

Tab 1 SB 170 by Grimsley; (Identical to H 01403) Rural Economic Development Initiative							
543166	A	S	RCS	AG, Grimsley	Delete L.68 - 76:	01/11 09:49 AM	

Tab 2 SB 740 by Stargel; (Similar to CS/H 00553) Department of Agriculture and Consumer Services							
273884	A	S	RCS	AG, Stargel	btw L.183 - 184:	01/11 09:50 AM	
262082	A	S	RCS	AG, Stargel	Delete L.1638 - 1640:	01/11 09:50 AM	
494718	A	S	RCS	AG, Stargel	Delete L.1677:	01/11 09:50 AM	
281488	A	S	RCS	AG, Stargel	Delete L.2119:	01/11 09:50 AM	

Tab 3 SB 872 by Grimsley; (Similar to H 00645) Young Farmers and Ranchers							
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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

AGRICULTURE
Senator Grimsley, Chair
Senator Rader, Vice Chair

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

MEMBERS: Senator Grimsley, Chair; Senator Rader, Vice Chair; Senators Baxley, Farmer, Hukill, Mayfield, Powell, Rouson, and Steube

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 170 Grimsley (Identical H 1403)	Rural Economic Development Initiative; Revising the duties, responsibilities, and membership of the Rural Economic Development Initiative; deleting a provision limiting the number of rural areas of opportunity that may be designated; deleting a provision listing the economic development incentives for which the Governor may waive criteria requirements or similar provisions, etc. CM 11/06/2017 Favorable AG 01/11/2018 Fav/CS GO RC	Fav/CS Yeas 6 Nays 0
2	SB 740 Stargel (Similar CS/H 553, Compare H 315, 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 AP	Fav/CS Yeas 6 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 AP	Favorable Yeas 6 Nays 0

Other Related Meeting Documents

COMMITTEE MEETING EXPANDED AGENDA

Agriculture

Thursday, January 11, 2018, 9:00—11:00 a.m.

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 Committee on Agriculture

BILL: CS/SB 170

INTRODUCER: Agriculture Committee and Senator Grimsley

SUBJECT: Rural Economic Development Initiative

DATE: January 11, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Little</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	Fav/CS
3.	_____	_____	<u>GO</u>	_____
4.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 170 makes the following changes to the Rural Economic Development Initiative (REDI):

- Reduces the number of specified agencies and organizations that are required to designate REDI representatives;
- Clarifies which individuals from specified agencies and organizations must be designated as REDI representatives;
- Provides for the appointment of five additional members from the private sector:
 - Three of the private sector members are to be appointed by the executive director of the Department of Economic Opportunity (DEO), one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives;
- Authorizes the creation of ad hoc committees and provides guidance for the organization of ad hoc committees;
- Modifies the definition and designation criteria for a rural area of opportunity (RAO);
- Updates the annual reporting requirements; and
- Makes conforming changes to address cross-references in numerous sections of the Florida Statutes.

The bill is effective upon becoming law.

II. Present Situation:

Rural Economic Development Initiative

The Florida Legislature established the Rural Economic Development Initiative (REDI) in 1997 to encourage and facilitate the location and expansion of economic development projects of significant scale in rural communities.¹ The REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.² The REDI works with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs and economic development.³ Other responsibilities include the review and evaluation of the impact of statutes and rules on rural communities, and the facilitation of better access to state resources by promoting direct access and referrals to both state and regional agencies and statewide organizations.⁴

The REDI is administered by the Department of Economic Opportunity (DEO), but is a collaborative effort facilitated by a group of agencies and organizations. Numerous state agencies and organizations are required to participate in the REDI by designating a deputy secretary or higher-level staff person to serve as a REDI representative.⁵ The agencies and organizations that are statutorily required to designate a representative are:

- The Department of Transportation;
- The Department of Environmental Protection;
- The Department of Agriculture and Consumer Services;
- The Department of State;
- The Department of Health;
- The Department of Children and Families;
- The Department of Corrections;
- The Department of Education;
- The Department of Juvenile Justice;
- The Fish and Wildlife Conservation Commission;
- Each water management district;
- Enterprise Florida, Inc. (EFI);
- CareerSource Florida, Inc.;
- VISIT Florida;
- The Florida Regional Planning Council Association;
- The Agency for Health Care Administration; and
- The Institute for Food and Agricultural Sciences (IFAS).⁶

¹ Ch. 97-278, Laws of Fla.

² Section 288.0656(3), F.S.

³ *Id.*

⁴ Sections 288.0656(4) and (5), F.S.

⁵ Section 288.0656(6)(a), F.S.

⁶ *Id.*

REDI representatives are required to have comprehensive knowledge of their agency's regulatory and service functions in addition to the state's economic goals, policies, and programs.⁷ The representatives are required to work with the REDI in reviewing, evaluating, and proposing impact mitigation of any statute or rule that may have an adverse effect on rural communities.⁸ Additionally, representatives must inform their agencies and organizations about the REDI and provide assistance to the REDI throughout the agency or organization.⁹

Rural Area of Opportunity

The law governing the REDI program defines a "rural area of opportunity" (RAO) as a rural community¹⁰ or a region comprised of rural communities, designated by the Governor, that have been adversely affected by an extraordinary economic event, a natural disaster, or severe or chronic distress.¹¹ An area may also be classified as a RAO if it presents a unique economic development opportunity of regional impact.¹² A designation of RAO must be agreed upon by the DEO and the local governments included in the RAO.¹³

Based on recommendations of the REDI, the Governor may designate up to three RAOs by executive order.¹⁴ This designation establishes these areas as priority assignments for REDI as well as allows the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development initiative.¹⁵

Currently, there are three designated RAO areas:

- Northwest RAO: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport in Walton County. The name of this area's economic development organization is Opportunity Florida.¹⁶
- South Central RAO: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, and South Bay (Palm Beach County), and Immokalee

⁷ Section 288.0656(6)(b), F.S.

⁸ Section 288.0656(6)(c), F.S.

⁹ Section 288.0656(6)(d), F.S.

¹⁰ Section 288.0656(2)(e), F.S., defines a "Rural community" as a county with a population of 75,000 or fewer; a county with a population of 125,000 or fewer, which is contiguous to a county with a population of 75,000 or fewer; a municipality within such a county; or an unincorporated federal enterprise community or an incorporated rural city with a population of 25,000 or fewer and an employment base focused on traditional agricultural or resource-based industries, located in a county not defined as rural, which has at least three or more of the economic distress factors identified in s. 288.0656(2)(c), F.S., and verified by DEO. For purposes of this paragraph, population is determined in accordance with the most recent official estimate pursuant to the state population census statute located in s. 186.901, F.S. The U.S. Census Bureau defines "rural" as all population, housing, and territory not included within an urban area, and identifies two types of urban areas, Urbanized Areas of 50,000 or more people; and Urban Clusters of at least 2,500 and less than 50,000 people.

¹¹ Section 288.0656(2)(d), F.S.

¹² *Id.*

¹³ Section 288.0656(7)(b), F.S. A designation of RAO is contingent upon the execution of a memorandum of agreement among the Department of Economic Opportunity, the governing body of the county, and the governing bodies of any municipalities included within a RAO.

¹⁴ Section 288.0656(7)(a), F.S.

¹⁵ *Id.*

¹⁶ For additional information on Opportunity Florida, see <http://www.floridajobs.org/business-growth-and-partnerships/rural-and-economic-development-initiative/rural-areas-of-opportunity> (last viewed Nov. 2, 2017).

(Collier County). The name of this area's economic development organization is Florida's Heartland Regional Economic Development Initiative, Inc.¹⁷

- North Central RAO: Baker, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties. The name of this area's economic development organization is the North Florida Economic Development Partnership.¹⁸

Each RAO, by a REDI recommendation and identification by EFI, may designate catalyst projects, which must be confirmed by the DEO.¹⁹ All agencies and departments of the state are required to use all available tools and resources available to promote the creation and development of each catalyst project and the development of catalyst sites.²⁰ For purposes of the REDI program, a catalyst project is a business relocating or expanding in an RAO and serves as an economic generator of regional significance, and a catalyst site is one or more parcels of land in an RAO that is prioritized for economic development.²¹

Annual Reporting

REDI is required to submit a report to DEO on all REDI activities for the previous fiscal year as a supplement to DEO's annual report required under s. 20.60, F.S.²² This supplementary report must include:

- A status report on all projects currently being coordinated through REDI;
- The number of preferential awards and allowances made pursuant to the REDI program;
- The dollar amount of such awards, and the names of the recipients;
- A description of all waivers of program requirements granted;
- Information as to the economic impact of the projects coordinated by REDI; and
- Recommendations based on the review and evaluation of statutes and rules having an adverse impact on rural communities and proposals to mitigate such adverse impacts.

III. Effect of Proposed Changes:

The bill provides for the appointment of members from the private sector to the REDI and reduces the number of agencies and organizations that are statutorily required to designate REDI representatives.

The REDI membership is required to consist of the following individuals:

- The executive director of the DEO or their designee, to serve as chair;
- The Secretary of Transportation or their designee;
- The Secretary of Environmental Protection or their designee;

¹⁷ For additional information on Florida's Heartland Regional Economic Development Initiative, Inc., see <http://flaheartland.com/> (last viewed Nov. 2, 2017).

¹⁸ For additional information on the North Florida Economic Development Partnership, see <http://nflp.org/?/Home> (last viewed Nov. 2, 2017).

¹⁹ Section 288.0656(7)(c), F.S.

²⁰ *Id.*

²¹ Section 288.0656(2), F.S.

²² Section 288.0656(8), F.S.

- The Commissioner of Agriculture or their designee;
- The State Surgeon General or their designee;
- The Commissioner of Education or their designee;
- The President of EFI or their designee;
- The chair of the board of directors of CareerSource Florida, Inc., or their designee;
- The chair of the board of the regional economic development organization for each of the RAOs or their designee; and
- Five members from the private sector:
 - Three of the private sector members are to be appointed by the executive director of the DEO, one appointed by the President of the Senate, and one appointed by the Speaker of the House of Representatives.

The executive director of the DEO, the President of the Senate, and the Speaker of the House of Representatives must ensure that the diversity of the state's business community and the state's ethnic, racial, and gender diversity are reflected in their appointments. Such appointments are for 2-year terms, beginning on July 1 and expiring on June 30, with initial appointments beginning in July 2018. The bill provides direction for appointee vacancies and removal.

The bill authorizes the chair of the REDI to create ad hoc committees to address issues or projects relating to RAOs and economically distressed rural communities. While the bill authorizes the chair to request the head of any state agency or organization to serve on an ad hoc committee, the bill requires the chair to consider the following individuals:

- The executive director of FWC or their designee;
- The Secretary of State or their designee;
- The Secretary of Children and Families or their designee;
- The Secretary of Corrections or their designee;
- The Secretary of Juvenile Justice or their designee;
- The Secretary of Health Care Administration or their designee; or
- A board member of the Florida Regional Councils Association or their designee.²³

The bill also:

- Modifies the goals of the REDI to include job creation, community infrastructure, the development and expansion of a skilled workforce, and improved access to healthcare;
- Modifies the definition of "rural area of opportunity" to include a rural community that faces competitive disadvantages including low labor force participation, low education levels, high unemployment, a school district grade of "D" or "F" pursuant to s. 1008.34, F.S., high infant mortality rates, and high rates of diabetes and obesity;
- Requires the REDI to focus its efforts on the challenges of the state's RAOs and economically distressed rural communities, and to work with private organizations that have an interest in the renewed prosperity and competitiveness of these communities;
- Clarifies that the REDI shall undertake outreach and capacity-building efforts in order to improve rural communities' ability to compete in a global economy;
- Removes the limitation on the number of RAOs that may be designated by the Governor;

²³ Under existing law, these organizations and agencies are currently required to designate REDI representatives in addition to VISIT Florida and the IFAS.

- Requires the REDI's annual report to be submitted to the DEO, the President of the Senate, and the Speaker of the House of Representatives by September 1st of each year; and
- Requires the annual report to include an evaluation of organizational progress and a description of the accomplishments of the REDI.

The bill makes conforming changes to address cross-references in ss. 163.3177, 163.3187, 257.193, 288.019, 288.06561, 290.0055, 290.06561, 337.403, 339.2818, 339.2819, 339.63, 479.16, and 627.6699, F.S.

The bill is effective upon becoming law.

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:

C. Government Sector Impact:

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 288.0656, 163.3177, 163.3187, 257.193, 288.019, 288.06561, 290.0055, 290.06561, 337.403, 339.2818, 339.2819, 339.63, 479.16, 627.6699.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Agriculture on January 11, 2018:

The committee substitute clarifies that a community must meet one of the criteria to be a rural area of opportunity, not all of them.

- B. **Amendments:**

None.



543166

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2018	.	
	.	
	.	
	.	

The Committee on Agriculture (Grimsley) recommended the following:

Senate Amendment

Delete lines 68 - 76
and insert:

(d) "Rural area of opportunity" means a rural community~~,~~ or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event or~~,~~ severe or chronic economic distress, or which faces competitive disadvantages, such as low labor force participation, low educational attainment levels, high



543166

11 unemployment, school district grades of "D" or "F" calculated
12 pursuant to s. 1008.34, high infant mortality rates, and high
13 diabetes and obesity rates, or which ~~or a natural disaster or~~

By Senator Grimsley

26-00117-18

2018170__

1 A bill to be entitled
2 An act relating to the Rural Economic Development
3 Initiative; amending s. 288.0656, F.S.; revising
4 legislative intent relating to the Rural Economic
5 Development Initiative; redefining the term "rural
6 area of opportunity"; revising the duties,
7 responsibilities, and membership of the Rural Economic
8 Development Initiative; deleting a provision limiting
9 the number of rural areas of opportunity that may be
10 designated; deleting a provision listing the economic
11 development incentives for which the Governor may
12 waive criteria requirements or similar provisions;
13 deleting a requirement that certain catalyst projects
14 be identified as such by Enterprise Florida, Inc.;
15 revising reporting requirements; amending ss.
16 163.3177, 163.3187, 257.193, 288.019, 288.06561,
17 290.0055, 290.06561, 337.403, 339.2818, 339.2819,
18 339.63, 479.16, and 627.6699, F.S.; conforming cross-
19 references; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 288.0656, Florida Statutes, is amended
24 to read:

25 288.0656 Rural Economic Development Initiative.—

26 (1)~~(a)~~ Recognizing that rural communities and regions
27 continue to face extraordinary challenges in their efforts to
28 significantly improve residents' quality of life and their local
29 economies, specifically in terms of personal income, education,

26-00117-18

2018170__

30 infrastructure, access to health care, and job creation.

31 ~~Therefore, average wages, and strong tax bases,~~ it is the intent
32 of the Legislature to encourage and facilitate their achievement
33 of the following goals:

34 (a) Job creation, through the location and expansion of
35 ~~major economic development projects of significant scale in such~~
36 ~~rural communities.~~

37 (b) Improved community infrastructure, including, but not
38 limited to, roads, utilities, water and sewer systems, and
39 communications.

40 (c) The development and growth of a skilled workforce.

41 (d) Improved access to health care.

42 ~~(2)(b)~~ (2) The Rural Economic Development Initiative, known as
43 "REDI," is created within the department, and the participation
44 of state and regional agencies in this initiative is authorized.

45 ~~(3)(2)~~ (3) As used in this section, the term:

46 (a) "Catalyst project" means a business locating or
47 expanding in a rural area of opportunity to serve as an economic
48 generator of regional significance for the growth of a regional
49 target industry cluster. The project must provide capital
50 investment on a scale significant enough to affect the entire
51 region and result in the development of high-wage and high-skill
52 jobs.

53 (b) "Catalyst site" means a parcel or parcels of land
54 within a rural area of opportunity that has been prioritized as
55 a geographic site for economic development through partnerships
56 with state, regional, and local organizations. The site must be
57 reviewed by REDI and approved by the department for the purposes
58 of locating a catalyst project.

26-00117-18

2018170__

59 (c) "Economic distress" means conditions affecting the
60 fiscal and economic viability of a rural community, including
61 such factors as low per capita income, low per capita taxable
62 values, high unemployment, high underemployment, low weekly
63 earned wages compared to the state average, low housing values
64 compared to the state average, high percentages of the
65 population receiving public assistance, high poverty levels
66 compared to the state average, and a lack of year-round stable
67 employment opportunities.

68 (d) "Rural area of opportunity" means a rural community, or
69 a region composed of rural communities, designated by the
70 Governor, which has been adversely affected by ~~an extraordinary~~
71 ~~economic event,~~ severe or chronic economic distress, and faces
72 competitive disadvantages, such as low labor force
73 participation, low educational attainment levels, high
74 unemployment, school district grades of "D" or "F" calculated
75 pursuant to s. 1008.34, high infant mortality rates, and high
76 diabetes and obesity rates, and which ~~or a natural disaster or~~
77 ~~that~~ presents a unique economic development opportunity of
78 regional impact.

79 (e) "Rural community" means:

- 80 1. A county with a population of 75,000 or fewer.
- 81 2. A county with a population of 125,000 or fewer which is
82 contiguous to a county with a population of 75,000 or fewer.
- 83 3. A municipality within a county described in subparagraph
84 1. or subparagraph 2.
- 85 4. An unincorporated federal enterprise community or an
86 incorporated rural city with a population of 25,000 or fewer and
87 an employment base focused on traditional agricultural or

26-00117-18

2018170__

88 resource-based industries, located in a county not defined as
89 rural, which has at least three or more of the economic distress
90 factors identified in paragraph (c) and verified by the
91 department.

92
93 For purposes of this paragraph, population shall be determined
94 in accordance with the most recent official estimate pursuant to
95 s. 186.901.

96 (4)~~(3)~~ REDI is ~~shall be~~ responsible for coordinating and
97 focusing the efforts and resources of state and regional
98 agencies on the challenges of the state's rural areas of
99 opportunity and economically distressed rural communities. REDI
100 shall work ~~problems which affect the fiscal, economic, and~~
101 ~~community viability of Florida's economically distressed rural~~
102 ~~communities, working~~ with local governments, community-based
103 organizations, and private organizations that have an interest
104 in the renewed prosperity and competitiveness ~~growth and~~
105 ~~development~~ of these communities ~~to find ways to balance~~
106 ~~environmental and growth management issues with local needs.~~

107 (5)~~(4)~~ REDI shall review and evaluate the impact of
108 statutes and rules on rural communities and ~~shall~~ work to
109 minimize any adverse impact and undertake outreach and capacity-
110 building efforts to improve the ability of rural communities to
111 compete in a global economy.

112 (6)~~(5)~~ REDI shall facilitate better access to state
113 resources by promoting direct access and referrals to
114 appropriate state and regional agencies and statewide
115 organizations. ~~REDI may undertake outreach, capacity-building,~~
116 ~~and other advocacy efforts to improve conditions in rural~~

26-00117-18

2018170__

117 ~~communities. These activities may include sponsorship of~~
118 ~~conferences and achievement awards.~~

119 (7) (a) REDI shall consist of the following members:

120 1. The executive director of the department or his or her
121 designee, who shall serve as chair.

122 2. The Secretary of Transportation or his or her designee.

123 3. The Secretary of Environmental Protection or his or her
124 designee.

125 4. The Commissioner of Agriculture or his or her designee.

126 5. The State Surgeon General or his or her designee.

127 6. The Commissioner of Education or his or her designee.

128 7. The President of Enterprise Florida, Inc., or his or her
129 designee.

130 8. The chair of the board of directors of CareerSource
131 Florida, Inc., or his or her designee.

132 9. The chair of the board of the regional economic
133 development organization for each of the rural areas of
134 opportunity or his or her designee.

135 10. Five members from the private sector, three of whom
136 shall be appointed by the executive director of the department,
137 one of whom shall be appointed by the President of the Senate,
138 and one of whom shall be appointed by the Speaker of the House
139 of Representatives.

140 (b) In making their appointments, the executive director,
141 the President of the Senate, and the Speaker of the House of
142 Representatives shall ensure that the appointments reflect the
143 diversity of Florida's business community and have the necessary
144 skills to assist rural communities and regions in achieving the
145 goals specified in subsection (1).

26-00117-18

2018170__

146 (c) The executive director, the President of the Senate,
147 and the Speaker of the House of Representatives shall consider
148 appointees who reflect the state's racial, ethnic, and gender
149 diversity and who are from rural communities.

150 (d) Each appointed member shall be appointed to a 2-year
151 term.

152 (e) Initial appointments shall be made by July 1, 2018,
153 with members' terms expiring on June 30 of their second year of
154 service.

155 (f) A vacancy shall be filled for the remainder of the
156 unexpired term in the same manner as the original appointment.

157 (g) An appointed member may be removed by the appointing
158 officer for cause. Absence of a member from three consecutive
159 meetings results in automatic removal.

160 (h) The chair may request the head of any state agency or
161 organization to serve on an ad hoc committee as needed to
162 address issues or projects relating to rural areas of
163 opportunity and economically distressed rural communities. The
164 chair shall consider requesting the following individuals to
165 serve on an ad hoc committee:

166 1. The executive director of the Fish and Wildlife
167 Conservation Commission or his or her designee.

168 2. The Secretary of State or his or her designee.

169 3. The Secretary of Children and Families or his or her
170 designee.

171 4. The Secretary of Corrections or his or her designee.

172 5. The Secretary of Juvenile Justice or his or her
173 designee.

174 6. The Secretary of Health Care Administration or his or

26-00117-18

2018170__

175 her designee.

176 7. A board member of the Florida Regional Councils
177 Association or his or her designee.

178 ~~(6) (a) By August 1 of each year, the head of each of the~~
179 ~~following agencies and organizations shall designate a deputy~~
180 ~~secretary or higher level staff person from within the agency or~~
181 ~~organization to serve as the REDI representative for the agency~~
182 ~~or organization:~~

- 183 ~~1. The Department of Transportation.~~
- 184 ~~2. The Department of Environmental Protection.~~
- 185 ~~3. The Department of Agriculture and Consumer Services.~~
- 186 ~~4. The Department of State.~~
- 187 ~~5. The Department of Health.~~
- 188 ~~6. The Department of Children and Families.~~
- 189 ~~7. The Department of Corrections.~~
- 190 ~~8. The Department of Education.~~
- 191 ~~9. The Department of Juvenile Justice.~~
- 192 ~~10. The Fish and Wildlife Conservation Commission.~~
- 193 ~~11. Each water management district.~~
- 194 ~~12. Enterprise Florida, Inc.~~
- 195 ~~13. CareerSource Florida, Inc.~~
- 196 ~~14. VISIT Florida.~~
- 197 ~~15. The Florida Regional Planning Council Association.~~
- 198 ~~16. The Agency for Health Care Administration.~~
- 199 ~~17. The Institute of Food and Agricultural Sciences (IFAS).~~

200
201 ~~An alternate for each designee shall also be chosen, and the~~
202 ~~names of the designees and alternates shall be sent to the~~
203 ~~executive director of the department.~~

26-00117-18

2018170__

204 ~~(i)(b)~~ Each REDI member who is, or is designated by, a
205 state agency or organization head ~~representative must have~~
206 ~~comprehensive knowledge of his or her agency's functions, both~~
207 ~~regulatory and service in nature, and of the state's economic~~
208 ~~goals, policies, and programs. This person~~ shall be the primary
209 point of contact for his or her agency with REDI on issues and
210 projects relating to rural areas of opportunity and economically
211 distressed rural communities and with regard to expediting
212 project review, shall ensure a prompt effective response to
213 problems arising with regard to rural issues, and shall work
214 closely with the other REDI members ~~representatives~~ in the
215 identification of opportunities for preferential awards of
216 program funds and allowances and waiver of program requirements
217 when necessary to encourage and facilitate long-term private
218 capital investment and job creation. Such members shall also
219 ensure that each district office or facility of his or her
220 agency or organization is informed about REDI and provide
221 assistance throughout the agency in the implementation of REDI
222 activities.

223 ~~(c)~~ The REDI ~~representatives shall work with REDI in the~~
224 ~~review and evaluation of statutes and rules for adverse impact~~
225 ~~on rural communities and the development of alternative~~
226 ~~proposals to mitigate that impact.~~

227 ~~(d)~~ Each REDI ~~representative shall be responsible for~~
228 ~~ensuring that each district office or facility of his or her~~
229 ~~agency is informed about the Rural Economic Development~~
230 ~~Initiative and for providing assistance throughout the agency in~~
231 ~~the implementation of REDI activities.~~

232 ~~(8)(7)~~ (a) REDI ~~may recommend to the Governor up to three~~

26-00117-18

2018170__

233 ~~rural areas of opportunity. The Governor, may by executive~~
234 ~~order, may designate up to three rural areas of opportunity~~
235 ~~which will establish these areas as priority assignments for~~
236 ~~REDI, and, acting through REDI, may as well as to allow the~~
237 ~~Governor, acting through REDI, to waive criteria, requirements,~~
238 ~~or similar provisions of any economic development incentive.~~
239 ~~Such incentives shall include, but are not limited to, the~~
240 ~~Qualified Target Industry Tax Refund Program under s. 288.106,~~
241 ~~the Quick Response Training Program under s. 288.047, the Quick~~
242 ~~Response Training Program for participants in the welfare~~
243 ~~transition program under s. 288.047(8), transportation projects~~
244 ~~under s. 339.2821, the brownfield redevelopment bonus refund~~
245 ~~under s. 288.107, and the rural job tax credit program under ss.~~
246 ~~212.098 and 220.1895.~~

247 (b) Designation as a rural area of opportunity under this
248 subsection is ~~shall be~~ contingent upon the execution of a
249 memorandum of agreement among the department; the governing body
250 of the county; and the governing bodies of any municipalities to
251 be included within a rural area of opportunity. Such agreement
252 must ~~shall~~ specify the terms and conditions of the designation,
253 including, but not limited to, the duties and responsibilities
254 of the county and any participating municipalities to take
255 actions designed to facilitate the retention and expansion of
256 existing businesses in the area, as well as the recruitment of
257 new businesses to the area.

