

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMERCE AND TOURISM
Senator Montford, Chair
Senator Gainer, Vice Chair

MEETING DATE: Monday, March 6, 2017
TIME: 1:30—3:30 p.m.
PLACE: *Toni Jennings Committee Room*, 110 Senate Office Building

MEMBERS: Senator Montford, Chair; Senator Gainer, Vice Chair; Senators Gibson, Hutson, Latvala, Passidomo, Rodriguez, and Young

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 380 Mayfield (Similar H 801)	Unsafe Tires; Prohibiting the installation, for compensation, of certain automobile or light truck tires; specifying what constitutes an unsafe used tire; providing that violations of the act are deceptive and unfair trade practices, etc. CM 03/06/2017 Fav/CS JU RC	Fav/CS Yeas 8 Nays 0
2	SB 664 Bean (Similar H 555)	Disaster Preparedness Tax Exemption; Providing a sales and use tax exemption for certain tangible personal property related to disaster preparedness during a specified period, etc. CM 03/06/2017 Fav/CS AFT AP	Fav/CS Yeas 8 Nays 0
3	CS/SB 440 Military and Veterans Affairs, Space, and Domestic Security / Gibson (Identical CS/H 401)	Notaries Public; Expanding the list of forms of identification which a notary public may rely on in notarizing a signature on a document to include a veteran health information card, etc. MS 02/21/2017 Fav/CS CM 03/06/2017 Favorable RC	Favorable Yeas 8 Nays 0
4	SB 498 Young (Identical H 467)	Department of Agriculture and Consumer Services; Requiring the Department of Agriculture and Consumer Services to adopt by rule certain United States Environmental Protection Agency regulations relating to labeling requirements for pesticides and devices; providing an authorization to the Department of Law Enforcement to release certain mental health and substance abuse history of applicants and licensees for the purpose of determining licensure eligibility; removing a limitation on the length of time for which the department must place certain persons on a no-solicitation list, etc. CM 03/06/2017 Fav/CS JU AP	Fav/CS Yeas 8 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Commerce and Tourism

Monday, March 6, 2017, 1:30—3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 380

INTRODUCER: Commerce and Tourism Committee and Senator Mayfield

SUBJECT: Unsafe Tires

DATE: March 7, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	Fav/CS
2.			JU	
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 380 prohibits the installation, for compensation, of unsafe tires on motor vehicle with a gross vehicle weight rating of 10,000 pounds or less. The bill provides conditions that deem a tire unsafe, including if the tire:

- Is worn to a 2/32-inch or less tread depth;
- Has damage that exposes the tire's reinforcing piles;
- Has been repaired in a specified manner, such as a repair to the tread shoulder, belt edge, sidewall, or bead area; or repair of a puncture larger than 1/4-inch; or
- Has its identification number defaced or removed.

A person who knowingly violates these provisions commits an unfair and deceptive trade practice under the Florida Deceptive and Unfair Trade Practices Act, punishable by a civil penalty with a fine of not more than \$10,000 for each violation.¹

II. Present Situation:

According to one estimate, approximately 10 percent of tires sold in the U.S. each year are used tires.² Used tires are generally a less expensive option for the consumer and provide a greater

¹ See Part II, ch. 501, F.S.

² Safety Research & Strategies, *Used Tires: A Booming Business with Hidden Dangers* (2007), http://www.safetyresearch.net/Library/Used_Tires.htm (last visited Mar. 6, 2017).

profit margin for the retailer.³ Although federal regulations require tire manufacturers to mark each new or retreaded tire with a tire identification number (TIN) that indicates the week and year the tire was manufactured,⁴ used tires that have not undergone any retreading or regrooving are not subject to any federal standards. Similarly, the sale of used tires for the purpose of placement on vehicles is not regulated in Florida. However, five other states, Kansas,⁵ Michigan,⁶ Maryland,⁷ Minnesota,⁸ and New Jersey,⁹ have adopted legislation that prohibits “unsafe tires” from being installed on a car.

The Rubber Manufacturers Association (RMA) issued a tire industry service bulletin that lists conditions under which it recommends that a used tire should not be installed on a vehicle.¹⁰ These conditions include:

- Any punctures or other penetrations to the tire, whether repaired or not. This does not include the proper repair of a tire installed on a consumer’s vehicle when the consumer is aware of the tire’s history;
- Any innerliner or bead damage;
- Indication of internal separation, such as bulges or areas of irregular treadwear;
- Indication of run-flat, under inflated, or overloaded damage (e.g., innerliner abrasion, mid-to-upper sidewall abrasion and stamping deterioration, delamination, discoloration, or excessive tread shoulder wear);
- Damage or wear that exposes the body material of the tire, such as cuts, cracks, bulges, impact damage, or punctures;
- Defaced or removed Department of Transportation (DOT) TIN;
- Involved in a recall or a replacement program;
- Inadequate tread depth, which is generally considered a tread depth of 2/32-inch or less;
- Mounted on a rim that is bent, dented, cracked or otherwise damaged;
- Evidence of improper storage;
- Chemical, fire, excessive heat damage, or other environmental damage;
- Designated as a “scrap tire” or otherwise not intended for continued highway service;
- Evidence of prior use of tire repair sealant;
- Altered to look like new tires (e.g., a regrooved tread); and
- Labeled on the sidewall as “Not For Highway Use,” “NHS,” “For Racing Purposes Only,” “Agricultural Use Only,” “SL” (service limited agricultural tire), or any other indication that the tire is barred from use on public thoroughfares.

³ *Id.*

⁴ 49 C.F.R. s. 571.139, s. 5.5.1 (2005).

⁵ K.S.A. s. 8-1742a.

⁶ M.C.L.S. s. 257.710.

⁷ Md. Transportation Code Ann. s. 22-405.5.

⁸ Minn. Stat. s.169.723.

⁹ Dan Zielinski, *New Jersey Assembly Advances Bill to Protect Consumers from Unsafe Used Tires* (Nov. 21, 2016), <https://rma.org/news/new-jersey-assembly-advances-bill-protect-consumers-unsafe-used-tires> (last visited Mar. 6, 2017).

¹⁰ Rubber Manufacturers Association, *Tire Information Service Bulletin, Vol. 45, No. 4, Passenger and Light Truck Used Tires* (2011), <https://rma.org/sites/default/files/TISB-45-4-0611-Passenger%2520and%2520Light%2520Truck%2520Used%2520Tires.pdf> (last visited Mar. 6, 2017).

The RMA also offers criteria for proper used tire repair,¹¹ including that:

- Repairs should be limited to the tread area only;
- Punctures cannot be greater than 1/4-inch (6mm) in diameter;
- Repairs must be performed by removing the tire from the rim or wheel assembly to perform a complete inspection to assess all damage that may be present;
- Repairs cannot overlap; and
- A rubber stem, or plug, must be applied to fill the puncture and a patch must be applied to seal the inner liner. A common repair unit is a one-piece unit with a stem and patch portion. A plug by itself is an unacceptable repair for a punctured tire.

Florida and several other states regulate the recycling and disposal of waste tires, also known as scrap tires. Florida law defines a waste tire as a tire that has been removed from a motor vehicle and has not been retreaded or regrooved.¹² Therefore, a tire classified as a waste tire may also be a used tire that may be placed on a vehicle.

A retreaded tire is different from a waste tire or used tire because it has been inspected, received an entirely new tread, and is marked with a new TIN before being re-released to the retail market.^{13,14,15} Retreaded tires have gained in popularity in recent years, largely because they are lower in price than new tires.¹⁶ Large markets for retreaded tires include commercial trucking, commercial airlines, and U.S. Department of Defense clients.¹⁷

III. Effect of Proposed Changes:

Section 1 makes it a violation of the Florida Deceptive and Unfair Trade Practices Act (FDUTPA) for any person to install an unsafe tire on a motor vehicle that will be used on public streets, roads, or highways, and which has a gross vehicle weight rating of 10,000 pounds or less, for compensation. The bill defines an unsafe tire as that which has:

- Any area of tread worn to 2/32-inch tread depth or less;
- Damage to the tire, including a cut, crack, bulge, puncture, scrape, or wear, that exposes the tire's reinforcing plies;
- Been repaired in the following manners:
 - Has tread shoulder or belt edge repairs;
 - Has a cured rubber stem or plug to the outside of the tire as a repair for a puncture, as compared to the puncture being patched or sealed on the inside of the tire;
 - Has sidewall or bead area repairs; or

¹¹ Rubber Manufacturers Association, *Puncture Repair Procedures for Passenger and Light Truck Tires* (2011), https://rma.org/sites/default/files/prp_wallchart1111_0.pdf (last visited Mar. 6, 2017).

¹² Section 403.717(1)(d), F.S.

¹³ Tire Retread and Repair Information Bureau, *About Retreading*, <http://www.retread.org/about-retreading> (last visited Mar. 6, 2017).

¹⁴ Tire Retread and Repair Information Bureau, *Retread Myths*, <http://www.retread.org/retread-myths> (last visited Mar. 6, 2017).

¹⁵ 49 C.F.R. s. 574 (1996).

¹⁶ Jim Park, *Are Retreaded Tires Gaining Market Share over Replacements?* (Feb. 2014), available at <http://www.truckinginfo.com/article/story/2014/02/are-retreaded-tires-gaining-market-share-over-replacements/page/1.aspx> (last visited Mar. 6, 2017).

¹⁷ See *supra* note 13.

- Has a repair to a puncture that is larger than 1/4-inch.
- Evidence of the use of a temporary tire sealant without a subsequent proper repair;
- A defaced or removed TIN;
- Inner liner or bead damage; or
- Evidence of internal separation, such as a bulge or an area of irregular tread wear.

A person who knowingly violates this provision commits an unfair and deceptive trade practice under the FDUTPA, punishable as a civil penalty with a fine of not more than \$10,000 for each violation.¹⁸ Private consumers may still purchase and install their own tires, notwithstanding the above prohibition.

Section 2 provides an effective date of July 1, 2017.

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:

This legislation may result in a reduction of overall used tire inventory for the paid installation on cars. This may lead to fewer choices for consumers and a reduction in sales for those who install used tires. Additionally, used tire installers may see an increase in costs related to inspection of each tire to determine if it qualifies as “unsafe” under the law.

C. Government Sector Impact:

The Florida Office of the Attorney General may incur extra costs related to prosecution of this new prohibition.

¹⁸ Section 501.2075, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 501.977 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.)

CS by Commerce and Tourism on March 6, 2017:

Clarifies that a person may not install, for compensation, unsafe tires on motor vehicles with a gross vehicle weight rating of 10,000 pounds or less.

B. Amendments:

None.



337966

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2017	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Mayfield) recommended the following:

Senate Amendment (with title amendment)

Delete line 15
and insert:
install tires on a motor vehicle with a gross vehicle weight
rating of 10,000 pounds or less for use on public

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

And the title is amended as follows:

Delete line 4



337966

11 and insert:
12 of certain tires on specified motor vehicles;
13 specifying

By Senator Mayfield

17-00351-17

2017380__

A bill to be entitled

An act relating to unsafe tires; creating s. 501.977, F.S.; prohibiting the installation, for compensation, of certain automobile or light truck tires; specifying what constitutes an unsafe used tire; providing that violations of the act are deceptive and unfair trade practices; providing an effective date.

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

Section 1. Section 501.977, Florida Statutes, is created to read:

501.977 Installation of unsafe tires.—

(1) A person in this state may not, for compensation, install automobile or light truck tires for use on public streets, roads, or highways if any of the following conditions exist:

(a) Any area of the tire's tread is worn to 2/32-inch tread depth or less.

(b) Damage to the tire, including any cut, crack, bulge, puncture, scrape, or wear, exposes the reinforcing plies of the tire.

(c) The tire has been repaired in one or more of the following manners:

1. A repair made in the tread shoulder or belt edge area of the tire.

2. A puncture repair using a cured rubber stem or plug through to the outside of the tire instead of the puncture being patched or sealed on the inside of the tire.

3. A repair to the sidewall or bead area of the tire.

4. A repair of a puncture larger than one-fourth of an inch.

Page 1 of 2

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

17-00351-17

2017380__

(d) The tire shows evidence of a temporary tire sealant having been used without a subsequent proper repair.

(e) The tire identification number has been defaced or removed.

(f) The tire has inner liner or bead damage.

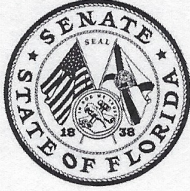
(g) The tire shows evidence of internal separation, such as a bulge or an area of irregular tread wear.

(2) A person who knowingly violates this section commits a deceptive and unfair trade practice actionable under the Florida Deceptive and Unfair Trade Practices Act pursuant to part II of chapter 501, Florida Statutes.

Section 2. This act shall take effect July 1, 2017.

Page 2 of 2

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Education, *Vice Chair*
Appropriations Subcommittee on the Environment
and Natural Resources
Appropriations Subcommittee on General
Government
Banking and Insurance
Judiciary

JOINT COMMITTEE:

Joint Legislative Auditing Committee,
Alternating Chair

SENATOR DEBBIE MAYFIELD

17th District

February 6, 2017

Chairman Montford
410 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Re: SB 380

Dear Chairman Montford,

I am respectfully requesting Senate Bill 380, a bill relating to Unsafe Tires, be placed on the agenda for your committee on Commerce and Tourism.

I appreciate your consideration of this bill and I look forward to working with you and the Commerce and Tourism committee. If there are any questions or concerns, please do not hesitate to call my office at 850-487-5017

Thank you,

A handwritten signature in blue ink, appearing to read "Debbie", written over a faint, larger version of the signature.

Senator Debbie Mayfield
District 17

Cc: Todd McKay, Marilyn Barnes, Melissa Durham, Marcia Mathis, Taylor Peck

REPLY TO:

- 900 E. Strawbridge Avenue, Melbourne, Florida 32901 (321) 409-2025
- 1801 27th Street, Vero Beach, Florida 32960 (772) 226-1970
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5017

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/6/17

Meeting Date

SB380

Bill Number (if applicable)

Topic Used Tires

Name Courtney Titus Brooks

Amendment Barcode (if applicable)

Job Title Director of Gov't Relations

Address 1400 K St NW, Suite 900

Street

Washington

City

DC

State

20005

Zip

Phone 202-682-4864

Email ctbrooks@rma.org

Speaking: For Against Information

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

Representing Russel Manufacturers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/17
Meeting Date

380
Bill Number (if applicable)

Topic Unsafe Tires

Name Jennifer Wilson

Job Title Lobbyist

Address 101 E. Kennedy Blvd, Ste 4000
Street
Tampa FL 33602
City State Zip

Phone 813-407-0703

Email Jennifer.Wilson@artaw.com

Amendment Barcode (if applicable)

Speaking: For Against Information

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

Representing AAA (The Auto Club Group)

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)

3-6-17
Meeting Date

380
Bill Number (if applicable)

Topic Used Tires

Name Richard Gentry

Job Title _____

Address 2305 BRAEBURN CIR.
Street

Phone 950-251-1837

Tallahassee FL 32309
City State Zip

Email RGENTRY@comcast.net

Speaking: For Against Information

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

Representing Rubber Manufacturers Assn.

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)

3-6-17

Meeting Date

513 390

Bill Number (if applicable)

Topic Used Tires

Name Trevor Mask

Job Title Lobbyist

Address 215 S. Monroe St.

Street

Tallahassee

City

FL

State

32311

Zip

Phone 850-345-8169

Email tmask@colodnybass.com

Speaking: For Against Information

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

Representing Florida Auto Dismantlers & Recyclers Association

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 664

INTRODUCER: The Committee on Commerce and Tourism, and Senator Bean

SUBJECT: Disaster Preparedness Tax Exemption

DATE: March 6, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Askey	McKay	CM	CS/Fav
2.			AFT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 664 provides for a 7-day sales tax exemption period for the purchase of specified items associated with disaster preparedness and protection, from May 30, 2017, through June 5, 2017.

