. Book
9:12:36 AM Sen. Hukill
9:13:38 AM TAB 2 - S 740
9:13:48 AM Sen. Stargel
9:15:57 AM Sen. Book
9:16:10 AM Sen. Stewart
9:16:54 AM Sen. Stargel
9:17:46 AM Sen. Stewart
9:18:23 AM Sen. Stargel
9:18:42 AM Sen. Book
9:19:01 AM Grace Lovett, Director of Legislative Affairs, Department of Agriculture and Consumer Services
9:19:37 AM Sen. Book
9:19:43 AM Sen. Stargel
9:19:49 AM Sen. Book
9:20:41 AM TAB 6 - Confirmation of Ernie Marks, Executive Director of South Florida Water Management District
9:20:47 AM Sen. Book
9:21:08 AM E. Marks
9:23:19 AM Sen. Book
9:24:17 AM TAB 7 - Confirmation of Hugh Thomas, Executive Director of the Suwannee River Water Management District
9:24:25 AM Sen. Book
9:24:38 AM H. Thomas

9:28:34 AM Sen. Book
9:30:00 AM TAB 8 - Review and Discussion of Fiscal Year 2018-2019 Budget Issues
9:30:48 AM Sen. Book
9:35:29 AM Sen. Garcia
9:35:52 AM Sen. Stewart
9:36:03 AM Adjourned