258 (c) Each rural area of opportunity may designate catalyst
259 projects, ~~provided that each catalyst project is~~ specifically
260 recommended by REDI, ~~identified as a catalyst project by~~
261 ~~Enterprise Florida, Inc., and approved confirmed as a catalyst~~

26-00117-18

2018170__

262 ~~project~~ by the department. All state agencies and departments
263 shall use all available tools and resources to the extent
264 permissible by law to promote the creation and development of
265 each catalyst project and the development of catalyst sites.

266 (9) ~~(8)~~ Before September 1 of each year, REDI shall submit a
267 ~~report~~ to the department, the Governor, the President of the
268 Senate, and the Speaker of the House of Representatives a
269 complete and detailed report, including, but not limited to ~~on~~
270 ~~all REDI activities for the previous fiscal year as a supplement~~
271 ~~to the department's annual report required under s. 20.60. This~~
272 ~~supplementary report must include:~~

273 (a) A description of the operations of ~~status report on~~ all
274 projects currently being coordinated through REDI, the number of
275 preferential awards and allowances made pursuant to this
276 section, the dollar amount of such awards, ~~and~~ the names of the
277 recipients, and an evaluation of progress toward achieving
278 organizational goals and specific performance outcomes, as
279 established by the department.

280 (b) A description of the accomplishments of REDI and
281 identification of major trends, initiatives, or developments
282 affecting the performance of a program or activity coordinated
283 through REDI.

284 (c) A description of all waivers of program requirements
285 granted.

286 (d) ~~(e)~~ Information as to the economic impact of the
287 projects coordinated by REDI.

288 (e) ~~(d)~~ Recommendations based on the review and evaluation
289 of statutes and rules having an adverse impact on rural
290 communities and proposals to mitigate such adverse impacts.

26-00117-18

2018170__

291 Section 2. Paragraph (e) of subsection (7) of section
292 163.3177, Florida Statutes, is amended to read:

293 163.3177 Required and optional elements of comprehensive
294 plan; studies and surveys.—

295 (7)

296 (e) This subsection does not confer the status of rural
297 area of opportunity, or any of the rights or benefits derived
298 from such status, on any land area not otherwise designated as
299 such pursuant to s. 288.0656(8) ~~s. 288.0656(7)~~.

300 Section 3. Subsection (3) of section 163.3187, Florida
301 Statutes, is amended to read:

302 163.3187 Process for adoption of small-scale comprehensive
303 plan amendment.—

304 (3) If the small scale development amendment involves a
305 site within a rural area of opportunity as defined under s.
306 288.0656(3)(d) ~~s. 288.0656(2)(d)~~ for the duration of such
307 designation, the 10-acre limit listed in subsection (1) shall be
308 increased by 100 percent to 20 acres. The local government
309 approving the small scale plan amendment shall certify to the
310 state land planning agency that the plan amendment furthers the
311 economic objectives set forth in the executive order issued
312 under s. 288.0656(8) ~~s. 288.0656(7)~~, and the property subject to
313 the plan amendment shall undergo public review to ensure that
314 all concurrency requirements and federal, state, and local
315 environmental permit requirements are met.

316 Section 4. Subsection (2) of section 257.193, Florida
317 Statutes, is amended to read:

318 257.193 Community Libraries in Caring Program.—

319 (2) The purpose of the Community Libraries in Caring

26-00117-18

2018170__

320 Program is to assist libraries in rural communities, as defined
321 in s. 288.0656(3) ~~s. 288.0656(2)~~ and subject to the provisions
322 of s. 288.06561, to strengthen their collections and services,
323 improve literacy in their communities, and improve the economic
324 viability of their communities.

325 Section 5. Section 288.019, Florida Statutes, is amended to
326 read:

327 288.019 Rural considerations in grant review and evaluation
328 processes.—Notwithstanding any other law, and to the fullest
329 extent possible, the member agencies and organizations of the
330 Rural Economic Development Initiative (REDI) as defined in s.
331 288.0656(7) (a) ~~s. 288.0656(6) (a)~~ shall review all grant and loan
332 application evaluation criteria to ensure the fullest access for
333 rural counties as defined in s. 288.0656(3) ~~s. 288.0656(2)~~ to
334 resources available throughout the state.

335 (1) Each REDI agency and organization shall review all
336 evaluation and scoring procedures and develop modifications to
337 those procedures which minimize the impact of a project within a
338 rural area.

339 (2) Evaluation criteria and scoring procedures must provide
340 for an appropriate ranking based on the proportionate impact
341 that projects have on a rural area when compared with similar
342 project impacts on an urban area.

343 (3) Evaluation criteria and scoring procedures must
344 recognize the disparity of available fiscal resources for an
345 equal level of financial support from an urban county and a
346 rural county.

347 (a) The evaluation criteria should weight contribution in
348 proportion to the amount of funding available at the local

26-00117-18

2018170__

349 level.

350 (b) In-kind match should be allowed and applied as
351 financial match when a county is experiencing financial distress
352 through elevated unemployment at a rate in excess of the state's
353 average by 5 percentage points or because of the loss of its ad
354 valorem base.

355 (4) For existing programs, the modified evaluation criteria
356 and scoring procedure must be delivered to the department for
357 distribution to the REDI agencies and organizations. The REDI
358 agencies and organizations shall review and make comments.
359 Future rules, programs, evaluation criteria, and scoring
360 processes must be brought before a REDI meeting for review,
361 discussion, and recommendation to allow rural counties fuller
362 access to the state's resources.

363 Section 6. Section 288.06561, Florida Statutes, is amended
364 to read:

365 288.06561 Reduction or waiver of financial match
366 requirements.—Notwithstanding any other law, the member agencies
367 and organizations of the Rural Economic Development Initiative
368 (REDI), as defined in s. 288.0656(7)(a) ~~s. 288.0656(6)(a)~~, shall
369 review the financial match requirements for projects in rural
370 areas as defined in s. 288.0656(3) ~~s. 288.0656(2)~~.

371 (1) Each agency and organization shall develop a proposal
372 to waive or reduce the match requirement for rural areas.

373 (2) Agencies and organizations shall ensure that all
374 proposals are submitted to the department for review by the REDI
375 agencies.

376 (3) These proposals shall be delivered to the department
377 for distribution to the REDI agencies and organizations. A

26-00117-18

2018170__

378 meeting of REDI agencies and organizations must be called within
379 30 days after receipt of such proposals for REDI comment and
380 recommendations on each proposal.

381 (4) Waivers and reductions must be requested by the county
382 or community, and such county or community must have three or
383 more of the factors identified in s. 288.0656(3)(c) ~~s.~~
384 ~~288.0656(2)(c)~~.

385 (5) Any other funds available to the project may be used
386 for financial match of federal programs when there is fiscal
387 hardship, and the match requirements may not be waived or
388 reduced.

389 (6) When match requirements are not reduced or eliminated,
390 donations of land, though usually not recognized as an in-kind
391 match, may be permitted.

392 (7) To the fullest extent possible, agencies and
393 organizations shall expedite the rule adoption and amendment
394 process if necessary to incorporate the reduction in match by
395 rural areas in fiscal distress.

396 (8) REDI shall include in its annual report an evaluation
397 on the status of changes to rules, number of awards made with
398 waivers, and recommendations for future changes.

399 Section 7. Paragraph (d) of subsection (6) of section
400 290.0055, Florida Statutes, is amended to read:

401 290.0055 Local nominating procedure.—

402 (6)

403 (d)1. The governing body of a jurisdiction which has
404 nominated an application for an enterprise zone that is at least
405 15 square miles and less than 20 square miles and includes a
406 portion of the state designated as a rural area of opportunity

26-00117-18

2018170__

407 under s. 288.0656(8) ~~s. 288.0656(7)~~ may apply to the department
408 to expand the boundary of the existing enterprise zone by not
409 more than 3 square miles.

410 2. The governing body of a jurisdiction which has nominated
411 an application for an enterprise zone that is at least 20 square
412 miles and includes a portion of the state designated as a rural
413 area of opportunity under s. 288.0656(8) ~~s. 288.0656(7)~~ may
414 apply to the department to expand the boundary of the existing
415 enterprise zone by not more than 5 square miles.

416 3. An application to expand the boundary of an enterprise
417 zone under this paragraph must be submitted by December 31,
418 2013.

419 4. Notwithstanding the area limitations specified in
420 subsection (4), the department may approve the request for a
421 boundary amendment if the area continues to satisfy the
422 remaining requirements of this section.

423 5. The department shall establish the initial effective
424 date of an enterprise zone designated under this paragraph.

425 Section 8. Section 290.06561, Florida Statutes, is amended
426 to read:

427 290.06561 Designation of rural enterprise zone as catalyst
428 site.—Notwithstanding s. 290.0065(1), the Department of Economic
429 Opportunity, upon request of the host county, shall designate as
430 a rural enterprise zone any catalyst site as defined in s.
431 288.0656(3)(b) ~~s. 288.0656(2)(b)~~ that was approved before
432 January 1, 2010, and that is not located in an existing rural
433 enterprise zone. The request from the host county must include
434 the legal description of the catalyst site and the name and
435 contact information for the county development authority

26-00117-18

2018170__

436 responsible for managing the catalyst site. The designation
437 shall provide businesses locating within the catalyst site the
438 same eligibility for economic incentives and other benefits of a
439 rural enterprise zone designated under s. 290.0065. The
440 reporting criteria for a catalyst site designated as a rural
441 enterprise zone under this section are the same as for other
442 rural enterprise zones. Host county development authorities may
443 enter into memoranda of agreement, as necessary, to coordinate
444 their efforts to implement this section.

445 Section 9. Paragraph (h) of subsection (1) of section
446 337.403, Florida Statutes, is amended to read:

447 337.403 Interference caused by utility; expenses.—

448 (1) If a utility that is placed upon, under, over, or
449 within the right-of-way limits of any public road or publicly
450 owned rail corridor is found by the authority to be unreasonably
451 interfering in any way with the convenient, safe, or continuous
452 use, or the maintenance, improvement, extension, or expansion,
453 of such public road or publicly owned rail corridor, the utility
454 owner shall, upon 30 days' written notice to the utility or its
455 agent by the authority, initiate the work necessary to alleviate
456 the interference at its own expense except as provided in
457 paragraphs (a)-(j). The work must be completed within such
458 reasonable time as stated in the notice or such time as agreed
459 to by the authority and the utility owner.

460 (h) If a municipally owned utility or county-owned utility
461 is located in a rural area of opportunity, as defined in s.
462 288.0656(3) ~~s. 288.0656(2)~~, and the department determines that
463 the utility is unable, and will not be able within the next 10
464 years, to pay for the cost of utility work necessitated by a

26-00117-18

2018170__

465 department project on the State Highway System, the department
466 may pay, in whole or in part, the cost of such utility work
467 performed by the department or its contractor.

468 Section 10. Subsection (7) of section 339.2818, Florida
469 Statutes, is amended to read:

470 339.2818 Small County Outreach Program.—

471 (7) Subject to a specific appropriation in addition to
472 funds annually appropriated for projects under this section, a
473 municipality within a rural area of opportunity or a rural area
474 of opportunity community designated under s. 288.0656(8) (a) ~~s.~~
475 ~~288.0656(7) (a)~~ may compete for the additional project funding
476 using the criteria listed in subsection (4) at up to 100 percent
477 of project costs, excluding capacity improvement projects.

478 Section 11. Paragraph (c) of subsection (4) of section
479 339.2819, Florida Statutes, is amended to read:

480 339.2819 Transportation Regional Incentive Program.—

481 (4)

482 (c) The department shall give priority to projects that:

483 1. Provide connectivity to the Strategic Intermodal System
484 developed under s. 339.64.

485 2. Support economic development and the movement of goods
486 in rural areas of opportunity designated under s. 288.0656(8) ~~s.~~
487 ~~288.0656(7)~~.

488 3. Are subject to a local ordinance that establishes
489 corridor management techniques, including access management
490 strategies, right-of-way acquisition and protection measures,
491 appropriate land use strategies, zoning, and setback
492 requirements for adjacent land uses.

493 4. Improve connectivity between military installations and

26-00117-18

2018170__

494 the Strategic Highway Network or the Strategic Rail Corridor
495 Network.

496

497 The department shall also consider the extent to which local
498 matching funds are available to be committed to the project.

499 Section 12. Paragraph (b) of subsection (5) of section
500 339.63, Florida Statutes, is amended to read:

501 339.63 System facilities designated; additions and
502 deletions.—

503 (5)

504 (b) A facility designated part of the Strategic Intermodal
505 System pursuant to paragraph (a) that is within the jurisdiction
506 of a local government that maintains a transportation
507 concurrency system shall receive a waiver of transportation
508 concurrency requirements applicable to Strategic Intermodal
509 System facilities in order to accommodate any development at the
510 facility which occurs pursuant to a building permit issued on or
511 before December 31, 2017, but only if such facility is located:

512 1. Within an area designated pursuant to s. 288.0656(8) ~~s.~~
513 ~~288.0656(7)~~ as a rural area of opportunity;

514 2. Within a rural enterprise zone as defined in s.
515 290.004(5); or

516 3. Within 15 miles of the boundary of a rural area of
517 opportunity or a rural enterprise zone.

518 Section 13. Subsection (16) of section 479.16, Florida
519 Statutes, is amended to read:

520 479.16 Signs for which permits are not required.—The
521 following signs are exempt from the requirement that a permit
522 for a sign be obtained under this chapter but are required to

26-00117-18

2018170__

523 comply with s. 479.11(4)-(8), and subsections (15)-(20) may not
524 be implemented or continued if the Federal Government notifies
525 the department that implementation or continuation will
526 adversely affect the allocation of federal funds to the
527 department:

528 (16) Signs placed by a local tourist-oriented business
529 located within a rural area of opportunity as defined in s.
530 288.0656(3) ~~s. 288.0656(2)~~ which are:

531 (a) Not more than 8 square feet in size or more than 4 feet
532 in height;

533 (b) Located only in rural areas on a facility that does not
534 meet the definition of a limited access facility, as defined in
535 s. 334.03;

536 (c) Located within 2 miles of the business location and at
537 least 500 feet apart;

538 (d) Located only in two directions leading to the business;
539 and

540 (e) Not located within the road right-of-way.

541
542 A business placing such signs must be at least 4 miles from any
543 other business using this exemption and may not participate in
544 any other directional signage program by the department.

545
546 If the exemptions in subsections (15)-(20) are not implemented
547 or continued due to notification from the Federal Government
548 that the allocation of federal funds to the department will be
549 adversely impacted, the department shall provide notice to the
550 sign owner that the sign must be removed within 30 days after
551 receipt of the notice. If the sign is not removed within 30 days

26-00117-18

2018170__

552 after receipt of the notice by the sign owner, the department
 553 may remove the sign, and the costs incurred in connection with
 554 the sign removal shall be assessed against and collected from
 555 the sign owner.

556 Section 14. Paragraph (d) of subsection (14) of section
 557 627.6699, Florida Statutes, is amended to read:

558 627.6699 Employee Health Care Access Act.—

559 (14) SMALL EMPLOYERS ACCESS PROGRAM.—

560 (d) *Eligibility*.—

561 1. Any small employer that is actively engaged in business,
 562 has its principal place of business in this state, employs up to
 563 25 eligible employees on business days during the preceding
 564 calendar year, employs at least 2 employees on the first day of
 565 the plan year, and has had no prior coverage for the last 6
 566 months may participate.

567 2. Any municipality, county, school district, or hospital
 568 employer located in a rural community as defined in s.

569 288.0656(3) ~~s. 288.0656(2)~~ may participate.

570 3. Nursing home employers may participate.

571 4. Each dependent of a person eligible for coverage is also
 572 eligible to participate.

573

574 Any employer participating in the program must do so until the
 575 end of the term for which the carrier providing the coverage is
 576 obligated to provide such coverage to the program. Coverage for
 577 a small employer group that ceases to meet the eligibility
 578 requirements of this section may be terminated at the end of the
 579 policy period for which the necessary premiums have been paid.

580 Section 15. This act shall take effect upon becoming a law.

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 Committee on Agriculture

BILL: CS/SB 740

INTRODUCER: Agriculture Committee and Senator Stargel

SUBJECT: Department of Agriculture and Consumer Services

DATE: January 11, 2018 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Akhavein	Becker	AG	Fav/CS
2.			AEN	
3.			AP	

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

I. Summary:

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

- 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 noncharitable 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 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;

- Makes the Commissioner of Agriculture responsible for liquefied petroleum gas (LPG) insurance issues 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;
- Clearly defines the Commissioner of Agriculture's authority to waive fees during emergencies;
- Updates the Florida Seed Law in to 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, the distribution of which is contingent upon approval of the department; 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.

II. Present Situation:

Information for the analysis of SB 740 was provided by the Department of Agriculture and Consumer Services in a November 15, 2017, analysis.

Citrus Protection Structures

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 physically attached 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.

Apalachicola Bay Oyster Harvesting Licenses

Florida residents and non-residents seeking to harvest oysters from Apalachicola Bay must purchase an annual Apalachicola Bay Oyster Harvesting License (ABOHL) from the department if commercial quantities are being harvested and they are 18 years old or older. Such licenses are valid from July 1st through June 30th. Individuals applying for the ABOHL between May 17th and June 30th receive the required Fish and Wildlife Conservation Commission Saltwater Products License in conjunction with the ABOHL without any additional fees. License fees are deposited into the General Inspection Trust Fund and are used by the department to support oyster shell planting activities in Apalachicola Bay.

Pesticide Registration Fees

Currently, payments of all pesticide registration fees are submitted electronically by using the department's website. Some pesticide registrants would prefer to mail checks, which the proposed legislation would allow.

Firearm Licenses

Some veterans acquired firearms instructor training during their service and are allowed to obtain initial licensure as a Florida firearms (Class "K") instructor through relevant credit for military training. However, there is no current avenue for these veterans to renew their license because current law only recognizes current instructor certification from the Florida Criminal Justice Standards and Training Commission, from the National Rifle Association (NRA), or from a federal law enforcement agency. These avenues, which are used for both initial and continuing education, are either not available for veterans with this experience, or as in the case of the NRA instructor certification, not logical in that it requires a person to have worked at least three years as an armed security guard.

Solicitation of Funds

Many states require organizations soliciting charitable contributions to have a separate account for their non-charitable funds. Currently, Florida law does not contain an explicit prohibition regarding the comingling of charitable and non-charitable monies, nor does it contain recordkeeping provisions related to delineating between charitable and non-charitable transactions. Therefore, when Attorney General Office prosecutors and/or departmental regulators investigate allegations of misuse of charitably-solicited funds, their job is made many times more challenging by the need to decouple charitable and non-charitable monies in the accounting records under consideration.

Water Vending Machines

Water vending machine applicants must submit forms to the department "in writing," thus prohibiting the use of digital applications. Eliminating the "in writing" requirement would decrease processing time and improve customer service. The department issues serialized permit ID decals to approved vending machine owners. The bill deletes this requirement because the serialized decals are inconsistent with non-serialized decals used in other departmental inspection programs.

Telephone Solicitation

Advances in ringless communication technology allow telemarketers to directly deliver voicemail messages without causing a customer's telephone to ring. A company recently filed a petition with the Federal Communications Commission (FCC) requesting that the agency declare such communications exempt from federal Do Not Call (DNC) regulations. After the FCC received more than 80,000 opposing comments, the company withdrew its petition without receiving an FCC ruling on ringless technology. The department believes that ringless communication constitutes a telephonic sales call under the state's DNC statute. In the absence of a federal rule regarding this technological innovation, the department believes adding a state prohibition of ringless voicemails is necessary.

Currently, telemarketers have no recordkeeping requirements. Investigations of one or two complaints often reveal patterns of behavior. However, in the absence of records, it is difficult to establish violations of both the DNC and Telemarketing Acts.

Credit and Debit Card Skimming Devices

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. Inspectors often wait at a site for an average of two to three hours per incident because these are non-emergency requests. This takes approximately 680-1,020 staff hours per year. The time spent waiting on a law enforcement response is a drain on personnel resources and prevents inspectors from checking other locations for similar devices.

Petroleum Inspection

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.

Antifreeze

Currently, there are separate definitions in the statutes for the terms antifreeze coolant, antifreeze, and summer coolant. The bill would remove the unnecessary distinction between coolant types because the differences among these fluids are inconsequential for the purposes of the law.

Samples of all antifreeze brands and products must be submitted to the department's Bureau of Standards laboratory for annual testing prior to registration, even if the products have previously been tested and offered for sale in Florida. As such, applicants are not allowed to rely on certified reports from independent testing laboratories in lieu of departmental testing. Notwithstanding these seemingly stringent requirements, testing oversight is limited under current law because companies are permitted to select their own samples and rarely is random sampling or retesting performed.

The bill would also make antifreeze formula requirements consistent with the internal departmental testing specified in the above paragraph. Currently, the department does not have access to an antifreeze manufacturer's formula in order to confirm the independently conducted testing results that would be submitted with an application.

Brake Fluid

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.

Sale of Liquefied Petroleum Gas

The department recently collaborated with the Florida LP Gas Association and other industry leaders to modernize the laws that govern Liquefied Petroleum Gas. This will align the law with current business practices, simplify the registration process and fee structure, and streamline the regulatory structure.

Weights, Measures, and Standards

The department tests, inspects, and regulates the operation of weighting and measuring devices used in commercial transactions. The program is funded through permit fees which have a statutory ceiling. Originally, there was a July 1, 2014, sunset provision, which the Legislature extended until July 1, 2020. Unless the Legislature reenacts this provision, the current permitting fee-structure for weighing and measuring devices will expire in two years. The industries that use measurements in commercial transactions support extending the licenses and the associated fees.

Florida Seed Law

Technological and federal regulatory changes have created the need for Florida to update and reorganize its Seed Law contained in chapter 578, F.S. By modernizing the law, Florida will align itself with the provisions of the Recommended Uniform State Seed Law, the Federal Seed Act, and the Plant Variety Protection Act, as well as the requirements of neighboring states. The proposed changes will promote interstate commerce and regulatory consistency across state lines, which will afford stakeholders a better understanding of Florida's Seed Law. The department believes optimizing regulation and decreasing regulatory compliance costs will allow Florida's seed industry to become more competitive and better equipped to feed Florida's growing population.

Forest Protection

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. Allowing the department to use public funds to pay for the examination fees would help with employee recruitment and retention in job classifications that are already problematic.

Weapons and Firearms

During the 2014 Legislative Session, a bill was passed authorizing constitutionally-elected tax collectors throughout the state to accept concealed weapon license applications on behalf of the department. Subsequently, during the 2016 Legislative Session, the law was amended again to allow tax collectors to print and to furnish renewal licenses to concealed weapon license holders who submit a complete license renewal application to a tax collector's office, predicated upon approval of the department. As of June 2017, there were 44 tax collectors using the Concealed Weapon Intake System (CWIS) to offer application processing services in 50 office locations throughout the state. The department plans to put the CWIS hardware and software in nine new tax collectors' offices this fiscal year. This program has proved to be very successful because more citizens have used the tax collectors' office service to submit concealed weapon applications than mailed their applications to the department.

Government Impostor and Deceptive Advertisement Act

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, currently, the only remedy is to throw away the offending material, which does not protect unsuspecting consumers. The state of Tennessee passed a similar bill in 2017 and several others are expected to propose language in 2018.

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 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. It 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 would also 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 would 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. It 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. It eliminates affidavit requirements when a registered brand is no longer in production or distribution. It also eliminates the requirement that the department independently test the fluids upon application. In lieu of departmental testing, all first time applicants would 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 would be evidence that, if not overcome, would 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. It allows businesses to register

products for 24 months, creating greater efficiency for the business as well as the department. It 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 would be evidence that, if not overcome, would 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 (LPG) licensee categories so they will more accurately reflect current business practices. It 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. It eliminates the original and renewal LPG license fee structure and replaces it with a new revenue neutral fee structure. It 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. It 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. It increases the requirements to achieve master qualifier status and removes the employer's name from master qualifier certificates issued by the department. It 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. The vehicle would be registered at the time it is placed into service or during the licensing application process by the LP gas dealer.

Section 22 amends s. 527.03, F.S., to allow for 12, 24, or 36-month LPG licenses at the discretion of the licensee. It 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 LPG 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 LPG 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 make 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 would 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 would 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. It 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 seeds. It 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. It requires sellers to take reasonable actions to ensure the identity of seed in cases involving criminal penalties for incorrect labels. It 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. It specifies that it is unlawful to move, handle, or dispose of seeds or tags under a stop-sale notice or order without permission from the department. It 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. It 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. It 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." It 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. It requires that any contested seed be planted in the state and that all administrative remedies be exhausted prior to commencing any legal action. It 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. It revises the purpose of the council to assist buyers, instead of exclusively farmers, and seed dealers. It 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., to be present 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. It 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. It 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. It 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. It allows tax collectors' offices to print duplicate licenses, the distribution of which is contingent upon approval and confirmation from the department. It permits tax collectors' offices to provide fingerprinting and photographing services to complete online concealed weapon and firearm license applications. It 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. It defines terms and specifies department duties and responsibilities. The act would 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 would 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:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

See Government and Private Sector Impact sections.