The bill provides an appropriation of \$290,580 in nonrecurring funds from General Revenue for Fiscal Year 2016-17 to the Department of Revenue to administer the tax exemption.

The Revenue Estimating Conference (REC) estimates that CS/SB 664 reduces General Revenue receipts by \$5.3 million and reduces local revenue by \$1.4 million in Fiscal Year 2017-18. Due to the timing of the tax-exempt period the REC also estimates that there will be a reduction in General Revenue receipts by \$0.3 million and local revenues by an insignificant amount, in Fiscal Year 2016-17. The Department of Revenue estimates additional costs of \$290,580 to administer this bill.

The bill takes effect upon becoming law.

II. Present Situation:

Chapter 212, F.S., levies a six percent sales and use tax on most sales of tangible personal property and a limited number of services. Section 212.08, F.S., provides for specific exemptions from the sales and use tax imposed by the chapter.

Local governments are authorized to levy several types of local discretionary sales surtaxes pursuant to s. 212.055, F.S. The rate of the discretionary sales surtax depends on the county, while some counties do not have a surtax.¹ Rates currently range from one-half percent to one and one-half percent.² The surtax does not apply to any sales amount above \$5,000 on any item of tangible personal property.³

The Legislature has approved similar sales tax exemption periods in the past. Most recently, in 2005, 2006, 2007, and 2014, the state established time periods where items below certain thresholds were exempt from tax. The type and value of exempt items has varied. In 2005 and 2007, the tax-exempt period ran from June 1 through June 12;⁴ in 2006, the tax-exempt period was from May 21 through June 1;⁵ and in 2014, the tax-exempt period was from May 31 through June 8.⁶ This time period coincides with the start of the Atlantic hurricane season.⁷

The Florida Division of Emergency Management recommends having a plan and preparing property to prevent damage. Additionally, the Division of Emergency Management recommends having a disaster supply kit with items such as a battery operated radio, flashlight, batteries, and first-aid kit.⁸

III. Effect of Proposed Changes:

CS/SB 664 establishes a sales tax exemption period for the purchase of specified items associated with disaster preparedness and protection. The period specified for sales tax exemption on these items will be from 12:01 a.m. on May 30, 2017, through 11:59 p.m. on June 5, 2017.

The items exempted from sales tax are:

- A portable self-powered light source selling for \$20 or less;
- A portable self-powered radio, two-way radio, or weather band radio selling for \$75 or less;
- A tarpaulin or other flexible waterproof sheeting selling for \$50 or less;
- An item typically sold or advertised as a ground anchor system or tie-down kit selling for \$50 or less;
- A gas or diesel fuel tank selling for \$25 or less;
- A package of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less;
- A cellular telephone battery selling for \$60 or less;
- A cellular telephone charger selling for \$40 or less;

¹ Florida Department of Revenue, *Florida's Discretionary Sales Surtax*, http://floridarevenue.com/Forms_library/current/gt800019.pdf (Last visited March 1, 2017).

² Florida Department of Revenue, *Discretionary Sales Surtax Information*, http://floridarevenue.com/Forms_library/current/dr15dssyear2017.pdf (Last visited March 1, 2017).

³ Section 212.054(2)(b)1., F.S.

⁴ Chapter 2005-40 and Chapter 2007-25, Laws of Fla.

⁵ Chapter 2006-7, Laws of Fla.

⁶ Chapter 2014-38, section 23, Laws of Fla.

⁷ National Oceanic and Atmospheric Administration, *Frequently Asked Questions*, <http://www.aoml.noaa.gov/hrd/tcfaq/G1.html> (Last visited March 2, 2017).

⁸ Florida Division of Emergency Management, *Emergency Kit, Make a Plan, Be Informed*, <http://www.floridadisaster.org/documents/EmergencyKit-FDEM.pdf> (Last visited March 1, 2017).

- A non-electric food storage cooler selling for \$30 or less;
- A portable generator that is used to provide light, support communications, or preserve food during a power outage selling for \$1,000 or less;
- A storm shutter device selling for \$200 or less;⁹
- A carbon monoxide detector selling for \$75 or less;
- Reusable ice selling for \$10 or less;
- A single product consisting of two or more of the previously listed items selling for \$75 or less;
- A personal locator beacon selling for \$600 or less;
- An emergency position-indicating radio beacon selling for \$1,500 or less;
- An external portable computer drive for data backup and recovery selling for \$200 or less; and
- An inverter, inverter/charger, or uninterruptible power supply system selling for \$200 or less.

The bill prohibits the sales tax exemption from applying to sales in public lodging establishments¹⁰, theme park or entertainment complexes¹¹, or airports.¹²

The bill provides that the Department of Revenue (department) may adopt emergency rules to implement the sales tax exemption period.

Section 1 of the bill, which includes the sales tax exemption period, the list of exempted items, the prohibition of tax-exempt sales at certain locations, and authorizing the department to make emergency rules, expires September 30, 2017.

The bill provides an appropriation of \$290,580 in nonrecurring funds from General Revenue for Fiscal Year 2016-17 to the Department of Revenue to administer the tax exemption.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

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

Subsection (b) provides that, except upon approval by each house of the Legislature by two-thirds vote of its membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate.¹³ These requirements do

⁹ The bill defines the term “storm shutter device” to mean a material or product manufactured, rated, and marketed specifically for preventing window damage from storms.

¹⁰ Section 509.013(4), F.S.

¹¹ Section 509.013(9), F.S.

¹² Section 330.27(2), F.S.

¹³ See FLA. CONST. art. VII, s. 18(d).

not apply to laws that have an insignificant fiscal impact on local governments, which for Fiscal Year 2017-2018, is approximately \$2 million.¹⁴

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) estimates that CS/SB 664 reduces General Revenue receipts by \$5.3 million and reduces local revenue by \$1.4 million, in Fiscal Year 2017-18. Due to the timing of the tax-exempt period the REC also estimates that there will be a reduction in General Revenue receipts by \$0.3 million and local revenues by an insignificant amount, in Fiscal Year 2016-17.¹⁵

B. Private Sector Impact:

Indeterminate, but positive. Consumers will see a reduction in cost for some products related to disaster preparation and protection.

C. Government Sector Impact:

The bill provides an appropriation of \$290,580 in nonrecurring funds from General Revenue for Fiscal Year 2016-17 to the Department of Revenue to administer the tax exemption.

The department estimates that it will require \$290,580 to administer this act.¹⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

¹⁴ An insignificant fiscal impact is an amount not greater than the average statewide population for the applicable fiscal year times ten cents. See Florida Senate Committee on Community Affairs, Interim Report 2012-115: Insignificant Impact, (Sept. 2011), <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (Last visited March 1, 2017).

¹⁵ Office of Economic and Demographic Research, *Revenue Estimating Conference*, http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2017/_pdf/Impact0217.pdf (Last visited March 1, 2017.)

¹⁶ Florida Department of Revenue, *2017 Agency Legislative Bill Analysis: SB 664*, <http://abar.laspbs.state.fl.us/ABAR/Attachment.aspx?ID=10217> (Last visited March 1, 2017).

VIII. Statutes Affected:

The bill creates general law not contained in a designated section of the Florida Statutes.

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 Commerce and Tourism on March 6, 2017:

The CS provides an appropriation of \$290,580 in nonrecurring funds from General Revenue for Fiscal Year 2016-17 to the Department of Revenue to administer the tax exemption.

- B. **Amendments:**

None.



358044

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2017	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Bean) recommended the following:

Senate Amendment

Delete line 64

and insert:

Section 2. For the 2016-2017 fiscal year, the sum of
\$290,580

By Senator Bean

4-00438-17

2017664__

1 A bill to be entitled
2 An act relating to a disaster preparedness tax
3 exemption; providing a sales and use tax exemption for
4 certain tangible personal property related to disaster
5 preparedness during a specified period; providing
6 exceptions to the exemption; authorizing the
7 Department of Revenue to adopt emergency rules to
8 implement the exemption; providing an expiration date;
9 providing an appropriation; providing an effective
10 date.

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

14 Section 1. Disaster preparedness tax exemption.-

15 (1) The tax levied under chapter 212, Florida Statutes, may
16 not be collected during the period from 12:01 a.m. on May 30,
17 2017, through 11:59 p.m. on June 5, 2017, on the sale of any of
18 the following:

19 (a) A portable self-powered light source selling for \$20 or
20 less.

21 (b) A portable self-powered radio, two-way radio, or
22 weather band radio selling for \$75 or less.

23 (c) A tarpaulin or other flexible waterproof sheeting
24 selling for \$50 or less.

25 (d) An item typically sold or advertised as a ground anchor
26 system or tie-down kit selling for \$50 or less.

27 (e) A gas or diesel fuel tank selling for \$25 or less.

28 (f) A package of AAA-cell, AA-cell, C-cell, D-cell, 6-volt,
29 or 9-volt batteries, excluding automobile and boat batteries,
30 selling for \$30 or less.

31 (g) A cellular telephone battery selling for \$60 or less.

32 (h) A cellular telephone charger selling for \$40 or less.

Page 1 of 3

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

4-00438-17

2017664__

33 (i) A nonelectric food storage cooler selling for \$30 or
34 less.

35 (j) A portable generator that is used to provide light,
36 support communications, or preserve food during a power outage
37 and selling for \$1,000 or less.

38 (k) A storm shutter device selling for \$200 or less. As
39 used in this paragraph, the term "storm shutter device" means a
40 material or product manufactured, rated, and marketed
41 specifically for the purpose of preventing window damage from
42 storms.

43 (l) A carbon monoxide detector selling for \$75 or less.

44 (m) Reusable ice selling for \$10 or less.

45 (n) A single product consisting of two or more of the items
46 listed in paragraphs (a)-(m) and selling for \$75 or less.

47 (o) A personal locator beacon selling for \$600 or less.

48 (p) An emergency position-indicating radio beacon selling
49 for \$1,500 or less.

50 (q) An external portable computer drive for data backup and
51 recovery and selling for \$200 or less.

52 (r) An inverter, inverter/charger, or uninterruptible power
53 supply system selling for \$200 or less.

54 (2) The tax exemption provided in this section does not
55 apply to sales within a public lodging establishment as defined
56 in s. 509.013(4), Florida Statutes, a theme park or
57 entertainment complex as defined in s. 509.013(9), Florida
58 Statutes, or an airport as defined in s. 330.27(2), Florida
59 Statutes.

60 (3) The Department of Revenue may, and all conditions are
61 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)

Page 2 of 3

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

4-00438-17

2017664__

62 and 120.54, Florida Statutes, to implement this section.

63 (4) This section expires September 30, 2017.

64 Section 2. For the 2016-2017 fiscal year, the sum of \$
65 in nonrecurring funds is appropriated from the General Revenue
66 Fund to the Department of Revenue to administer the tax
67 exemption for the purchase of tangible personal property
68 relating to disaster preparedness specified under this act.

69 Section 3. This act shall take effect upon becoming a law.



The Florida Senate

Committee Agenda Request

To: Senator Bill Montford, Chair
Committee on Commerce and Tourism

Subject: Committee Agenda Request

Date: February 18, 2017

I respectfully request that **Senate Bill # 664**, relating to Disaster Preparedness Tax Exemption, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in blue ink that reads "Aaron Bean".

Senator Aaron Bean
Florida Senate, District 4

THE FLORIDA SENATE
APPEARANCE RECORD

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

03/06/2017
Meeting Date

664
Bill Number (if applicable)

Topic Disaster Preparedness

Name Melissa Ramba

Amendment Barcode (if applicable)

Job Title V.P. of Civit Relations

Address 227 South Adams Street
Street

Phone _____

Tallahassee FL 32301
City State Zip

Email _____

Speaking: For Against Information

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

Representing Florida Retail Federation

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/6/17

Meeting Date

664

Bill Number (if applicable)

Topic DISASTER PREPAREDNESS

Amendment Barcode (if applicable)

Name FRENCH BROWN

Job Title Contract Lobbyist

Address 119 S. MONROE ST., Suite 300

Phone 850-425-2227

Street

Tallahassee FL 32301

City

State

Zip

Email frenchb@ngslaw.com

Speaking: [X] For [] Against [] Information

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

Representing FLORIDA CHAMBER OF COMMERCE

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [] No

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

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

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 Commerce and Tourism

BILL: CS/SB 440

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Gibson and others

SUBJECT: Notaries Public

DATE: March 2, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon</u>	<u>Ryon</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 440 expands the list of forms of identification that a notary public may rely on in notarizing a signature on a document to include a veteran health identification card issued by the U.S. Department of Veterans Affairs.

II. Present Situation:

Notaries Public

A notary public is a public officer appointed and commissioned by the Governor whose function is to administer oaths or affirmations; to take acknowledgements; to attest to the trueness of photocopies of certain documents; and to perform other duties specified by Florida law.¹

Chapter 117, F.S., provides requirements and guidelines for notaries and authorizes the Governor to appoint as many notaries as necessary. A notary must be at least 18 years of age, maintain legal residence in the state throughout the commission, and possess the ability to read, write, and understand English.² The application for appointment must include a \$25 fee, a \$10 commission

¹ Florida Executive Office of the Governor, Notary Section, *Governor's Reference Manual for Notaries Public; State of Florida*, 6 (December 13, 2016), available at: http://www.flgov.com/wp-content/uploads/Notary_Reference_Manual_12.13.16.pdf (last visited Mar. 1, 2017).

² Section 117.01(1), F.S.

fee required by s. 113.01, F.S., and a \$4 surcharge, appropriated to the Executive Office of the Governor to be used for notary education and assistance.³

Once appointed, a notary serves a four-year term.⁴ During the term of office, a notary must post and maintain a \$7,500 bond payable to any individual harmed as a result of a notary's breach of duty. The bond must be approved and filed with the Department of State and executed by a surety company that is authorized to transact business within the state. If a surety company pays an individual harmed by the notary for breach of duty, the company must notify the Governor of the payment and the underlying circumstances.⁵ No person may be automatically reappointed as a notary. The application process must be completed regardless of whether an applicant has previously served as a notary.⁶

A notary is authorized by law to perform six functions:

- Administer oaths or affirmations;⁷
- Take acknowledgements of deeds and other instruments of writing for record;⁸
- Attest to photocopies of certain documents;⁹
- Solemnize marriage;¹⁰
- Verify vehicle identification numbers;¹¹ and
- Certify the contents of a safe-deposit box.¹²

When notarizing a signature a notary either takes an acknowledgement¹³ from or administers an oath¹⁴ or affirmation¹⁵ to the document signer. A notary public may not notarize a signature on a document unless he or she personally knows, or has satisfactory evidence that, the person whose signature is to be notarized is the individual described in and who is executing the instrument.¹⁶

“Satisfactory evidence” means the absence of any information, evidence, or other circumstances that would lead a reasonable person to believe that the person whose signature is to be notarized is not the person he or she claims, and may be any one of the following:¹⁷

³ Section 117.01(2), F.S.

⁴ Section 117.01(1), F.S.

⁵ Section 117.01(8), F.S.

⁶ Section 117.01(6), F.S.

⁷ Section 117.03, F.S.

⁸ Section 117.04, F.S.

⁹ Section 117.05(12)(a), F.S.

¹⁰ Section 117.045, F.S.

¹¹ Section 319.23(3)(a)2., F.S.

¹² Section 655.94(1), F.S.

¹³ An acknowledgement is a formal declaration before an authorized official by a person signing an instrument that such execution is his or her free act and deed. *See* Kelle Clarke, *Notary Essentials: The Difference Between Acknowledgments and Jurats* (Jan. 25, 2016), National Notary Association, available at: <https://www.nationalnotary.org/notary-bulletin/blog/2015/04/key-differences-acknowledgment-jurat-certificates> (last visited Mar. 1, 2017).

