



26 to remove and reclaim, recycle, or dispose of fuel in  
 27 a specified manner; requiring judges to enter a  
 28 specified order for persons convicted of violating  
 29 specified provisions; specifying that convicted  
 30 persons are responsible for certain costs and  
 31 payments; providing applicability; reenacting ss.  
 32 366.032(1)(e) and 489.105(3)(m), F.S., relating to  
 33 preemption over utility service restrictions and  
 34 definitions, respectively, to incorporate the  
 35 amendments made by this act to s. 527.01, F.S., in  
 36 references thereto; providing an effective date.

37

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

39

40 Section 1. Subsection (2) and paragraph (a) of subsection  
 41 (6) of section 493.6105, Florida Statutes, are amended to read:  
 42 493.6105 Initial application for license.—

43 (2) Each application must be signed and verified by the  
 44 applicant ~~individual under oath~~ as provided in s. 92.525.

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

47 (a) Submit one of the following:

48 1. The Florida Criminal Justice Standards and Training  
 49 Commission Instructor Certificate and written confirmation by  
 50 the commission that the applicant possesses an active firearms

51 certification.

52 2. A valid National Rifle Association Private Security  
53 Firearm Instructor Certificate issued not more than 3 years  
54 before the submission of the applicant's Class "K" application.

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

58 4. A valid DD Form 214 issued not more than 3 years before  
59 the submission of the applicant's Class "K" application,  
60 indicating that the applicant has been honorably discharged and  
61 served no less than 3 years in the military as a firearms  
62 instructor.

63 Section 2. Paragraphs (b) and (d) of subsection (3) and  
64 subsection (4) of section 493.6113, Florida Statutes, are  
65 amended to read:

66 493.6113 Renewal application for licensure.—

67 (3) Each licensee is responsible for renewing his or her  
68 license on or before its expiration by filing with the  
69 department an application for renewal accompanied by payment of  
70 the renewal fee and the fingerprint retention fee to cover the  
71 cost of ongoing retention in the statewide automated biometric  
72 identification system established in s. 943.05(2)(b). Upon the  
73 first renewal of a license issued under this chapter before  
74 January 1, 2017, the licensee shall submit a full set of  
75 fingerprints and fingerprint processing fees to cover the cost

76 | of entering the fingerprints into the statewide automated  
77 | biometric identification system pursuant to s. 493.6108(4)(a)  
78 | and the cost of enrollment in the Federal Bureau of  
79 | Investigation's national retained print arrest notification  
80 | program. Subsequent renewals may be completed without submission  
81 | of a new set of fingerprints.

82 |       (b) Each Class "G" licensee shall additionally submit  
83 | proof that he or she has received during each year of the  
84 | license period a minimum of 4 hours of firearms requalification  
85 | training taught by a Class "K" licensee and has complied with  
86 | such other health and training requirements that the department  
87 | shall adopt by rule. Proof of completion of firearms  
88 | requalification training shall be submitted to the department  
89 | upon completion of the training. A Class "G" licensee must  
90 | successfully complete this requalification training for each  
91 | type and caliber of firearm carried in the course of performing  
92 | his or her regulated duties. If the licensee fails to complete  
93 | the required 4 hours of annual training during the first year of  
94 | the 2-year term of the license, the license shall be  
95 | automatically suspended. The licensee must complete the minimum  
96 | number of hours of range and classroom training required at the  
97 | time of initial licensure and submit proof of completion of such  
98 | training to the department before the license may be reinstated.  
99 | If the licensee fails to complete the required 4 hours of annual  
100 | training during the second year of the 2-year term of the

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101 license, the licensee must complete the minimum number of hours  
102 of range and classroom training required at the time of initial  
103 licensure and submit proof of completion of such training to the  
104 department before the license may be renewed. The department may  
105 waive the firearms training requirement if:

106 1. The applicant provides proof that he or she is  
107 currently certified as a law enforcement officer or correctional  
108 officer under the Criminal Justice Standards and Training  
109 Commission and has completed law enforcement firearms  
110 requalification training annually during the previous 2 years of  
111 the licensure period;