B. Private Sector Impact:

The department would pay the fees for Class A and B Commercial Driver’s License testing for persons who are newly hired by the Florida Forest Service and employees who are promoted to positions needing such licenses.

C. Government Sector Impact:

	FY 2018-19	FY 2019-20	FY 2020-21
REVENUES			
Recurring:			
Administration transfer of shellfish aquaculture licenses to the City of Apalachicola	-79,900	-79,900	-79,900
Consolidation of liquefied petroleum gas licenses	-3,000	-3,000	-3,000
Non-Recurring:	0	0	0
Total Revenue Loss:	-82,900	-82,900	-82,900

	FY 2018-19	FY 2019-20	FY 2020-21
EXPENDITURES			
Recurring:			
Administration transfer of shellfish aquaculture licenses to the City of Apalachicola (offsetting reduction in oyster planting expenditures)	-79,900	-79,900	-79,900
Antifreeze (increase in sample purchasing)	6,000	6,000	6,000
Gasoline and oil inspection (increased shipping costs for skimming devices)	4,800	4,800	4,800
Brake fluid (increase in sample purchasing)	4,370	4,370	4,370
Florida Forest Service –	36,000	36,000	36,000

80 \$300 Class B Commercial Driver’s License test fees and 40 \$300 Class A Commercial Driver’s License test fees

Total Increase in Recurring Expenditures:	-28,730	-28,730	-28,730
Non-Recurring:	0	0	0
Total Decrease in Expenditures:	-28,730	-28,730	-28,730
Total FDACS Decrease in Expenditures:	-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.

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



273884

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2018	.	
	.	
	.	
	.	

The Committee on Agriculture (Stargel) recommended the following:

Senate Amendment (with title amendment)

Between lines 183 and 184

insert:

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

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

(6)

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



11 assessment of property used for agricultural purposes,
12 irrigation systems, including pumps and motors, which are
13 physically attached to the land are ~~shall be~~ considered a part
14 of the average yields per acre and do not ~~shall~~ have any ~~no~~
15 separately assessable contributory value.

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

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

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete line 3

31 and insert:

32 Consumer Services; amending s. 193.461, F.S.;
33 specifying a methodology for the assessment of certain
34 structures in citrus production; amending s. 379.361,
35 F.S.;



262082

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2018	.	
	.	
	.	
	.	

The Committee on Agriculture (Stargel) recommended the following:

Senate Amendment

Delete lines 1638 - 1640
and insert:
written or printed label or tag in the English language, in
Century type. All data pertaining to analysis must ~~shall~~ appear
on a single label. Language setting forth the requirements for
filing



494718

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2018	.	
	.	
	.	
	.	

The Committee on Agriculture (Stargel) recommended the following:

Senate Amendment

Delete line 1677
and insert:
~~"mixed"~~ shall be shown conspicuously on the label. Hybrids must
be labeled as hybrids.



281488

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/11/2018	.	
	.	
	.	
	.	

The Committee on Agriculture (Stargel) recommended the following:

Senate Amendment

1
2
3 Delete line 2119
4 and insert:
5 containers which is provided for in s. 578.092 ~~s. 578.28~~.

By Senator Stargel

22-00439B-18

2018740__

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 379.361, F.S.;
4 transferring authority to issue licenses for oyster
5 harvesting in Apalachicola Bay from the department to
6 the City of Apalachicola; revising the disposition and
7 permitted uses of license proceeds; amending s.
8 487.041, F.S.; deleting obsolete provisions; deleting
9 a requirement that all pesticide registration fees be
10 submitted electronically; amending s. 493.6105, F.S.;
11 revising the submission requirements for a Class "K"
12 firearm license application; amending s. 493.6113,
13 F.S.; revising submission requirements for a Class "K"
14 firearm license renewal; amending s. 496.415, F.S.;
15 prohibiting the comingling of funds in connection with
16 the planning, conduct, or execution of any
17 solicitation or charitable or sponsor sales promotion;
18 amending s. 496.418, F.S.; revising recordkeeping and
19 accounting requirements for solicitations of funds;
20 amending s. 500.459, F.S.; revising permitting
21 requirements and operating standards for water vending
22 machines; amending s. 501.059, F.S.; revising the term
23 "telephonic sales call"; prohibiting telephone
24 solicitors from initiating certain contact with
25 businesses who previously communicated that they did
26 not wish to be so contacted; creating s. 501.6175,
27 F.S.; specifying recordkeeping requirements for
28 commercial telephone sellers; amending s. 501.912,
29 F.S.; revising terms; amending s. 501.913, F.S.;

22-00439B-18

2018740__

30 authorizing antifreeze brands to be registered for a
31 specified period; deleting a provision relating to the
32 registration of brands that are no longer in
33 production; specifying a certified report requirement
34 for first-time applications; amending s. 501.917,
35 F.S.; revising department sampling and analysis
36 requirements for antifreeze; specifying that the
37 certificate of analysis is prima facie evidence of the
38 facts stated therein; amending s. 501.92, F.S.;
39 revising when the department may require an antifreeze
40 formula for analysis; amending s. 525.07, F.S.;
41 authorizing the department to seize skimming devices
42 without a warrant; amending s. 526.51, F.S.; revising
43 application requirements and fees for brake fluid
44 brands; deleting a provision relating to the
45 registration of brands that are no longer in
46 production; amending s. 526.53, F.S.; revising
47 department sampling and analysis requirements for
48 brake fluid; specifying that the certificate of
49 analysis is prima facie evidence of the facts stated
50 therein; amending s. 527.01, F.S.; revising terms;
51 amending s. 527.02, F.S.; revising the persons subject
52 to liquefied petroleum business licensing provisions;
53 revising such licensing fees and requirements;
54 revising reporting and fee requirements for certain
55 material changes to license information; deleting a
56 provision authorizing license transfers; amending s.
57 527.0201, F.S.; revising the persons subject to
58 liquefied petroleum qualifier competency examination,

22-00439B-18

2018740__

59 registry, supervisory, and employment requirements;
60 revising the expiration of qualifier registrations;
61 revising the persons subject to master qualifier
62 requirements; revising master qualifier application
63 requirements; deleting provisions specifying that a
64 failure to replace master qualifiers within certain
65 periods constitutes grounds for license revocation;
66 deleting a provision relating to facsimile
67 transmission of duplicate licenses; amending s.
68 527.021, F.S.; revising the circumstances under which
69 liquefied petroleum gas bulk delivery vehicles must be
70 registered with the department; amending s. 527.03,
71 F.S.; authorizing certain liquefied petroleum gas
72 registrations to be renewed for 2 or 3 years; deleting
73 certain renewal period requirements; amending s.
74 527.04, F.S.; revising the persons required to provide
75 the department with proof of insurance; revising the
76 required payee for a bond in lieu of such insurance;
77 amending s. 527.0605, F.S.; deleting provisions
78 requiring licensees to submit a site plan and review
79 fee for liquefied petroleum bulk storage container
80 locations; amending s. 527.065, F.S.; revising the
81 circumstances under which a liquefied petroleum gas
82 licensee must notify the department of an accident;
83 amending ss. 527.10 and 527.21, F.S.; conforming
84 provisions to changes made by the act; amending s.
85 527.22, F.S.; deleting an obsolete provision; amending
86 s. 531.67, F.S.; extending the expiration date of
87 certain provisions relating to permits for

22-00439B-18

2018740__

88 commercially operated or tested weights or measures
89 instruments or devices; amending s. 570.07, F.S.;
90 authorizing the department to waive certain fees
91 during a state of emergency; amending s. 573.111,
92 F.S.; revising the required posting location for the
93 issuance of an agricultural commodity marketing order;
94 amending s. 578.011, F.S.; revising and defining
95 terms; creating s. 578.012, F.S.; providing
96 legislative intent; creating a preemption of local law
97 relating to regulation of seed; amending s. 578.08,
98 F.S.; revising application requirements for the
99 registration of seed dealers; conforming provisions to
100 changes made by the act; specifying that a receipt
101 from the department need not be written to constitute
102 a permit; deleting an exception to registration
103 requirements for certain experiment stations;
104 requiring the payment of fees when packet seed is
105 placed into commerce; amending s. 578.09, F.S.;
106 revising labeling requirements for agricultural,
107 vegetable, flower, tree, and shrub seeds; conforming a
108 cross-reference; repealing s. 578.091, F.S., relating
109 to labeling of forest tree seed; amending s. 578.10,
110 F.S.; revising exemptions to seed labeling, sale, and
111 solicitation requirements; amending s. 578.11, F.S.;
112 conforming provisions to changes made by the act;
113 making technical changes; amending s. 578.12, F.S.;
114 conforming provisions to changes made by the act;
115 amending s. 578.13, F.S.; conforming provisions to
116 changes made by the act; specifying that it is

22-00439B-18

2018740__

117 unlawful to move, handle, or dispose of seeds or tags
118 under a stop-sale notice or order without permission
119 from the department; specifying that it is unlawful to
120 represent seed as certified except under specified
121 conditions or to label seed with a variety name under
122 certain conditions; repealing s. 578.14, F.S.,
123 relating to packet vegetable and flower seed; amending
124 s. 578.181, F.S.; revising penalties; amending s.
125 578.23, F.S.; revising recordkeeping requirements
126 relating to seed labeling; amending s. 578.26, F.S.;
127 conforming provisions to changes made by the act;
128 specifying that certain persons may not commence legal
129 proceedings or make certain claims against a seed
130 dealer before certain findings and recommendations are
131 transmitted by the seed investigation and conciliation
132 council to the complainant and dealer; deleting a
133 requirement that the department transmit such findings
134 and recommendations to complainants and dealers;
135 requiring the department to mail a copy of the
136 council's procedures to both parties upon receipt of a
137 complaint; amending s. 578.27, F.S.; removing
138 alternate membership from the seed investigation and
139 conciliation council; revising the terms of members of
140 the council; conforming provisions to changes made by
141 the act; revising the purpose of the council; revising
142 the council's investigatory process; renumbering and
143 amending s. 578.28, F.S.; making a technical change;
144 creating s. 578.29, F.S.; prohibiting certain noxious
145 weed seed from being offered or exposed for sale;

22-00439B-18

2018740__

146 amending s. 590.02, F.S.; authorizing the Florida
147 Forest Service to pay certain employees' initial
148 commercial driver license examination fees; amending
149 s. 790.06, F.S.; revising required department handling
150 of incomplete criminal history information in relation
151 to licensure to carry concealed firearms; revising the
152 required furnished statement to obtain a duplicate or
153 substitute concealed weapon or firearm license;
154 amending s. 790.0625, F.S.; revising required tax
155 collector collection and remittance of firearm license
156 fees; revising the fees which a tax collector may
157 retain; authorizing certain tax collectors to print
158 and deliver certain replacement licenses under certain
159 conditions; authorizing certain tax collectors to
160 offer fingerprinting and photographing services to aid
161 license applicants; creating s. 817.417, F.S.;

162 providing a short title; defining terms; specifying
163 department duties and responsibilities relating to
164 government impostor and deceptive advertisements;
165 requiring rulemaking by the department; specifying
166 that it is a violation to disseminate certain
167 misleading or confusing advertisements, to make
168 certain misleading or confusing representations, to
169 use content implying or leading to confusion that such
170 content is from a governmental entity when such is not
171 true, to fail to provide certain disclosures, and to
172 fail to provide certain responses and answers to the
173 department; requiring a person offering documents that
174 are available free of charge or at a lesser price from

22-00439B-18

2018740__

175 a governmental entity to provide a certain disclosure;
176 providing penalties; amending s. 489.105, F.S.;
177 conforming provisions to changes made by the act;
178 reenacting s. 527.06(3), F.S., relating to published
179 standards of the National Fire Protection Association;
180 providing an effective date.

181

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

183

184 Section 1. Paragraphs (b), (d), and (i) of subsection (5)
185 of section 379.361, Florida Statutes, are amended to read:

186 379.361 Licenses.—

187 (5) APALACHICOLA BAY OYSTER HARVESTING LICENSE.—

188 (b) A ~~No~~ person may not ~~shall~~ harvest oysters from the
189 Apalachicola Bay without a valid Apalachicola Bay oyster
190 harvesting license issued by the City of Apalachicola ~~Department~~
191 ~~of Agriculture and Consumer Services~~. This requirement does
192 ~~shall~~ not apply to anyone harvesting noncommercial quantities of
193 oysters in accordance with commission rules, or to any person
194 less than 18 years old.

195 (d) The City of Apalachicola ~~Department of Agriculture and~~
196 ~~Consumer Services~~ shall collect an annual fee of \$100 from state
197 residents and \$500 from nonresidents for the issuance of an
198 Apalachicola Bay oyster harvesting license. The license year
199 shall begin on July 1 of each year and end on June 30 of the
200 following year. The license shall be valid only for the
201 licensee. Only bona fide residents of the state ~~Florida~~ may
202 obtain a resident license pursuant to this subsection.

203 (i) The proceeds from Apalachicola Bay oyster harvesting

22-00439B-18

2018740__

204 license fees shall be deposited by the City of Apalachicola into
 205 a trust account ~~in the General Inspection Trust Fund~~ and, less
 206 reasonable administrative costs, must ~~shall~~ be used or
 207 distributed by the City of Apalachicola ~~Department of~~
 208 ~~Agriculture and Consumer Services~~ for the following purposes in
 209 Apalachicola Bay:

- 210 1. An Apalachicola Bay oyster shell recycling program
 211 ~~Relaying and transplanting live oysters.~~
- 212 2. Shell planting to construct or rehabilitate oyster bars.
- 213 3. Education programs for licensed oyster harvesters on
 214 oyster biology, aquaculture, boating and water safety,
 215 sanitation, resource conservation, small business management,
 216 marketing, and other relevant subjects.
- 217 4. Research directed toward the enhancement of oyster
 218 production in the bay and the water management needs of the bay.

219 Section 2. Paragraphs (a), (b), and (i) of subsection (1)
 220 of section 487.041, Florida Statutes, are amended to read:

221 487.041 Registration.—

222 (1) (a) ~~Effective January 1, 2009,~~ Each brand of pesticide,
 223 as defined in s. 487.021, which is distributed, sold, or offered
 224 for sale, except as provided in this section, within this state
 225 or delivered for transportation or transported in intrastate
 226 commerce or between points within this state through any point
 227 outside this state must be registered in the office of the
 228 department, and such registration shall be renewed biennially.
 229 Emergency exemptions from registration may be authorized in
 230 accordance with the rules of the department. The registrant
 231 shall file with the department a statement including:

- 232 1. The name, business mailing address, and street address

22-00439B-18

2018740__

233 of the registrant.

234 2. The name of the brand of pesticide.

235 3. An ingredient statement and a complete current copy of
236 the labeling accompanying the brand of pesticide, which must
237 conform to the registration, and a statement of all claims to be
238 made for it, including directions for use and a guaranteed
239 analysis showing the names and percentages by weight of each
240 active ingredient, the total percentage of inert ingredients,
241 and the names and percentages by weight of each "added
242 ingredient."

243 (b) ~~Effective January 1, 2009,~~ For the purpose of defraying
244 expenses of the department in connection with carrying out the
245 provisions of this part, each registrant shall pay a biennial
246 registration fee for each registered brand of pesticide. The
247 registration of each brand of pesticide shall cover a designated
248 2-year period beginning on January 1 of each odd-numbered year
249 and expiring on December 31 of the following year.

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

254 Section 3. Paragraph (a) of subsection (6) of section
255 493.6105, Florida Statutes, is amended to read:

256 493.6105 Initial application for license.—

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

259 (a) Submit one of the following:

260 1. The Florida Criminal Justice Standards and Training
261 Commission Instructor Certificate and written confirmation by

22-00439B-18

2018740__

262 the commission that the applicant possesses an active firearms
263 certification.

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

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

270 4. A valid DD form 214 issued by the United States
271 Department of Defense, an acceptable form as specified by the
272 Department of Veterans' Affairs, or other official military
273 documentation. Such form or documentation must be issued not
274 more than 3 years before the submission of the applicant's Class
275 "K" application, indicating that the applicant has been
276 honorably discharged and has served as a military firearms
277 instructor within the last 3 years of service.

278 Section 4. Paragraph (d) of subsection (3) of section
279 493.6113, Florida Statutes, is amended to read:

280 493.6113 Renewal application for licensure.—

281 (3) Each licensee is responsible for renewing his or her
282 license on or before its expiration by filing with the
283 department an application for renewal accompanied by payment of
284 the renewal fee and the fingerprint retention fee to cover the
285 cost of ongoing retention in the statewide automated biometric
286 identification system established in s. 943.05(2)(b). Upon the
287 first renewal of a license issued under this chapter before
288 January 1, 2017, the licensee shall submit a full set of
289 fingerprints and fingerprint processing fees to cover the cost
290 of entering the fingerprints into the statewide automated

22-00439B-18

2018740__

291 biometric identification system pursuant to s. 493.6108(4) (a)
 292 and the cost of enrollment in the Federal Bureau of
 293 Investigation's national retained print arrest notification
 294 program. Subsequent renewals may be completed without submission
 295 of a new set of fingerprints.

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

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

300 2. Proof of having taught no less than six 28-hour firearms
 301 instruction courses to Class "G" applicants, as specified in s.
 302 493.6105(5), during the previous triennial licensure period.

303 Section 5. Subsection (19) is added to section 496.415,
 304 Florida Statutes, to read:

305 496.415 Prohibited acts.—It is unlawful for any person in
 306 connection with the planning, conduct, or execution of any
 307 solicitation or charitable or sponsor sales promotion to:

308 (19) Commingle charitable contributions with noncharitable
 309 funds.

310 Section 6. Section 496.418, Florida Statutes, is amended to
 311 read:

312 496.418 Recordkeeping and accounting ~~Records.~~—

313 (1) Each charitable organization, sponsor, professional
 314 fundraising consultant, and professional solicitor that collects
 315 or takes control or possession of contributions made for a
 316 charitable purpose must keep records to permit accurate
 317 reporting and auditing as required by law, must not commingle
 318 contributions with noncharitable funds as specified in s.
 319 496.415(19), and must be able to account for the funds. When

22-00439B-18

2018740__

320 expenditures are not properly documented and disclosed by
321 records, there exists a presumption that the charitable
322 organization, sponsor, professional fundraising consultant, or
323 professional solicitor did not properly expend such funds.
324 Noncharitable funds include any funds that are not used or
325 intended to be used for the operation of the charity or for
326 charitable purposes.

327 (2) Each charitable organization, sponsor, professional
328 fundraising consultant, and professional solicitor must keep for
329 a period of at least 3 years true and accurate records as to its
330 activities in this state which are covered by ss. 496.401-
331 496.424. The records must be made available, without subpoena,
332 to the department for inspection and must be furnished no later
333 than 10 working days after requested.

334 Section 7. Paragraph (b) of subsection (3) and paragraph
335 (i) of subsection (5) of section 500.459, Florida Statutes, are
336 amended to read:

337 500.459 Water vending machines.—

338 (3) PERMITTING REQUIREMENTS.—

339 (b) An application for an operating permit must be made ~~in~~
340 ~~writing~~ to the department on forms provided by the department
341 and must be accompanied by a fee as provided in subsection (4).
342 The application must state the location of each water vending
343 machine, the source of the water to be vended, the treatment the
344 water will receive prior to being vended, and any other
345 information considered necessary by the department.

346 (5) OPERATING STANDARDS.—

347 (i) The operator shall place on each water vending machine,
348 in a position clearly visible to customers, the following

22-00439B-18

2018740__

349 information: the name and address of the operator; ~~the operating~~
350 ~~permit number~~; the fact that the water is obtained from a public
351 water supply; the method of treatment used; the method of
352 postdisinfection used; and a local or toll-free telephone number
353 that may be called for obtaining further information, reporting
354 problems, or making complaints.

355 Section 8. Paragraph (g) of subsection (1) and subsection
356 (5) of section 501.059, Florida Statutes, are amended to read:

357 501.059 Telephone solicitation.—

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

359 (g) "Telephonic sales call" means a telephone call,
360 ringless direct-to-voicemail delivery, or text message to a
361 consumer for the purpose of soliciting a sale of any consumer
362 goods or services, soliciting an extension of credit for
363 consumer goods or services, or obtaining information that will
364 or may be used for the direct solicitation of a sale of consumer
365 goods or services or an extension of credit for such purposes.

366 (5) A telephone solicitor or other person may not initiate
367 an outbound telephone call or text message to a consumer,
368 business, or donor or potential donor who has previously
369 communicated to the telephone solicitor or other person that he
370 or she does not wish to receive an outbound telephone call or
371 text message:

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

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

376 Section 9. Section 501.6175, Florida Statutes, is created
377 to read:

22-00439B-18

2018740__

378 501.6175 Recordkeeping.—A commercial telephone seller shall
379 keep all of the following information for 2 years after the date
380 the information first becomes part of the seller's business
381 records:

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

384 (2) All express requests authorizing the telephone
385 solicitor to contact the consumer.

386 (3) Any script, outline, or presentation the applicant
387 requires or suggests a salesperson use when soliciting; sales
388 information or literature to be provided by the commercial
389 telephone seller to a salesperson; and sales information or
390 literature to be provided by the commercial telephone seller to
391 a consumer in connection with any solicitation.

392
393 Within 10 days of an oral or written request by the department,
394 including a written request transmitted by electronic mail, a
395 commercial telephone seller must make the records it keeps
396 pursuant to this section available for inspection and copying by
397 the department during the department's normal business hours.
398 This section does not limit the department's ability to inspect
399 and copy material pursuant to any other law.

400 Section 10. Section 501.912, Florida Statutes, is amended
401 to read:

402 501.912 Definitions.—As used in ss. 501.91-501.923:

403 (1) "Antifreeze" means any substance or preparation,
404 including, but not limited to, antifreeze-coolant, antifreeze
405 and summer coolant, or summer coolant, that is sold,
406 distributed, or intended for use;

22-00439B-18

2018740__

407 (a) As the cooling liquid, or to be added to the cooling
408 liquid, in the cooling system of internal combustion engines of
409 motor vehicles to prevent freezing of the cooling liquid or to
410 lower its freezing point; or

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

414 ~~(2) "Antifreeze coolant," "antifreeze and summer coolant,"~~
415 ~~or "summer coolant" means any substance as defined in subsection~~
416 ~~(1) which also is sold, distributed, or intended for raising the~~
417 ~~boiling point of water or for the prevention of engine~~
418 ~~overheating whether or not used as a year-round cooling system~~
419 ~~fluid. Unless otherwise stated, the term "antifreeze" includes~~
420 ~~"antifreeze," "antifreeze coolant," "antifreeze and summer~~
421 ~~coolant," and "summer coolant."~~

422 (2)~~(3)~~ "Department" means the Department of Agriculture and
423 Consumer Services.

424 (3)~~(4)~~ "Distribute" means to hold with an intent to sell,
425 offer for sale, sell, barter, or otherwise supply to the
426 consumer.

427 (4)~~(5)~~ "Package" means a sealed, tamperproof retail
428 package, drum, or other container designed for the sale of
429 antifreeze directly to the consumer or a container from which
430 the antifreeze may be installed directly by the seller into the
431 cooling system. However, this term,~~but~~ does not include
432 shipping containers containing properly labeled inner
433 containers.

434 (5)~~(6)~~ "Label" means any display of written, printed, or
435 graphic matter on, or attached to, a package or to the outside

22-00439B-18

2018740__

436 individual container or wrapper of the package.

437 (6)~~(7)~~ "Labeling" means the labels and any other written,
438 printed, or graphic matter accompanying a package.

439 Section 11. Section 501.913, Florida Statutes, is amended
440 to read:

441 501.913 Registration.—

442 (1) Each brand of antifreeze to be distributed in this
443 state must ~~shall~~ be registered with the department before
444 distribution. The person whose name appears on the label, the
445 manufacturer, or the packager shall make application annually or
446 biennially to the department on forms provided by the
447 department. The registration certificate expires ~~shall expire~~ 12
448 or 24 months after the date of issue, as indicated on the
449 registration certificate. The registrant assumes, by application
450 to register the brand, full responsibility for the registration,
451 quality, and quantity of the product sold, offered, or exposed
452 for sale in this state. ~~If a registered brand is not in~~
453 ~~production for distribution in this state and to ensure any~~
454 ~~remaining product that is still available for sale in the state~~
455 ~~is properly registered, the registrant must submit a notarized~~
456 ~~affidavit on company letterhead to the department certifying~~
457 ~~that:~~

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

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

460 and

461 ~~(c) All existing product of the stated brand will be~~
462 ~~removed by the registrant from the state within 30 days after~~
463 ~~expiration of the registration or the registrant will reregister~~
464 ~~the brand for two subsequent registration periods.~~

22-00439B-18

2018740__

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

(2) The completed application shall be accompanied by:

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

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

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

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

(a) Meets the labeling claims;

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

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

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

(b) If registration requirements are not met, or, if the

22-00439B-18

2018740__

494 antifreeze fails to meet the minimum standards, is adulterated,
495 or fails to meet the labeling claims, the department shall
496 refuse to register the antifreeze.