¹⁴ An oath is any form of attestation or pledge by which a person signifies that he or she is bound in conscience and out of a sense of responsibility to a Supreme Being to the truthfulness for some statement. Willfully swearing to untrue statements constitutes perjury. *Id.*

¹⁵ An affirmation is a solemn, formal declaration under the penalty of perjury that certain statements are true.

¹⁶ Section 117.05(5), F.S.

¹⁷ Section 117.05(5)(b)., F.S.

- The sworn written statement of one credible witness personally known to the notary public or the sworn written statement of two credible witnesses whose identities are proven to the notary public upon the presentation of satisfactory evidence that each of the following is true:
 - That the person whose signature is to be notarized is the person named in the document;
 - That the person whose signature is to be notarized is personally known to the witnesses;
 - That it is the reasonable belief of the witnesses that the circumstances of the person whose signature is to be notarized are such that it would be very difficult or impossible for that person to obtain another acceptable form of identification;
 - That it is the reasonable belief of the witnesses that the person whose signature is to be notarized does not possess any of the identification documents specified below; and
 - That the witnesses do not have a financial interest in nor are parties to the underlying transaction; or
- Reasonable reliance on the presentation to the notary public of any one of the following forms of identification, if the document is current or has been issued within the past 5 years and bears a serial or other identifying number:
 - A Florida ID card or driver license issued by the public agency authorized to issue driver licenses;
 - A passport issued by the U.S. Department of State;
 - A passport issued by a foreign government if the document is stamped by the U.S. Bureau of Citizenship and Immigration Services;
 - A driver license or an ID card issued by a public agency authorized to issue driver licenses in a state other than Florida, a territory of the U.S., Canada or Mexico;
 - An ID card issued by any branch of the U.S. armed forces;
 - An inmate ID card issued on or after January 1, 1991, by the Florida Department of Corrections for an inmate who is in its custody;
 - An inmate ID card issued by the U.S. Department of Justice, Bureau of Prisons, for an inmate who is in its custody;
 - A sworn, written statement from a sworn law enforcement officer that the forms of ID for an inmate in an institution of confinement were confiscated upon confinement and that the person named in the document is the person whose signature is to be notarized; or
 - An ID card issued by the U.S. Bureau of Citizenship and Immigration Services.

When notarizing a signature, a notary public must complete a notarial certificate.¹⁸ Among other required elements, a notary must specify on the notarial certificate the specific type of identification the notary public relied upon in identifying the signer, based either on personal knowledge or the satisfactory evidence specified in s. 117.05(5), F.S.¹⁹

Veteran Health Identification Card

The Veteran Health Identification Card (VHIC) is issued by the U.S. Department of Veterans Affairs (USDVA) to veterans who are enrolled in the USDVA health care system for identification and check-in at USDVA appointments.²⁰ In order to receive a VHIC, the veteran must apply for enrollment in the USDVA health care system and provide a primary and

¹⁸ A notarial certificate is a written statement made by the notary public certifying specific facts of the notarial act performed.

¹⁹ Section 117.05(4), F.S.

²⁰ U.S. Department of Veterans Affairs, *Health Benefits: Veterans Health Identification Card*, available at <http://www.va.gov/healthbenefits/vhic/index.asp> (last visited Mar. 1, 2017).

secondary form of identification.²¹ Once the veteran's enrollment is verified, he or she must have their picture taken at the local USDVA medical center for inclusion on the VHIC.²²

III. Effect of Proposed Changes:

The bill amends s. 117.05, F.S., to expand the list of forms of identification that a notary public may rely on in notarizing a signature on a document to include a veteran health identification card issued by the U.S. Department of Veterans Affairs.

The bill takes effect on July 1, 2017.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

²¹ *Id.* Primary identification options include: a state-issued driver's license, an unexpired U.S. passport or foreign passport with Form I-94 or Form I-94 A; a U.S. military card; a permanent resident card or alien registration receipt card; a picture school ID; or a federal, state, or local issued photo ID. Secondary identification options include: a social security card; an original or certified birth certificate or other official form of documentation of birth; a voter registration card; a U.S. citizen ID card or Native American tribal document; an employment authorization document issued by the U.S. Department of Homeland Security; or a Canadian driver's license.

²² *Id.*

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 117.05 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.)

CS by Military and Veterans Affairs, Space, and Domestic Security on February 21, 2017:

The CS corrects a typo in the title and places the Veterans Health Identification Card in its own subparagraph.

B. Amendments:

None.

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senators Gibson and Torres

583-01929-17

2017440c1

1 A bill to be entitled
 2 An act relating to notaries public; amending s.
 3 117.05, F.S.; expanding the list of forms of
 4 identification which a notary public may rely on in
 5 notarizing a signature on a document to include a
 6 veteran health identification card; providing an
 7 effective date.
 8
 9 Be It Enacted by the Legislature of the State of Florida:
 10
 11 Section 1. Paragraph (b) of subsection (5) of section
 12 117.05, Florida Statutes, is amended to read:
 13 117.05 Use of notary commission; unlawful use; notary fee;
 14 seal; duties; employer liability; name change; advertising;
 15 photocopies; penalties.—
 16 (5) A notary public may not notarize a signature on a
 17 document unless he or she personally knows, or has satisfactory
 18 evidence, that the person whose signature is to be notarized is
 19 the individual who is described in and who is executing the
 20 instrument. A notary public shall certify in the certificate of
 21 acknowledgment or jurat the type of identification, either based
 22 on personal knowledge or other form of identification, upon
 23 which the notary public is relying.
 24 (b) For the purposes of this subsection, "satisfactory
 25 evidence" means the absence of any information, evidence, or
 26 other circumstances which would lead a reasonable person to
 27 believe that the person whose signature is to be notarized is
 28 not the person he or she claims to be and any one of the
 29 following:

Page 1 of 3

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

583-01929-17

2017440c1

30 1. The sworn written statement of one credible witness
 31 personally known to the notary public or the sworn written
 32 statement of two credible witnesses whose identities are proven
 33 to the notary public upon the presentation of satisfactory
 34 evidence that each of the following is true:
 35 a. That the person whose signature is to be notarized is
 36 the person named in the document;
 37 b. That the person whose signature is to be notarized is
 38 personally known to the witnesses;
 39 c. That it is the reasonable belief of the witnesses that
 40 the circumstances of the person whose signature is to be
 41 notarized are such that it would be very difficult or impossible
 42 for that person to obtain another acceptable form of
 43 identification;
 44 d. That it is the reasonable belief of the witnesses that
 45 the person whose signature is to be notarized does not possess
 46 any of the identification documents specified in subparagraph
 47 2.; and
 48 e. That the witnesses do not have a financial interest in
 49 nor are parties to the underlying transaction; or
 50 2. Reasonable reliance on the presentation to the notary
 51 public of any one of the following forms of identification, if
 52 the document is current or has been issued within the past 5
 53 years and bears a serial or other identifying number:
 54 a. A Florida identification card or driver license issued
 55 by the public agency authorized to issue driver licenses;
 56 b. A passport issued by the Department of State of the
 57 United States;
 58 c. A passport issued by a foreign government if the

Page 2 of 3

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

583-01929-17

2017440c1

59 document is stamped by the United States Bureau of Citizenship
60 and Immigration Services;

61 d. A driver license or an identification card issued by a
62 public agency authorized to issue driver licenses in a state
63 other than Florida, a territory of the United States, or Canada
64 or Mexico;

65 e. An identification card issued by any branch of the armed
66 forces of the United States;

67 f. A veteran health identification card issued by the
68 United States Department of Veterans Affairs;

69 ~~g.~~ An inmate identification card issued on or after
70 January 1, 1991, by the Florida Department of Corrections for an
71 inmate who is in the custody of the department;

72 ~~h.~~ An inmate identification card issued by the United
73 States Department of Justice, Bureau of Prisons, for an inmate
74 who is in the custody of the department;

75 ~~i.~~ A sworn, written statement from a sworn law
76 enforcement officer that the forms of identification for an
77 inmate in an institution of confinement were confiscated upon
78 confinement and that the person named in the document is the
79 person whose signature is to be notarized; or

80 ~~j.~~ An identification card issued by the United States
81 Bureau of Citizenship and Immigration Services.

82 Section 2. This act shall take effect July 1, 2017.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Military and Veterans Affairs, Space, and
Domestic Security, *Chair*
Appropriations
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development
Commerce and Tourism
Judiciary
Regulated Industries
Joint Legislative Auditing Committee

SENATOR AUDREY GIBSON

6th District

February 22, 2017

Senator Bill Montford, Chair
Committee on Commerce and Tourism
310 Knott Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

Chair Montford:

I respectfully request that SB 440, Notaries Public, be placed on the next committee agenda.

SB 440, expands the list of forms of identification which a notary public may rely on in notarizing a signature on a document to include a veteran health identification card issued by the U.S. Department of Veterans Affairs. This bill passed unanimously in the first committee.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink that reads "Audrey Gibson".

Audrey Gibson
State Senator
District 6

REPLY TO:

- 101 E. Union Street, Suite 104, Jacksonville, Florida 32202 (904)359-2553 FAX: (904) 359-2532
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

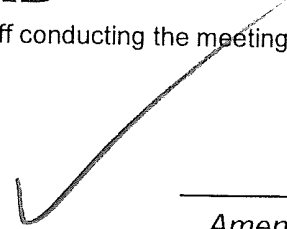
3/6/2017

Meeting Date

SB 448

Bill Number (if applicable)

Topic Notaries Public



Amendment Barcode (if applicable)

Name Ms. Zayne Smith

Job Title Associate State Director

Address 200 W. College Ave

Phone 850 228-4243

Jolly
City

FL
State

32301
Zip

Email zsmith@aarp.org

Speaking: For Against Information

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

Representing AARP

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: CS/SB 498

INTRODUCER: Committee on Commerce and Tourism and Senator Young

SUBJECT: Department of Agriculture and Consumer Services

DATE: March 8, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	Fav/CS
2.			JU	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

SB 498 modifies provisions in several areas regulated by the Department of Agriculture and Consumer Services (DACS), including:

- Allowing private investigative agency managers to manage multiple agencies or branches;
- Making substantial changes to regulations of surveyors and mappers;
- Clarifying fingerprint retention policies for specific partners and corporate officers of ch. 493, F.S., licensees;
- Removing inconsistent language regarding the terms of renewals for licensure under ch. 493, F.S.;
- Permitting the Florida Department of Law Enforcement to share mental health and substance abuse data from its MECOM database with the Department for the purposes of determining eligibility of Class “G” and “K” applicants and licensees;
- Requiring ch. 493, F.S., licensees to reveal if they have been arrested to their employer within 3 days of the arrest, and granting the DACS authority to discipline licensees who fail to do so;
- Mandating that statewide firearm licensees complete training for each type of firearm carried in the course of his or her licensed duties;
- Creating a temporary suspension process for class “G” or “K” licensees who are arrested for or formally charged with a firearms-related crime; and for ch. 493, F.S., licensees who are arrested for or formally charged with a forcible felony;

- Updating the Florida Do Not Call Program to make subscriptions indefinite, rather than for 5 years;
- Creating penalties against intrastate household movers for failure to maintain motor vehicle and liability insurance consistent;
- Exempting company gyms from registration as a health studio with the Department;
- Removing taximeters and digital networks from the definition of a weight and measure, thereby reducing the Department's regulatory authority of taximeters;
- Deleting fees for the registration of a livestock mark or brand, and increasing the term of registration for such marks or brands from 5 to 10 years;
- Repealing a requirement that individuals re-mark or rebrand recently purchased cattle;
- Providing an exemption from registration for agricultural dealers who pay for their purchase with a credit card;
- Allowing the Department to grant concealed weapon or firearm licenses to persons who have been granted relief from firearms disabilities;
- Reducing the concealed weapon or firearm license and renewal fees by five-dollars; and
- Making technical changes and deleting out-of-date language.

II. Present Situation:

The Department of Agriculture and Consumer Services (DACCS or Department) has broad duties, including safeguarding the public from unsafe or defective products and deceptive business practices, providing environmental protection, and supporting Florida's agricultural economy. Twelve divisions and six offices within the Department support these missions.¹

The present situation for each relevant provision of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

III. Effect of Proposed Changes:

Agriculture Education and Promotion Facility Grant

An agriculture education and promotion facility is an exhibition hall, arena, civic center, exposition center, or other capital project or facility that can be used for agricultural education, exhibitions, civic, and other events.² In 2002, the Legislature gave the Department authority to evaluate applications for grants for the construction or renovation of such facilities.³ Funding of the grants occurs through the General Appropriations Act, which is passed each legislative session.⁴

¹ Florida Department of Agriculture and Consumer Services, *Divisions and Offices*. <http://www.freshfromflorida.com/Divisions-Offices/> (last visited Mar. 7, 2017).

² Section 288.1175(3), F.S.

³ Ch. 2002-301, Laws of Fla.

⁴ Section 288.1175(8), F.S.

Section 1 amends s. 288.1175, F.S., to require that applications for an agriculture education and promotion facility grant be *postmarked or electronically submitted* by October 1 of each year; this further defines and clarifies what qualifies as a timely submitted application for the program.

Division of Agricultural Environmental Services

The Division of Agricultural Environmental Services supports state and federal regulatory programs regarding pesticide registration, testing, and regulation, and other related environmental and consumer protection issues.⁵ The U.S. Environmental Protection Agency's (E.P.A.) labeling requirement for pesticides and devices⁶ and its Worker Protection Standard⁷ provide a floor from which the Division must base certain regulations.⁸

Section 11 deletes an out-of-date reference to the Department's adoption "during the 1995-1996 fiscal year..." of rules to reflect the E.P.A's labeling requirement for pesticides and devices and worker protection standard. This amendment to s. 487.2041, F.S., does not alter the Department's duties or authority.

Division of Licensing

The Division of Licensing within the DACS is responsible for investigating and issuing licenses to conduct private security, private investigative, and recovery services pursuant to ch. 493, F.S. The Division of Licensing also issues concealed weapon or firearm licenses pursuant to s. 790.06, F.S. As of January 2017, the Department issued 176,687 pursuant to ch. 493, F.S., and 1,721,862 concealed weapon or firearm licenses.⁹

Licensure and Discipline of Private Investigators, Security Officers, Recovery Agents, and Related Licenses

Section 12 amends s. 493.6101, F.S., to permit a manager of a private investigative agency licensed under ch. 493, F.S., to manage multiple agencies and branch offices. Currently, a class 'M' (manager) licensee is limited to oversight of only one agency or branch at a time.¹⁰

The DACS requires applicants for licensure under ch. 493, F.S., to submit a full set of fingerprints, a fingerprint-processing fee, and a fingerprint retention fee with their initial application.¹¹ With this information, the Department conducts an initial background check through the Federal Bureau of Investigation (FBI) and the Florida Department of Law Enforcement (FDLE). The Department also retains the applicants' fingerprints in the statewide-

⁵ Florida Department of Agriculture and Consumer Services, *Division of Agricultural Environmental Services*, <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Environmental-Services> (last visited Mar. 7, 2017).

⁶ 40 C.F.R., Pt. 156

⁷ 40 C.F.R., Pt. 170

⁸ See Rule 5E-2.041, F.A.C., *Pesticides: Materials Incorporated by Reference*; Rule 5E-2.011, F.A.C., *Pesticides: General Labeling Requirements for Pesticides*.

⁹ Florida Department of Agriculture and Consumer Services, Division of Licensing, *Number of Licensees by Type* (Jan. 31, 2017), http://www.freshfromflorida.com/content/download/7471/118627/Number_of_Licensees_By_Type.pdf (last visited Mar. 7, 2017).

