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1
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending s. 493.6105, F.S.; making
 4 a technical change; revising requirements for
 5 applicants for a Class "K" license; amending s.
 6 493.6113, F.S.; revising the circumstances under which
 7 the Department of Agriculture and Consumer Services
 8 may waive firearms training requirements; revising
 9 requirements for applicants for a Class "K" license;
 10 requiring the Division of Licensing of the department
 11 to establish a specified late fee by rule; amending s.
 12 493.6123, F.S.; authorizing the department to publish
 13 certain information online in lieu of using a paper
 14 format; amending ss. 493.6304 and 493.6406, F.S.;
 15 making technical changes; amending s. 496.405, F.S.;
 16 revising requirements relating to registration fees
 17 for certain charitable organizations, sponsors, and
 18 parent organizations; amending s. 496.406, F.S.;
 19 conforming provisions to changes made by the act;
 20 amending s. 527.01, F.S.; revising the definitions of
 21 the terms "Category I liquefied petroleum gas dealer"
 22 and "Category V LP gas installer"; creating s.
 23 812.0151, F.S.; defining the term "fuel"; providing
 24 criminal penalties for certain actions relating to
 25 retail fuel theft; requiring law enforcement agencies

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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; reenacting ss. 366.032(1)(e) and
 32 489.105(3)(m), F.S., relating to preemption over
 33 utility service restrictions and definitions,
 34 respectively, to incorporate the amendments made by
 35 this act to s. 527.01, F.S., in references thereto;
 36 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

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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

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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:

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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

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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

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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

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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

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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)(a) A person commits a felony of the third degree,
 261 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 262 if he or she willfully, knowingly, and without authorization:

263 1. Breaches a retail fuel dispenser or accesses any
 264 internal portion of a retail fuel dispenser; or

265 2. Possesses any device constructed for the purpose of
 266 fraudulently altering, manipulating, or interrupting the normal
 267 functioning of a retail fuel dispenser.

268 (b) A person commits a felony of the second degree,
 269 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
 270 if he or she willfully, knowingly, and without authorization:

271 1. Physically tampers with, manipulates, removes,
 272 replaces, or interrupts any mechanical or electronic component
 273 located within the internal portion of a retail fuel dispenser;

274 or

275 2. Uses any form of electronic communication to

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276 fraudulently alter, manipulate, or interrupt the normal
277 functioning of a retail fuel dispenser.

278 (c) A person commits a felony of the third degree,
279 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,
280 if he or she:

281 1. Obtains fuel as a result of violating paragraph (a) or
282 paragraph (b); or

283 2. Modifies a vehicle's factory installed fuel tank or
284 possesses any item used to hold fuel which was not fitted to a
285 vehicle or conveyance at the time of manufacture with the intent
286 to use such fuel tank or item to hold or transport fuel obtained
287 as a result of violating paragraph (a) or paragraph (b).

288 (3) Any person who aids, abets, or assists a person in
289 committing a violation of this section commits a felony of the
290 third degree, punishable as provided in s. 775.082, s. 775.083,
291 or s. 775.084.

292 (4) Any conveyances, vehicles, fuel tanks, and other
293 equipment used or intended to be used in a violation of this
294 section, and any fuel acquired in a violation of this section,
295 is subject to seizure and forfeiture as provided by the Florida
296 Contraband Forfeiture Act.

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

300 (6) Upon conviction of a person arrested for a violation

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301 of this section, the judge must issue an order adjudging and
 302 declaring that all conveyances, vehicles, fuel tanks, and other
 303 equipment used or intended to be used in a violation of this
 304 section are forfeited and directing their destruction, with the
 305 exception of the conveyance or vehicle.

306 (7) Any person convicted of a violation of this section is
 307 responsible for both of the following:

308 (a) All reasonable costs incurred by the investigating law
 309 enforcement agency, including, but not limited to, the costs for
 310 the towing and storage of the conveyance or vehicle, the removal
 311 and disposal of the fuel, and the storage and destruction of all
 312 fuel tanks and other equipment described and used or intended to
 313 be used in a violation of this section.