497 Section 12. Section 501.917, Florida Statutes, is amended
498 to read:

499 501.917 Inspection by department; sampling and analysis.—
500 The department has ~~shall have~~ the right to have access at
501 reasonable hours to all places and property where antifreeze is
502 stored, distributed, or offered or intended to be offered for
503 sale, including the right to inspect and examine all antifreeze
504 and to take reasonable samples of antifreeze for analysis
505 together with specimens of labeling. Collected samples must be
506 analyzed by the department. The certificate of analysis by the
507 department shall be prima facie evidence of the facts stated
508 therein in any legal proceeding in this state ~~All samples taken~~
509 ~~shall be properly sealed and sent to a laboratory designated by~~
510 ~~the department for examination together with all labeling~~
511 ~~pertaining to such samples. It shall be the duty of said~~
512 ~~laboratory to examine promptly all samples received in~~
513 ~~connection with the administration and enforcement of this act.~~

514 Section 13. Section 501.92, Florida Statutes, is amended to
515 read:

516 501.92 Formula may be required.—The department may, if
517 required for the analysis of antifreeze by ~~the laboratory~~
518 ~~designated by the department for the purpose of registration,~~
519 require the applicant to furnish a statement of the formula of
520 such antifreeze, unless the applicant can furnish other
521 satisfactory evidence that such antifreeze is not adulterated or
522 misbranded. Such statement need not include inhibitor or other

22-00439B-18

2018740__

523 minor ingredients which total less than 5 percent by weight of
524 the antifreeze; and, if over 5 percent, the composition of the
525 inhibitor and such other ingredients may be given in generic
526 terms.

527 Section 14. Paragraph (e) of subsection (10) of section
528 525.07, Florida Statutes, is redesignated as paragraph (f), and
529 a new paragraph (e) is added to that subsection, to read:

530 525.07 Powers and duties of department; inspections;
531 unlawful acts.—

532 (10)

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

535 Section 15. Subsection (1) of section 526.51, Florida
536 Statutes, is amended to read:

537 526.51 Registration; renewal and fees; departmental
538 expenses; cancellation or refusal to issue or renew.—

539 (1) (a) Application for registration of each brand of brake
540 fluid shall be made on forms supplied by the department. The
541 applicant shall give his or her name and address and the brand
542 name of the brake fluid, state that he or she owns the brand
543 name and has complete control over the product sold thereunder
544 in this state, and provide the name and address of the resident
545 agent in this state. If the applicant does not own the brand
546 name but wishes to register the product with the department, a
547 notarized affidavit that gives the applicant full authorization
548 to register the brand name and that is signed by the owner of
549 the brand name must accompany the application for registration.
550 The affidavit must include all affected brand names, the owner's
551 company or corporate name and address, the applicant's company

22-00439B-18

2018740__

552 or corporate name and address, and a statement from the owner
553 authorizing the applicant to register the product with the
554 department. The owner of the brand name shall maintain complete
555 control over each product sold under that brand name in this
556 state.

557 (b) The completed application must be accompanied by the
558 following:

559 1. Specimens or copies of the label for each brand of brake
560 fluid.

561 2. An application fee of \$50 for a 12-month registration or
562 \$100 for a 24-month registration for each brand of brake fluid.

563 3. For All first-time applications for a brand and formula
564 combination, ~~must be accompanied by~~ a certified report from an
565 independent testing laboratory, dated no more than 6 months
566 before the registration application, setting forth the analysis
567 of the brake fluid which shows its quality to be not less than
568 the specifications established by the department for brake
569 fluids. ~~A sample of not less than 24 fluid ounces of brake fluid~~
570 ~~shall be submitted, in a container with a label printed in the~~
571 ~~same manner that it will be labeled when sold, and the sample~~
572 ~~and container shall be analyzed and inspected by the department~~
573 ~~in order that compliance with the department's specifications~~
574 ~~and labeling requirements may be verified.~~

575
576 Upon approval of the application, the department shall register
577 the brand name of the brake fluid and issue to the applicant a
578 permit authorizing the registrant to sell the brake fluid in
579 this state. The registration certificate expires ~~shall expire~~ 12
580 or 24 months after the date of issue, as indicated on the

22-00439B-18

2018740__

581 registration certificate.

582 ~~(c)(b) Each applicant shall pay a fee of \$100 with each~~
583 ~~application.~~ A permit may be renewed by application to the
584 department, accompanied by a renewal fee of \$50 for a 12-month
585 registration, or \$100 for a 24-month registration, on or before
586 the expiration of the previously issued permit. To reregister a
587 previously registered brand and formula combination, an
588 applicant must submit a completed application and all materials
589 as required in this section to the department before the
590 expiration of the previously issued permit. A brand and formula
591 combination for which a completed application and all materials
592 required in this section are not received before the expiration
593 of the previously issued permit may not be registered with the
594 department until a completed application and all materials
595 required in this section have been received and approved. If the
596 brand and formula combination was previously registered with the
597 department and a fee, application, or materials required in this
598 section are received after the expiration of the previously
599 issued permit, a penalty of \$25 accrues, which shall be added to
600 the fee. Renewals shall be accepted only on brake fluids that
601 have no change in formula, composition, or brand name. Any
602 change in formula, composition, or brand name of a brake fluid
603 constitutes a new product that must be registered in accordance
604 with this part.

605 ~~(c) If a registered brand and formula combination is no~~
606 ~~longer in production for distribution in this state, in order to~~
607 ~~ensure that any remaining product still available for sale in~~
608 ~~this state is properly registered, the registrant must submit a~~
609 ~~notarized affidavit on company letterhead to the department~~

22-00439B-18

2018740__

610 ~~certifying that:~~

611 ~~1. The stated brand and formula combination is no longer in~~
612 ~~production;~~

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

615 ~~3. Either all existing product of the stated brand and~~
616 ~~formula combination will be removed by the registrant from the~~
617 ~~state within 30 days after the expiration of the registration or~~
618 ~~that the registrant will reregister the brand and formula~~
619 ~~combination for 2 subsequent years.~~

620

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

623 Section 16. Subsection (1) of section 526.53, Florida
624 Statutes, is amended to read:

625 526.53 Enforcement; inspection and analysis, stop-sale and
626 disposition, regulations.-

627 (1) The department shall enforce ~~the provisions of this~~
628 part through the department, and may sample, inspect, analyze,
629 and test any brake fluid manufactured, packed, or sold within
630 this state. Collected samples must be analyzed by the
631 department. The certificate of analysis by the department shall
632 be prima facie evidence of the facts stated therein in any legal
633 proceeding in this state. The department ~~has~~ shall have free
634 access during business hours to all premises, buildings,
635 vehicles, cars, or vessels used in the manufacture, packing,
636 storage, sale, or transportation of brake fluid, and may open
637 any box, carton, parcel, or container of brake fluid and take
638 samples for inspection and analysis or for evidence.

22-00439B-18

2018740__

639 Section 17. Section 527.01, Florida Statutes, is amended to
640 read:

641 527.01 Definitions.—As used in this chapter:

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

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

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

651 (4) "Department" means the Department of Agriculture and
652 Consumer Services.

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

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

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

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

660 ~~(d) Specialty installer.~~

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

662 ~~(f) Fabricator, repairer, and tester of vehicles and cargo~~
663 ~~tanks.~~

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

666 ~~(h) Category V liquefied petroleum gases dealer for~~
667 ~~industrial uses only.~~

22-00439B-18

2018740__

668 (6) "Category I liquefied petroleum gas dealer" means any
669 person selling or offering to sell by delivery or at a
670 stationary location any liquefied petroleum gas to the ~~ultimate~~
671 consumer for industrial, commercial, or domestic use; any person
672 leasing or offering to lease, or exchanging or offering to
673 exchange, any apparatus, appliances, and equipment for the use
674 of liquefied petroleum gas; any person installing, servicing,
675 altering, or modifying apparatus, piping, tubing, appliances,
676 and equipment for the use of liquefied petroleum or natural gas;
677 any person installing carburetion equipment; or any person
678 requalifying cylinders.

679 (7) "Category II liquefied petroleum gas dispenser" means
680 any person engaging in the business of operating a liquefied
681 petroleum gas dispensing unit for the purpose of serving liquid
682 products to the ~~ultimate~~ consumer for industrial, commercial, or
683 domestic use, and selling or offering to sell, or leasing or
684 offering to lease, apparatus, appliances, and equipment for the
685 use of liquefied petroleum gas, including maintaining a cylinder
686 storage rack at the licensed business location for the purpose
687 of storing cylinders filled by the licensed business for sale or
688 use at a later date.

689 (8) "Category III liquefied petroleum gas cylinder exchange
690 operator" means any person operating a storage facility used for
691 the purpose of storing filled propane cylinders of not more than
692 43.5 pounds propane capacity or 104 pounds water capacity, while
693 awaiting sale to the ~~ultimate~~ consumer, or a facility used for
694 the storage of empty or filled containers which have been
695 offered for exchange.

696 (9) "Category IV dealer in appliances and equipment

22-00439B-18

2018740__

697 ~~liquefied petroleum gas dispenser and recreational vehicle~~
698 ~~servicer" means any person selling or offering to sell, or~~
699 ~~leasing or offering to lease, apparatus, appliances, and~~
700 ~~equipment for the use of liquefied petroleum gas engaging in the~~
701 ~~business of operating a liquefied petroleum gas dispensing unit~~
702 ~~for the purpose of serving liquid product to the ultimate~~
703 ~~consumer for industrial, commercial, or domestic use, and~~
704 ~~selling or offering to sell, or leasing or offering to lease,~~
705 ~~apparatus, appliances, and equipment for the use of liquefied~~
706 ~~petroleum gas, and whose services include the installation,~~
707 ~~service, or repair of recreational vehicle liquefied petroleum~~
708 ~~gas appliances and equipment.~~

709 (10) "Category V LP gas installer" means any person who is
710 engaged in the liquefied petroleum gas business and whose
711 services include the installation, servicing, altering, or
712 modifying of apparatus, piping, tubing, tanks, and equipment for
713 the use of liquefied petroleum or natural gas and selling or
714 offering to sell, or leasing or offering to lease, apparatus,
715 appliances, and equipment for the use of liquefied petroleum or
716 natural gas.

717 (11) "Category VI miscellaneous operator" means any person
718 who is engaged in operation as a manufacturer of LP gas
719 appliances and equipment; a fabricator, repairer, and tester of
720 vehicles and cargo tanks; a requalifier of LP gas cylinders; or
721 a pipeline system operator ~~Specialty installer" means any person~~
722 ~~involved in the installation, service, or repair of liquefied~~
723 ~~petroleum or natural gas appliances and equipment, and selling~~
724 ~~or offering to sell, or leasing or offering to lease, apparatus,~~
725 ~~appliances, and equipment for the use of liquefied petroleum~~

22-00439B-18

2018740__

726 ~~gas, whose activities are limited to specific types of~~
727 ~~appliances and equipment as designated by department rule.~~

728 ~~(12) "Dealer in appliances and equipment for use of~~
729 ~~liquefied petroleum gas" means any person selling or offering to~~
730 ~~sell, or leasing or offering to lease, apparatus, appliances,~~
731 ~~and equipment for the use of liquefied petroleum gas.~~

732 (12)~~(13)~~ "Manufacturer of liquefied petroleum gas
733 appliances and equipment" means any person in this state
734 manufacturing and offering for sale or selling tanks, cylinders,
735 or other containers and necessary appurtenances for use in the
736 storage, transportation, or delivery of such gas to the ~~ultimate~~
737 consumer, or manufacturing and offering for sale or selling
738 apparatus, appliances, and equipment for the use of liquefied
739 petroleum gas to the ~~ultimate~~ consumer.

740 (13)~~(14)~~ "Wholesaler" means any person, as defined by
741 subsection (2), selling or offering to sell any liquefied
742 petroleum gas for industrial, commercial, or domestic use to any
743 person except the ~~ultimate~~ consumer.

744 (14)~~(15)~~ "Requalifier of cylinders" means any person
745 involved in the retesting, repair, qualifying, or requalifying
746 of liquefied petroleum gas tanks or cylinders manufactured under
747 specifications of the United States Department of Transportation
748 ~~or former Interstate Commerce Commission.~~

749 (15)~~(16)~~ "Fabricator, repairer, and tester of vehicles and
750 cargo tanks" means any person involved in the hydrostatic
751 testing, fabrication, repair, or requalifying of any motor
752 vehicles or cargo tanks used for the transportation of liquefied
753 petroleum gases, when such tanks are permanently attached to or
754 forming a part of the motor vehicle.

22-00439B-18

2018740__

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

759 ~~(16)~~(18) "Pipeline system operator" means any person who
760 owns or operates a liquefied petroleum gas pipeline system that
761 is used to transmit liquefied petroleum gas from a common source
762 to the ultimate customer and that serves 10 or more customers.

763 ~~(19) "Category V liquefied petroleum gases dealer for~~
764 ~~industrial uses only" means any person engaged in the business~~
765 ~~of filling, selling, and transporting liquefied petroleum gas~~
766 ~~containers for use in welding, forklifts, or other industrial~~
767 ~~applications.~~

768 ~~(17)~~(20) "License period year" means the period 1 to 3
769 years from the issuance of the license from September 1 through
770 ~~the following August 31, or April 1 through the following March~~
771 ~~31, depending upon the type of license.~~

772 Section 18. Section 527.02, Florida Statutes, is amended to
773 read:

774 527.02 License; penalty; fees.—

775 (1) It is unlawful for any person to engage in this state
776 in the activities defined in s. 527.01(6) through (11) ~~of a~~
777 ~~pipeline system operator, category I liquefied petroleum gas~~
778 ~~dealer, category II liquefied petroleum gas dispenser, category~~
779 ~~III liquefied petroleum gas cylinder exchange operator, category~~
780 ~~IV liquefied petroleum gas dispenser and recreational vehicle~~
781 ~~servicer, category V liquefied petroleum gas dealer for~~
782 ~~industrial uses only, LP gas installer, specialty installer,~~
783 ~~dealer in liquefied petroleum gas appliances and equipment,~~

22-00439B-18

2018740__

784 ~~manufacturer of liquefied petroleum gas appliances and~~
 785 ~~equipment, requalifier of cylinders, or fabricator, repairer,~~
 786 ~~and tester of vehicles and cargo tanks~~ without first obtaining
 787 from the department a license to engage in one or more of these
 788 businesses. The sale of liquefied petroleum gas cylinders with a
 789 volume of 10 pounds water capacity or 4.2 pounds liquefied
 790 petroleum gas capacity or less is exempt from the requirements
 791 of this chapter. It is a felony of the third degree, punishable
 792 as provided in s. 775.082, s. 775.083, or s. 775.084, to
 793 intentionally or willfully engage in any of said activities
 794 without first obtaining appropriate licensure from the
 795 department.

796 (2) Each business location of a person having multiple
 797 locations must ~~shall~~ be separately licensed and must meet the
 798 requirements of this section. Such license shall be granted to
 799 any applicant determined by the department to be competent,
 800 qualified, and trustworthy who files with the department a
 801 surety bond, insurance affidavit, or other proof of insurance,
 802 as hereinafter specified, and pays for such license the
 803 following annual license ~~original application~~ fee for new
 804 ~~licenses and annual renewal fees for existing licenses:~~

805

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

806

807	22-00439B-18		2018740
	Category II liquefied petroleum gas dispenser	<u>\$400</u> 525	375
808	Category III liquefied petroleum gas cylinder exchange unit operator	<u>\$65</u> 100	65
809	Category IV <u>dealer in appliances and equipment</u> liquefied petroleum gas dispenser and recreational vehicle servicer	<u>\$65</u> 525	400
810	Category V <u>LP gas installer</u> liquefied petroleum gases dealer for industrial uses only	<u>\$200</u> 300	200
811	Category VI <u>miscellaneous operator</u> LP gas installer	<u>\$200</u> 300	200

22-00439B-18 2018740__

812	Specialty		
	installer	300	200
813	Dealer in appliances		
	and equipment		
	for use of liquefied		
	petroleum gas	50	45
814	Manufacturer of		
	liquefied petroleum		
	gas appliances and		
	equipment	525	375
815	Requalifier of		
	eylinders	525	375
816	Fabricator, repairer,		
	and tester of		
	vehieles and		
	cargo tanks	525	375

817
 818 (3) (a) ~~An applicant for an original license who submits an~~
 819 ~~application during the last 6 months of the license year may~~
 820 ~~have the original license fee reduced by one half for the 6-~~
 821 ~~month period. This provision applies only to those companies~~
 822 ~~applying for an original license and may not be applied to~~
 823 ~~licensees who held a license during the previous license year~~
 824 ~~and failed to renew the license. The department may refuse to~~

22-00439B-18

2018740__

825 issue an initial license to an applicant who is under
826 investigation in any jurisdiction for an action that would
827 constitute a violation of this chapter until such time as the
828 investigation is complete.

829 (b) The department shall waive the initial license fee for
830 1 year for an honorably discharged veteran of the United States
831 Armed Forces, the spouse of such a veteran, or a business entity
832 that has a majority ownership held by such a veteran or spouse
833 if the department receives an application, in a format
834 prescribed by the department, within 60 months after the date of
835 the veteran's discharge from any branch of the United States
836 Armed Forces. To qualify for the waiver, a veteran must provide
837 to the department a copy of his or her DD Form 214, as issued by
838 the United States Department of Defense or another acceptable
839 form of identification as specified by the Department of
840 Veterans' Affairs; the spouse of a veteran must provide to the
841 department a copy of the veteran's DD Form 214, as issued by the
842 United States Department of Defense, or another acceptable form
843 of identification as specified by the Department of Veterans'
844 Affairs, and a copy of a valid marriage license or certificate
845 verifying that he or she was lawfully married to the veteran at
846 the time of discharge; or a business entity must provide to the
847 department proof that a veteran or the spouse of a veteran holds
848 a majority ownership in the business, a copy of the veteran's DD
849 Form 214, as issued by the United States Department of Defense,
850 or another acceptable form of identification as specified by the
851 Department of Veterans' Affairs, and, if applicable, a copy of a
852 valid marriage license or certificate verifying that the spouse
853 of the veteran was lawfully married to the veteran at the time

22-00439B-18

2018740__

854 of discharge.

855 (4) Any licensee submitting a material change in their
856 information for licensing, before the date for renewal, must
857 submit such change to the department in the manner prescribed by
858 the department, along with a fee in the amount of \$10 ~~Any person~~
859 ~~applying for a liquefied petroleum gas license as a specialty~~
860 ~~installer, as defined by s. 527.01(11), shall upon application~~
861 ~~to the department identify the specific area of work to be~~
862 ~~performed. Upon completion of all license requirements set forth~~
863 ~~in this chapter, the department shall issue the applicant a~~
864 ~~license specifying the scope of work, as identified by the~~
865 ~~applicant and defined by rule of the department, for which the~~
866 ~~person is authorized.~~

867 ~~(5) The license fee for a pipeline system operator shall be~~
868 ~~\$100 per system owned or operated by the person, not to exceed~~
869 ~~\$400 per license year. Such license fee applies only to a~~
870 ~~pipeline system operator who owns or operates a liquefied~~
871 ~~petroleum gas pipeline system that is used to transmit liquefied~~
872 ~~petroleum gas from a common source to the ultimate customer and~~
873 ~~that serves 10 or more customers.~~

874 (5)~~(6)~~ The department shall adopt ~~promulgate~~ rules
875 specifying acts deemed by the department to demonstrate a lack
876 of trustworthiness to engage in activities requiring a license
877 or qualifier identification card under this section.

878 ~~(7) Any license issued by the department may be transferred~~
879 ~~to any person, firm, or corporation for the remainder of the~~
880 ~~current license year upon written request to the department by~~
881 ~~the original licenseholder. Prior to approval of any transfer,~~
882 ~~all licensing requirements of this chapter must be met by the~~

22-00439B-18

2018740__

883 ~~transferee. A license transfer fee of \$50 shall be charged for~~
884 ~~each such transfer.~~

885 Section 19. Section 527.0201, Florida Statutes, is amended
886 to read:

887 527.0201 Qualifiers; master qualifiers; examinations.—

888 (1) In addition to the requirements of s. 527.02, any
889 person applying for a license to engage in category I, category
890 II, or category V ~~the activities of a pipeline system operator,~~
891 ~~category I liquefied petroleum gas dealer, category II liquefied~~
892 ~~petroleum gas dispenser, category IV liquefied petroleum gas~~
893 ~~dispenser and recreational vehicle servicer, category V~~
894 ~~liquefied petroleum gases dealer for industrial uses only, LP~~
895 ~~gas installer, specialty installer, requalifier of cylinders, or~~
896 ~~fabricator, repairer, and tester of vehicles and cargo tanks~~
897 must prove competency by passing a written examination
898 administered by the department or its agent with a grade of 70
899 75 percent or above in each area tested. Each applicant for
900 examination shall submit a \$20 nonrefundable fee. The department
901 shall by rule specify the general areas of competency to be
902 covered by each examination and the relative weight to be
903 assigned in grading each area tested.

904 (2) Application for examination for competency may be made
905 by an individual or by an owner, a partner, or any person
906 employed by the license applicant. Upon successful completion of
907 the competency examination, the department shall register ~~issue~~
908 ~~a qualifier identification card~~ to the examinee.

909 (a) Qualifier registration automatically expires if
910 ~~identification cards, except those issued to category I~~
911 ~~liquefied petroleum gas dealers and liquefied petroleum gas~~

22-00439B-18

2018740__

912 ~~installers, shall remain in effect as long as the individual~~
913 ~~shows to the department proof of active employment in the area~~
914 ~~of examination and all continuing education requirements are~~
915 ~~met. Should the individual terminates terminate active~~
916 ~~employment in the area of examination for a period exceeding 24~~
917 ~~months, or fails fail to provide documentation of continuing~~
918 ~~education, the individual's qualifier status shall automatically~~
919 ~~expire. If the qualifier registration status has expired, the~~
920 ~~individual must apply for and successfully complete an~~
921 ~~examination by the department in order to reestablish qualifier~~
922 ~~status.~~

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

929 (3) Qualifier registration expires ~~cards issued to category~~
930 ~~I liquefied petroleum gas dealers and liquefied petroleum gas~~
931 ~~installers shall expire 3 years after the date of issuance. All~~
932 ~~category I liquefied petroleum gas dealer qualifiers and~~
933 ~~liquefied petroleum gas installer qualifiers holding a valid~~
934 ~~qualifier card upon the effective date of this act shall retain~~
935 ~~their qualifier status until July 1, 2003, and may sit for the~~
936 ~~master qualifier examination at any time during that time~~
937 ~~period. All such category I liquefied petroleum gas dealer~~
938 ~~qualifiers and liquefied petroleum gas installer qualifiers may~~
939 ~~renew their qualification on or before July 1, 2003, upon~~
940 ~~application to the department, payment of a \$20 renewal fee, and~~

22-00439B-18

2018740__

941 documentation of the completion of a minimum of 16 hours of
942 approved continuing education courses, as defined by department
943 rule, during the previous 3-year period. Applications for
944 renewal must be made 30 calendar days before expiration. Persons
945 failing to renew before the expiration date must reapply and
946 take a qualifier competency examination in order to reestablish
947 ~~category I liquefied petroleum gas dealer qualifier and~~
948 ~~liquefied petroleum gas installer qualifier status. If a~~
949 ~~category I liquefied petroleum gas qualifier or liquefied~~
950 ~~petroleum gas installer qualifier becomes a master qualifier at~~
951 ~~any time during the effective date of the qualifier card, the~~
952 ~~card shall remain in effect until expiration of the master~~
953 ~~qualifier certification.~~

954 (4) A qualifier for a business ~~organization involved in~~
955 ~~installation, repair, maintenance, or service of liquefied~~
956 ~~petroleum gas appliances, equipment, or systems~~ must actually
957 function in a supervisory capacity of other company employees
958 performing licensed activities ~~installing, repairing,~~
959 ~~maintaining, or servicing liquefied petroleum gas appliances,~~
960 ~~equipment, or systems.~~ A separate qualifier shall be required
961 for every 10 such employees. ~~Additional qualifiers are required~~
962 ~~for those business organizations employing more than 10~~
963 ~~employees that install, repair, maintain, or service liquefied~~
964 ~~petroleum gas equipment and systems.~~

965 (5) In addition to all other licensing requirements, each
966 category I and category V licensee ~~liquefied petroleum gas~~
967 ~~dealer and liquefied petroleum gas installer~~ must, at the time
968 of application for licensure, identify to the department one
969 master qualifier who is a full-time employee at the licensed

22-00439B-18

2018740__

970 location. This person shall be a manager, owner, or otherwise
971 primarily responsible for overseeing the operations of the
972 licensed location and must provide documentation to the
973 department as provided by rule. The master qualifier requirement
974 shall be in addition to the requirements of subsection (1).

975 (a) In order to apply for certification as a master
976 qualifier, each applicant must have been a registered ~~be a~~
977 ~~category I liquefied petroleum gas dealer qualifier or liquefied~~
978 ~~petroleum gas installer~~ qualifier for a minimum of 3 years
979 immediately preceding submission of the application, must be
980 employed by a licensed category I or category V licensee
981 ~~liquefied petroleum gas dealer, liquefied petroleum gas~~
982 ~~installer, or applicant for such license, must provide~~
983 ~~documentation of a minimum of 1 year's work experience in the~~
984 ~~gas industry,~~ and must pass a master qualifier competency
985 examination. Master qualifier examinations shall be based on
986 Florida's laws, rules, and adopted codes governing liquefied
987 petroleum gas safety, general industry safety standards, and
988 administrative procedures. The applicant must successfully pass
989 the examination with a grade of 70 ~~75~~ percent or above. Each
990 applicant for master qualifier registration ~~status~~ must submit
991 to the department a nonrefundable \$30 examination fee before the
992 examination.