¹⁰ Section 493.6101, F.S.

¹¹ Section 493.6105(3)(j), F.S.

automated biometric identification system¹² and in the national retained print arrest notification program for ongoing updates on arrests of its licensees.¹³ The Department may discipline a licensee based on his or her plea to, or conviction of certain crimes.¹⁴

Section 13 clarifies that partners and corporate officers who do not also possess a ch. 493, F.S., license subject to renewal under s. 493.6113, F.S.,¹⁵ are exempt from participation in the DACS fingerprint retention requirements otherwise imposed on ch. 493, F.S., licensees.

Notifications

Section 15 amends s. 493.6108(5), F.S., to require that ch. 493, F.S., licensees notify their employer within three calendar days if they are arrested for any offense.

Section 19 amends s. 493.6118, F.S., to allow the Department to take administrative action against its ch. 493, F.S., licensees for their failure to notify their employer within three calendar days if they are arrested for any offense.

Section 16 deletes a requirement in s. 493.6112, F.S., that Security Officer and Recovery Agent Schools licensed by the Department under ch. 493, F.S., notify the Department of any hiring, termination, withdrawal, removal, replacement, or addition of the School's partners, officers, or employees. These schools are currently required to provide the DACS with information on their instructors, school facilities, and curricula elsewhere in statute.¹⁶

This section also clarifies that ch. 493, F.S., agency licensees are required to notify the Department of a change in their employment rolls *within 15 calendar days* by a form submitted electronically to the Department. Section 493.6112, F.S., currently requires that licensees notify the Department "immediately" of such changes; according to the Department, this requirement proves vague in practice and results in varying compliance.¹⁷

Mental History

The Department has a duty to investigate whether any ch. 493, F.S., applicant has been adjudicated incompetent under ch. 744, F.S.,¹⁸ or has been committed to a mental institution

¹² See, s. 943.05(2)(b), F.S.

¹³ See, s. 493.6108, F.S.

¹⁴ Section 493.6118, F.S.

¹⁵ Section 493.6113, F.S., subjects all licenses granted under ch. 493, F.S., to renewal. Although a corporate officer or partner of, e.g., a Private Investigative Agency, is required to file a complete initial application, the corporate officer or partner is not granted a license as a result of his or her application (but his or her agency is). Therefore, corporate officers and partners are not required to renew a license that does not exist under ch. 493, F.S.

¹⁶ See, ss. 493.6304 and 493.6406, F.S.

¹⁷ Florida Department of Agriculture and Consumer Services, *SB 498 Agency Analysis*, p. 5 (Feb. 8, 2017) (On file with the Senate Committee on Commerce and Tourism).

¹⁸ A court may grant a petition to determine incapacity based on a petition to determine incapacity that is filed by an adult; the petition must include allegations of the individual's incapacity and facts in support thereof. See s. 744.3201(1), F.S.

under ch. 394, F.S.^{19, 20} The Department may deny an application for licensure based on an applicant's:²¹

- Adjudication of incapacitation under s. 744.331, F.S., or similar law in another state, unless the applicant's capacity has been judicially restored;
- Placement in a treatment facility for the mentally ill under ch. 394, F.S., or similar law in another state, unless the applicant's competency has been judicially restored;
- Diagnosis of an incapacitating mental illness, unless a Florida-licensed psychologist or psychiatrist certifies that the applicant does not currently suffer from mental illness;
- Chronic and habitual use of alcoholic beverages to the extent that his or her normal faculties are impaired;
- Commitment to a treatment facility for substance abuse under ch. 397, F.S., or similar law in another state;
- Being subject to a finding by a court that she or he is a habitual offender of disorderly intoxication under s. 856.011, F.S., or similar law in another state;
- Convictions of driving under the influence or similar law in another state, within the 3-year period immediately preceding the application, unless the applicant can prove that she or he is not currently impaired and has successfully completed a rehabilitation course; or
- Having been found guilty of a controlled substance-related crime under ch. 893, F.S., or similar law in another state, unless the applicant establishes that she or he is not currently abusing any controlled substance and has successfully completed a rehabilitation course.

The Department must further investigate the general mental history and current mental and emotional fitness, including drug or alcohol abuse, of any class "G" or "K" licensee.²² The Department may deny an application for licensure to a Class "G" or "K" applicant based on a history of mental illness or drug or alcohol abuse.

These investigations into mental health and substance abuse are largely limited to an inquiry by the Department on the application for licensure; records of commitment under ch. 394, F.S., are confidential and exempt unless the applicant authorizes the release of the documentation.²³

Currently, the Department can access FDLE and clerks of courts records of individuals who are or were committed under chs. 394, 397, or 744, F.S., for the purpose of reviewing the fitness of applicants for concealed weapons licenses under ch. 790, F.S.²⁴ The FDLE maintains the Mental Competency Database (MECOM), which lists the names and related data of persons who are prohibited from purchasing a firearm based on adjudication of mental defectiveness (total mental

¹⁹ Section 493.6108(1)(b), F.S.

²⁰ A commitment to an institution under ch. 394, F.S., may be voluntary or involuntary based on mental illness. A voluntary commitment requires the patient's consent, and an involuntary commitment requires a finding that the patient is likely to suffer harm to himself or herself, or that he or she poses a real and present threat of substantial harm to his or her well-being, or the well-being of others. Sections 394.462-.463, F.S.

²¹ Section 493.6106, F.S.

²² Section 493.6108(3), F.S.

²³ Section 394.4615, F.S.

²⁴ Sections 790.065(2)(a)4.c.(1), F.S. and 790.065(2)(a)4.f., F.S.

incapacity) or commitment to mental institutions because of mental illness or substance abuse.²⁵ An individual may be removed from MECOM if he or she receives a relief from firearm disabilities under s. 790.065(2)(a)4.d., F.S.

Section 15 grants the FDLE authority to share data from the MECOM database with the DACS for the limited purpose of determining eligibility of class “G” and “K” applicants and licensees.

Actions Against Licensees

Section 18 requires the DACS to review mental health and substance abuse data provided by the FDLE as part of its case-by-case determination whether a temporary Class “G” applicant is prohibited from licensure.

The Department may pursue disciplinary administrative action against a current ch. 493, F.S., licensee based on a finding that he or she committed any of the acts prohibited in s. 493.6118, F.S., including:

- Being found guilty of, or entering a plea of guilty or nolo contendere to, or being convicted of, a crime that directly relates to the business for which the license is held;
- Failure to maintain required commercial general liability coverage;
- Commission of an act of violence, or use of force on any person except in the lawful protection of one’s self or another from physical harm;
- Failure to cooperate with a Department investigation; or
- Violation of any other provision of ch. 493, F.S.

Administrative disciplinary action is reviewable under ss. 120.569-.57, F.S. These types of administrative hearings generally permit the licensee to dispute the allegations made against him or her. An impartial hearing officer then makes findings of fact and findings of law, which result in a final determination of whether the Department’s case against the licensee is supported by clear and convincing evidence.

The Department may also pursue an emergency suspension order (ESO) under s. 120.60(6), F.S., if the Department finds that the licensee poses a serious danger to the public health, safety, or welfare.²⁶ The ESO allows the Department to require the licensee to cease and desist from continuing to act under his or her license, but the Department is obligated to “promptly” institute a formal suspension or revocation proceeding pursuant to ss. 120.569-.57, F.S. The cease and desist language of the ESO remains in effect until a final order reviewing the allegations against the licensee has been issued pursuant to the hearing under either s. 120.569 or 120.57, F.S.

Section 19 allows the Department to temporarily suspend a class “G” or “K” licensee who is arrested for or formally charged with a firearms-related crime that would disqualify him or her from licensure under s. 493.6118, F.S. This section also grants the Department authority to

²⁵ Section 790.065, F.S.; Florida Department of Law Enforcement, *Mental Competency (MECOM) Database: Frequently Asked Questions* p. 5 (June 2, 2014), https://www.fdle.state.fl.us/cms/FPP/Documents/MECOMFAQs_Final_06022014.aspx (last visited Mar. 7, 2017).

²⁶ See also *Allied Edu. Corp v. State, Dep’t of Edu.*, 573 Sp. 2d 959, 1991 (Fla. 1st DCA 1991).

temporarily suspend any ch. 493, F.S., licensee who has been arrested for or formally charged with a forcible felony.²⁷

The proposed temporary suspension would grant the licensee a right to hearing under ch. 120, F.S., but the scope of that hearing would be limited only to a determination of whether the licensee has been arrested for or charged with a disqualifying crime. When a licensee is ultimately cleared of the allegations made in his or her underlying criminal case, the Department is required to lift the temporary suspension. When, however, the criminal case results in a disqualifying disposition, the temporary suspension will remain in effect and the Department is required to bring an administrative case under ch. 120, F.S., against the licensee to attempt to revoke his or her license.

Training and Certification for Ch. 493, F.S., Licensees

Applicants for licensure as a firearms instructor (“Class K”) must undergo training and receive certification from either:

- The National Rifle Association (NRA) Private Security Firearm Instructor Certificate Program,²⁸ or
- A federal law enforcement agency’s firearms instructor certificate program, e.g., through the U.S. Department of Homeland Security’s Federal Law Enforcement Training Center (FLETC).²⁹

The NRA’s firearm instructor certificate expires after 3 years, unless the instructor successfully completes recertification with the NRA, which requires proof of 24 hours of continuing education.³⁰ The FLETC firearm instructor certificate does not expire, but the instructor may be required to obtain recertification by the agency (such as a local police department or sheriff’s office) that sponsored the original certification of the trainee by FLETC.³¹

Section 13 amends s. 493.6105(6)(a), F.S., to require that firearms instructor applicants submit evidence of both valid and recent (within the last 3 years) certification. This amendment reflects industry terminology and practices.

Sections 21 and 23 delete the requirement that private investigator interns and security officer licensees receive training in two parts and deletes out-of-date references. According to the

²⁷ Section 776.08, F.S., defines a “forcible felony” as treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual.

²⁸ National Rifle Association, *Instructor Development Schools*, <http://le.nra.org/training/instructor-development-schools.aspx#schedule> (last visited Mar. 7, 2017); National Rifle Association, *Recertification*, <http://le.nra.org/training/recertification.aspx> (last visited Mar. 7, 2017).

²⁹ U.S. Department of Homeland Security, Federal Law Enforcement Training Centers, *Firearms Instructor Training Program*, <https://www.fletc.gov/training-program/firearms-instructor-training-program> (last visited Mar. 7, 2017).

³⁰ National Rifle Association, *Recertification*, <http://le.nra.org/training/recertification.aspx> (last visited Mar. 7, 2017).

³¹ Committee staff conversation with Federal Law Enforcement Training Center (“FLETC”) representative (Mar. 1, 2017).

Department, the requirement that training be provided in two-parts proved cumbersome to both training schools and trainees.³²

Section 493.6113(3)(b), F.S., currently requires holders of a Class “G”³³ statewide firearms licensee to annually complete four hours of firearms recertification training.³⁴ The licensee must submit proof of his or her annual recertification training to the Department. If the licensee fails to provide documentation of the training by the end of the first year of the license’s two-year term, the license is automatically suspended until the licensee provides proof of the training. If the licensee fails to provide such documentation by the end of his or her license’s term, the Department may not renew the license until the applicant completes the initial licensing requirements, including at least 28 hours of range and classroom training.³⁵

Class “G” licensees are currently permitted to carry up to two of the following types of firearms during the course of their licensed duties: a .38 caliber revolver, a .380 caliber or 9 millimeter semiautomatic pistol; a .357 caliber revolver with .38 caliber ammunition; a .40 caliber handgun; or a .45 ACP handgun.³⁶ Security officer licensees who also have a class “G” license may only carry their firearm in a concealed manner if they are performing limited, special assignment duties, or are performing bodyguard services.³⁷

Section 17 amends s. 493.6113, F.S., to require statewide firearm licensees, Class “G” licensees,³⁸ to perform and successfully complete training for *each type and caliber* of firearm that they will carry in the course of their duties.

Section 18 updates an out-of-date cross-reference in s. 493.6115, F.S., to clarify under what circumstances security officer licensees who also have a class “G” license may carry their authorized firearm in a concealed manner.

Recovery agents and interns (also known as class “E” or “EE” licensees, or repossession service agents) are required to meet the basic licensure requirements in ch. 493, F.S., in addition to completing a minimum of 40 hours of professional training at an accredited recovery agent school.³⁹

Section 26 requires recovery agent and recovery agent intern licensees to *successfully complete* professional training, and submit proof thereof to the Department. This section also deletes an outdated reference in s. 493.6403, F.S.

³² Florida Department of Agriculture and Consumer Services *SB 498 Agency Analysis*, p. 7 (Feb. 8, 2017) (On file with the Senate Committee on Commerce and Tourism).

³³ A Class “G” licensee permits Class “C,” “CC,” “D,” “M,” “MA,” or “MB” licensees to bear a firearm in the course of their licensed duties. Section 493.6115(2), F.S.

³⁴ The DACS may waive the annual firearms recertification training for certain applicants, such as state and federal law enforcement officers and correctional officers. Section 493.6113(3)(b)1.-3., F.S.

³⁵ The initial training criteria for Class “G” licensees are found in s. 493.6105(5), F.S.

³⁶ Section 493.6115(6), F.S.

³⁷ Section 493.6305, F.S.

³⁸ Class “G” licenses are supplemental licenses that require as a prerequisite that the applicant is currently licensed with the Department as either a Class “C,” “CC,” “D,” “M,” “MA,” or “MB” licensee. *See* s. 493.6115, F.S.

³⁹ Section 493.6403(2), F.S.

Concealed Weapon or Firearm Licenses

Section 40 amends the qualifications for concealed weapon or firearm licensure under ch. 790, F.S., to allow the Department to grant a concealed weapon license to applicants who have been committed for a mental health issue or abuse of a controlled substance; or adjudicated incapacitated, but have subsequently been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d., F.S., or similar law. This brings the Department’s practices into line with the FDLE’s regulations on the sale of guns.⁴⁰

This section also implements a five-dollar fee reduction for concealed weapon or firearm license and renewal fees.⁴¹

Technical Changes

Section 24 makes technical changes to s. 493.6304(1), F.S.

Sections 14, 20, 22, and 25 delete erroneous references to “biennial” license fees. License renewals occur on either biennial or triennial cycles, depending on the type of license.⁴² These amendments clarify inconsistent language throughout the chapter and related rules.

Division of Consumer Services

The Division of Consumer Services within the DACS regulates specific business activities, including commercial weight loss practices, telephone solicitations, pawnshops, health studios, sellers of travel, and telemarketing. The Division of Consumer Services also functions as a clearinghouse for consumer complaints.

Board of Professional Surveyors and Mappers

The Board of Professional Surveyors and Mappers (board) is constituted under the Department with the purpose of regulating professional surveyors and mappers and businesses that offer surveying and mapping services.⁴³ The Board’s regulatory duties include:⁴⁴

- Adopting rules detailing the review and approval of courses of study in surveying and mapping;
- Determining the moral character of applicants for licensure;
- Instituting by rule the criteria and course content for continuing education courses;
- Approving and discipline providers of continuing education;
- Holding probable cause panel hearings to determine whether to move forward with disciplinary proceedings against a licensee; and
- Issuing final orders in disciplinary cases.

⁴⁰ See, s. 790.065, F.S.

⁴¹ A concealed weapon or firearm license fee is currently \$60; a renewal fee is \$50. Section 790.06(5)(b), F.S.

⁴² See s. 493.6113, F.S.

⁴³ Florida Department of Agriculture and Consumer Services, Board of Professional Surveyors and Mappers, *Frequently Asked Questions* (Jun. 2011), <http://www.freshfromflorida.com/content/download/21271/398679/boardFAQ.pdf> (last visited Mar. 7, 2017).