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

317 Section 10. For the purpose of incorporating the
 318 amendments made by this act to section 527.01, Florida Statutes,
 319 in a reference thereto, paragraph (e) of subsection (1) of
 320 section 366.032, Florida Statutes, is reenacted to read:

321 366.032 Preemption over utility service restrictions.—

322 (1) A municipality, county, special district, or other
 323 political subdivision of the state may not enact or enforce a
 324 resolution, ordinance, rule, code, or policy or take any action
 325 that restricts or prohibits or has the effect of restricting or

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326 prohibiting the types or fuel sources of energy production which
 327 may be used, delivered, converted, or supplied by the following
 328 entities to serve customers that such entities are authorized to
 329 serve:

330 (e) A Category I liquefied petroleum gas dealer or
 331 Category II liquefied petroleum gas dispenser or Category III
 332 liquefied petroleum gas cylinder exchange operator as defined in
 333 s. 527.01.

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

338 489.105 Definitions.—As used in this part:

339 (3) "Contractor" means the person who is qualified for,
 340 and is only responsible for, the project contracted for and
 341 means, except as exempted in this part, the person who, for
 342 compensation, undertakes to, submits a bid to, or does himself
 343 or herself or by others construct, repair, alter, remodel, add
 344 to, demolish, subtract from, or improve any building or
 345 structure, including related improvements to real estate, for
 346 others or for resale to others; and whose job scope is
 347 substantially similar to the job scope described in one of the
 348 paragraphs of this subsection. For the purposes of regulation
 349 under this part, the term "demolish" applies only to demolition
 350 of steel tanks more than 50 feet in height; towers more than 50

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351 feet in height; other structures more than 50 feet in height;
 352 and all buildings or residences. Contractors are subdivided into
 353 two divisions, Division I, consisting of those contractors
 354 defined in paragraphs (a)-(c), and Division II, consisting of
 355 those contractors defined in paragraphs (d)-(q):

356 (m) "Plumbing contractor" means a contractor whose
 357 services are unlimited in the plumbing trade and includes
 358 contracting business consisting of the execution of contracts
 359 requiring the experience, financial means, knowledge, and skill
 360 to install, maintain, repair, alter, extend, or, if not
 361 prohibited by law, design plumbing. A plumbing contractor may
 362 install, maintain, repair, alter, extend, or, if not prohibited
 363 by law, design the following without obtaining an additional
 364 local regulatory license, certificate, or registration: sanitary
 365 drainage or storm drainage facilities, water and sewer plants
 366 and substations, venting systems, public or private water supply
 367 systems, septic tanks, drainage and supply wells, swimming pool
 368 piping, irrigation systems, and solar heating water systems and
 369 all appurtenances, apparatus, or equipment used in connection
 370 therewith, including boilers and pressure process piping and
 371 including the installation of water, natural gas, liquefied
 372 petroleum gas and related venting, and storm and sanitary sewer
 373 lines. The scope of work of the plumbing contractor also
 374 includes the design, if not prohibited by law, and installation,
 375 maintenance, repair, alteration, or extension of air-piping,

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376 vacuum line piping, oxygen line piping, nitrous oxide piping,
377 and all related medical gas systems; fire line standpipes and
378 fire sprinklers if authorized by law; ink and chemical lines;
379 fuel oil and gasoline piping and tank and pump installation,
380 except bulk storage plants; and pneumatic control piping
381 systems, all in a manner that complies with all plans,
382 specifications, codes, laws, and regulations applicable. The
383 scope of work of the plumbing contractor applies to private
384 property and public property, including any excavation work
385 incidental thereto, and includes the work of the specialty
386 plumbing contractor. Such contractor shall subcontract, with a
387 qualified contractor in the field concerned, all other work
388 incidental to the work but which is specified as being the work
389 of a trade other than that of a plumbing contractor. This
390 definition does not limit the scope of work of any specialty
391 contractor certified pursuant to s. 489.113(6) and does not
392 require certification or registration under this part as a
393 category I liquefied petroleum gas dealer, or category V LP gas
394 installer, as defined in s. 527.01, who is licensed under
395 chapter 527 or an authorized employee of a public natural gas
396 utility or of a private natural gas utility regulated by the
397 Public Service Commission when disconnecting and reconnecting
398 water lines in the servicing or replacement of an existing water
399 heater. A plumbing contractor may perform drain cleaning and
400 clearing and install or repair rainwater catchment systems;

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401 | however, a mandatory licensing requirement is not established
402 | for the performance of these specific services.

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