993 (b) Upon successful completion of the master qualifier
994 examination, the department shall issue the examinee a
995 ~~certificate of master qualifier~~ registration ~~status which shall~~
996 ~~include the name of the licensed company for which the master~~
997 ~~qualifier is employed.~~ A master qualifier may transfer from one
998 licenseholder to another upon becoming employed by the company

22-00439B-18

2018740__

999 and providing a written request to the department.

1000 (c) A master qualifier registration expires ~~status shall~~
1001 ~~expire~~ 3 years after the date of issuance ~~of the certificate~~ and
1002 may be renewed by submission to the department of documentation
1003 of completion of at least 16 hours of approved continuing
1004 education courses during the 3-year period; proof of employment
1005 ~~with a licensed category I liquefied petroleum gas dealer,~~
1006 ~~liquefied petroleum gas installer, or applicant;~~ and a \$30
1007 certificate renewal fee. The department shall define, by rule,
1008 approved courses of continuing education.

1009 ~~(d) Each category I liquefied petroleum gas dealer or~~
1010 ~~liquefied petroleum gas installer licensed as of August 31,~~
1011 ~~2000, shall identify to the department one current category I~~
1012 ~~liquefied petroleum gas dealer qualifier or liquefied petroleum~~
1013 ~~gas installer qualifier who will be the designated master~~
1014 ~~qualifier for the licenseholder. Such individual must provide~~
1015 ~~proof of employment for 3 years or more within the liquefied~~
1016 ~~petroleum gas industry, and shall, upon approval of the~~
1017 ~~department, be granted a master qualifier certificate. All other~~
1018 ~~requirements with regard to master qualifier certificate~~
1019 ~~expiration, renewal, and continuing education shall apply.~~

1020 (6) A vacancy in a qualifier or master qualifier position
1021 in a business organization which results from the departure of
1022 the qualifier or master qualifier shall be immediately reported
1023 to the department by the departing qualifier or master qualifier
1024 and the licensed company.

1025 (a) If a business organization no longer possesses a duly
1026 designated qualifier, as required by this section, its liquefied
1027 petroleum gas licenses shall be suspended by order of the

22-00439B-18

2018740__

1028 department after 20 working days. The license shall remain
1029 suspended until a competent qualifier has been employed, the
1030 order of suspension terminated by the department, and the
1031 license reinstated. A vacancy in the qualifier position for a
1032 period of more than 20 working days shall be deemed to
1033 constitute an immediate threat to the public health, safety, and
1034 welfare. ~~Failure to obtain a replacement qualifier within 60~~
1035 ~~days after the vacancy occurs shall be grounds for revocation of~~
1036 ~~licensure or eligibility for licensure.~~

1037 (b) Any category I or category V licensee liquefied
1038 ~~petroleum gas dealer or LP gas installer~~ who no longer possesses
1039 a master qualifier but currently employs a category I liquefied
1040 ~~petroleum gas dealer or LP gas installer~~ qualifier as required
1041 by this section, has ~~shall have~~ 60 days within which to replace
1042 the master qualifier. If the company fails to replace the master
1043 qualifier within the 60-day ~~time~~ period, the license of the
1044 company shall be suspended by order of the department. The
1045 license shall remain suspended until a competent master
1046 qualifier has been employed, the order of suspension has been
1047 terminated by the department, and the license reinstated.
1048 ~~Failure to obtain a replacement master qualifier within 90 days~~
1049 ~~after the vacancy occurs shall be grounds for revocation of~~
1050 ~~licensure or eligibility for licensure.~~

1051 (7) The department may deny, refuse to renew, suspend, or
1052 revoke any qualifier ~~card~~ or master qualifier registration
1053 ~~certificate~~ for any of the following causes:

1054 (a) Violation of any provision of this chapter or any rule
1055 or order of the department;

1056 (b) Falsification of records relating to the qualifier ~~card~~

22-00439B-18

2018740__

1057 or master qualifier registration ~~certificate~~; or

1058 (c) Failure to meet any of the renewal requirements.

1059 (8) Any individual having competency qualifications on file
1060 with the department may request the transfer of such
1061 qualifications to any existing licenseholder by making a written
1062 request to the department for such transfer. Any individual
1063 having a competency examination on file with the department may
1064 use such examination for a new license application after making
1065 application in writing to the department. All examinations are
1066 confidential and exempt from the provisions of s. 119.07(1).

1067 (9) If a duplicate license, qualifier ~~card~~, or master
1068 qualifier registration certificate is requested by the licensee,
1069 a fee of \$10 must be received before issuance of the duplicate
1070 license or certificate card. ~~If a facsimile transmission of an~~
1071 ~~original license is requested, upon completion of the~~
1072 ~~transmission a fee of \$10 must be received by the department~~
1073 ~~before the original license may be mailed to the requester.~~

1074 (10) All revenues collected herein shall be deposited in
1075 the General Inspection Trust Fund for the purpose of
1076 administering the provisions of this chapter.

1077 Section 20. Section 527.021, Florida Statutes, is amended
1078 to read:

1079 527.021 Registration of transport vehicles.—

1080 (1) Each liquefied petroleum gas bulk delivery vehicle
1081 owned or leased by a liquefied petroleum gas licensee must be
1082 registered with the department as part of the licensing
1083 application or when placed into service annually.

1084 (2) For the purposes of this section, a "liquefied
1085 petroleum gas bulk delivery vehicle" means any vehicle that is

22-00439B-18

2018740__

1086 used to transport liquefied petroleum gas on any public street
 1087 or highway as liquid cargo in a cargo tank, which tank is
 1088 mounted on a conventional truck chassis or is an integral part
 1089 of a transporting vehicle in which the tank constitutes, in
 1090 whole or in part, the stress member used as a frame and is a
 1091 permanent part of the transporting vehicle.

1092 ~~(3) Vehicle registrations shall be submitted by the vehicle~~
 1093 ~~owner or lessee in conjunction with the annual renewal of his or~~
 1094 ~~her liquefied petroleum gas license, but no later than August 31~~
 1095 ~~of each year.~~ A dealer who fails to register a vehicle with the
 1096 department does not submit the required vehicle registration by
 1097 August 31 of each year is subject to the penalties in s. 527.13.

1098 (4) The department shall issue a decal to be placed on each
 1099 vehicle that is inspected by the department and found to be in
 1100 compliance with applicable codes.

1101 Section 21. Section 527.03, Florida Statutes, is amended to
 1102 read:

1103 527.03 ~~Annual~~ Renewal of license.—All licenses required
 1104 under this chapter shall be renewed annually, biennially, or
 1105 triennially, as elected by the licensee, subject to the license
 1106 fees prescribed in s. 527.02. All renewals must meet the same
 1107 requirements and conditions as an annual license for each
 1108 licensed year ~~All licenses, except Category III Liquefied~~
 1109 ~~Petroleum Gas Cylinder Exchange Unit Operator licenses and~~
 1110 ~~Dealer in Appliances and Equipment for Use of Liquefied~~
 1111 ~~Petroleum Gas licenses, shall be renewed for the period~~
 1112 ~~beginning September 1 and shall expire on the following August~~
 1113 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
 1114 ~~Category III Liquefied Petroleum Gas Cylinder Exchange Unit~~

22-00439B-18

2018740__

1115 ~~Operator licenses and Dealer in Appliances and Equipment for Use~~
1116 ~~of Liquefied Petroleum Gas licenses shall be renewed for the~~
1117 ~~period beginning April 1 and shall expire on the following March~~
1118 ~~31 unless sooner suspended, revoked, or otherwise terminated.~~
1119 Any license allowed to expire will ~~shall~~ become inoperative
1120 because of failure to renew. The fee for restoration of a
1121 license is equal to the original license fee and must be paid
1122 before the licensee may resume operations.

1123 Section 22. Section 527.04, Florida Statutes, is amended to
1124 read:

1125 527.04 Proof of insurance required.—

1126 (1) Before any license is issued, except to a category IV
1127 ~~dealer in appliances and equipment for use of liquefied~~
1128 ~~petroleum gas~~ or a category III liquefied petroleum gas cylinder
1129 exchange operator, the applicant must deliver to the department
1130 satisfactory evidence that the applicant is covered by a primary
1131 policy of bodily injury liability and property damage liability
1132 insurance that covers the products and operations with respect
1133 to such business and is issued by an insurer authorized to do
1134 business in this state for an amount not less than \$1 million
1135 and that the premium on such insurance is paid. An insurance
1136 certificate, affidavit, or other satisfactory evidence of
1137 acceptable insurance coverage shall be accepted as proof of
1138 insurance. In lieu of an insurance policy, the applicant may
1139 deliver a good and sufficient bond in the amount of \$1 million,
1140 payable to the Commissioner of Agriculture ~~Governor of Florida~~,
1141 with the applicant as principal and a surety company authorized
1142 to do business in this state as surety. The bond must be
1143 conditioned upon the applicant's compliance with this chapter

22-00439B-18

2018740__

1144 and the rules of the department with respect to the conduct of
1145 such business and shall indemnify and hold harmless all persons
1146 from loss or damage by reason of the applicant's failure to
1147 comply. However, the aggregated liability of the surety may not
1148 exceed \$1 million. If the insurance policy is canceled or
1149 otherwise terminated or the bond becomes insufficient, the
1150 department may require new proof of insurance or a new bond to
1151 be filed, and if the licenseholder fails to comply, the
1152 department shall cancel the license issued and give the
1153 licenseholder written notice that it is unlawful to engage in
1154 business without a license. A new bond is not required as long
1155 as the original bond remains sufficient and in force. If the
1156 licenseholder's insurance coverage as required by this
1157 subsection is canceled or otherwise terminated, the insurer must
1158 notify the department within 30 days after the cancellation or
1159 termination.

1160 (2) Before any license is issued to a category ~~class~~ III
1161 liquefied petroleum gas cylinder exchange operator, the
1162 applicant must deliver to the department satisfactory evidence
1163 that the applicant is covered by a primary policy of bodily
1164 injury liability and property damage liability insurance that
1165 covers the products and operations with respect to the business
1166 and is issued by an insurer authorized to do business in this
1167 state for an amount not less than \$300,000 and that the premium
1168 on the insurance is paid. An insurance certificate, affidavit,
1169 or other satisfactory evidence of acceptable insurance coverage
1170 shall be accepted as proof of insurance. In lieu of an insurance
1171 policy, the applicant may deliver a good and sufficient bond in
1172 the amount of \$300,000, payable to the Commissioner of

22-00439B-18

2018740__

1173 Agriculture ~~Governor~~, with the applicant as principal and a
1174 surety company authorized to do business in this state as
1175 surety. The bond must be conditioned upon the applicant's
1176 compliance with this chapter and the rules of the department
1177 with respect to the conduct of such business and must indemnify
1178 and hold harmless all persons from loss or damage by reason of
1179 the applicant's failure to comply. However, the aggregated
1180 liability of the surety may not exceed \$300,000. If the
1181 insurance policy is canceled or otherwise terminated or the bond
1182 becomes insufficient, the department may require new proof of
1183 insurance or a new bond to be filed, and if the licenseholder
1184 fails to comply, the department shall cancel the license issued
1185 and give the licenseholder written notice that it is unlawful to
1186 engage in business without a license. A new bond is not required
1187 as long as the original bond remains sufficient and in force. If
1188 the licenseholder's insurance coverage required by this
1189 subsection is canceled or otherwise terminated, the insurer must
1190 notify the department within 30 days after the cancellation or
1191 termination.

1192 (3) Any person having a cause of action on the bond may
1193 bring suit against the principal and surety, and a copy of such
1194 bond duly certified by the department shall be received in
1195 evidence in the courts of this state without further proof. The
1196 department shall furnish a certified copy of the ~~such~~ bond upon
1197 payment to it of its lawful fee for making and certifying such
1198 copy.

1199 Section 23. Section 527.0605, Florida Statutes, is amended
1200 to read:

1201 527.0605 Liquefied petroleum gas bulk storage locations;

22-00439B-18

2018740__

1202 jurisdiction.—

1203 (1) The provisions of this chapter shall apply to liquefied
1204 petroleum gas bulk storage locations when:

1205 (a) A single container in the bulk storage location has a
1206 capacity of 2,000 gallons or more;

1207 (b) The aggregate container capacity of the bulk storage
1208 location is 4,000 gallons or more; or

1209 (c) A container or containers are installed for the purpose
1210 of serving the public the liquid product.

1211 ~~(2) Prior to the installation of any bulk storage
1212 container, the licensee must submit to the department a site
1213 plan of the facility which shows the proposed location of the
1214 container and must obtain written approval of such location from
1215 the department.~~

1216 ~~(3) A fee of \$200 shall be assessed for each site plan
1217 reviewed by the division. The review shall include
1218 preconstruction inspection of the proposed site, plan review,
1219 and final inspection of the completed facility.~~

1220 (2)~~(4)~~ No newly installed container may be placed in
1221 operation until it has been inspected and approved by the
1222 department.

1223 Section 24. Subsection (1) of section 527.065, Florida
1224 Statutes, is amended to read:

1225 527.065 Notification of accidents; leak calls.—

1226 (1) Immediately upon discovery, all liquefied petroleum gas
1227 licensees shall notify the department of any liquefied petroleum
1228 gas-related accident involving a liquefied petroleum gas
1229 licensee or customer account:

1230 (a) Which caused a death or personal injury requiring

22-00439B-18

2018740__

1231 professional medical treatment;

1232 (b) Where uncontrolled ignition of liquefied petroleum gas
1233 resulted in death, personal injury, or property damage exceeding
1234 \$3,000 ~~\$1,000~~; or

1235 (c) Which caused estimated damage to property exceeding
1236 \$3,000 ~~\$1,000~~.

1237 Section 25. Section 527.10, Florida Statutes, is amended to
1238 read:

1239 527.10 Restriction on use of unsafe container or system.—No
1240 liquefied petroleum gas shall be introduced into or removed from
1241 any container or system in this state that has been identified
1242 by the department or its duly authorized inspectors as not
1243 complying with the rules pertaining to such container or system,
1244 until such violations as specified have been satisfactorily
1245 corrected and authorization for continued service or removal
1246 granted by the department. A statement of violations of the
1247 rules that render such a system unsafe for use shall be
1248 furnished in writing by the department to the ~~ultimate~~ consumer
1249 or dealer in liquefied petroleum gas.

1250 Section 26. Subsections (3) and (17) of section 527.21,
1251 Florida Statutes, are amended to read:

1252 527.21 Definitions relating to Florida Propane Gas
1253 Education, Safety, and Research Act.—As used in ss. 527.20-
1254 527.23, the term:

1255 (3) "Dealer" means a business engaged primarily in selling
1256 propane gas and its appliances and equipment to the ~~ultimate~~
1257 consumer or to retail propane gas dispensers.

1258 (17) "Wholesaler" or "reseller" means a seller of propane
1259 gas who is not a producer and who does not sell propane gas to

22-00439B-18

2018740__

1260 the ~~ultimate~~ consumer.

1261 Section 27. Paragraph (a) of subsection (2) of section
1262 527.22, Florida Statutes, is amended to read:

1263 527.22 Florida Propane Gas Education, Safety, and Research
1264 Council established; membership; duties and responsibilities.—

1265 (2) (a) ~~Within 90 days after the effective date of this act,~~
1266 ~~the commissioner shall make a call to qualified industry~~
1267 ~~organizations for nominees to the council.~~ The commissioner
1268 shall appoint members of the council from a list of nominees
1269 submitted by qualified industry organizations. The commissioner
1270 may require such reports or documentation as is necessary to
1271 document the nomination process for members of the council.
1272 Qualified industry organizations, in making nominations, and the
1273 commissioner, in making appointments, shall give due regard to
1274 selecting a council that is representative of the industry and
1275 the geographic regions of the state. Other than the public
1276 member, council members must be full-time employees or owners of
1277 propane gas producers or dealers doing business in this state.

1278 Section 28. Section 531.67, Florida Statutes, is amended to
1279 read:

1280 531.67 Expiration of sections.—Sections 531.60, 531.61,
1281 531.62, 531.63, 531.64, 531.65, and 531.66 shall expire July 1,
1282 2025 ~~2020~~.

1283 Section 29. Subsection (46) is added to section 570.07,
1284 Florida Statutes, to read:

1285 570.07 Department of Agriculture and Consumer Services;
1286 functions, powers, and duties.—The department shall have and
1287 exercise the following functions, powers, and duties:

1288 (46) During a state of emergency declared pursuant to s.

22-00439B-18

2018740__

1289 252.36, to waive fees by emergency order for duplicate copies or
1290 renewal of permits, licenses, certifications, or other similar
1291 types of authorizations during a period specified by the
1292 commissioner.

1293 Section 30. Section 573.111, Florida Statutes, is amended
1294 to read:

1295 573.111 Notice of effective date of marketing order.—Before
1296 the issuance of any marketing order, or any suspension,
1297 amendment, or termination thereof, a notice must ~~shall~~ be posted
1298 ~~on a public bulletin board to be maintained by the department in~~
1299 ~~the Division of Marketing and Development of the department in~~
1300 ~~the Nathan Mayo Building, Tallahassee, Leon County, and a copy~~
1301 ~~of the notice shall be posted on the department website the same~~
1302 ~~date that the notice is posted on the bulletin board. A~~ No
1303 marketing order, or any suspension, amendment, or termination
1304 thereof, may not ~~shall~~ become effective until ~~the termination of~~
1305 ~~a period of 5 days~~ after ~~from~~ the date of posting and
1306 publication.

1307 Section 31. Section 578.011, Florida Statutes, is amended
1308 to read:

1309 578.011 Definitions; Florida Seed Law.—When used in this
1310 chapter, the term:

1311 (1) "Advertisement" means all representations, other than
1312 those on the label, disseminated in any manner or by any means,
1313 relating to seed within the scope of this law.

1314 (2) "Agricultural seed" includes the seed of grass, forage,
1315 cereal and fiber crops, and chufas and any other seed commonly
1316 recognized within the state as agricultural seed, lawn seed, and
1317 combinations of such seed, and may include identified noxious

22-00439B-18

2018740__

1318 weed seed when the department determines that such seed is being
1319 used as agricultural seed ~~or field seed and mixtures of such~~
1320 ~~seed.~~

1321 (3) "Blend" means seed consisting of more than one variety
1322 of one kind, each present in excess of 5 percent by weight of
1323 the whole.

1324 (4) "Buyer" means a person who purchases agricultural,
1325 vegetable, flower, tree, or shrub seed in packaging of 1,000
1326 seeds or more by count.

1327 (5) "Brand" means a distinguishing word, name, symbol,
1328 number, or design used to identify seed produced, packaged,
1329 advertised, or offered for sale by a particular person.

1330 (6)~~(3)~~ "Breeder seed" means a class of certified seed
1331 directly controlled by the originating or sponsoring plant
1332 breeding institution or person, or designee thereof, and is the
1333 source for the production of seed of the other classes of
1334 certified seed that are released directly from the breeder or
1335 ~~experiment station that develops the seed. These seed are one~~
1336 ~~class above foundation seed.~~

1337 (7)~~(4)~~ "Certified seed," means a class of seed which is the
1338 progeny of breeder, foundation, or registered seed ~~"registered~~
1339 ~~seed," and "foundation seed" mean seed that have been produced~~
1340 ~~and labeled in accordance with the procedures and in compliance~~
1341 ~~with the rules and regulations of any agency authorized by the~~
1342 ~~laws of this state or the laws of another state.~~

1343 (8) "Certifying agency" means:

1344 (a) An agency authorized under the laws of a state,
1345 territory, or possession of the United States to officially
1346 certify seed and which has standards and procedures approved by

22-00439B-18

2018740__

1347 the United States Secretary of Agriculture to assure the genetic
1348 purity and identity of the seed certified; or

1349 (b) An agency of a foreign country that the United States
1350 Secretary of Agriculture has determined as adhering to
1351 procedures and standards for seed certification comparable to
1352 those adhered to generally by seed certifying agencies under
1353 paragraph (a).

1354 (9) "Coated seed" means seed that has been covered by a
1355 layer of materials that obscures the original shape and size of
1356 the seed and substantially increases the weight of the product.
1357 The addition of biologicals, pesticides, identifying colorants
1358 or dyes, or other active ingredients including polymers may be
1359 included in this process.

1360 (10)~~(5)~~ "Date of test" means the month and year the
1361 percentage of germination appearing on the label was obtained by
1362 laboratory test.

1363 (11)~~(6)~~ "Dealer" means any person who sells or offers for
1364 sale any agricultural, vegetable, flower, ~~or forest tree, or~~
1365 shrub seed for seeding purposes, and includes farmers who sell
1366 cleaned, processed, packaged, and labeled seed.

1367 (12)~~(7)~~ "Department" means the Department of Agriculture
1368 and Consumer Services or its authorized representative.

1369 (13)~~(8)~~ "Dormant seed" refers to viable seed, other than
1370 hard seed, which neither germinate nor decay during the
1371 prescribed test period and under the prescribed test conditions.

1372 (14)~~(9)~~ "Flower seed" includes seed of herbaceous plants
1373 grown for blooms, ornamental foliage, or other ornamental parts,
1374 and commonly known and sold under the name of flower or
1375 wildflower seed in this state.

22-00439B-18

2018740__

1376 ~~(10) "Forest tree seed" includes seed of woody plants~~
1377 ~~commonly known and sold as forest tree seed.~~

1378 (15) "Foundation seed" means a class of certified seed
1379 which is the progeny of breeder or other foundation seed and is
1380 produced and handled under procedures established by the
1381 certifying agency, in accordance with this part, for producing
1382 foundation seed, for the purpose of maintaining genetic purity
1383 and identity.

1384 (16)~~(11)~~ "Germination" means the emergence and development
1385 from the seed embryo of those essential structures which, for
1386 the kind of seed in question, are indicative of the ability to
1387 produce a normal plant under favorable conditions ~~percentage of~~
1388 ~~seed capable of producing normal seedlings under ordinarily~~
1389 ~~favorable conditions. Broken seedlings and weak, malformed and~~
1390 ~~obviously abnormal seedlings shall not be considered to have~~
1391 ~~germinated.~~

1392 (17)~~(12)~~ "Hard seed" means seeds that remain hard at the
1393 end of a prescribed test period because they have not absorbed
1394 water due to an impermeable seed coat ~~the percentage of seed~~
1395 ~~which because of hardness or impermeability did not absorb~~
1396 ~~moisture or germinate under prescribed tests but remain hard~~
1397 ~~during the period prescribed for germination of the kind of seed~~
1398 ~~concerned.~~

1399 (18)~~(13)~~ "Hybrid" means the first generation seed of a
1400 cross produced by controlling the pollination and by combining:

1401 (a) Two or more inbred lines;

1402 (b) One inbred or a single cross with an open-pollinated
1403 variety; or

1404 (c) Two varieties or species, except open-pollinated

22-00439B-18

2018740__

1405 varieties of corn (*Zea mays*).

1406

1407 The second generation or subsequent generations from such
1408 crosses may ~~shall~~ not be regarded as hybrids. Hybrid
1409 designations shall be treated as variety names.

1410 (19) ~~(14)~~ "Inert matter" means all matter that is not a full
1411 seed ~~includes broken seed when one-half in size or less; seed of~~
1412 ~~legumes or crucifers with the seed coats removed; undeveloped~~
1413 ~~and badly injured weed seed such as sterile dodder which, upon~~
1414 ~~visual examination, are clearly incapable of growth; empty~~
1415 ~~glumes of grasses; attached sterile glumes of grasses (which~~
1416 ~~must be removed from the fertile glumes except in Rhodes grass);~~
1417 ~~dirt, stone, chaff, nematode, fungus bodies, and any matter~~
1418 ~~other than seed.~~

1419 (20) ~~(15)~~ "Kind" means one or more related species or
1420 subspecies which singly or collectively is known by one common
1421 name; e.g., corn, beans, lespedeza.

1422 (21) "Label" means the display or displays of written or
1423 printed material upon or attached to a container of seed.

1424 (22) ~~(16)~~ "Labeling" includes all labels and other written,
1425 printed, or graphic representations, in any form, accompanying
1426 and pertaining to any seed, whether in bulk or in containers,
1427 and includes invoices and other bills of shipment when sold in
1428 bulk.

1429 (23) ~~(17)~~ "Lot of seed" means a definite quantity of seed
1430 identified by a lot number or other mark ~~identification~~, every
1431 portion or bag of which is uniform within recognized tolerances
1432 for the factors that appear in the labeling, ~~for the factors~~
1433 ~~which appear in the labeling, within permitted tolerances.~~

22-00439B-18

2018740__

1434 ~~(24)(18)~~ "Mix," "mixed," or "mixture" means seed consisting
1435 of more than one kind ~~or variety~~, each present in excess of 5
1436 percent by weight of the whole.

1437 (25) "Mulch" means a protective covering of any suitable
1438 substance placed with seed which acts to retain sufficient
1439 moisture to support seed germination and sustain early seedling
1440 growth and aid in the prevention of the evaporation of soil
1441 moisture, the control of weeds, and the prevention of erosion.

1442 (26) "Noxious weed seed" means seed in one of two classes
1443 of seed:

1444 (a) "Prohibited noxious weed seed" means the seed of weeds
1445 that are highly destructive and difficult to control by good
1446 cultural practices and the use of herbicides.

1447 (b) "Restricted noxious weed seed" means weed seeds that
1448 are objectionable in agricultural crops, lawns, and gardens of
1449 this state and which can be controlled by good agricultural
1450 practices or the use of herbicides.