⁴⁴ See, ch. 472, F.S.

The practice of surveying and mapping, generally, is the determination of the facts of size, shape, topography, tidal datum planes, legal or geodetic location or relation, and orientation of improved or unimproved real property through the direct measurement or from certifiable measurement through photogrammetric procedures.⁴⁵

Surveyors and mappers must meet the following qualifications to be licensed by the Department:⁴⁶

- Be of good moral character;
- Pass a licensure examination; and
- Meet specific education and experience requirements.

Section 2 exempts subcontractors of registered surveyors and mappers or their businesses from registration under ch. 472, F.S. The subcontractor must be subordinate to, and under the direct control and personal supervision of, a registered surveyor and mapper in order to qualify for this exemption.

Section 3 amends definitions in s. 472.005, F.S., to clarify that the practice of surveying and mapping includes the determination of the volume of bodies of water, and of the orientation of personal property that is attached to any improved or unimproved real property.

Section 4 broadens the prerequisite course of education for surveyor and mapper licensees to include a bachelor's degree in surveying and mapping *or any similarly titled program*. This section also permits applicants for licensure as a surveyor and mapper intern to qualify by completing 2 years of college education in surveying, mapping, mathematics, photogrammetry, forestry, civil engineering, or land law and the physical sciences, in addition to accruing at least 2 years in work as a subordinate to a registered surveyor and mapper.

Section 5 deletes out-of-date language and removes the requirement that a surveyor and mapper prominently post a sign giving notice that she or he does not carry professional liability insurance. The surveyor and mapper is still required to give notice of their lack of insurance to their consumers by a written statement.⁴⁷

Section 6 grants the Board the power to establish the criteria for continuing education (CE) providers, and other CE requirements, including the method of CE delivery and the carry over for each license renewal. This also requires the DACS to establish a system for the administration of those CE requirements that are adopted by the Board.

Section 7 requires registered surveyors and mappers to receive and use a seal that is approved by the Board, but deletes the requirement that the seal be an impression-type metal seal.

Section 8 specifically grants the Department authority to investigate the unlicensed practice of surveying and mapping.

⁴⁵ Section 472.005(3), F.S.

⁴⁶ Sections 472.013 and 472.015, F.S.

⁴⁷ Section 472.015(12), F.S.

Section 9 grants the Board authority to administratively penalize individuals found to be engaged in the unlicensed practice of surveying and mapping.

Surveyors and mappers are required to submit to the DACS a copy of each elevation certificate that she or he completes.⁴⁸ **Section 10** clarifies that a surveyor and mapper may submit a copy of an elevation certificate to the DACS, and said copy need not be signed and sealed. However, the surveyor and mapper must maintain the original signed and sealed copy in their own records.

Do Not Call List

The Department administers the Florida Do Not Call Program, which prohibits unsolicited phone calls to consumers by telephone solicitors. A consumer must request to be placed on the Department's directory of those who do not wish to be contacted, and such request lasts for five years.⁴⁹ The consumer can re-subscribe every five years. Under s. 501.059(5), F.S., a telephone solicitor is also prohibited from calling a consumer who has previously communicated to the solicitor that he or she does not wish to receive a telephone call that is:

- Made by or on behalf of the seller whose goods or services are offered; or
- Made on behalf of a charity for which a charitable contribution is solicited.

Section 28 deletes the five-year subscription duration from the Do Not Call Program, thereby making each a lifetime subscription. Subscribers may request to be removed from the program at any time, however.

Health Studios

The Health Studio Act, ss. 501.012-501.019, F.S., regulates health studios that enter into contracts for health studio services with consumers. The act requires studios to:

- Register with the DACS;
- Include specific provisions in every contract with a consumer, such as the consumer's total payment obligations, and cancellation provisions;
- Provide a security bond, generally ranging from \$10,000 to \$25,000, depending on the value of outstanding contracts with the studio; and
- Refrain from prohibited practices, such as committing an intentional fraud.

The following health studios or health-related businesses are exempt from registration with the DACS:⁵⁰

- Nonprofit organizations that have tax-exempt status with the Internal Revenue Service;
- Gymnastics schools that engage in instruction and training only;
- Golf, tennis, or racquetball clubs that do not offer physical exercise equipment;
- Country clubs that primarily provide social or recreational amenities to its members; and
- Personal trainers who do not have an established place of business and who do not accept payment for their services more than 30 days in advance.

⁴⁸ Section 472.0366(2), F.S.

⁴⁹ Section 501.059(3)-(4), F.S.

⁵⁰ Sections 501.0125-.013, F.S.

The DACS can seek an injunction or civil penalties for any violation of the act, and violations are generally misdemeanors. The DACS may also institute administrative prosecution of a health studio in violation of s. 501.015 or s. 501.016, F.S.

Section 27 of the bill exempts from registration as a health studio with the DACS any program or facility offered by an organization for the exclusive use of its employees and their family members.

Intrastate Household Movers

Chapter 507, F.S., governs the loading, transportation, shipment, unloading, and affiliated storage of household goods as part of intrastate household moves. The chapter applies to any mover engaged in intrastate transportation or shipment of household goods that originate and terminate in the state.⁵¹

Section 507.04, F.S., requires movers to maintain liability and motor vehicle insurance. A mover who operates more than two vehicles is required to maintain liability insurance of at least \$10,000 per shipment, and not less than 60 cents per pound, per article.⁵² Movers who operate fewer than two vehicles are required only to carry either a performance bond or a \$25,000 certificate of deposit in lieu of liability insurance.⁵³ A mover who fails to maintain the required liability insurance is subject to:

- Immediate suspension of the license by the Department;
- Immediate injunction prohibiting the mover from operating in the state; and
- Civil liability for any injuries that arise.⁵⁴

However, the Department has no such penalties available to it in the case of a mover who fails to maintain motor vehicle insurance. The Department must wait until the mover files for renewal of his or her license with the Department to be able to take any action.⁵⁵ The Department cites this variation of penalties as a burden to their procedures and a possible danger to consumers, who may develop an incorrect impression that a mover who lacks motor vehicle insurance is in good standing with the Department.⁵⁶

Section 29 grants the Department the same penalty guidelines for a mover's failure to maintain both liability and motor vehicle insurance. This will make the Department's procedures more consistent.

Bureau of Standards

The Bureau of Standards within the DACS is generally responsible for the inspection of weights and measures devices or instruments in Florida. This includes, but is not limited to, the prescription of the appropriate unit of weight or measurement to be used, testing of weights and

⁵¹ Section 507.02, F.S.

⁵² Section 507.04(4), F.S.

⁵³ Section 507.04(1)(b), F.S.

⁵⁴ Section 507.04(1), F.S.

⁵⁵ Section 507.04(2)-(3), F.S.

⁵⁶ Florida Department of Agriculture and Consumer Services, *SB 498 Agency Analysis*, p. 9 (Feb. 8, 2017) (On file with the Senate Committee on Commerce and Tourism).

measuring instruments used by any city or county, and inspection of retail scales that are used to determine the weight, measurement or total count of commodities offered for sale, such as fruit and vegetables at a grocery store. For the purpose of consumer protection, the Bureau of Standards is also empowered under s. 531.42, F.S., to enforce the proper use of weights and measuring instruments or devices and the advertisement of the correct weight or measurement on a good for sale.

A taximeter is a device that automatically calculates and indicates the charge for the hire of a vehicle.⁵⁷

Sections 30, 31, and 32 delete the Department’s authority to regulate taximeters, and remove related language.

Division of Animal Industry

The Division of Animal Industry safeguards animal and public health, and maintains market access for Florida’s animals and animal products by surveilling the movement of animals into and throughout the state, and monitoring any animal disease that may arise.⁵⁸ One estimate concludes that approximately 1.5 million cattle are currently raised in Florida.⁵⁹ These cattle must have official identification unless the cattle are:

- Moving directly to slaughter or through one approved livestock market and then directly to slaughter;
- Moving to an approved tagging site; or
- Being moved from one premises to another while remaining under common ownership as part of normal farm operations.⁶⁰

Federal law provides identification requirements for cattle that is transported across interstate lines.⁶¹

Section 33 replaces the requirement that an application for livestock mark or brand registration be accompanied by a “facsimile” of the brand or mark, with a requirement that the application include a “detailed drawing” of the brand or mark.

Section 34 extends the term of a livestock mark or brand registration from five to ten years, and deletes the five-dollar registration renewal fee.

⁵⁷ U.S. Department of Commerce, National Institute of Standards and Technology, *Handbook 44, Section 5.54 Taximeters* (2012), <https://www.nist.gov/sites/default/files/documents/pml/wmd/pubs/2011/10/26/5-54-12-hb44-final.pdf> (last visited Mar. 7, 2017).

⁵⁸ Florida Department of Agriculture and Consumer Services, *Division of Animal Industry*, <http://www.freshfromflorida.com/Divisions-Offices/Animal-Industry> (last visited Mar. 7, 2017).

⁵⁹ *Id.*

⁶⁰ Florida Department of Agriculture and Consumer Services, *Summary of Cattle Traceability Requirements* (Aug. 21, 2014), <http://www.freshfromflorida.com/content/download/38829/857923/SummaryRequirements.pdf> (last visited Mar. 7, 2017).

See also, Rule 5C-31, Fla. Admin. Code.

⁶¹ *Id.* *See also*, Ch. 9, C.F.R., pt. 86.

Section 35 deletes s. 534.061, F.S., which requires a person who purchases cattle to re-mark or rebrand the cattle within 10 days. The Department states that the Division of Animal Industry does not currently regulate such transfers.⁶²

Division of Fruit and Vegetables

The Division of Fruit and Vegetables (Division) inspects and certifies all state and federal marketing orders—the program that collectivizes agriculture producers for the purpose of marketing and selling their products.⁶³ As part of the marketing order program, the Department enters into contracts to promote the agriculture producers' products; these contracts are not subject to the competitive bidding process under s. 287.057, F.S. However, in each instance that the Division enters into a contract without competitive bidding, the director of the Division must file a report to justify the contract process with the Department's internal auditor.⁶⁴

The Division of Marketing and Development supervised the marketing order process, until a recent reorganization of the Division's duties.⁶⁵

Section 36 amends s. 573.118, F.S., to require the director of the Division of Fruit and Vegetables, rather than the Division of Marketing and Development, to file each report justifying a contract or agreement entered into without competitive bidding in the marketing order process. This reflects the Division reorganization.

Florida Forest Service

The Florida Forest Service (FFS) is dedicated to management of state forests and Florida's forest resources.⁶⁶ The FFS constructs structures on forest land to support its duties thereon, including wildfire, educational, camping and recreational, and law enforcement facilities. Currently, s. 590.02, F.S., grants the FFS exclusive authority to enforce the Florida Building Code relating to the wildfire and law enforcement structures the FFS builds.

Section 37 expands the grant of authority under s. 590.02, F.S., to the Department to enforce the Florida Building Code as it relates to all FFS facilities, in addition to the FFS' law enforcement and wildfire facilities.

⁶² Florida Department of Agriculture and Consumer Services, *SB 498 Agency Analysis* (Feb. 8, 2017) (On file with the Senate Committee on Commerce and Tourism).

⁶³ Florida Department of Agriculture and Consumer Services, *Division of Fruits and Vegetables*, <http://www.freshfromflorida.com/Divisions-Offices/Fruit-and-Vegetables> (last visited Mar. 7, 2017).

⁶⁴ Section 573.118, F.S.

⁶⁵ Florida Department of Agriculture and Consumer Services, *SB 498 Agency Analysis* (Feb. 8, 2017) (on file with the Senate Committee on Commerce and Tourism).

⁶⁶ Florida Department of Agriculture and Consumer Services, *Florida Forest Service*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service> (last visited Mar. 7, 2017). *See also*, s. 590.01, F.S.

Division of Aquaculture

Pursuant to ch. 597, F.S., the Division of Aquaculture coordinates and assists with the development of aquaculture in Florida, and regulates aquafarms to protect and conserve Florida's aquatic organisms.⁶⁷

The Department issues certificates of registration under s. 597.004, F.S., to aquaculture producers who must agree to submit to the Department's best management practices.⁶⁸ These certificates permit the aquaculture producer to sell all aquaculture products except those otherwise prohibited by law, and those for which the origin of the product is unknown.⁶⁹

Section 38 clarifies that dealers licensed pursuant to part VII of ch. 379, F.S., ("Nonrecreational Licenses") including downline sellers of aquaculture products, such as wholesale and retail saltwater products dealers and freshwater fish dealers (excepting the initial aquaculture producer sellers), are not required to be certified aquaculture producers under s. 597.004, F.S. According to the Department, this clarification is being made at the request of the Florida Fish and Wildlife Commission.⁷⁰

Office of Agricultural Law Enforcement

The Division of Agricultural Law Enforcement (AgLaw) is the law enforcement arm of the Department. As part of its duties, AgLaw operates 23 agricultural inspection stations; investigates crimes involving agriculture and unfair and deceptive trade practices; and partners with federal, state, and local law enforcement agencies to coordinate the Domestic Marijuana Eradication Task Force.⁷¹

A dealer in agricultural products (dealer) is any person, partnership, corporation, or other business entity that is engaged in the purchase, receipt, or solicitation of agricultural products from the initial producer, for the purpose of resale or processing for sale.⁷² The AgLaw regulates dealers in order to protect sellers of agricultural products (farmers). The Legislature created this duty because the recovery of agricultural products from a dealer who is ultimately unable to pay the producer for his or her products is impractical because of the quick decay or consumption of agricultural products.⁷³

Section 640.16, F.S. exempts certain dealers from registration as a dealer, if the dealer:

- Pays for the products in cash at the time of the purchase;
- Is a bonded licensee under the federal Packers and Stockyards Act; or
- Purchases less than \$1,000 of agricultural products during a one-month period.

⁶⁷ Florida Department of Agriculture and Consumer Services, *Division of Aquaculture*, <http://www.freshfromflorida.com/Divisions-Offices/Aquaculture> (last visited Mar. 7, 2017).

⁶⁸ Section 597.004, F.S.

⁶⁹ Section 597.004(5), F.S.

⁷⁰ Florida Department of Agriculture and Consumer Services, *SB 498 Agency Analysis*, p. 10 (Feb. 8, 2017) (on file with the Senate Committee on Commerce and Tourism).

⁷¹ Florida Department of Agriculture and Consumer Services, Office of Agricultural Law Enforcement, <http://www.freshfromflorida.com/Divisions-Offices/Agricultural-Law-Enforcement> (last visited Mar. 7, 2017).

⁷² Section 604.15(2), F.S.

⁷³ See, s. 604.151, F.S.

Section 39 amends s. 640.16, F.S., to provide an additional exemption from registration for those dealers who pay for the products with a credit card at the time of the agricultural purchase.

Section 41 provides an effective date of July 1, 2017.

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:

Private investigator class “M” licensees under ch. 493, F.S., may be able to take on additional employment to supplement their income since they may act as a manager at multiple private investigative agencies or branches.

Those who register a livestock brand or mark will see a reduction in associated fees. Agricultural Dealers who pay for their purchases with a credit card are no longer required to pay a registration fee to the Department.

Concealed weapon licensees will see a five-dollar reduction in licensure and renewal fees.

Those who operate taximeters will no longer incur registration fees and related regulations under the Department.