112 2. The applicant provides proof that he or she is  
113 currently certified as a federal law enforcement officer and has  
114 received law enforcement firearms training administered by a  
115 federal law enforcement agency annually during the previous 2  
116 years of the licensure period; ~~or~~

117 3. The applicant submits a valid firearm certificate among  
118 those specified in s. 493.6105(6) (a) and provides proof of  
119 having completed requalification training during the previous 2  
120 years of the licensure period; or

121 4. The applicant provides proof that he or she has  
122 completed annual firearms training in accordance with the  
123 requirements of the federal Law Enforcement Officers Safety Act  
124 under 18 U.S.C. ss. 926B-926C.

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

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

129           2. Proof of having taught at least six 28-hour firearms  
 130 instruction courses to Class "G" applicants during the previous  
 131 3-year license period.

132           (4) A licensee who fails to file a renewal application on  
 133 or before its expiration must renew his or her license by  
 134 fulfilling the applicable requirements of subsection (3) and may  
 135 be required to pay ~~by paying~~ a late fee ~~equal to the amount of~~  
 136 ~~the license fee.~~ The division shall establish the amount of the  
 137 late fee authorized under this subsection by rule; however, such  
 138 late fee may not exceed the amount of the license fee.

139           Section 3. Subsection (3) is added to section 493.6123,  
 140 Florida Statutes, to read:

141           493.6123 Publication to industry.—

142           (3) The department may publish all information required by  
 143 this section online in lieu of using a paper format.

144           Section 4. Subsection (2) of section 493.6304, Florida  
 145 Statutes, is amended to read:

146           493.6304 Security officer school or training facility.—

147           (2) The application must ~~shall~~ be signed and verified by  
 148 the applicant ~~under oath~~ as provided in s. 92.525 and must  
 149 contain, at a minimum, the following information:

150           (a) The name and address of the school or training

151 facility and, if the applicant is an individual, her or his  
 152 name, address, and social security or alien registration number.

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

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

157 Section 5. Subsection (2) of section 493.6406, Florida  
 158 Statutes, is amended to read:

159 493.6406 Recovery agent school or training facility.—

160 (2) The application must be signed and verified by the  
 161 applicant ~~under oath~~ as provided in s. 92.525 and must ~~shall~~  
 162 contain, at a minimum, the following information:

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

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

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

171 Section 6. Paragraph (a) of subsection (4) of section  
 172 496.405, Florida Statutes, is amended to read:

173 496.405 Registration statements by charitable  
 174 organizations and sponsors.—

175 (4) (a) Every charitable organization, sponsor, or parent

176 organization filing on behalf of one or more chapters, branches,  
177 or affiliates that is required to register under this section  
178 must pay a single registration fee. A parent organization filing  
179 on behalf of one or more chapters, branches, or affiliates shall  
180 total all contributions received by the chapters, branches, or  
181 affiliates included in the registration statement to determine  
182 registration fees. Fees shall be assessed as follows:

183 1.a. Ten dollars, if the contributions received for the  
184 last fiscal or calendar year were less than \$5,000; or

185 b. Ten dollars, if the contributions actually raised or  
186 received from the public during the immediately preceding fiscal  
187 year by such organization or sponsor are no more than \$50,000  
188 ~~\$25,000~~ and the fundraising activities of such organization or  
189 sponsor are carried on by volunteers, members, officers, or  
190 permanent employees, who are not compensated, primarily to  
191 solicit such contributions, provided no part of the assets or  
192 income of such organization or sponsor inures to the benefit of  
193 or is paid to any officer or member of such organization or  
194 sponsor or to any professional fundraising consultant,  
195 professional solicitor, or commercial co-venturer;

196 2. Seventy-five dollars, if the contributions received for  
197 the last fiscal year were \$5,000 or more, but less than  
198 \$100,000;

199 3. One hundred twenty-five dollars, if the contributions  
200 received for the last fiscal year were \$100,000 or more, but



201 less than \$200,000;

202 4. Two hundred dollars, if the contributions received for  
 203 the last fiscal year were \$200,000 or more, but less than  
 204 \$500,000;

205 5. Three hundred dollars, if the contributions received  
 206 for the last fiscal year were \$500,000 or more, but less than \$1  
 207 million;

208 6. Three hundred fifty dollars, if the contributions  
 209 received for the last fiscal year were \$1 million or more, but  
 210 less than \$10 million;

211 7. Four hundred dollars, if the contributions received for  
 212 the last fiscal year were \$10 million or more.