1451 ~~(27)(19)~~ "Origin" means the state, District of Columbia,
1452 Puerto Rico, or possession of the United States, or the foreign
1453 country where the seed were grown, except for native species,
1454 where the term means the county or collection zone and the state
1455 where the seed were grown ~~for forest tree seed, with respect to~~
1456 which the term "origin" means the county or state forest service
1457 seed collection zone and the state where the seed were grown.

1458 ~~(28)(20)~~ "Other crop seed" includes all seed of plants
1459 grown in this state as crops, other than the kind or kind and
1460 variety included in the pure seed, when not more than 5 percent
1461 of the whole of a single kind or variety is present, unless
1462 designated as weed seed.

22-00439B-18

2018740__

1463 (29) "Packet seed" means seed prepared for use in home
1464 gardens and household plantings packaged in labeled, sealed
1465 containers of less than 8 ounces and typically sold from seed
1466 racks or displays in retail establishments, via the Internet, or
1467 through mail order.

1468 ~~(30)(21)~~ "Processing" means conditioning, cleaning,
1469 scarifying, or blending to obtain uniform quality and other
1470 operations which would change the purity or germination of the
1471 seed and, therefore, require retesting to determine the quality
1472 of the seed.

1473 ~~(22) "Prohibited noxious weed seed" means the seed and~~
1474 ~~bulblets of perennial weeds such as not only reproduce by seed~~
1475 ~~or bulblets, but also spread by underground roots or stems and~~
1476 ~~which, when established, are highly destructive and difficult to~~
1477 ~~control in this state by ordinary good cultural practice.~~

1478 ~~(31)(23)~~ "Pure seed" means the seed, exclusive of inert
1479 matter, of the kind or kind and variety of seed declared on the
1480 label or tag includes all seed of the kind or kind and variety
1481 or strain under consideration, whether shriveled, cracked, or
1482 otherwise injured, and pieces of broken seed larger than one-
1483 half the original size.

1484 ~~(32)(24)~~ "Record" includes the symbol identifying the seed
1485 as to origin, amount, processing, testing, labeling, and
1486 distribution, ~~file sample of the seed,~~ and any other document or
1487 instrument pertaining to the purchase, sale, or handling of
1488 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed.
1489 Such information includes seed samples and records of
1490 declarations, labels, purchases, sales, conditioning, bulking,
1491 treatment, handling, storage, analyses, tests, and examinations.

22-00439B-18

2018740__

1492 (33) "Registered seed" means a class of certified seed
1493 which is the progeny of breeder or foundation seed and is
1494 produced and handled under procedures established by the
1495 certifying agency, in accordance with this part, for the purpose
1496 of maintaining genetic purity and identity.

1497 ~~(25) "Restricted noxious weed seed" means the seed of such~~
1498 ~~weeds as are very objectionable in fields, lawns, or gardens of~~
1499 ~~this state, but can be controlled by good cultural practice.~~
1500 ~~Seed of poisonous plants may be included.~~

1501 (34) "Shrub seed" means seed of a woody plant that is
1502 smaller than a tree and has several main stems arising at or
1503 near the ground.

1504 (35)~~(26)~~ "Stop-sale" means any written or printed notice or
1505 order issued by the department to the owner or custodian of any
1506 lot of agricultural, vegetable, flower, ~~or forest~~ tree, or shrub
1507 seed in the state, directing the owner or custodian not to sell
1508 or offer for sale seed designated by the order within the state
1509 until the requirements of this law are complied with and a
1510 written release has been issued; except that the seed may be
1511 released to be sold for feed.

1512 (36)~~(27)~~ "Treated" means that the seed has been given an
1513 application of a material or subjected to a process designed to
1514 control or repel disease organisms, insects, or other pests
1515 attacking seed or seedlings grown therefrom to improve its
1516 planting value or to serve any other purpose.

1517 (37) "Tree seed" means seed of a woody perennial plant
1518 typically having a single stem or trunk growing to a
1519 considerable height and bearing lateral branches at some
1520 distance from the ground.

22-00439B-18

2018740__

1521 ~~(38)(28)~~ "Type" means a group of varieties so nearly
1522 similar that the individual varieties cannot be clearly
1523 differentiated except under special conditions.

1524 ~~(39)(29)~~ "Variety" means a subdivision of a kind which is
1525 distinct in the sense that the variety can be differentiated by
1526 one or more identifiable morphological, physiological, or other
1527 characteristics from all other varieties of public knowledge;
1528 uniform in the sense that the variations in essential and
1529 distinctive characteristics are describable; and stable in the
1530 sense that the variety will remain unchanged in its essential
1531 and distinctive characteristics and its uniformity when
1532 reproduced or reconstituted ~~characterized by growth, plant~~
1533 ~~fruit, seed, or other characteristics by which it can be~~
1534 ~~differentiated from other sorts of the same kind; e.g.,~~
1535 ~~Whatley's Prolific corn, Bountiful beans, Kobe lespedeza.~~

1536 ~~(40)(30)~~ "Vegetable seed" means the seed of those crops
1537 that which are grown in gardens or on truck farms, and are
1538 generally known and sold under the name of vegetable seed or
1539 herb seed in this state.

1540 ~~(41)(31)~~ "Weed seed" includes the seed of all plants
1541 generally recognized as weeds within this state, and includes
1542 prohibited and restricted noxious weed seed, bulblets, ~~and~~
1543 tubers, and any other vegetative propagules.

1544 Section 32. Section 578.012, Florida Statutes, is created
1545 to read:

1546 578.012 Preemption.—

1547 (1) It is the intent of the Legislature to eliminate
1548 duplication of regulation of seed. As such, this chapter is
1549 intended as comprehensive and exclusive and occupies the whole

22-00439B-18

2018740__

1550 field of regulation of seed.

1551 (2) The authority to regulate seed or matters relating to
1552 seed in this state is preempted to the state. A local government
1553 or political subdivision of the state may not enact or enforce
1554 an ordinance that regulates seed, including the power to assess
1555 any penalties provided for violation of this chapter.

1556 Section 33. Section 578.08, Florida Statutes, is amended to
1557 read:

1558 578.08 Registrations.—

1559 (1) Every person, except as provided in subsection (4) ~~and~~
1560 ~~s. 578.14~~, before selling, distributing for sale, offering for
1561 sale, exposing for sale, handling for sale, or soliciting orders
1562 for the purchase of any agricultural, vegetable, flower, ~~or~~
1563 ~~forest tree~~, or shrub seed or mixture thereof, shall first
1564 register with the department as a seed dealer. The application
1565 for registration must include the name and location of each
1566 place of business at which the seed is sold, distributed for
1567 sale, offered for sale, exposed for sale, or handled for sale.
1568 The application must ~~for registration shall~~ be filed with the
1569 department by using a form prescribed by the department or by
1570 using the department's website and shall be accompanied by an
1571 annual registration fee for each such place of business based on
1572 the gross receipts from the sale of such seed for the last
1573 preceding license year as follows:

1574 (a)1. Receipts of less than \$500, a fee of \$10.

1575 2. Receipts of \$500 or more but less than \$1,000, a fee of
1576 \$25.

1577 3. Receipts of \$1,000 or more but less than \$2,500, a fee
1578 of \$100.

22-00439B-18

2018740__

1579 4. Receipts of \$2,500 or more but less than \$5,000, a fee
1580 of \$200.

1581 5. Receipts of \$5,000 or more but less than \$10,000, a fee
1582 of \$350.

1583 6. Receipts of \$10,000 or more but less than \$20,000, a fee
1584 of \$800.

1585 7. Receipts of \$20,000 or more but less than \$40,000, a fee
1586 of \$1,000.

1587 8. Receipts of \$40,000 or more but less than \$70,000, a fee
1588 of \$1,200.

1589 9. Receipts of \$70,000 or more but less than \$150,000, a
1590 fee of \$1,600.

1591 10. Receipts of \$150,000 or more but less than \$400,000, a
1592 fee of \$2,400.

1593 11. Receipts of \$400,000 or more, a fee of \$4,600.

1594 (b) For places of business not previously in operation, the
1595 fee shall be based on anticipated receipts for the first license
1596 year.

1597 (2) A ~~written~~ receipt from the department of the
1598 registration and payment of the fee shall constitute a
1599 sufficient permit for the dealer to engage in or continue in the
1600 business of selling, distributing for sale, offering or exposing
1601 for sale, handling for sale, or soliciting orders for the
1602 purchase of any agricultural, vegetable, flower, ~~or forest~~ tree,
1603 or shrub seed within the state. However, the department has
1604 ~~shall have~~ authority to suspend or revoke any permit for the
1605 violation of any provision of this law or of any rule adopted
1606 under authority hereof. The registration shall expire on June 30
1607 of the next calendar year and shall be renewed on July 1 of each

22-00439B-18

2018740__

1608 year. If any person subject to the requirements of this section
1609 fails to comply, the department may issue a stop-sale notice or
1610 order which shall prohibit the person from selling or causing to
1611 be sold any agricultural, vegetable, flower, ~~or forest tree,~~ or
1612 shrub seed until the requirements of this section are met.

1613 (3) Every person selling, distributing for sale, offering
1614 for sale, exposing for sale, handling for sale, or soliciting
1615 orders for the purchase of any agricultural, vegetable, flower,
1616 ~~or forest tree,~~ or shrub seed in the state other than as
1617 provided in subsection (4) ~~s. 578.14~~, shall be subject to the
1618 requirements of this section; ~~except that agricultural~~
1619 ~~experiment stations of the State University System shall not be~~
1620 ~~subject to the requirements of this section.~~

1621 (4) ~~The provisions of This chapter~~ does shall not apply to
1622 farmers who sell only uncleaned, unprocessed, unpackaged, and
1623 unlabeled seed, but shall apply to farmers who sell cleaned,
1624 processed, packaged, and labeled seed in amounts in excess of
1625 \$10,000 in any one year.

1626 (5) When packet seed is sold, offered for sale, or exposed
1627 for sale, the company who packs seed for retail sale must
1628 register and pay fees as provided under subsection (1).

1629 Section 34. Section 578.09, Florida Statutes, is amended to
1630 read:

1631 578.09 Label requirements for agricultural, vegetable,
1632 flower, tree, or shrub seeds.—Each container of agricultural,
1633 vegetable, ~~or flower, tree, or shrub seed~~ which is sold, offered
1634 for sale, exposed for sale, or distributed for sale within this
1635 state for sowing ~~or planting~~ purposes must ~~shall~~ bear thereon or
1636 have attached thereto, in a conspicuous place, ~~a label or labels~~

22-00439B-18

2018740__

1637 ~~containing all information required under this section,~~ plainly
1638 written or printed label or tag in the English language, ~~in~~
1639 ~~Century type. All data pertaining to analysis shall appear on a~~
1640 ~~single label.~~ Language setting forth the requirements for filing
1641 and serving complaints as described in s. 578.26(1)(c) must ~~s.~~
1642 ~~578.26(1)(b) shall~~ be included on the analysis label or be
1643 otherwise attached to the package, except for packages
1644 containing less than 1,000 seeds by count.

1645 (1) ~~FOR TREATED SEED.~~ For all treated agricultural,
1646 vegetable, ~~or~~ flower, tree, or shrub seed ~~treated~~ as defined in
1647 this chapter:

1648 (a) A word or statement indicating that the seed has been
1649 ~~treated or description of process used.~~

1650 (b) The commonly accepted coined, chemical, or abbreviated
1651 chemical (generic) name of the applied substance or description
1652 of the process used and the words "~~poison treated~~" ~~in red~~
1653 ~~letters, in not less than 1/4-inch type.~~

1654 (c) If the substance in the amount present with the seed is
1655 harmful to humans or other vertebrate animals, a caution
1656 statement such as "Do not use for food, feed, or oil purposes."
1657 The caution for mercurials, Environmental Protection Agency
1658 Toxicity Category 1 as referenced in 7 C.F.R. 201.31a(c)(2), and
1659 similarly toxic substances shall be designated by a poison
1660 statement or symbol.

1661 ~~(d) Rate of application or statement "Treated at~~
1662 ~~manufacturer's recommended rate."~~

1663 (d)(e) If the seed is treated with an inoculant, the date
1664 beyond which the inoculant is not to be considered effective
1665 (date of expiration).

22-00439B-18

2018740__

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

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

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

(b) Lot number or other lot identification.

(c) Net weight or seed count.

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

(e) Percentage by weight of all weed seed.

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

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

(h) Percentage by weight of inert matter.

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

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

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

22-00439B-18

2018740__

1695 3. The calendar month and year the test was completed to
1696 determine such percentages, provided that the germination test
1697 must have been completed within the previous 9 months, exclusive
1698 of the calendar month of test.

1699 (j) Name and address of the person who labeled said seed or
1700 who sells, distributes, offers, or exposes said seed for sale
1701 within this state.

1702
1703 The sum total of the percentages listed pursuant to paragraphs
1704 (a), (e), (g), and (h) must be equal to 100 percent.

1705 (3) For seed that is coated:

1706 (a) Percentage by weight of pure seed with coating material
1707 removed. The percentage of coating material may be included with
1708 the inert matter percentage or may be listed separately.

1709 (b) Percentage of germination. This percentage must be
1710 determined based on an examination of 400 coated units with or
1711 without seed.

1712
1713 In addition to the requirements of this subsection, labeling of
1714 coated seed must also comply with the requirements of any other
1715 subsection pertaining to that type of seed. ~~FOR VEGETABLE SEED~~
1716 ~~IN CONTAINERS OF 8 OUNCES OR MORE.~~

1717 ~~(a) Name of kind and variety of seed.~~

1718 ~~(b) Net weight or seed count.~~

1719 ~~(c) Lot number or other lot identification.~~

1720 ~~(d) Percentage of germination.~~

1721 ~~(e) Calendar month and year the test was completed to~~
1722 ~~determine such percentages.~~

1723 ~~(f) Name and address of the person who labeled said seed or~~

22-00439B-18

2018740__

1724 ~~who sells, distributes, offers or exposes said seed for sale~~
1725 ~~within this state.~~

1726 ~~(g) For seed which germinate less than the standard last~~
1727 ~~established by the department the words "below standard," in not~~
1728 ~~less than 8 point type, must be printed or written in ink on the~~
1729 ~~face of the tag, in addition to the other information required.~~
1730 ~~Provided, that no seed marked "below standard" shall be sold~~
1731 ~~which falls more than 20 percent below the standard for such~~
1732 ~~seed which has been established by the department, as authorized~~
1733 ~~by this law.~~

1734 ~~(h) The name and number of restricted noxious weed seed per~~
1735 ~~pound.~~

1736 (4) For combination mulch, seed, and fertilizer products:

1737 (a) The word "combination" followed, as appropriate, by the
1738 words "mulch - seed - fertilizer" must appear prominently on the
1739 principal display panel of the package.

1740 (b) If the product is an agricultural seed placed in a
1741 germination medium, mat, tape, or other device or is mixed with
1742 mulch or fertilizer, it must also be labeled with all of the
1743 following:

1744 1. Product name.

1745 2. Lot number or other lot identification.

1746 3. Percentage by weight of pure seed of each kind and
1747 variety named which may be less than 5 percent of the whole.

1748 4. Percentage by weight of other crop seed.

1749 5. Percentage by weight of inert matter.

1750 6. Percentage by weight of weed seed.

1751 7. Name and number of noxious weed seeds per pound, if
1752 present.

22-00439B-18

2018740__

1753 8. Percentage of germination, and hard or dormant seed if
1754 appropriate, of each kind or kind and variety named. The
1755 germination test must have been completed within the previous 12
1756 months exclusive of the calendar month of test.

1757 9. The calendar month and year the test was completed to
1758 determine such percentages.

1759 10. Name and address of the person who labeled the seed, or
1760 who sells, offers, or exposes the seed for sale within the
1761 state.

1762
1763 The sum total of the percentages listed pursuant to
1764 subparagraphs 3., 4., 5., and 6. must be equal to 100 percent.

1765 (5) For vegetable seed in packets as prepared for use in
1766 home gardens or household plantings or vegetable seeds in
1767 preplanted containers, mats, tapes, or other planting devices:
1768 ~~FOR VEGETABLE SEED IN CONTAINERS OF LESS THAN 8 OUNCES.—~~

1769 (a) Name of kind and variety of seed. Hybrids must be
1770 labeled as hybrids.

1771 (b) Lot number or other lot identification.

1772 (c) Germination test date identified in the following
1773 manner:

1774 1. The calendar month and year the germination test was
1775 completed and the statement "Sell by ...(month/year)...", which
1776 may be no more than 12 months from the date of test, beginning
1777 with the month after the test date;

1778 2. The month and year the germination test was completed,
1779 provided that the germination test must have been completed
1780 within the previous 12 months, exclusive of the calendar month
1781 of test; or

22-00439B-18

2018740__

1782 3. The year for which the seed was packaged for sale as
 1783 "Packed for ...(year)..." and the statement "Sell by
 1784 ...(year)..." which shall be one year after the seed was
 1785 packaged for sale.

1786 (d)~~(b)~~ Name and address of the person who labeled the seed
 1787 or who sells, distributes, offers, or exposes said seed for sale
 1788 within this state.

1789 (e)~~(e)~~ For seed which germinate less than standard last
 1790 established by the department,~~the additional information must~~
 1791 ~~be shown:~~

1792 1. Percentage of germination, exclusive of hard or dormant
 1793 seed.

1794 2. Percentage of hard or dormant seed ~~when present,~~ if
 1795 present desired.

1796 ~~3. Calendar month and year the test was completed to~~
 1797 ~~determine such percentages.~~

1798 ~~3.4.~~ The words "Below Standard" prominently displayed in
 1799 ~~not less than 8 point type.~~

1800
 1801 (f)~~(d)~~ No seed marked "below standard" may ~~shall~~ be sold
 1802 that falls ~~which fall~~ more than 20 percent below the established
 1803 standard for such seed. For seeds that do not have an
 1804 established standard, the minimum germination standard shall be
 1805 50 percent, and no such seed may be sold that is 20 percent
 1806 below this standard.

1807 (g) For seed placed in a germination medium, mat, tape, or
 1808 other device in such a way as to make it difficult to determine
 1809 the quantity of seed without removing the seeds from the medium,
 1810 mat, tape or device, a statement to indicate the minimum number

22-00439B-18

2018740__

1811 of seeds in the container.

1812 (6) For vegetable seed in containers, other than packets
1813 prepared for use in home gardens or household plantings, and
1814 other than preplanted containers, mats, tapes, or other planting
1815 devices:

1816 (a) The name of each kind and variety present of any seed
1817 in excess of 5 percent of the total weight in the container, and
1818 the percentage by weight of each type of seed in order of its
1819 predominance. Hybrids must be labeled as hybrids.

1820 (b) Net weight or seed count.

1821 (c) Lot number or other lot identification.

1822 (d) For each named vegetable seed:

1823 1. Percentage germination, exclusive of hard or dormant
1824 seed;

1825 2. Percentage of hard or dormant seed, if present;

1826 3. Listed below the requirements of subparagraphs 1. and
1827 2., the "total germination and hard or dormant seed" may be
1828 stated as such, if desired; and

1829 4. The calendar month and year the test was completed to
1830 determine the percentages specified in subparagraphs 1. and 2.,
1831 provided that the germination test must have been completed
1832 within 9 months, exclusive of the calendar month of test.

1833 (e) Name and address of the person who labeled the seed, or
1834 who sells, offers, or exposes the seed for sale within this
1835 state.

1836 (f) For seed which germinate less than the standard last
1837 established by the department, the words "Below Standard"
1838 prominently displayed.

1839 1. No seed marked "Below Standard" may be sold if the seed

22-00439B-18

2018740

1840 is more than 20 percent below the established standard for such
1841 seed.

1842 2. For seeds that do not have an established standard, the
1843 minimum germination standard shall be 50 percent, and no such
1844 seed may be sold that is 20 percent below this standard.

1845 (7)(5) For flower seed in packets prepared for use in home
1846 gardens or household plantings or flower seed in preplanted
1847 containers, mats, tapes, or other planting devices: FOR FLOWER
1848 SEED IN PACKETS PREPARED FOR USE IN HOME GARDENS OR HOUSEHOLD
1849 PLANTINGS OR FLOWER SEED IN PREPLANTED CONTAINERS, MATS, TAPES,
1850 OR OTHER PLANTING DEVICES.

1851 (a) For all kinds of flower seed:

1852 1. The name of the kind and variety or a statement of type
1853 and performance characteristics as prescribed in the rules and
1854 regulations adopted ~~promulgated~~ under the provisions of this
1855 chapter.

1856 2. Germination test date, identified in the following
1857 manner:

1858 a. The calendar month and year the germination test was
1859 completed and the statement "Sell by ...(month/year)..." The
1860 sell by date must be no more than 12 months from the date of
1861 test, beginning with the month after the test date;

1862 b. The year for which the seed was packed for sale as
1863 "Packed for ...(year)..." and the statement "Sell by
1864 ...(year)..." which shall be for a calendar year; or

1865 c. The calendar month and year the test was completed,
1866 provided that the germination test must have been completed
1867 within the previous 12 months, exclusive of the calendar month
1868 of test.

22-00439B-18

2018740__

1869 2. ~~The calendar month and year the seed was tested or the~~
 1870 ~~year for which the seed was packaged.~~

1871 3. The name and address of the person who labeled said
 1872 seed, or who sells, offers, or exposes said seed for sale within
 1873 this state.

1874 (b) For seed of those kinds for which standard testing
 1875 procedures are prescribed and which germinate less than the
 1876 germination standard last established under the provisions of
 1877 this chapter:

1878 1. The percentage of germination exclusive of hard or
 1879 dormant seed.

1880 2. Percentage of hard or dormant seed, if present.

1881 3. The words "Below Standard" prominently displayed ~~in not~~
 1882 ~~less than 8 point type.~~

1883 (c) For seed placed in a germination medium, mat, tape, or
 1884 other device in such a way as to make it difficult to determine
 1885 the quantity of seed without removing the seed from the medium,
 1886 mat, tape, or device, a statement to indicate the minimum number
 1887 of seed in the container.

1888 (8)(6) For flower seed in containers other than packets and
 1889 other than preplanted containers, mats, tapes, or other planting
 1890 devices and not prepared for use in home flower gardens or
 1891 household plantings: FOR FLOWER SEED IN CONTAINERS OTHER THAN
 1892 PACKETS PREPARED FOR USE IN HOME FLOWER GARDENS OR HOUSEHOLD
 1893 PLANTINGS AND OTHER THAN PREPLANTED CONTAINERS, MATS, TAPES, OR
 1894 OTHER PLANTING DEVICES.—

1895 (a) The name of the kind and variety, and for wildflowers,
 1896 the genus and species and subspecies, if appropriate ~~or a~~
 1897 ~~statement of type and performance characteristics as prescribed~~

22-00439B-18

2018740__

1898 ~~in rules and regulations promulgated under the provisions of~~
 1899 ~~this chapter.~~

1900 (b) Net weight or seed count.

1901 (c) ~~(b)~~ The Lot number or other lot identification.

1902 (d) For flower seed with a pure seed percentage of less
 1903 than 90 percent:

1904 1. Percentage, by weight, of each component listed in order
 1905 of its predominance.

1906 2. Percentage by weight of weed seed, if present.

1907 3. Percentage by weight of other crop seed.

1908 4. Percentage by weight of inert matter.

1909 (e) For those kinds of seed for which standard testing
 1910 procedures are prescribed:

1911 1. Percentage germination exclusive of hard or dormant
 1912 seed.

1913 2. Percentage of hard or dormant seed, if present.

1914 3. ~~(e)~~ The calendar month and year that the test was
 1915 completed. The germination test must have been completed within
 1916 the previous 9 months, exclusive of the calendar month of test.

1917 (f) For those kinds of seed for which standard testing
 1918 procedures are not available, the year of production or
 1919 collection ~~seed were tested or the year for which the seed were~~
 1920 packaged.

1921 (g) ~~(d)~~ The name and address of the person who labeled said
 1922 seed or who sells, offers, or exposes said seed for sale within
 1923 this state.

1924 ~~(e) For those kinds of seed for which standard testing~~
 1925 ~~procedures are prescribed:~~

1926 ~~1. The percentage germination exclusive of hard seed.~~

22-00439B-18

2018740__

- 1927 ~~2. The percentage of hard seed, if present.~~
- 1928 (h) (f) For those seeds which germinate less than the
- 1929 standard last established by the department, the words "Below
- 1930 Standard" prominently displayed in not less than 8 point type
- 1931 ~~must be printed or written in ink on the face of the tag.~~
- 1932 (9) For tree or shrub seed:
- 1933 (a) Common name of the species of seed and, if appropriate,
- 1934 subspecies.
- 1935 (b) The scientific name of the genus, species, and, if
- 1936 appropriate, subspecies.
- 1937 (c) Lot number or other lot identification.
- 1938 (d) Net weight or seed count.
- 1939 (e) Origin, indicated in the following manner:
- 1940 1. For seed collected from a predominantly indigenous
- 1941 stand, the area of collection given by latitude and longitude or
- 1942 geographic description, or political subdivision, such as state
- 1943 or county.
- 1944 2. For seed collected from other than a predominantly
- 1945 indigenous stand, the area of collection and the origin of the
- 1946 stand or the statement "Origin not Indigenous".
- 1947 3. The elevation or the upper and lower limits of
- 1948 elevations within which the seed was collected.
- 1949 (f) Purity as a percentage of pure seed by weight.
- 1950 (g) For those species for which standard germination
- 1951 testing procedures are prescribed by the department:
- 1952 1. Percentage germination exclusive of hard or dormant
- 1953 seed.
- 1954 2. Percentage of hard or dormant seed, if present.
- 1955 3. The calendar month and year test was completed, provided

22-00439B-18

2018740__

1956 that the germination test must have been completed within the
1957 previous 12 months, exclusive of the calendar month of test.