C. Government Sector Impact:

CS/SB 498 has a slightly negative impact on state revenues. The elimination of certain fees relating to licensure requirements under chs. 534 and 604, F.S., is estimated to

reduce the Department's revenues in the total amount of \$318,939 beginning in Fiscal Year 2017-2018.⁷⁴

The Department expects a decrease in expenditures of \$252,363 beginning in Fiscal Year 2017-2018. This reduction is the result of the elimination of four Departmental positions related to the licensure of agriculture products dealers, and of reduced background check expenditures for ch. 493, F.S., agency manager licensees, who are no longer required to file multiple applications for licensure to be able to manage multiple branches or agencies.⁷⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 288.1175, 472.003, 472.005, 472.013, 472.015, 472.018, 472.025, 472.033, 472.0351, 472.0366, 487.2041, 493.6101, 493.6105, 493.6107, 493.6108, 493.6112, 493.6113, 493.6115, 493.6118, 493.6202, 493.6203, 493.6302, 493.6303, 493.6304, 493.6402, 493.6403, 501.013, 501.059, 507.04, 531.37, 531.61, 531.63, 534.021, 534.041, 573.118, 590.02, 597.004, 604.16, and 790.06. This bill repeals section 534.061, F.S.

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 Commerce and Tourism on March 6, 2017:

- Makes substantial changes to regulations and qualifications of surveyors and mappers on ch. 472, F.S;
- Permits the use of FDLE's MECOM database for only class "G" and "K" applicants and licensees;
- Provides for the temporary suspension of class "G" or "K" licensees who are arrested for or charged with a firearms-related crime, and for ch. 493, F.S. licensees who are arrested for or charged with a forcible felony;
- Exempts company gyms that are used only by employees and their families from registration as a health studio with the DACS;
- Deletes the regulation of taximeters from the DACS' duties, and clarifies that digital networks are not regulated by the DACS;

⁷⁴ Florida Department of Agriculture and Consumer Services, *SB 498 Agency Analysis* (Feb. 8, 2017) (on file with the Senate Committee on Commerce and Tourism).

⁷⁵ *Id.*

- Allows the DACS to provide a concealed weapon or firearm license to applicants who have had their firearms disabilities restored pursuant to s. 790.065(2)(a)4.d., F.S.; and
- Reduces the concealed weapon or firearm license and renewal fees by five-dollars.

B. Amendments:

None.

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



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2017	.	
	.	
	.	
	.	

The Committee on Commerce and Tourism (Young) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) of section 288.1175, Florida
Statutes, is amended to read:

288.1175 Agriculture education and promotion facility.—

(8) Applications must be postmarked or electronically
submitted by October 1 of each year. The Department of
Agriculture and Consumer Services may not recommend funding for



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11 less than the requested amount to any applicant certified as an
12 agriculture education and promotion facility; however, funding
13 of certified applicants shall be subject to the amount provided
14 by the Legislature in the General Appropriations Act for this
15 program.

16 Section 2. Paragraph (d) is added to subsection (5) of
17 section 472.003, Florida Statutes, to read:

18 472.003 Persons not affected by ss. 472.001-472.037.-
19 Sections 472.001-472.037 do not apply to:

20 (5)

21 (d) Persons who are under contract with an individual
22 registered or legal entity certified under this chapter and who
23 are under the supervision of and subordinate to a person in
24 responsible charge registered under this chapter, to the extent
25 that such supervision meets standards adopted by rule by the
26 board, if any.

27 Section 3. Subsections (4) and (10) of section 472.005,
28 Florida Statutes, are amended to read:

29 472.005 Definitions.-As used in ss. 472.001-472.037:

30 (4) (a) "Practice of surveying and mapping" means, among
31 other things, any professional service or work, the adequate
32 performance of which involves the application of special
33 knowledge of the principles of mathematics, the related physical
34 and applied sciences, and the relevant requirements of law for
35 adequate evidence of the act of measuring, locating,
36 establishing, or reestablishing lines, angles, elevations,
37 natural and manmade features in the air, on the surface and
38 immediate subsurface of the earth, within underground workings,
39 and on the beds or surface of bodies of water, for the purpose



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40 of determining, establishing, describing, displaying, or
41 interpreting the facts of size, volume, shape, topography, tidal
42 datum planes, and legal or geodetic location or relocation, ~~and~~
43 ~~orientation of improved or unimproved real property and~~
44 ~~appurtenances thereto, including acreage and condominiums.~~

45 (b) The practice of surveying and mapping also includes,
46 but is not limited to, photogrammetric control; orientation of
47 improved or unimproved real property and appurtenances and
48 personal property attached thereto, including acreage and
49 condominiums; the monumentation and remonumentation of property
50 boundaries and subdivisions; the measurement of and preparation
51 of plans showing existing improvements after construction; the
52 layout of proposed improvements; the preparation of descriptions
53 for use in legal instruments of conveyance of real property and
54 property rights; the preparation of subdivision planning maps
55 and record plats, as provided for in chapter 177; the
56 determination of, but not the design of, grades and elevations
57 of roads and land in connection with subdivisions or divisions
58 of land; and the creation and perpetuation of alignments related
59 to maps, record plats, field note records, reports, property
60 descriptions, and plans and drawings that represent them.

61 (10) "Subordinate" means a person ~~an employee~~ who performs
62 work under the direction, supervision, and responsible charge of
63 a person who is registered under this chapter.

64 Section 4. Subsections (2) and (3) of section 472.013,
65 Florida Statutes, are amended to read:

66 472.013 Examinations, prerequisites.—

67 (2) An applicant shall be entitled to take the licensure
68 examination to practice in this state as a surveyor and mapper



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69 if the applicant is of good moral character and has satisfied
70 one of the following requirements:

71 (a) The applicant has received a bachelor's degree, its
72 equivalent, or higher in surveying and mapping or a similarly
73 titled program, including, but not limited to, geomatics,
74 geomatics engineering, and land surveying, ~~of 4 years or more in~~
75 a ~~surveying and mapping degree program~~ from a college or
76 university recognized by the board and has a specific experience
77 record of 4 or more years as a subordinate to a professional
78 surveyor and mapper in the active practice of surveying and
79 mapping, which experience is of a nature indicating that the
80 applicant was in responsible charge of the accuracy and
81 correctness of the surveying and mapping work performed. ~~The~~
82 ~~completed surveying and mapping degree of 4 years or more in a~~
83 ~~surveying and mapping degree program must have included not~~
84 ~~fewer than 32 semester hours of study, or its academic~~
85 ~~equivalent, in the science of surveying and mapping or in board-~~
86 ~~approved surveying and mapping-related courses.~~ Work experience
87 acquired as a part of the education requirement may ~~shall~~ not be
88 construed as experience in responsible charge.

89 (b) The applicant has received a bachelor's degree, its
90 equivalent, or higher in a ~~is a graduate of a 4-year~~ course of
91 study, other than in surveying and mapping, at an accredited
92 college or university recognized by the board, and has a
93 specific experience record of 6 or more years as a subordinate
94 to a registered surveyor and mapper in the active practice of
95 surveying and mapping, 5 years of which shall be of a nature
96 indicating that the applicant was in responsible charge of the
97 accuracy and correctness of the surveying and mapping work



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98 performed. ~~The course of study in disciplines other than~~
99 ~~surveying and mapping must have included not fewer than 32~~
100 ~~semester hours of study or its academic equivalent.~~ The
101 applicant must have completed a minimum of 25 semester hours
102 from a college or university approved by the board in surveying
103 and mapping subjects or in any combination of courses in civil
104 engineering, surveying, mapping, mathematics, photogrammetry,
105 forestry, or land law and the physical sciences. Any of the
106 required 25 semester hours of study completed not as a part of
107 the bachelor's degree, its equivalent, or higher may 4-year
108 ~~course of study shall~~ be approved at the discretion of the
109 board. Work experience acquired as a part of the education
110 requirement may shall not be construed as experience in
111 responsible charge.

112 (3) A person shall be entitled to take an examination for
113 the purpose of determining whether he or she is qualified ~~to~~
114 ~~practice in this state~~ as a surveyor and mapper intern if:

115 (a) The person is in good standing in his or her final year
116 of, or is a graduate of, a 4-year degree program of a college or
117 university and has obtained a minimum of 25 semester hours in
118 surveying, mapping, mathematics, photogrammetry, forestry, civil
119 engineering, or land law and the physical sciences, or any
120 combination thereof. Any of the required 25 semester hours of
121 study completed not as a part of the 4-year course of study may
122 be approved at the discretion of the board. If the person is in
123 his or her final academic year, a letter of good standing will
124 be required from the advisor; or

125 (b) The person has completed 2 years of study in a college
126 or university and has obtained a minimum of 15 semester hours in



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127 surveying, mapping, mathematics, photogrammetry, forestry, civil
128 engineering, or land law and the physical sciences, or any
129 combination thereof, and has a specific surveying and mapping
130 experience record of 2 or more years as a subordinate to a
131 registered surveyor and mapper. Any of the required 15 semester
132 hours of study completed not as a part of the 2-year course of
133 study may be approved at the discretion of the board.

134
135 This subsection may not be construed as a substitute for the
136 degree requirement to take the exams for licensure as outlined
137 in subsection (2) the person is in the final year, or is a
138 graduate, of an approved surveying and mapping curriculum in a
139 school that has been approved by the board.

140 Section 5. Paragraph (a) of subsection (5) and subsection
141 (12) of section 472.015, Florida Statutes, are amended to read:
142 472.015 Licensure.—

143 (5) (a) The board shall certify as qualified for a license
144 by endorsement an applicant who, at the time of application:

145 1. Holds a valid license to practice surveying and mapping
146 issued before ~~prior to~~ July 1, 1999, by another state or
147 territory of the United States; has passed a national, regional,
148 state, or territorial licensing examination that is
149 substantially equivalent to the examination required by s.
150 472.013; and has a specific experience record of at least 8
151 years as a subordinate to a registered surveyor and mapper in
152 the active practice of surveying and mapping, 6 years of which
153 must be of a nature indicating that the applicant was in
154 responsible charge of the accuracy and correctness of the
155 surveying and mapping work performed; or



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156 2. Holds a valid license to practice surveying and mapping
157 issued by another state or territory of the United States if the
158 criteria for issuance of the license were substantially the same
159 as the licensure criteria that existed in Florida at the time
160 the license was issued.~~;~~ ~~or~~

161 ~~3. Is a practicing photogrammetrist who holds the Certified~~
162 ~~Photogrammetrist designation of the American Society for~~
163 ~~Photogrammetry and Remote Sensing and held such designation on~~
164 ~~or before July 1, 2005; is a graduate of a 4-year course of~~
165 ~~study at an accredited college or university; and has a specific~~
166 ~~experience record of 6 or more years as a subordinate to a~~
167 ~~Certified Photogrammetrist of the American Society for~~
168 ~~Photogrammetry and Remote Sensing in the active practice of~~
169 ~~surveying and mapping, 5 years of which shall be of a nature~~
170 ~~indicating that the applicant was in responsible charge of the~~
171 ~~accuracy and correctness of the surveying and mapping work~~
172 ~~performed. The course of study must have included not fewer than~~
173 ~~32 semester hours of study or its academic equivalent. The~~
174 ~~applicant must have completed a minimum of 25 semester hours~~
175 ~~from a college or university approved by the board in surveying~~
176 ~~and mapping subjects or in any combination of courses in civil~~
177 ~~engineering, surveying, mapping, mathematics, photogrammetry,~~
178 ~~forestry, or land law and the physical sciences. Any of the~~
179 ~~required 25 semester hours of study completed not as a part of~~
180 ~~the 4-year course of study shall be approved at the discretion~~
181 ~~of the board. Work experience acquired as a part of the~~
182 ~~education requirement shall not be construed as experience in~~
183 ~~responsible charge. The applicant must have applied to the~~
184 ~~department for licensure on or before July 1, 2007.~~



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185 (12) A licensee or business entity that meets the
186 requirements of this section or s. 472.021 must carry
187 professional liability insurance or provide notice to any person
188 or entity to which surveying and mapping services are offered
189 that the licensee or business entity does not carry professional
190 liability insurance. The notice must consist of ~~a sign~~
191 ~~prominently displayed in the reception area and~~ written
192 statements provided in a form and frequency as required by rule
193 of the Board of Professional Surveyors and Mappers.

194 Section 6. Section 472.018, Florida Statutes, is amended to
195 read:

196 472.018 Continuing education.—The department may not renew
197 a license until the licensee submits proof satisfactory to the
198 board that the licensee has met the continuing education
199 requirements for renewal as established by the board and ~~during~~
200 ~~the 2 years before her or his application for renewal the~~
201 ~~licensee has completed at least 24 hours of continuing education~~
202 before license renewal.

203 (1) The board shall adopt rules to establish the criteria
204 ~~and course content~~ for continuing education providers ~~courses~~.
205 The rules may provide that up to a maximum of 25 percent of the
206 required continuing education hours may be fulfilled by the
207 performance of pro bono services to the indigent or to
208 underserved populations or in areas of critical need within the
209 state where the licensee practices. The board must require that
210 any pro bono services be approved in advance in order to receive
211 credit for continuing education under this section. The board
212 shall use the standard recognized by the Federal Poverty Income
213 Guidelines produced by the United States Department of Health



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214 and Human Services in determining indigency. The board may adopt
215 rules that may provide that a part of the continuing education
216 hours may be fulfilled by performing research in critical need
217 areas or for training leading to advanced professional
218 certification. The board may adopt rules to define underserved
219 and critical need areas. The department shall adopt rules for
220 the administration of continuing education requirements adopted
221 by the board.

222 (2) The board may provide by rule the method of delivery
223 and criteria that ~~distance learning~~ may be used to satisfy
224 continuing education requirements. The board may provide by rule
225 provisions for continuing education hours carryover for each
226 license renewal cycle.

227 (3) The board may prorate the required continuing education
228 hours in the following circumstances:

229 (a) For new licensees:

230 1. By requiring half of the required continuing education
231 hours for any applicant who becomes licensed with more than half
232 the renewal period remaining and no continuing education for any
233 applicant who becomes licensed with half or less than half of
234 the renewal period remaining; or

235 2. Requiring no continuing education hours until the first
236 full renewal cycle of the licensee.

237 (b) When the number of hours required is increased by law
238 or the board.

239 (4) Upon the request of a licensee, the provider must also
240 furnish to the department information regarding courses
241 completed by the licensee, in an electronic format required by
242 rule of the department.



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243 (5) Each continuing education provider shall retain all
244 records relating to a licensee's completion of continuing
245 education courses for at least 4 years after completion of a
246 course.

247 (6) A continuing education provider may not be approved,
248 and the approval may not be renewed, unless the provider agrees
249 in writing to provide such cooperation under this section as
250 required by the department.

251 (7) For the purpose of determining which persons or
252 entities must meet the reporting, recordkeeping, and access
253 provisions of this section, the board by rule shall adopt a
254 definition of the term "continuing education provider"
255 applicable to the profession's continuing education
256 requirements. The intent of the rule is to ensure that all
257 records and information necessary to carry out the requirements
258 of this section are maintained and transmitted accordingly and
259 to minimize disputes as to what person or entity is responsible
260 for maintaining and reporting such records and information.

261 (8) The board shall approve the providers of continuing
262 education. The approval of continuing education providers ~~and~~
263 ~~courses~~ must be for a specified period of time, not to exceed 4
264 years. An approval that does not include such a time limitation
265 may remain in effect under this chapter or the rules adopted
266 under this chapter.

267 (9) The department may fine, suspend, or revoke approval of
268 any continuing education provider that fails to comply with its
269 duties under this section. The fine may not exceed \$500 per
270 violation. Investigations and prosecutions of a provider's
271 failure to comply with its duties under this section shall be



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272 conducted pursuant to s. 472.033.

273 (10) The board shall issue an order requiring a person or
274 entity to cease and desist from offering any continuing
275 education programs for licensees, and fining, suspending, or
276 revoking any approval of the provider previously granted by the
277 board if the board determines that the person or entity failed
278 to provide appropriate continuing education services that
279 conform to board rules ~~approved course material~~. The fine may
280 not exceed \$500 per violation. Investigations and prosecutions
281 of a provider's failure to comply with its duties under this
282 section shall be conducted under s. 472.033.