213 Section 7. Paragraph (d) of subsection (1) of section  
 214 496.406, Florida Statutes, is amended to read:

215 496.406 Exemption from registration.—

216 (1) The following charitable organizations and sponsors  
 217 are exempt from the requirements of s. 496.405:

218 (d) A charitable organization or sponsor that has less  
 219 than \$50,000 ~~\$25,000~~ in total revenue during a fiscal year if  
 220 the fundraising activities of such organization or sponsor are  
 221 carried on by volunteers, members, or officers who are not  
 222 compensated and no part of the assets or income of such  
 223 organization or sponsor inures to the benefit of or is paid to  
 224 any officer or member of such organization or sponsor or to any  
 225 professional fundraising consultant, professional solicitor, or

226 commercial co-venturer. If a charitable organization or sponsor  
227 that has less than \$50,000 ~~\$25,000~~ in total revenue during a  
228 fiscal year actually acquires total revenue equal to or in  
229 excess of \$50,000 ~~\$25,000~~, the charitable organization or  
230 sponsor must register with the department as required by s.  
231 496.405 within 30 days after the date the revenue reaches  
232 \$50,000 ~~\$25,000~~.

233 Section 8. Subsections (6) and (10) of section 527.01,  
234 Florida Statutes, are amended to read:

235 527.01 Definitions.—As used in this chapter:

236 (6) "Category I liquefied petroleum gas dealer" means any  
237 person selling or offering to sell by delivery or at a  
238 stationary location any liquefied petroleum gas to the consumer  
239 for industrial, commercial, or domestic use; any person leasing  
240 or offering to lease, or exchanging or offering to exchange, any  
241 apparatus, appliances, and equipment for the use of liquefied  
242 petroleum gas; any person designing, installing, servicing,  
243 altering, or modifying apparatus, piping, tubing, appliances,  
244 and equipment for the use of liquefied petroleum or natural gas;  
245 any person installing carburetion equipment; or any person  
246 requalifying cylinders.

247 (10) "Category V LP gas installer" means any person who is  
248 engaged in the liquefied petroleum gas business and whose  
249 services include the design, installation, servicing, altering,  
250 or modifying of apparatus, piping, tubing, tanks, and equipment

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251 for the use of liquefied petroleum or natural gas and selling or  
252 offering to sell, or leasing or offering to lease, apparatus,  
253 appliances, and equipment for the use of liquefied petroleum or  
254 natural gas.

255 Section 9. Section 812.0151, Florida Statutes, is created  
256 to read:

257 812.0151 Retail fuel theft.—

258 (1) As used in this section, the term "fuel" has the same  
259 meaning as in s. 163.3206(2).

260 (2) Any person who:

261 (a) Intentionally breaches, causes to be breached, or  
262 gains access without authorization to any internal portion of a  
263 retail fuel dispenser commits a felony of the third degree,  
264 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

265 (b) Tamper with, manipulates, removes, replaces, or  
266 interrupts any mechanical or electronic component located within  
267 a retail fuel dispenser for the purpose of devising or executing  
268 any scheme or artifice to defraud or obtain property commits a  
269 felony of the second degree, punishable as provided in s.  
270 775.082, s. 775.083, or s. 775.084.

271 (c) Uses any form of electronic communication from a  
272 device such as a wireless remote, computer, or other device  
273 which alters, tricks, or manipulates a retail fuel dispenser  
274 commits a felony of the third degree, punishable as provided in  
275 s. 775.082, s. 775.083, or s. 775.084.