1958 (h) In lieu of subparagraphs (g)1., 2., and 3., the seed
1959 may be labeled "Test is in progress; results will be supplied
1960 upon request."

1961 (i) For those species for which standard germination
1962 testing procedures have not been prescribed by the department,
1963 the calendar year in which the seed was collected.

1964 (j) The name and address of the person who labeled the seed
1965 or who sells, offers, or exposes the seed for sale within this
1966 state.

1967 ~~(7) DEPARTMENT TO PRESCRIBE UNIFORM ANALYSIS TAG. The~~
1968 ~~department shall have the authority to prescribe a uniform~~
1969 ~~analysis tag required by this section.~~

1970
1971 The information required by this section to be placed on labels
1972 attached to seed containers may not be modified or denied in the
1973 labeling or on another label attached to the container. However,
1974 labeling of seed supplied under a contractual agreement may be
1975 by invoice accompanying the shipment or by an analysis tag
1976 attached to the invoice if each bag or other container is
1977 clearly identified by a lot number displayed on the bag or other
1978 container. Each bag or container that is not so identified must
1979 carry complete labeling.

1980 Section 35. Section 578.091, Florida Statutes, is repealed.

1981 Section 36. Subsections (2) and (3) of section 578.10,
1982 Florida Statutes, are amended to read:

1983 578.10 Exemptions.—

1984 (2) The provisions of ss. 578.09 and 578.13 do not apply

22-00439B-18

2018740__

1985 to:1986 (a) ~~To~~ Seed or grain not intended for sowing or planting
1987 purposes.1988 (b) ~~To~~ Seed stored in storage in, consigned to, or being
1989 transported to seed cleaning or processing establishments for
1990 cleaning or processing only. Any labeling or other
1991 representation which may be made with respect to the unclean
1992 seed is ~~shall be~~ subject to this law.1993 (c) Seed under development or maintained exclusively for
1994 research purposes.1995 (3) If seeds cannot be identified by examination thereof, a
1996 person is not subject to the criminal penalties of this chapter
1997 for having sold or offered for sale seeds subject to this
1998 chapter which were incorrectly labeled or represented as to
1999 kind, species, and, if appropriate, subspecies, variety, type,
2000 or origin, elevation, and, if required, year of collection
2001 unless he or she has failed to obtain an invoice, genuine
2002 grower's or tree seed collector's declaration, or other labeling
2003 information and to take such other precautions as may be
2004 reasonable to ensure the identity of the seeds to be as stated
2005 by the grower. A genuine grower's declaration of variety must
2006 affirm that the grower holds records of proof of identity
2007 concerning parent seed, such as invoice and labels ~~No person~~
2008 ~~shall be subject to the criminal penalties of this law for~~
2009 ~~having sold, offered, exposed, or distributed for sale in this~~
2010 ~~state any agricultural, vegetable, or forest tree seed which~~
2011 ~~were incorrectly labeled or represented as to kind and variety~~
2012 ~~or origin, which seed cannot be identified by examination~~
2013 ~~thereof, unless she or he has failed to obtain an invoice or~~

22-00439B-18

2018740__

2014 ~~grower's declaration giving kind and variety and origin.~~

2015 Section 37. Section 578.11, Florida Statutes, is amended to
2016 read:

2017 578.11 Duties, authority, and rules of the department.—

2018 (1) The duty of administering this law and enforcing its
2019 provisions and requirements shall be vested in the Department of
2020 Agriculture and Consumer Services, which is hereby authorized to
2021 employ such agents and persons as in its judgment shall be
2022 necessary therefor. It shall be the duty of the department,
2023 which may act through its authorized agents, to sample, inspect,
2024 make analyses of, and test agricultural, vegetable, flower, ~~or~~
2025 ~~forest tree~~, or shrub seed transported, sold, offered or exposed
2026 for sale, or distributed within this state for sowing or
2027 planting purposes, at such time and place and to such extent as
2028 it may deem necessary to determine whether said agricultural,
2029 vegetable, flower, ~~or forest tree~~, or shrub seed are in
2030 compliance with the provisions of this law, and to notify
2031 promptly the person who transported, distributed, sold, offered
2032 or exposed the seed for sale, of any violation.

2033 (2) The department is authorized to:

2034 (a) ~~The~~ Enforce this chapter ~~act~~ and prescribe the methods
2035 of sampling, inspecting, testing, and examining agricultural,
2036 vegetable, flower, ~~or forest tree~~, or shrub seed.

2037 (b) ~~The~~ Establish standards and tolerances to be followed in
2038 the administration of this law, which shall be in general accord
2039 with officially prescribed practices in interstate commerce.

2040 (c) ~~The~~ Prescribe uniform labels.

2041 (d) ~~The~~ Adopt prohibited and restricted noxious weed seed
2042 lists.

22-00439B-18

2018740__

2043 (e) ~~To~~ Prescribe limitations for each restricted noxious
2044 weed to be used in enforcement of this chapter act and to add or
2045 subtract therefrom from time to time as the need may arise.

2046 (f) ~~To~~ Make commercial tests of seed and to fix and collect
2047 charges for such tests.

2048 (g) ~~To~~ List the kinds of flower, and forest tree, and shrub
2049 seed subject to this law.

2050 (h) ~~To~~ Analyze samples, as requested by a consumer. The
2051 department shall establish, by rule, a fee schedule for
2052 analyzing samples at the request of a consumer. The fees shall
2053 be sufficient to cover the costs to the department for taking
2054 the samples and performing the analysis, not to exceed \$150 per
2055 sample.

2056 (i) ~~To~~ Adopt rules pursuant to ss. 120.536(1) and 120.54 to
2057 implement ~~the provisions of this chapter act~~.

2058 (j) ~~To~~ Establish, by rule, requirements governing aircraft
2059 used for the aerial application of seed, including requirements
2060 for recordkeeping, annual aircraft registration, secure storage
2061 when not in use, area-of-application information, and reporting
2062 any sale, lease, purchase, rental, or transfer of such aircraft
2063 to another person.

2064 (3) For the purpose of carrying out ~~the provisions of this~~
2065 law, the department, through its authorized agents, is
2066 authorized to:

2067 (a) ~~To~~ Enter upon any public or private premises, where
2068 agricultural, vegetable, flower, ~~or forest tree, or shrub~~ seed
2069 is sold, offered, exposed, or distributed for sale during
2070 regular business hours, in order to have access to seed subject
2071 to this law and the rules and regulations hereunder.

22-00439B-18

2018740__

2072 (b) ~~To~~ Issue and enforce a stop-sale notice or order to the
2073 owner or custodian of any lot of agricultural, vegetable,
2074 flower, ~~or forest tree,~~ or shrub seed, which the department
2075 finds or has good reason to believe is in violation of any
2076 provisions of this law, which shall prohibit further sale,
2077 barter, exchange, or distribution of such seed until the
2078 department is satisfied that the law has been complied with and
2079 has issued a written release or notice to the owner or custodian
2080 of such seed. After a stop-sale notice or order has been issued
2081 against or attached to any lot of seed and the owner or
2082 custodian of such seed has received confirmation that the seed
2083 does not comply with this law, she or he has ~~shall have~~ 15 days
2084 beyond the normal test period within which to comply with the
2085 law and obtain a written release of the seed. ~~The provisions of~~
2086 This paragraph may ~~shall~~ not be construed as limiting the right
2087 of the department to proceed as authorized by other sections of
2088 this law.

2089 (c) ~~To~~ Establish and maintain a seed laboratory, employ
2090 seed analysts and other personnel, and incur such other expenses
2091 as may be necessary to comply with these provisions.

2092 Section 38. Section 578.12, Florida Statutes, is amended to
2093 read:

2094 578.12 Stop-sale, stop-use, removal, or hold orders.—When
2095 agricultural, vegetable, flower, ~~or forest tree,~~ or shrub seed
2096 is being offered or exposed for sale or held in violation of any
2097 of the provisions of this chapter, the department, through its
2098 authorized representative, may issue and enforce a stop-sale,
2099 stop-use, removal, or hold order to the owner or custodian of
2100 said seed ordering it to be held at a designated place until the

22-00439B-18

2018740__

2101 law has been complied with and said seed is released in writing
2102 by the department or its authorized representative. If seed is
2103 not brought into compliance with this law it shall be destroyed
2104 within 30 days or disposed of by the department in such a manner
2105 as it shall by regulation prescribe.

2106 Section 39. Section 578.13, Florida Statutes, is amended to
2107 read:

2108 578.13 Prohibitions.—

2109 (1) It shall be unlawful for any person to sell, distribute
2110 for sale, offer for sale, expose for sale, handle for sale, or
2111 solicit orders for the purchase of any agricultural, vegetable,
2112 flower, ~~or forest tree,~~ or shrub, seed within this state:

2113 (a) Unless the test to determine the percentage of
2114 germination required by s. 578.09 has ~~shall have~~ been completed
2115 ~~within a period of 7 months, exclusive of the calendar month in~~
2116 ~~which the test was completed,~~ immediately prior to sale,
2117 exposure for sale, offering for sale, or transportation, except
2118 for a germination test for seed in hermetically sealed
2119 containers which is provided for in s. 579.092 ~~s. 578.28~~.

2120 (b) Not labeled in accordance with ~~the provisions of~~ this
2121 law, or having false or misleading labeling.

2122 (c) Pertaining to which there has been a false or
2123 misleading advertisement.

2124 (d) Containing noxious weed seeds subject to tolerances and
2125 methods of determination prescribed in the rules and regulations
2126 under this law.

2127 (e) Unless a seed license has been obtained in accordance
2128 with ~~the provisions of~~ this law.

2129 (f) Unless such seed conforms to the definition of a "lot

22-00439B-18

2018740__

2130 ~~of seed."~~

2131 (2) It shall be unlawful for a any person within this state
2132 to:

2133 (a) ~~To~~ Detach, deface, destroy, or use a second time any
2134 label or tag provided for in this law or in the rules and
2135 regulations made and promulgated hereunder or to alter or
2136 substitute seed in a manner that may defeat the purpose of this
2137 law.

2138 (b) ~~To~~ Disseminate any false or misleading advertisement
2139 concerning agricultural, vegetable, flower, ~~or forest~~ tree ,or
2140 shrub seed in any manner or by any means.

2141 (c) ~~To~~ Hinder or obstruct in any way any authorized person
2142 in the performance of her or his duties under this law.

2143 (d) ~~To~~ Fail to comply with a stop-sale order or to move,
2144 handle, or dispose of any lot of seed, or tags attached to such
2145 seed, held under a "stop-sale" order, except with express
2146 permission of the department and for the purpose specified by
2147 the department ~~or seizure order.~~

2148 (e) Label, advertise, or otherwise represent seed subject
2149 to this chapter to be certified seed or any class thereof,
2150 including classes such as "registered seed," "foundation seed,"
2151 "breeder seed" or similar representations, unless:

2152 1. A seed certifying agency determines that such seed
2153 conformed to standards of purity and identify as to the kind,
2154 variety, or species and, if appropriate, subspecies and the seed
2155 certifying agency also determines that tree or shrub seed was
2156 found to be of the origin and elevation claimed, in compliance
2157 with the rules and regulations of such agency pertaining to such
2158 seed; and

22-00439B-18

2018740__

2159 2. The seed bears an official label issued for such seed by
2160 a seed certifying agency certifying that the seed is of a
2161 specified class and specified to the kind, variety, or species
2162 and, if appropriate, subspecies.

2163 (f) Label, by variety name, seed not certified by an
2164 official seed-certifying agency when it is a variety for which a
2165 certificate of plant variety protection under the United States
2166 Plant Variety Protection Act, 7 U.S.C. 2321 et. seq., specifies
2167 sale only as a class of certified seed, except that seed from a
2168 certified lot may be labeled as to variety name when used in a
2169 mixture by, or with the written approval of, the owner of the
2170 variety. ~~To sell, distribute for sale, offer for sale, expose~~
2171 ~~for sale, handle for sale, or solicit orders for the purchase of~~
2172 ~~any agricultural, vegetable, flower, or forest tree seed labeled~~
2173 ~~"certified seed," "registered seed," "foundation seed," "breeder~~
2174 ~~seed," or similar terms, unless it has been produced and labeled~~
2175 ~~under seal in compliance with the rules and regulations of any~~
2176 ~~agency authorized by law.~~

2177 (g) ~~(f)~~ To Fail to keep a complete record, including a file
2178 sample which shall be retained for 1 year after seed is sold, of
2179 each lot of seed and to make available for inspection such
2180 records to the department or its duly authorized agents.

2181 (h) ~~(g)~~ To Use the name of the Department of Agriculture and
2182 Consumer Services or Florida State Seed Laboratory in connection
2183 with analysis tag, labeling advertisement, or sale of any seed
2184 in any manner whatsoever.

2185 Section 40. Section 578.14, Florida Statutes, is repealed.

2186 Section 41. Subsection (1) of section 578.181, Florida
2187 Statutes, is amended to read:

22-00439B-18

2018740__

2188 578.181 Penalties; administrative fine.—

2189 (1) The department may enter an order imposing one or more
2190 of the following penalties against a person who violates this
2191 chapter or the rules adopted under this chapter or who impedes,
2192 obstructs, ~~or~~ hinders, or otherwise attempts to prevent the
2193 department from performing its duty in connection with
2194 performing its duties under this chapter:

2195 (a) For a minor violation, issuance of a warning letter.

2196 (b) For violations other than a minor violation:

2197 1. Imposition of an administrative fine in the Class I
2198 category pursuant to s. 570.971 for each occurrence ~~after the~~
2199 ~~issuance of a warning letter.~~

2200 2. ~~(e)~~ Revocation or suspension of the registration as a
2201 seed dealer.

2202 Section 42. Section 578.23, Florida Statutes, is amended to
2203 read:

2204 578.23 ~~Dealers'~~ Records to be kept available.—Each person
2205 who allows his or her name or brand to appear on the label as
2206 handling agricultural, vegetable, flower, tree, or shrub seeds
2207 subject to this chapter must keep, for 2 years, complete records
2208 of each lot of agricultural, vegetable, flower, tree, or shrub
2209 seed handled, and keep for 1 year after final disposition a file
2210 sample of each lot of seed. All such records and samples
2211 pertaining to the shipment or shipments involved must be
2212 accessible for inspection by the department or its authorized
2213 representative during normal business hours ~~Every seed dealer~~
2214 ~~shall make and keep for a period of 3 years satisfactory records~~
2215 ~~of all agricultural, vegetable, flower, or forest tree seed~~
2216 ~~bought or handled to be sold, which records shall at all times~~

22-00439B-18

2018740__

2217 ~~be made readily available for inspection, examination, or audit~~
2218 ~~by the department. Such records shall also be maintained by~~
2219 ~~persons who purchase seed for production of plants for resale.~~

2220 Section 43. Section 578.26, Florida Statutes, is amended to
2221 read:

2222 578.26 Complaint, investigation, hearings, findings, and
2223 recommendation prerequisite to legal action.—

2224 (1) (a) When any buyer ~~farmer~~ is damaged by the failure of
2225 agricultural, vegetable, flower, ~~or forest tree~~, or shrub seed
2226 planted in this state to produce or perform as represented by
2227 the labeling of such ~~label attached to the~~ seed as required by
2228 s. 578.09, as a prerequisite to her or his right to maintain a
2229 legal action against the dealer from whom the seed was
2230 purchased, the buyer must ~~farmer shall~~ make a sworn complaint
2231 against the dealer alleging damages sustained. The complaint
2232 shall be filed with the department, and a copy of the complaint
2233 shall be served by the department on the dealer by certified
2234 mail, within such time as to permit inspection of the property,
2235 crops, plants, or trees referenced in, or related to, the
2236 buyer's complaint by the seed investigation and conciliation
2237 council or its representatives and by the dealer from whom the
2238 seed was purchased.

2239 (b) For types of claims specified in paragraph (a), the
2240 buyer may not commence legal proceedings against the dealer or
2241 assert such a claim as a counterclaim or defense in any action
2242 brought by the dealer until the findings and recommendations of
2243 the seed investigation and conciliation council are transmitted
2244 to the complainant and the dealer.

2245 (c) ~~(b)~~ Language setting forth the requirement for filing

22-00439B-18

2018740__

2246 and serving the complaint shall be legibly typed or printed on
2247 the analysis label or be attached to the package containing the
2248 seed at the time of purchase by the buyer ~~farmer~~.

2249 (d)~~(e)~~ A nonrefundable filing fee of \$100 shall be paid to
2250 the department with each complaint filed. However, the
2251 complainant may recover the filing fee cost from the dealer upon
2252 the recommendation of the seed investigation and conciliation
2253 council.

2254 (2) Within 15 days after receipt of a copy of the
2255 complaint, the dealer shall file with the department her or his
2256 answer to the complaint and serve a copy of the answer on the
2257 buyer ~~farmer~~ by certified mail. ~~Upon receipt of the findings and~~
2258 ~~recommendation of the arbitration council, the department shall~~
2259 ~~transmit them to the farmer and to the dealer by certified mail.~~

2260 (3) The department shall refer the complaint and the answer
2261 thereto to the seed investigation and conciliation council
2262 provided in s. 578.27 for investigation, informal hearing,
2263 findings, and recommendation on the matters complained of.

2264 (a) Each party must ~~shall~~ be allowed to present its side of
2265 the dispute at an informal hearing before the seed investigation
2266 and conciliation council. Attorneys may be present at the
2267 hearing to confer with their clients. However, no attorney may
2268 participate directly in the proceeding.

2269 (b) Hearings, including the deliberations of the seed
2270 investigation and conciliation council, must ~~shall~~ be open to
2271 the public.

2272 (c) Within 30 days after completion of a hearing, the seed
2273 investigation and conciliation council shall transmit its
2274 findings and recommendations to the department. Upon receipt of

22-00439B-18

2018740__

2275 the findings and recommendation of the seed investigation and
2276 conciliation council, the department shall transmit them to the
2277 buyer ~~farmer~~ and to the dealer by certified mail.

2278 (4) The department shall provide administrative support for
2279 the seed investigation and conciliation council and shall mail a
2280 copy of the council's procedures to each party upon receipt of a
2281 complaint by the department.

2282 Section 44. Subsections (1), (2), and (4) of section
2283 578.27, Florida Statutes, are amended to read:

2284 578.27 Seed investigation and conciliation council;
2285 composition; purpose; meetings; duties; expenses.—

2286 (1) The Commissioner of Agriculture shall appoint a seed
2287 investigation and conciliation council composed of seven members
2288 ~~and seven alternate members~~, one member ~~and one alternate~~ to be
2289 appointed upon the recommendation of each of the following: the
2290 deans of extension and research, Institute of Food and
2291 Agricultural Sciences, University of Florida; president of the
2292 Florida Seed ~~Seedsman and Garden Supply~~ Association; president
2293 of the Florida Farm Bureau Federation; and the president of the
2294 Florida Fruit and Vegetable Association. The Commissioner of
2295 Agriculture shall appoint a representative ~~and an alternate~~ from
2296 the agriculture industry at large and from the Department of
2297 Agriculture and Consumer Services. Each member shall be
2298 appointed for a term of 4 years or less and shall serve until
2299 his or her successor is appointed ~~Initially, three members and~~
2300 ~~their alternates shall be appointed for 4-year terms and four~~
2301 ~~members and their alternates shall be appointed for 2-year~~
2302 ~~terms. Thereafter, members and alternates shall be appointed for~~
2303 ~~4-year terms. Each alternate member shall serve only in the~~

22-00439B-18

2018740__

2304 ~~absence of the member for whom she or he is an alternate. A~~
2305 vacancy shall be filled for the remainder of the unexpired term
2306 in the same manner as the original appointment. The council
2307 shall annually elect a chair from its membership. It shall be
2308 the duty of the chair to conduct all meetings and deliberations
2309 held by the council and to direct all other activities of the
2310 council. The department representative shall serve as secretary
2311 of the council. It shall be the duty of the secretary to keep
2312 accurate and correct records on all meetings and deliberations
2313 and perform other duties for the council as directed by the
2314 chair.

2315 (2) The purpose of the seed investigation and conciliation
2316 council is to assist buyers ~~farmers~~ and ~~agricultural~~ seed
2317 dealers in determining the validity of seed complaints made by
2318 buyers ~~farmers~~ against dealers and recommend a settlement, when
2319 appropriate, cost-damages resulting from the alleged failure of
2320 the seed to produce or perform as represented by the label of
2321 such ~~on the~~ seed ~~package~~.

2322 (4) (a) When the department refers to the seed investigation
2323 and conciliation council any complaint made by a buyer ~~farmer~~
2324 against a dealer, the ~~said~~ council must ~~shall~~ make a full and
2325 complete investigation of the matters complained of and at the
2326 conclusion of the ~~said~~ investigation must ~~shall~~ report its
2327 findings and make its recommendation ~~of cost-damages~~ and file
2328 same with the department.

2329 (b) In conducting its investigation, the seed investigation
2330 and conciliation council or any representative, member, or
2331 members thereof are authorized to examine the buyer's property,
2332 crops, plants, or trees referenced in or relating to the

22-00439B-18

2018740__

2333 ~~complaint farmer on her or his farming operation of which she or~~
 2334 ~~he complains~~ and the dealer on her or his packaging, labeling,
 2335 and selling operation of the seed alleged to be faulty; to grow
 2336 to production a representative sample of the alleged faulty seed
 2337 through the facilities of the state, under the supervision of
 2338 the department when such action is deemed to be necessary; to
 2339 hold informal hearings at a time and place directed by the
 2340 department or by the chair of the council upon reasonable notice
 2341 to the buyer ~~farmer~~ and the dealer.

2342 (c) Any investigation made by less than the whole
 2343 membership of the council must ~~shall~~ be by authority of a
 2344 written directive by the department or by the chair, and such
 2345 investigation must ~~shall~~ be summarized in writing and considered
 2346 by the council in reporting its findings and making its
 2347 recommendation.

2348 Section 45. Section 578.28, Florida Statutes, is renumbered
 2349 as section 578.092, Florida Statutes, and amended to read:

2350 578.092 ~~578.28~~ Seed in hermetically sealed containers.—The
 2351 period of validity of germination tests is extended to the
 2352 following periods for seed packaged in hermetically sealed
 2353 containers, under conditions and label requirements set forth in
 2354 this section:

2355 (1) GERMINATION TESTS.—The germination test for
 2356 agricultural and vegetable seed must ~~shall~~ have been completed
 2357 within the following periods, exclusive of the calendar month in
 2358 which the test was completed, immediately prior to shipment,
 2359 delivery, transportation, or sale:

2360 (a) In the case of agricultural or vegetable seed shipped,
 2361 delivered, transported, or sold to a dealer for resale, 18

22-00439B-18

2018740__

2362 months;

2363 (b) In the case of agricultural or vegetable seed for sale
2364 or sold at retail, 24 months.

2365 (2) CONDITIONS OF PACKAGING.—The following conditions are
2366 considered as minimum:

2367 (a) *Hermetically sealed packages or containers.*—A
2368 container, to be acceptable under the provisions of this
2369 section, shall not allow water vapor penetration through any
2370 wall, including the wall seals, greater than 0.05 gram of water
2371 per 24 hours per 100 square inches of surface at 100 °F. with a
2372 relative humidity on one side of 90 percent and on the other of
2373 0 percent. Water vapor penetration (WVP) is measured by the
2374 standards of the National Institute of Standards and Technology
2375 as: gm H₂O/24 hr./100 sq. in./100 °F/90 percent RH V. 0 percent
2376 RH.

2377 (b) *Moisture of seed packaged.*—The moisture of agricultural
2378 or vegetable seed subject to the provisions of this section
2379 shall be established by rule of the department.

2380 (3) LABELING REQUIRED.—In addition to the labeling required
2381 by s. 578.09, seed packaged under the provisions of this section
2382 shall be labeled with the following information:

2383 (a) Seed has been preconditioned as to moisture content.

2384 (b) Container is hermetically sealed.

2385 (c) "Germination test valid until (month, year)" may be
2386 used. (Not to exceed 24 months from date of test).

2387 Section 46. Section 578.29, Florida Statutes, is created to
2388 read:

2389 578.29 Prohibited noxious weed seed.—Seeds meeting the
2390 definition of prohibited noxious weed seed under s. 578.011, may

22-00439B-18

2018740__

2391 not be present in agricultural, vegetable, flower, tree, or
2392 shrub seed offered or exposed for sale in this state.