283 (11) The board may establish, by rule, a fee not to exceed
284 \$250 for anyone seeking approval to provide continuing education
285 courses and may establish, by rule, a biennial fee not to exceed
286 \$250 for the renewal of providership of such courses. Such
287 postlicensure education courses are subject to the reporting,
288 monitoring, and compliance provisions of this section.

289 (12) The department shall establish a system for the
290 administration of continuing education requirements adopted by
291 the board. The department and the board may adopt rules under
292 ss. 120.536(1) and 120.54 to administer this section.

293 (13) Each continuing education provider shall provide to
294 the department, in an electronic format determined by the
295 department, information regarding the continuing education
296 status of licensees which the department determines is necessary
297 to carry out its duties under this chapter. After a licensee
298 completes a course, the information must be submitted
299 electronically by the continuing education provider to the
300 department within 30 calendar days after completion. However,



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301 beginning on the 30th day before the renewal deadline or before
302 the renewal date, whichever occurs sooner, the continuing
303 education provider shall electronically report such information
304 to the department within 10 business days after completion.

305 (14) The department shall establish a system to monitor
306 licensee compliance with continuing education requirements and
307 to determine the continuing education status of each licensee.
308 As used in this subsection, the term "monitor" means the act of
309 determining, for each licensee, whether the licensee is in full
310 compliance with applicable continuing education requirements as
311 of the date of the licensee's application for license renewal.

312 (15) The department may refuse to renew a license until the
313 licensee has satisfied all applicable continuing education
314 requirements. This subsection does not preclude the department
315 or board from imposing additional penalties pursuant to this
316 chapter or rules adopted pursuant this chapter.

317 Section 7. Subsection (1) of section 472.025, Florida
318 Statutes, is amended to read:

319 472.025 Seals.—

320 (1) The board shall adopt, by rule, a form of seal to be
321 used by all registrants holding valid certificates of
322 registration, whether the registrants are corporations,
323 partnerships, or individuals. Each registrant shall obtain a ~~an~~
324 ~~impression-type metal~~ seal in that form; and all final drawings,
325 plans, specifications, plats, or reports prepared or issued by
326 the registrant in accordance with the standards of practice
327 established by the board shall be signed by the registrant,
328 dated, and stamped with his or her seal. This signature, date,
329 and seal shall be evidence of the authenticity of that to which



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330 they are affixed. Each registrant may in addition register his
331 or her seal electronically in accordance with ss. 668.001-
332 668.006. Drawings, plans, specifications, reports, or documents
333 prepared or issued by a registrant may be transmitted
334 electronically and may be signed by the registrant, dated, and
335 stamped electronically with such seal in accordance with ss.
336 668.001-668.006.

337 Section 8. Paragraph (a) of subsection (1) of section
338 472.033, Florida Statutes, is amended to read:

339 472.033 Disciplinary proceedings.—Disciplinary proceedings
340 for the board shall be within the jurisdiction of the
341 department.

342 (1) (a) The department shall investigate any complaint that
343 is filed before it if the complaint is in writing, signed by the
344 complainant, and legally sufficient. A complaint is legally
345 sufficient if it contains ultimate facts that show that a
346 violation of this chapter or of any rule adopted by the
347 department or the board has occurred. In order to determine
348 legal sufficiency, the department may require supporting
349 information or documentation. The department may investigate,
350 and the department or the board may take appropriate final
351 action on, a complaint even though the original complainant
352 withdraws it or otherwise indicates a desire not to cause the
353 complaint to be investigated or prosecuted to completion. The
354 department may investigate an anonymous complaint if the
355 complaint is in writing and is legally sufficient, if the
356 alleged violation of law or rules is substantial, and if the
357 department has reason to believe, after preliminary inquiry,
358 that the violations alleged in the complaint are true. The



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359 department may investigate a complaint made by a confidential
360 informant if the complaint is legally sufficient, if the alleged
361 violation of law or rule is substantial, and if the department
362 has reason to believe, after preliminary inquiry, that the
363 allegations of the complainant are true. The department may
364 initiate an investigation if it has reasonable cause to believe
365 that a licensee or a group of licensees has violated a Florida
366 statute, a rule of the department, or a rule of the board, or if
367 it has reasonable cause to believe that a person is engaged in
368 the unlicensed practice of surveying and mapping.

369 Section 9. Subsection (1) of section 472.0351, Florida
370 Statutes, is amended to read:

371 472.0351 Grounds for discipline; penalties; enforcement.—

372 (1) The following acts constitute grounds for which the
373 disciplinary actions specified in subsection (2) may be taken:

374 (a) Violation of any provision of s. 472.031 or the
375 unlicensed practice of surveying and mapping.†

376 (b) Attempting to procure a license to practice surveying
377 and mapping by bribery or fraudulent misrepresentations.†

378 (c) Having a license to practice surveying and mapping
379 revoked, suspended, or otherwise acted against, including the
380 denial of licensure, by the licensing authority of another
381 state, territory, or country, for a violation that constitutes a
382 violation under the laws of this state. The acceptance of a
383 relinquishment of licensure, stipulation, consent order, or
384 other settlement offered in response to or in anticipation of
385 the filing of charges against the license by a licensing
386 authority is an action against the license.†

387 (d) Being convicted or found guilty of, or entering a plea



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388 of guilty, no contest, or nolo contendere to, regardless of
389 adjudication, a crime in any jurisdiction which directly relates
390 to the practice of surveying and mapping or the ability to
391 practice surveying and mapping.†

392 (e) Making or filing a report or record that the licensee
393 knows to be false, willfully failing to file a report or record
394 required by state or federal law, willfully impeding or
395 obstructing such filing, or inducing another person to impede or
396 obstruct such filing. Such reports or records include only those
397 that are signed in the capacity of a registered surveyor and
398 mapper.†

399 (f) Advertising goods or services in a manner that is
400 fraudulent, false, deceptive, or misleading in form or content.†

401 (g) Upon proof that the licensee is guilty of fraud or
402 deceit, or of negligence, incompetency, or misconduct, in the
403 practice of surveying and mapping.†

404 (h) Failing to perform a statutory or legal obligation
405 placed upon a licensed surveyor and mapper; violating a
406 provision of this chapter, a rule of the board or department, or
407 a lawful order of the board or department; or failing to comply
408 with a lawfully issued subpoena of the department.†

409 (i) Practicing on a revoked, suspended, inactive, or
410 delinquent license.†

411 (j) Having been found liable in a civil proceeding for
412 knowingly filing a false report or complaint with the department
413 against another licensee.†

414 (k) Failing to report to the department any person who the
415 licensee knows is in violation of this chapter or the rules of
416 the department or the board.†



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417 (l) Aiding, assisting, procuring, employing, or advising
418 any unlicensed person or entity to practice surveying and
419 mapping contrary to this chapter or the rules of the department
420 or the board.~~†~~

421 (m) Making deceptive, untrue, or fraudulent representations
422 in or related to the practice of professional surveying or
423 mapping or employing a trick or scheme in or related to the
424 practice of professional surveying or mapping.~~†~~

425 (n) Exercising influence on the client for the purpose of
426 financial gain of the licensee or a third party.~~†~~

427 (o) Practicing or offering to practice beyond the scope
428 permitted by law or accepting and performing professional
429 responsibilities the licensee knows, or has reason to know, the
430 licensee is not competent to perform.~~†~~

431 (p) Delegating or contracting for the performance of
432 professional responsibilities by a person when the licensee
433 delegating or contracting for performance of such
434 responsibilities knows, or has reason to know, such person is
435 not qualified by training, experience, and authorization when
436 required to perform them.~~†~~~~or~~

437 (q) Improperly interfering with an investigation or
438 inspection authorized by statute, or with any disciplinary
439 proceeding.

440 Section 10. Subsection (2) of section 472.0366, Florida
441 Statutes, is amended to read:

442 472.0366 Elevation certificates; requirements for surveyors
443 and mappers.—

444 (2) Beginning January 1, 2017, a surveyor and mapper shall,
445 within 30 days after completion, submit to the division a copy



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446 of each elevation certificate that he or she completes. The copy
447 must be unaltered, except that the surveyor and mapper may
448 redact the name of the property owner. The copy need not be
449 signed and sealed when submitted to the division; however, an
450 original signed and sealed copy must be retained in the surveyor
451 and mapper's records as prescribed by rule of the board.

452 Section 11. Section 487.2041, Florida Statutes, is amended
453 to read:

454 487.2041 Enforcement of federal worker protection
455 regulations.—The department shall, to the extent that resources
456 are available, continue to operate under the United States
457 Environmental Protection Agency regulations regarding the
458 Labeling Requirement for Pesticides and Devices, 40 C.F.R. part
459 156, and the Worker Protection Standard, 40 C.F.R. part 170,
460 which the department shall adopt ~~adopted~~ by rule ~~during the~~
461 ~~1995-1996 fiscal year and published in the Florida~~
462 ~~Administrative Code~~. Any provision of this part not preempted by
463 federal law shall continue to apply.

464 Section 12. Subsection (13) of section 493.6101, Florida
465 Statutes, is amended to read:

466 493.6101 Definitions.—

467 (13) "Manager" means any licensee who directs the
468 activities of licensees at any agency or branch office. The
469 manager shall be assigned to and shall primarily operate from
470 the agency or branch office location for which he or she has
471 been designated as manager. The manager of a private
472 investigative agency may, however, manage multiple private
473 investigative agencies and branch offices.

474 Section 13. Paragraph (j) of subsection (3) and paragraph



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475 (a) of subsection (6) of section 493.6105, Florida Statutes, are
476 amended to read:

477 493.6105 Initial application for license.—

478 (3) The application must contain the following information
479 concerning the individual signing the application:

480 (j) A full set of fingerprints, a fingerprint processing
481 fee, and a fingerprint retention fee. The fingerprint processing
482 and retention fees shall be established by rule of the
483 department based upon costs determined by state and federal
484 agency charges and department processing costs, which must
485 include the cost of retaining the fingerprints in the statewide
486 automated biometric identification system established in s.
487 943.05(2)(b) and the cost of enrolling the fingerprints in the
488 national retained print arrest notification program as required
489 under s. 493.6108. An applicant who has, within the immediately
490 preceding 6 months, submitted such fingerprints and fees for
491 licensing purposes under this chapter and who still holds a
492 valid license is not required to submit another set of
493 fingerprints or another fingerprint processing fee. An applicant
494 who holds multiple licenses issued under this chapter is
495 required to pay only a single fingerprint retention fee.
496 Partners and corporate officers who do not possess licenses
497 subject to renewal under s. 493.6113 are exempt from the
498 fingerprint retention requirements of this chapter.

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

501 (a) Submit one of the following:

502 1. The Florida Criminal Justice Standards and Training
503 Commission Instructor Certificate and written confirmation by



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504 the commission that the applicant possesses an active firearms
505 certification.

506 2. A valid ~~The~~ National Rifle Association Private Security
507 Firearm Instructor Certificate issued not more than 3 years
508 before the submission of the applicant's Class "K" application.

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

512 Section 14. Subsection (1) of section 493.6107, Florida
513 Statutes, is amended to read:

514 493.6107 Fees.—

515 (1) The department shall establish by rule examination and
516 ~~biennial~~ license fees, ~~which shall~~ not to exceed the following:

517 (a) Class "M" license—manager Class "AB" agency: \$75.

518 (b) Class "G" license—statewide firearm license: \$150.

519 (c) Class "K" license—firearms instructor: \$100.

520 (d) Fee for the examination for firearms instructor: \$75.

521 Section 15. Subsections (3) and (5) of section 493.6108,
522 Florida Statutes, are amended to read:

523 493.6108 Investigation of applicants by Department of
524 Agriculture and Consumer Services.—

525 (3) The department must also investigate the mental history
526 and current mental and emotional fitness of any Class "G" or
527 Class "K" applicant and may deny a Class "G" or Class "K"
528 license to anyone who has a history of mental illness or drug or
529 alcohol abuse. Notwithstanding s. 790.065(2)(a)4.f., the
530 Department of Law Enforcement may, for the limited purpose of
531 determining eligibility of Class "G" or Class "K" applicants and
532 licensees under this chapter, provide the department with mental



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533 health and substance abuse data of individuals who are
534 prohibited from purchasing a firearm.

535 (5) A person licensed under this chapter must notify his or
536 her employer within 3 calendar days if he or she is arrested for
537 any offense. If the department receives information about an
538 arrest within the state of a person who holds a valid license
539 issued under this chapter for a crime that could potentially
540 disqualify the person from holding such a license, the
541 department must provide the arrest information to the agency
542 that employs the licensee.

543 Section 16. Section 493.6112, Florida Statutes, is amended
544 to read:

545 493.6112 Notification to Department of Agriculture and
546 Consumer Services of changes of partner or officer or
547 employees.—

548 (1) After filing the application, unless the department
549 declines to issue the license or revokes it after issuance, an
550 agency ~~or school~~ shall, within 5 working days of the withdrawal,
551 removal, replacement, or addition of any or all partners or
552 officers, notify and file with the department complete
553 applications for such individuals. The agency's ~~or school's~~ good
554 standing under this chapter shall be contingent upon the
555 department's approval of any new partner or officer.

556 (2) Each agency ~~or school~~ shall, upon the employment or
557 termination of employment of a licensee, report such employment
558 or termination within 15 calendar days ~~immediately~~ to the
559 department and, in the case of a termination, report the reason
560 or reasons therefor. The report shall be submitted
561 electronically in a manner ~~on a form~~ prescribed by the



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562 department.

563 Section 17. Paragraph (b) of subsection (3) of section
564 493.6113, Florida Statutes, is amended to read:

565 493.6113 Renewal application for licensure.-

566 (3) Each licensee is responsible for renewing his or her
567 license on or before its expiration by filing with the
568 department an application for renewal accompanied by payment of
569 the renewal fee and the fingerprint retention fee to cover the
570 cost of ongoing retention in the statewide automated biometric
571 identification system established in s. 943.05(2)(b). Upon the
572 first renewal of a license issued under this chapter before
573 January 1, 2017, the licensee shall submit a full set of
574 fingerprints and fingerprint processing fees to cover the cost
575 of entering the fingerprints into the statewide automated
576 biometric identification system pursuant to s. 493.6108(4)(a)
577 and the cost of enrollment in the Federal Bureau of
578 Investigation's national retained print arrest notification
579 program. Subsequent renewals may be completed without submission
580 of a new set of fingerprints.

581 (b) Each Class "G" licensee shall additionally submit proof
582 that he or she has received during each year of the license
583 period a minimum of 4 hours of firearms requalification
584 ~~recertification~~ training taught by a Class "K" licensee and has
585 complied with such other health and training requirements that
586 the department shall adopt by rule. Proof of completion of
587 firearms requalification ~~recertification~~ training shall be
588 submitted to the department upon completion of the training. A
589 Class "G" licensee must successfully complete this
590 requalification training for each type and caliber of firearm



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591 carried in the course of performing his or her regulated duties.

592 If the licensee fails to complete the required 4 hours of annual
593 training during the first year of the 2-year term of the
594 license, the license shall be automatically suspended. The
595 licensee must complete the minimum number of hours of range and
596 classroom training required at the time of initial licensure and
597 submit proof of completion of such training to the department
598 before the license may be reinstated. If the licensee fails to
599 complete the required 4 hours of annual training during the
600 second year of the 2-year term of the license, the licensee must
601 complete the minimum number of hours of range and classroom
602 training required at the time of initial licensure and submit
603 proof of completion of such training to the department before
604 the license may be renewed. The department may waive the
605 firearms training requirement if:

606 1. The applicant provides proof that he or she is currently
607 certified as a law enforcement officer or correctional officer
608 under the Criminal Justice Standards and Training Commission and
609 has completed law enforcement firearms requalification training
610 annually during the previous 2 years of the licensure period;

611 2. The applicant provides proof that he or she is currently
612 certified as a federal law enforcement officer and has received
613 law enforcement firearms training administered by a federal law
614 enforcement agency annually during the previous 2 years of the
615 licensure period; or

616 3. The applicant submits a valid firearm certificate among
617 those specified in s. 493.6105(6)(a) and provides proof of
618 having completed requalification training during the previous 2
619 years of the licensure period.