276 (d) Possesses, uses, or installs any device constructed  
277 for the purpose of fraudulently altering, manipulating, or  
278 interrupting a retail fuel dispenser from standard operation or  
279 impeding the retail fuel dispenser's functionality while  
280 violating paragraph (c) commits a felony of the second degree,  
281 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

282 (e) Obtains fuel as a result of a violation of this  
283 section commits a felony of the third degree, punishable as  
284 provided in s. 775.082, s. 775.083, or s. 775.084.

285 (f) Aids, abets, or assists in a violation of this section  
286 commits a felony of the third degree, punishable as provided in  
287 s. 775.082, s. 775.083, or s. 775.084.

288 (g) Has in his or her possession any item used to hold  
289 fuel which was not fitted to a vehicle or conveyance at the time  
290 of manufacture with the intent to use such item, or allow such  
291 item to be used, in a violation of this section commits a felony  
292 of the third degree, punishable as provided in s. 775.082, s.  
293 775.083, or s. 775.084.

294 (h) Any person who modifies a vehicle's factory installed  
295 fuel tank for the purpose of committing, attempting to commit,  
296 or aiding, abetting, or assisting someone in a violation of this  
297 section commits a felony of the third degree, punishable as  
298 provided in s. 775.082, s. 775.083, or s. 775.084.

299 (3) Any conveyances, vehicles, fuel tanks, and other  
300 equipment used or intended to be used in a violation of this

301 section, and any fuel acquired in a violation of this section,  
302 is subject to seizure and forfeiture as provided by the Florida  
303 Contraband Forfeiture Act.

304 (4) A law enforcement agency that seizes fuel under this  
305 section must remove and reclaim, recycle, or dispose of all the  
306 fuel as soon as practicable in a safe and proper manner.

307 (5) Upon conviction of a person arrested for a violation  
308 of this section, the judge must issue an order adjudging and  
309 declaring that all conveyances, vehicles, fuel tanks, and other  
310 equipment used or intended to be used in a violation of this  
311 section are forfeited and directing their destruction, with the  
312 exception of the conveyance or vehicle.

313 (6) Any person convicted of a violation of this section is  
314 responsible for both of the following:

315 (a) All reasonable costs incurred by the investigating law  
316 enforcement agency, including, but not limited to, the costs for  
317 the towing and storage of the conveyance or vehicle, the removal  
318 and disposal of the fuel, and the storage and destruction of all  
319 fuel tanks and other equipment described and used or intended to  
320 be used in a violation of this section.

321 (b) Payment, to the party from whom it was fraudulently  
322 obtained, for the retail value of any associated fuel at the  
323 time of the underlying act.

324 (7) This section does not apply to the following persons  
325 who are lawfully engaged in an activity that would otherwise be

326 | a violation of this section:

327 |       (a) Inspectors and investigators of the Department of  
328 | Agriculture and Consumer Services;

329 |       (b) Persons registered with the Department of Agriculture  
330 | and Consumer Services under chapter 525;

331 |       (c) Employees or owners of fuel stations;

332 |       (d) Law enforcement officers; and

333 |       (e) Firefighters or other necessary public safety  
334 | personnel.

335 |       Section 10. For the purpose of incorporating the  
336 | amendments made by this act to section 527.01, Florida Statutes,  
337 | in a reference thereto, paragraph (e) of subsection (1) of  
338 | section 366.032, Florida Statutes, is reenacted to read:

339 |       366.032 Preemption over utility service restrictions.—

340 |       (1) A municipality, county, special district, or other  
341 | political subdivision of the state may not enact or enforce a  
342 | resolution, ordinance, rule, code, or policy or take any action  
343 | that restricts or prohibits or has the effect of restricting or  
344 | prohibiting the types or fuel sources of energy production which  
345 | may be used, delivered, converted, or supplied by the following  
346 | entities to serve customers that such entities are authorized to  
347 | serve:

348 |       (e) A Category I liquefied petroleum gas dealer or  
349 | Category II liquefied petroleum gas dispenser or Category III  
350 | liquefied petroleum gas cylinder exchange operator as defined in

351 s. 527.01.