2393 Section 47. Subsection (1) of section 590.02, Florida
2394 Statutes, is amended to read:

2395 590.02 Florida Forest Service; powers, authority, and
2396 duties; liability; building structures; Withlacoochee Training
2397 Center.—

2398 (1) The Florida Forest Service has the following powers,
2399 authority, and duties to:

2400 (a) ~~To~~ Enforce the provisions of this chapter;

2401 (b) ~~To~~ Prevent, detect, and suppress wildfires wherever
2402 they may occur on public or private land in this state and to do
2403 all things necessary in the exercise of such powers, authority,
2404 and duties;

2405 (c) ~~To~~ Provide firefighting crews, who shall be under the
2406 control and direction of the Florida Forest Service and its
2407 designated agents;

2408 (d) ~~To~~ Appoint center managers, forest area supervisors,
2409 forestry program administrators, a forest protection bureau
2410 chief, a forest protection assistant bureau chief, a field
2411 operations bureau chief, deputy chiefs of field operations,
2412 district managers, forest operations administrators, senior
2413 forest rangers, investigators, forest rangers, firefighter
2414 rotorcraft pilots, and other employees who may, at the Florida
2415 Forest Service's discretion, be certified as forestry
2416 firefighters pursuant to s. 633.408(8). Other law
2417 notwithstanding, center managers, district managers, forest
2418 protection assistant bureau chief, and deputy chiefs of field
2419 operations have ~~shall have~~ Selected Exempt Service status in the

22-00439B-18

2018740__

2420 state personnel designation;

2421 (e) ~~To~~ Develop a training curriculum for forestry
2422 firefighters which must contain the basic volunteer structural
2423 fire training course approved by the Florida State Fire College
2424 of the Division of State Fire Marshal and a minimum of 250 hours
2425 of wildfire training;

2426 (f) Pay the cost of the initial commercial driver license
2427 examination fee for those employees whose position requires them
2428 to operate equipment requiring a license. This paragraph is
2429 intended to be an authorization to the department to pay such
2430 costs, not an obligation;

2431 ~~(f) To make rules to accomplish the purposes of this~~
2432 ~~chapter;~~

2433 (g) ~~To~~ Provide fire management services and emergency
2434 response assistance and to set and charge reasonable fees for
2435 performance of those services. Moneys collected from such fees
2436 shall be deposited into the Incidental Trust Fund of the Florida
2437 Forest Service;

2438 (h) ~~To~~ Require all state, regional, and local government
2439 agencies operating aircraft in the vicinity of an ongoing
2440 wildfire to operate in compliance with the applicable state
2441 Wildfire Aviation Plan; ~~and~~

2442 (i) ~~To~~ Authorize broadcast burning, prescribed burning,
2443 pile burning, and land clearing debris burning to carry out the
2444 duties of this chapter and the rules adopted thereunder; and

2445 (j) Make rules to accomplish the purposes of this chapter.
2446 Section 48. Paragraph (c) of subsection (6) and subsection
2447 (9) of section 790.06, Florida Statutes, are amended to read:
2448 790.06 License to carry concealed weapon or firearm.-

22-00439B-18

2018740__

2449 (6)

2450 (c) The Department of Agriculture and Consumer Services

2451 shall, within 90 days after the date of receipt of the items

2452 listed in subsection (5):

2453 1. Issue the license; or

2454 2. Deny the application based solely on the ground that the

2455 applicant fails to qualify under the criteria listed in

2456 subsection (2) or subsection (3). If the Department of

2457 Agriculture and Consumer Services denies the application, it

2458 shall notify the applicant in writing, stating the ground for

2459 denial and informing the applicant of any right to a hearing

2460 pursuant to chapter 120.

2461 3. In the event the department receives incomplete criminal

2462 history information or ~~with~~ no final disposition on a crime

2463 which may disqualify the applicant, the Department of

2464 Agriculture and Consumer Services must expedite efforts to

2465 acquire the final disposition or proof of restoration of civil

2466 and firearm rights, or confirmation that clarifying records are

2467 not available from the jurisdiction where the criminal history

2468 originated. Ninety days after the date of receipt of the

2469 completed application, if the department has not acquired final

2470 disposition or proof of restoration of civil and firearm rights,

2471 or confirmation that clarifying records are not available from

2472 the jurisdiction where the criminal history originated, the

2473 department shall issue the license in the absence of

2474 disqualifying information. However, such license must be

2475 immediately suspended and revoked upon receipt of disqualifying

2476 information pursuant to this section ~~time limitation prescribed~~

2477 ~~by this paragraph may be suspended until receipt of the final~~

22-00439B-18

2018740__

2478 ~~disposition or proof of restoration of civil and firearm rights.~~

2479 (9) In the event that a concealed weapon or firearm license
2480 is lost or destroyed, the license shall be automatically
2481 invalid, and the person to whom the same was issued may, upon
2482 payment of \$15 to the Department of Agriculture and Consumer
2483 Services, obtain a duplicate, or substitute thereof, upon
2484 furnishing a ~~notarized~~ statement under oath to the Department of
2485 Agriculture and Consumer Services that such license has been
2486 lost or destroyed.

2487 Section 49. Subsections (5) and (8) of section 790.0625,
2488 Florida Statutes, are amended, and sections (9) and (10) are
2489 added to that section, to read:

2490 790.0625 Appointment of tax collectors to accept
2491 applications for a concealed weapon or firearm license; fees;
2492 penalties.—

2493 (5) A tax collector appointed under this section shall
2494 collect and remit weekly to the department the license fees
2495 pursuant to s. 790.06 for deposit in the Division of Licensing
2496 Trust Fund and may collect and retain a convenience fees for the
2497 following: fee of \$22 for each new application and \$12 for each
2498 renewal application and shall remit weekly to the department the
2499 license fees pursuant to s. 790.06 for deposit in the Division
2500 of Licensing Trust Fund.

2501 (a) Twenty-two dollars for each new application.

2502 (b) Twelve dollars for each renewal application.

2503 (c) Twelve dollars for each duplicate license issued to
2504 replace a lost or destroyed license.

2505 (d) Six dollars for fingerprinting.

2506 (e) Six dollars for photographing services associated with

22-00439B-18

2018740__

2507 the completion of an application submitted online.

2508 (8) Upon receipt of a completed renewal application, a new
2509 color photograph, and ~~appropriate~~ payment of required fees, a
2510 tax collector authorized to accept renewal applications for
2511 concealed weapon or firearm licenses under this section may,
2512 upon approval and confirmation of license issuance by the
2513 department, print and deliver a concealed weapon or firearm
2514 license to a licensee renewing his or her license at the tax
2515 collector's office.

2516 (9) Upon receipt of a statement under oath to the
2517 department, and the payment of required fees, a tax collector
2518 authorized to accept applications for concealed weapon or
2519 firearm licenses under this section may, upon approval and
2520 confirmation from the department that a license is in good
2521 standing, print and deliver a concealed weapon or firearm
2522 license to a licensee whose license has been lost or destroyed.

2523 (10) Tax collectors authorized to accept applications for
2524 concealed weapon or firearm licenses under this section may
2525 provide fingerprinting and photographing services to aid
2526 concealed weapon and firearm applicants and licensees with
2527 online initial and renewal applications.

2528 Section 50. Section 817.417, Florida Statutes, is created
2529 to read:

2530 817.417 Government Impostor and Deceptive Advertisement
2531 Act.—

2532 (1) SHORT TITLE.—This act may be cited as the "Government
2533 Impostor and Deceptive Advertisements Act."

2534 (2) DEFINITIONS.—As used in this section:

2535 (a) "Advertisement" means any representation disseminated

22-00439B-18

2018740__

2536 in any manner or by any means, other than by a label, for the
2537 purpose of inducing, or which is reasonably likely to induce,
2538 directly or indirectly, a purchase.

2539 (b) "Department" means the Department of Agriculture and
2540 Consumer Services.

2541 (c) "Governmental entity" means a political subdivision or
2542 agency of any state, possession, or territory of the United
2543 States, or the Federal Government, including, but not limited
2544 to, a board, a department, an office, an agency, a military
2545 veteran entity, or a military or veteran service organization by
2546 whatever name known.

2547 (3) DUTIES AND RESPONSIBILITIES.—The department has the
2548 duty and responsibility to:

2549 (a) Investigate potential violations of this section.

2550 (b) Request and obtain information regarding potential
2551 violations of this section.

2552 (c) Seek compliance with this section.

2553 (d) Enforce this section.

2554 (e) Adopt rules necessary to administer this section.

2555 (4) VIOLATIONS.—Each occurrence of the following acts or
2556 practices constitute a violation of this section:

2557 (a) Disseminating an advertisement that:

2558 1. Simulates a summons, complaint, jury notice, or other
2559 court, judicial, or administrative process of any kind.

2560 2. Represents, implies, or otherwise engages in an action
2561 that may reasonably cause confusion that the person using or
2562 employing the advertisement is a part of or associated with a
2563 governmental entity, when such is not true.

2564 (b) Representing, implying, or otherwise reasonably causing

22-00439B-18

2018740__

2565 confusion that goods, services, an advertisement, or an offer
2566 was disseminated by or has been approved, authorized, or
2567 endorsed, in whole or in part, by a governmental entity, when
2568 such is not true.

2569 (c) Using or employing language, symbols, logos,
2570 representations, statements, titles, names, seals, emblems,
2571 insignia, trade or brand names, business or control tracking
2572 numbers, website or e-mail addresses, or any other term, symbol,
2573 or other content that represents or implies or otherwise
2574 reasonably causes confusion that goods, services, an
2575 advertisement, or an offer is from a governmental entity, when
2576 such is not true.

2577 (d) Failing to provide the disclosures as required in
2578 subsections (5) or (6).

2579 (e) Failing to timely submit to the department written
2580 responses and answers to its inquiries concerning alleged
2581 practices inconsistent with, or in violation of, this section.
2582 Responses or answers may include, but are not limited to, copies
2583 of customer lists, invoices, receipts, or other business
2584 records.

2585 (5) NOTICE REGARDING DOCUMENT AVAILABILITY.-

2586 (a) Any person offering documents that are available free
2587 of charge or at a lesser price from a governmental entity must
2588 provide the notice specified in paragraph (b) on advertisements
2589 as follows:

2590 1. For printed or written advertisements, notice must be in
2591 the same font size, color, style, and visibility as primarily
2592 used elsewhere on the page or envelope and displayed as follows:

2593 a. On the outside front of any mailing envelope used in

22-00439B-18

2018740__

2594 disseminating the advertisement.

2595 b. At the top of each printed or written page used in the
2596 advertisement.

2597 2. For electronic advertisements, notice must be in the
2598 same font size, color, style, and visibility as the body text
2599 primarily used in the e-mail or web page and displayed as
2600 follows:

2601 a. At the beginning of each e-mail message, before any
2602 offer or other substantive information.

2603 b. In a prominent location on each web page, such as the
2604 top of each page or immediately following the offer or other
2605 substantive information on the page.

2606 (b) Advertisements specified in paragraph (a) must include
2607 the following disclosure:

2608
2609 "IMPORTANT NOTICE:

2610
2611 The documents offered by this advertisement are available to
2612 Florida consumers free of charge or for a lesser price from
2613 ...(insert name, telephone number, and mailing address of the
2614 applicable governmental entity).... You are NOT required to
2615 purchase anything from this company and the company is NOT
2616 affiliated, endorsed, or approved by any governmental entity.
2617 The item offered in this advertisement has NOT been approved or
2618 endorsed by any governmental agency, and this offer is NOT being
2619 made by an agency of the government."

2620
2621 (6) NOTICE REGARDING CLAIM OF LEGAL COMPLIANCE.-

2622 (a) Any person disseminating an advertisement that includes

22-00439B-18

2018740__

2623 a form or template to be completed by the consumer with the
2624 claim that such form or template will assist the consumer in
2625 complying with a legal filing or record retention requirement
2626 must provide the notice specified in paragraph (b) on
2627 advertisements as follows:

2628 1. For printed or written advertisements, the notice must
2629 be in the same font size, color, style, and visibility as
2630 primarily used elsewhere on the page or envelope and displayed
2631 as follows:

2632 a. On the outside front of any mailing envelope used in
2633 disseminating the advertisement.

2634 b. At the top of each printed or written page used in the
2635 advertisement.

2636 2. For electronic advertisements, the notice must be in the
2637 same font size, color, style, and visibility as the body text
2638 primarily used in the e-mail or web page and displayed as
2639 follows:

2640 a. At the beginning of each e-mail message, before any
2641 offer or other substantive information.

2642 b. In a prominent location on each web page, such as the
2643 top of each page or immediately following the offer or other
2644 substantive information on the page.

2645 (b) Advertisements specified in paragraph (a) must include
2646 the following disclosure:

2647
2648 "IMPORTANT NOTICE:

2649
2650 You are NOT required to purchase anything from this company and
2651 the company is NOT affiliated, endorsed, or approved by any

22-00439B-18

2018740__

2652 governmental entity. The item offered in this advertisement has
2653 NOT been approved or endorsed by any governmental agency, and
2654 this offer is NOT being made by an agency of the government."
2655

2656 (7) PENALTIES.—

2657 (a) Any person substantially affected by a violation of
2658 this section may bring an action in a court of proper
2659 jurisdiction to enforce the provisions of this section. A person
2660 prevailing in a civil action for a violation of this section
2661 shall be awarded costs, including reasonable attorney fees, and
2662 may be awarded punitive damages in addition to actual damages
2663 proven. This provision is in addition to any other remedies
2664 prescribed by law.

2665 (b) The department may bring one or more of the following
2666 for a violation of this section:

2667 1. A civil action in circuit court for:

2668 a. Temporary or permanent injunctive relief to enforce this
2669 section.

2670 b. For printed advertisements and e-mail, a fine of up to
2671 \$1,000 for each separately addressed advertisement or message
2672 containing content in violation of paragraphs (4) (a)-(d)
2673 received by or addressed to a state resident.

2674 c. For websites, a fine of up to \$5,000 for each day a
2675 website, with content in violation of paragraphs (4) (a)-(d), is
2676 published and made available to the general public.

2677 d. For violations of paragraph (4) (e), a fine of up to
2678 \$5,000 for each violation.

2679 e. Recovery of restitution and damages on behalf of persons
2680 substantially affected by a violation of this section.

22-00439B-18

2018740__

2681 f. The recovery of court costs and reasonable attorney
2682 fees.

2683 2. An action for an administrative fine in the Class III
2684 category pursuant to s. 570.971 for each act or omission which
2685 constitutes a violation under this section.

2686 (c) The department may terminate any investigation or
2687 action upon agreement by the alleged offender to pay a
2688 stipulated fine, make restitution, pay damages to customers, or
2689 satisfy any other relief authorized by this section.

2690 (d) Any person who violates paragraphs (4) (a)-(d) also
2691 commits an unfair and deceptive trade practice in violation of
2692 part II of chapter 501 and is subject to the penalties and
2693 remedies imposed for such violation.

2694 Section 51. Paragraph (m) of subsection (3) of section
2695 489.105, Florida Statutes, is amended to read:

2696 489.105 Definitions.—As used in this part:

2697 (3) "Contractor" means the person who is qualified for, and
2698 is only responsible for, the project contracted for and means,
2699 except as exempted in this part, the person who, for
2700 compensation, undertakes to, submits a bid to, or does himself
2701 or herself or by others construct, repair, alter, remodel, add
2702 to, demolish, subtract from, or improve any building or
2703 structure, including related improvements to real estate, for
2704 others or for resale to others; and whose job scope is
2705 substantially similar to the job scope described in one of the
2706 paragraphs of this subsection. For the purposes of regulation
2707 under this part, the term "demolish" applies only to demolition
2708 of steel tanks more than 50 feet in height; towers more than 50
2709 feet in height; other structures more than 50 feet in height;

22-00439B-18

2018740__

2710 and all buildings or residences. Contractors are subdivided into
2711 two divisions, Division I, consisting of those contractors
2712 defined in paragraphs (a)-(c), and Division II, consisting of
2713 those contractors defined in paragraphs (d)-(q):

2714 (m) "Plumbing contractor" means a contractor whose services
2715 are unlimited in the plumbing trade and includes contracting
2716 business consisting of the execution of contracts requiring the
2717 experience, financial means, knowledge, and skill to install,
2718 maintain, repair, alter, extend, or, if not prohibited by law,
2719 design plumbing. A plumbing contractor may install, maintain,
2720 repair, alter, extend, or, if not prohibited by law, design the
2721 following without obtaining an additional local regulatory
2722 license, certificate, or registration: sanitary drainage or
2723 storm drainage facilities, water and sewer plants and
2724 substations, venting systems, public or private water supply
2725 systems, septic tanks, drainage and supply wells, swimming pool
2726 piping, irrigation systems, and solar heating water systems and
2727 all appurtenances, apparatus, or equipment used in connection
2728 therewith, including boilers and pressure process piping and
2729 including the installation of water, natural gas, liquefied
2730 petroleum gas and related venting, and storm and sanitary sewer
2731 lines. The scope of work of the plumbing contractor also
2732 includes the design, if not prohibited by law, and installation,
2733 maintenance, repair, alteration, or extension of air-piping,
2734 vacuum line piping, oxygen line piping, nitrous oxide piping,
2735 and all related medical gas systems; fire line standpipes and
2736 fire sprinklers if authorized by law; ink and chemical lines;
2737 fuel oil and gasoline piping and tank and pump installation,
2738 except bulk storage plants; and pneumatic control piping

22-00439B-18

2018740__

2739 systems, all in a manner that complies with all plans,
2740 specifications, codes, laws, and regulations applicable. The
2741 scope of work of the plumbing contractor applies to private
2742 property and public property, including any excavation work
2743 incidental thereto, and includes the work of the specialty
2744 plumbing contractor. Such contractor shall subcontract, with a
2745 qualified contractor in the field concerned, all other work
2746 incidental to the work but which is specified as being the work
2747 of a trade other than that of a plumbing contractor. This
2748 definition does not limit the scope of work of any specialty
2749 contractor certified pursuant to s. 489.113(6) and does not
2750 require certification or registration under this part as a
2751 category I liquefied petroleum gas dealer, or category V LP gas
2752 installer, as defined in s. 527.01, ~~or specialty installer~~ who
2753 is licensed under chapter 527 or an authorized employee of a
2754 public natural gas utility or of a private natural gas utility
2755 regulated by the Public Service Commission when disconnecting
2756 and reconnecting water lines in the servicing or replacement of
2757 an existing water heater. A plumbing contractor may perform
2758 drain cleaning and clearing and install or repair rainwater
2759 catchment systems; however, a mandatory licensing requirement is
2760 not established for the performance of these specific services.

2761 Section 52. Subsection (3) of section 527.06, Florida
2762 Statutes, is reenacted to read:

2763 527.06 Rules.—

2764 (3) Rules in substantial conformity with the published
2765 standards of the National Fire Protection Association (NFPA) are
2766 deemed to be in substantial conformity with the generally
2767 accepted standards of safety concerning the same subject matter.

22-00439B-18

2018740__

2768

Section 53. This act shall take effect July 1, 2018.

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 Committee on Agriculture

BILL: SB 872

INTRODUCER: Senator Grimsley

SUBJECT: Young Farmers and Ranchers

DATE: January 10, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhavein</u>	<u>Becker</u>	<u>AG</u>	Favorable
2.	_____	_____	<u>AEN</u>	_____
3.	_____	_____	<u>AP</u>	_____

I. Summary:

SB 872 establishes the Florida Young Farmer and Rancher Advisory Council within the Department of Agriculture and Consumer Services (department). Individuals between the ages of 18 and 35 with less than 10 years of farming experience or veterans as defined in s. 1.01, F.S., would be eligible. Each grant award would be between \$5,000 and \$20,000 and a recipient would be eligible for no more than one award per year. Annual grant funding for the program is contingent upon specific annual appropriation by the Legislature.

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 create the Florida Young Farmer and Rancher Matching Grant Program. It requires grants to be administered by the department to foster the creation and

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>.

expansion of agricultural businesses by young farmers and ranchers in Florida. It 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;
- An agricultural producer who is a veteran;
- Have operated a farm or ranch for not more than 10 years;
- 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. Annual grant funding for the program is contingent upon specific annual appropriation by the Legislature.

Section 2 creates s. 570.843, F.S., to create the Florida Young Farmer and Rancher Advisory Council within the department. It specifies the membership and terms of the council and its statutory requirements. It also specifies issues that the council may examine and after provide findings and recommendations to the Commissioner of Agriculture.

Section 3 creates s. 570.844, F.S., 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.

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:

Indeterminate.

C. Government Sector Impact:

The bill would likely have a minor fiscal impact on the department. Temporary staff may be needed to manage the application and grant award process, but existing staff could handle the administrative policy drafting.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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.)

None.

B. Amendments:

None.

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

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.

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,

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.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR BOBBY POWELL

30th District

January 4, 2018

Senator Denise Grimsley
Chairwomen, Agricultural Committee
335 Knott Building
404 S. Monroe St
Tallahassee, FL 32399-1100

Chairwomen Grimsley,

Due to a previous conflict in my district, I will not be able to attend the Agriculture Committee meeting on January 11th. I appreciate your understanding and please let me know if you have any questions or concerns.

Bobby Powell Jr.

A handwritten signature in blue ink, appearing to read "Bobby Powell Jr.", written in a cursive style.

REPLY TO:

- 2715 North Australian Avenue, Suite 105, West Palm Beach, Florida 33407 (561) 650-6880
- 214 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5030

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

COMMITTEES:

Appropriations Subcommittee on Transportation,
Tourism, and Economic Development, *Vice Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Health and
Human Services
Health Policy
Judiciary

SELECT COMMITTEE:

Joint Select Committee on Collective
Bargaining, Alternating *Chair*

JOINT COMMITTEE:

Joint Legislative Budget Commission

January 4, 2018
Page 2



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Agriculture, *Vice Chair*
Appropriations Subcommittee on Health and
Human Services
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Governmental Oversight and Accountability
Transportation

JOINT COMMITTEE:

Joint Administrative Procedures Committee,
Alternating Chair

SENATOR KEVIN J. RADER
29th District

December 21, 2017

The Honorable Denise Grimsley
413 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1300

Dear Chairwoman Grimsley:

In accordance with Senate Rule 1.21, I am writing to you to be excused from the Agriculture Committee meeting that will be held on Thursday January 11 2018, at 9:00am due to business matters that need my immediate attention. I sincerely apologize for any inconvenience this may cause.

Thank you for your consideration. Please feel free to contact me at 561-866-4020 if you have any questions.

Sincerely

A handwritten signature in cursive script that reads "Kevin Rader".

Kevin Rader
State Senator
District 29

cc: Katherine Becker, Staff Director

REPLY TO:

- 5301 N. Federal Hwy, Suite 135, Boca Raton, Florida 33487
- 222 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore



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 11, 2018

The Honorable Denise Grimsley
Florida Senate
413 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Senator Grimsley,

Please excuse my absence from the Agriculture Committee Meeting scheduled for Thursday, January 11. Due to presenting in another Senate Committee, I was not be able to attend the meeting. My apologies for the inconvenience.

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

TAB 1 ✓

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

1/11/18
Meeting Date

170
Bill Number (if applicable)

Topic Rural Economic Development

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title _____

Address PO Box 10011
Street

Phone 850-228-1296

TALACONHASSEE FL 32302
City State Zip

Email Jim@magnoliastrategiesllc.com

Speaking: For Against Information

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

Representing Associated Industries of Florida

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)

11/JAN./17
Meeting Date

740
Bill Number (if applicable)

Topic Department bill

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: For Against Information

Waive Speaking: 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 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.

CourtSmart Tag Report

Room: SB 301 Case No.:
Caption: Meeting cSenate Committee on Agriculture

Type:
Judge:

Started: 1/11/2018 9:02:26 AM
Ends: 1/11/2018 9:22:18 AM Length: 00:19:53

9:02:26 AM Meeting Called to order
9:03:14 AM SB 740 by Senator Stargel -- Department of Agriculture and Consumer Services
9:03:29 AM Senator Stargel explaining bill
9:06:12 AM Senator Rouson with a question
9:06:34 AM Senator Stargel responding
9:06:52 AM Senator Rouson with a question
9:07:02 AM Senator Stargel responding
9:07:20 AM Senator Hukill with a question
9:07:28 AM Senator Stargel responding
9:07:47 AM Senator Mayfield with a question
9:08:25 AM Senator Stargel responding
9:08:50 AM Senator Mayfield with a question
9:09:08 AM Senator Stargel responding
9:09:41 AM Amendment Barcode 273884 by Sen. Stargel
9:10:03 AM Amendment 273884 passes
9:10:13 AM amendment Barcode 262082 by Senator Stargel
9:10:21 AM Amendment Barcode 262082 passes
9:10:32 AM Amendment Barcode 494718 by Senator Stargel
9:10:42 AM Amendment barcode 494718 passes
9:10:56 AM Late filed amendment Barcode 281488 by Senator Stargel
9:11:03 AM Amendment barcode 281488 passes
9:11:09 AM Bill as Amended
9:11:33 AM Grace Lovett, Director of Agriculture and Consumer Services
9:14:20 AM Grace Lovett, Director of Agriculture and Consumer Services
9:14:29 AM Debate on bill
9:14:39 AM Senator Stargel closes on CS/SB 740
9:14:55 AM CS/SB 740 passes favorably
9:15:06 AM Senator Hukill in Chair
9:15:17 AM SB 170 by Senator Grimsley, Rural Economic Development Initiative
9:15:25 AM Senator Grimsley explaining the bill
9:16:55 AM Amendment barcode 543166 by Senator Grimsley
9:17:03 AM Senator Grimsley explaining amendment
9:17:30 AM Amendment barcode 542166 passes
9:17:42 AM Back on bill as amended
9:18:07 AM Senator Grimsley closing on bill
9:18:10 AM waive close
9:18:25 AM CS/SB 170 passes favorably
9:18:38 AM SB 827 by Senator Grimsley
9:18:46 AM Senator Grimsley explaining bill
9:20:17 AM Senator Grimsley explaining bill
9:20:34 AM Senator Rouson with a question
9:20:40 AM Senator Grimsley responding
9:21:16 AM Senator Baxley with a comment
9:21:26 AM Senator Grimsley waives close
9:21:42 AM SB 872 passes favorably
9:21:51 AM Senator Grimsley back in chair
9:22:01 AM Senator Rouson moves to adjourn
9:22:08 AM Meeting adjourned