352 Section 11. For the purpose of incorporating the  
353 amendments made by this act to section 527.01, Florida Statutes,  
354 in a reference thereto, paragraph (m) of subsection (3) of  
355 section 489.105, Florida Statutes, is reenacted to read:

356 489.105 Definitions.—As used in this part:

357 (3) "Contractor" means the person who is qualified for,  
358 and is only responsible for, the project contracted for and  
359 means, except as exempted in this part, the person who, for  
360 compensation, undertakes to, submits a bid to, or does himself  
361 or herself or by others construct, repair, alter, remodel, add  
362 to, demolish, subtract from, or improve any building or  
363 structure, including related improvements to real estate, for  
364 others or for resale to others; and whose job scope is  
365 substantially similar to the job scope described in one of the  
366 paragraphs of this subsection. For the purposes of regulation  
367 under this part, the term "demolish" applies only to demolition  
368 of steel tanks more than 50 feet in height; towers more than 50  
369 feet in height; other structures more than 50 feet in height;  
370 and all buildings or residences. Contractors are subdivided into  
371 two divisions, Division I, consisting of those contractors  
372 defined in paragraphs (a)-(c), and Division II, consisting of  
373 those contractors defined in paragraphs (d)-(q):

374 (m) "Plumbing contractor" means a contractor whose  
375 services are unlimited in the plumbing trade and includes

376 contracting business consisting of the execution of contracts  
377 requiring the experience, financial means, knowledge, and skill  
378 to install, maintain, repair, alter, extend, or, if not  
379 prohibited by law, design plumbing. A plumbing contractor may  
380 install, maintain, repair, alter, extend, or, if not prohibited  
381 by law, design the following without obtaining an additional  
382 local regulatory license, certificate, or registration: sanitary  
383 drainage or storm drainage facilities, water and sewer plants  
384 and substations, venting systems, public or private water supply  
385 systems, septic tanks, drainage and supply wells, swimming pool  
386 piping, irrigation systems, and solar heating water systems and  
387 all appurtenances, apparatus, or equipment used in connection  
388 therewith, including boilers and pressure process piping and  
389 including the installation of water, natural gas, liquefied  
390 petroleum gas and related venting, and storm and sanitary sewer  
391 lines. The scope of work of the plumbing contractor also  
392 includes the design, if not prohibited by law, and installation,  
393 maintenance, repair, alteration, or extension of air-piping,  
394 vacuum line piping, oxygen line piping, nitrous oxide piping,  
395 and all related medical gas systems; fire line standpipes and  
396 fire sprinklers if authorized by law; ink and chemical lines;  
397 fuel oil and gasoline piping and tank and pump installation,  
398 except bulk storage plants; and pneumatic control piping  
399 systems, all in a manner that complies with all plans,  
400 specifications, codes, laws, and regulations applicable. The



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401 scope of work of the plumbing contractor applies to private  
402 property and public property, including any excavation work  
403 incidental thereto, and includes the work of the specialty  
404 plumbing contractor. Such contractor shall subcontract, with a  
405 qualified contractor in the field concerned, all other work  
406 incidental to the work but which is specified as being the work  
407 of a trade other than that of a plumbing contractor. This  
408 definition does not limit the scope of work of any specialty  
409 contractor certified pursuant to s. 489.113(6) and does not  
410 require certification or registration under this part as a  
411 category I liquefied petroleum gas dealer, or category V LP gas  
412 installer, as defined in s. 527.01, who is licensed under  
413 chapter 527 or an authorized employee of a public natural gas  
414 utility or of a private natural gas utility regulated by the  
415 Public Service Commission when disconnecting and reconnecting  
416 water lines in the servicing or replacement of an existing water  
417 heater. A plumbing contractor may perform drain cleaning and  
418 clearing and install or repair rainwater catchment systems;  
419 however, a mandatory licensing requirement is not established  
420 for the performance of these specific services.

421 Section 12. This act shall take effect July 1, 2023.