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620 Section 18. Subsection (4) of section 493.6115, Florida
621 Statutes, is amended, present paragraphs (b), (c), and (d) of
622 subsection (12) of that section are redesignated as paragraphs
623 (c), (d), and (e), respectively, and a new paragraph (b) is
624 added to that subsection, to read:

625 493.6115 Weapons and firearms.—

626 (4) A Class "C" or Class "CC" licensee who is 21 years of
627 age or older and ~~who~~ has also been issued a Class "G" license
628 may carry, in the performance of her or his duties, a concealed
629 firearm. A Class "D" licensee who is 21 years of age or older
630 and ~~who~~ has also been issued a Class "G" license may carry a
631 concealed firearm in the performance of her or his duties under
632 the conditions specified in s. 493.6305(3) or (4) ~~493.6305(2)~~.
633 The Class "G" license must ~~shall~~ clearly indicate such
634 authority. The authority of any such licensee to carry a
635 concealed firearm is ~~shall be~~ valid in any location throughout
636 the state, ~~in any location~~, while performing services within the
637 scope of the license.

638 (12) The department may issue a temporary Class "G"
639 license, on a case-by-case basis, if:

640 (b) The department has reviewed the mental health and
641 substance abuse data provided by the Department of Law
642 Enforcement as authorized in s. 493.6108(3) and has determined
643 the applicant is not prohibited from licensure based upon this
644 data.

645 Section 19. Subsection (1) of section 493.6118, Florida
646 Statutes, is amended, and subsections (8) and (9) are added to
647 that section, to read:

648 493.6118 Grounds for disciplinary action.—



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649 (1) The following constitute grounds for which disciplinary
650 action specified in subsection (2) may be taken by the
651 department against any licensee, agency, or applicant regulated
652 by this chapter, or any unlicensed person engaged in activities
653 regulated under this chapter:—

654 (a) Fraud or willful misrepresentation in applying for or
655 obtaining a license.

656 (b) Use of any fictitious or assumed name by an agency
657 unless the agency has department approval and qualifies under s.
658 865.09.

659 (c) Being found guilty of or entering a plea of guilty or
660 nolo contendere to, regardless of adjudication, or being
661 convicted of a crime that directly relates to the business for
662 which the license is held or sought. A plea of nolo contendere
663 shall create a rebuttable presumption of guilt to the underlying
664 criminal charges, and the department shall allow the individual
665 being disciplined or denied an application for a license to
666 present any mitigating circumstances surrounding his or her
667 plea.

668 (d) A false statement by the licensee that any individual
669 is or has been in his or her employ.

670 (e) A finding that the licensee or any employee is guilty
671 of willful betrayal of a professional secret or any unauthorized
672 release of information acquired as a result of activities
673 regulated under this chapter.

674 (f) Proof that the applicant or licensee is guilty of fraud
675 or deceit, or of negligence, incompetency, or misconduct, in the
676 practice of the activities regulated under this chapter.

677 (g) Conducting activities regulated under this chapter



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678 without a license or with a revoked or suspended license.

679 (h) Failure of the licensee to maintain in full force and
680 effect the commercial general liability insurance coverage
681 required by s. 493.6110.

682 (i) Impersonating, or permitting or aiding and abetting an
683 employee to impersonate, a law enforcement officer or an
684 employee of the state, the United States, or any political
685 subdivision thereof by identifying himself or herself as a
686 federal, state, county, or municipal law enforcement officer or
687 official representative, by wearing a uniform or presenting or
688 displaying a badge or credentials that would cause a reasonable
689 person to believe that he or she is a law enforcement officer or
690 that he or she has official authority, by displaying any
691 flashing or warning vehicular lights other than amber colored,
692 or by committing any act that is intended to falsely convey
693 official status.

694 (j) Commission of an act of violence or the use of force on
695 any person except in the lawful protection of one's self or
696 another from physical harm.

697 (k) Knowingly violating, advising, encouraging, or
698 assisting the violation of any statute, court order, capias,
699 warrant, injunction, or cease and desist order, in the course of
700 business regulated under this chapter.

701 (l) Soliciting business for an attorney in return for
702 compensation.

703 (m) Transferring or attempting to transfer a license issued
704 pursuant to this chapter.

705 (n) Employing or contracting with any unlicensed or
706 improperly licensed person or agency to conduct activities



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707 regulated under this chapter, or performing any act that
708 assists, aids, or abets a person or business entity in engaging
709 in unlicensed activity, when the licensure status was known or
710 could have been ascertained by reasonable inquiry.

711 (o) Failure or refusal to cooperate with or refusal of
712 access to an authorized representative of the department engaged
713 in an official investigation pursuant to this chapter.

714 (p) Failure of any partner, principal corporate officer, or
715 licensee to have his or her identification card in his or her
716 possession while on duty.

717 (q) Failure of any licensee to have his or her license in
718 his or her possession while on duty, as specified in s.
719 493.6111(1).

720 (r) Failure or refusal by a sponsor to certify a biannual
721 written report on an intern or to certify completion or
722 termination of an internship to the department within 15 working
723 days.

724 (s) Failure to report to the department any person whom the
725 licensee knows to be in violation of this chapter or the rules
726 of the department.

727 (t) Violating any provision of this chapter.

728 (u) For a Class "G" licensee, failing to timely complete
729 requalification ~~recertification~~ training as required in s.
730 493.6113(3)(b).

731 (v) For a Class "K" licensee, failing to maintain active
732 certification specified under s. 493.6105(6).

733 (w) For a Class "G" or a Class "K" applicant or licensee,
734 being prohibited from purchasing or possessing a firearm by
735 state or federal law.



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736 (x) In addition to the grounds for disciplinary action
737 prescribed in paragraphs (a)-(t), Class "R" recovery agencies,
738 Class "E" recovery agents, and Class "EE" recovery agent interns
739 are prohibited from committing the following acts:

740 1. Recovering a motor vehicle, mobile home, motorboat,
741 aircraft, personal watercraft, all-terrain vehicle, farm
742 equipment, or industrial equipment that has been sold under a
743 conditional sales agreement or under the terms of a chattel
744 mortgage before authorization has been received from the legal
745 owner or mortgagee.

746 2. Charging for expenses not actually incurred in
747 connection with the recovery, transportation, storage, or
748 disposal of repossessed property or personal property obtained
749 in a repossession.

750 3. Using any repossessed property or personal property
751 obtained in a repossession for the personal benefit of a
752 licensee or an officer, director, partner, manager, or employee
753 of a licensee.

754 4. Selling property recovered under the provisions of this
755 chapter, except with written authorization from the legal owner
756 or the mortgagee thereof.

757 5. Failing to notify the police or sheriff's department of
758 the jurisdiction in which the repossessed property is recovered
759 within 2 hours after recovery.

760 6. Failing to remit moneys collected in lieu of recovery of
761 a motor vehicle, mobile home, motorboat, aircraft, personal
762 watercraft, all-terrain vehicle, farm equipment, or industrial
763 equipment to the client within 10 working days.

764 7. Failing to deliver to the client a negotiable instrument



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765 that is payable to the client, within 10 working days after
766 receipt of such instrument.

767 8. Falsifying, altering, or failing to maintain any
768 required inventory or records regarding disposal of personal
769 property contained in or on repossessed property pursuant to s.
770 493.6404(1).

771 9. Carrying any weapon or firearm when he or she is on
772 private property and performing duties under his or her license
773 whether or not he or she is licensed pursuant to s. 790.06.

774 10. Soliciting from the legal owner the recovery of
775 property subject to repossession after such property has been
776 seen or located on public or private property if the amount
777 charged or requested for such recovery is more than the amount
778 normally charged for such a recovery.

779 11. Wearing, presenting, or displaying a badge in the
780 course of performing a repossession regulated by this chapter.

781 (y) Installation of a tracking device or tracking
782 application in violation of s. 934.425.

783 (z) Failure of any licensee to notify his or her employer
784 within 3 calendar days if he or she is arrested for any offense.

785 (8) (a) Upon notification by a law enforcement agency, a
786 court, or the Department of Law Enforcement and upon subsequent
787 written verification, the department shall temporarily suspend a
788 Class "G" or Class "K" license if the licensee is arrested or
789 charged with a firearms-related crime that would disqualify such
790 person from licensure under this chapter. The department shall
791 notify the licensee suspended under this section of his or her
792 right to a hearing pursuant to chapter 120. A hearing conducted
793 regarding this temporary suspension must be for the limited



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794 purpose of determining whether the licensee has been arrested or
795 charged with a disqualifying firearms-related crime.

796 (b) If the criminal case results in a nondisqualifying
797 disposition, the department shall issue an order lifting the
798 suspension upon the licensee's submission of a certified copy of
799 the final resolution.

800 (c) If the criminal case results in a disqualifying
801 disposition, the suspension remains in effect and the department
802 shall proceed with revocation proceedings pursuant to chapter
803 120.

804 (9) (a) Upon notification by a law enforcement agency, a
805 court, or the Department of Law Enforcement and upon subsequent
806 written verification, the department shall temporarily suspend a
807 license if the licensee is arrested or charged with a forcible
808 felony as defined in s. 776.08. The department shall notify the
809 licensee suspended under this section of his or her right to a
810 hearing pursuant to chapter 120. A hearing conducted regarding
811 this temporary suspension must be for the limited purpose of
812 determining whether the licensee has been arrested or charged
813 with a forcible felony.

814 (b) If the criminal case results in a nondisqualifying
815 disposition, the department shall issue an order lifting the
816 suspension upon the licensee's submission to the department of a
817 certified copy of the final resolution.

818 (c) If criminal case results in a disqualifying
819 disposition, the suspension remains in effect and the department
820 shall proceed with revocation proceedings pursuant to chapter
821 120.

822 Section 20. Subsection (1) of section 493.6202, Florida



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823 Statutes, is amended to read:

824 493.6202 Fees.—

825 (1) The department shall establish by rule examination and
826 ~~biennial~~ license fees, ~~which shall~~ not to exceed the following:

827 (a) Class "A" license—private investigative agency: \$450.

828 (b) Class "AA" or "AB" license—branch office: \$125.

829 (c) Class "MA" license—private investigative agency
830 manager: \$75.

831 (d) Class "C" license—private investigator: \$75.

832 (e) Class "CC" license—private investigator intern: \$60.

833 Section 21. Subsection (5) and paragraphs (b) and (c) of
834 subsection (6) of section 493.6203, Florida Statutes, are
835 amended to read:

836 493.6203 License requirements.—In addition to the license
837 requirements set forth elsewhere in this chapter, each
838 individual or agency shall comply with the following additional
839 requirements:

840 (5) ~~Effective January 1, 2008,~~ An applicant for a Class
841 "MA," Class "M," or Class "C" license must pass an examination
842 that covers the provisions of this chapter and is administered
843 by the department or by a provider approved by the department.
844 The applicant must pass the examination before applying for
845 licensure and must submit proof with the license application on
846 a form approved by rule of the department that he or she has
847 passed the examination. The administrator of the examination
848 shall verify the identity of each applicant taking the
849 examination.

850 (a) The examination requirement in this subsection does not
851 apply to an individual who holds a valid Class "CC," Class "C,"



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852 Class "MA," or Class "M" license.

853 (b) Notwithstanding the exemption provided in paragraph
854 (a), if the license of an applicant for relicensure has been
855 invalid for more than 1 year, the applicant must take and pass
856 the examination.

857 (c) The department shall establish by rule the content of
858 the examination, the manner and procedure of its administration,
859 and an examination fee that may not exceed \$100.

860 (6)

861 (b) ~~Effective January 1, 2012,~~ Before submission of an
862 application to the department, the applicant for a Class "CC"
863 license must have completed a minimum of 40 hours of
864 professional training pertaining to general investigative
865 techniques and this chapter, which course is offered by a state
866 university or by a school, community college, college, or
867 university under the purview of the Department of Education, and
868 the applicant must pass an examination. ~~The training must be
869 provided in two parts, one 24-hour course and one 16-hour
870 course.~~ The certificate evidencing satisfactory completion of
871 the 40 hours of professional training must be submitted with the
872 application for a Class "CC" license. The training specified in
873 this paragraph may be provided by face-to-face presentation,
874 online technology, or a home study course in accordance with
875 rules and procedures of the Department of Education. The
876 administrator of the examination must verify the identity of
877 each applicant taking the examination.

878 1. Upon an applicant's successful completion of each part
879 of the approved training and passage of any required
880 examination, the school, community college, college, or



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881 university shall issue a certificate of completion to the
882 applicant. The certificates must be on a form established by
883 rule of the department.

884 2. The department shall establish by rule the general
885 content of the professional training and the examination
886 criteria.

887 3. If the license of an applicant for relicensure is
888 invalid for more than 1 year, the applicant must complete the
889 required training and pass any required examination.

890 (c) ~~An individual who submits an application for a Class~~
891 ~~"CC" license on or after September 1, 2008, through December 31,~~
892 ~~2011, who has not completed the 16-hour course must submit proof~~
893 ~~of successful completion of the course within 180 days after the~~
894 ~~date the application is submitted. If documentation of~~
895 ~~completion of the required training is not submitted by that~~
896 ~~date, the individual's license shall be automatically suspended~~
897 ~~until proof of the required training is submitted to the~~
898 ~~department.~~ An individual licensed on or before August 31, 2008,
899 is not required to complete additional training hours in order
900 to renew an active license beyond the total required hours, and
901 the timeframe for completion in effect at the time he or she was
902 licensed applies.

903 Section 22. Subsection (1) of section 493.6302, Florida
904 Statutes, is amended to read:

905 493.6302 Fees.—

906 (1) The department shall establish by rule ~~biennial~~ license
907 fees, ~~which shall~~ not to exceed the following:

908 (a) Class "B" license—security agency: \$450.

909 (b) Class "BB" or Class "AB" license—branch office: \$125.



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- 910 (c) Class "MB" license-security agency manager: \$75.
- 911 (d) Class "D" license-security officer: \$45.
- 912 (e) Class "DS" license-security officer school or training
913 facility: \$60.
- 914 (f) Class "DI" license-security officer school or training
915 facility instructor: \$60.

916 Section 23. Subsection (4) of section 493.6303, Florida
917 Statutes, is amended to read:

918 493.6303 License requirements.—In addition to the license
919 requirements set forth elsewhere in this chapter, each
920 individual or agency must comply with the following additional
921 requirements:

922 (4) ~~(a) Effective January 1, 2012,~~ An applicant for a Class
923 "D" license must submit proof of successful completion of a
924 minimum of 40 hours of professional training at a school or
925 training facility licensed by the department. ~~The training must~~
926 ~~be provided in two parts, one 24-hour course and one 16-hour~~
927 ~~course.~~ The department shall by rule establish the general
928 content and number of hours of each subject area to be taught.

929 ~~(b) An individual who submits an application for a Class~~
930 ~~"D" license on or after January 1, 2007, through December 31,~~
931 ~~2011, who has not completed the 16-hour course must submit proof~~
932 ~~of successful completion of the course within 180 days after the~~
933 ~~date the application is submitted. If documentation of~~
934 ~~completion of the required training is not submitted by that~~
935 ~~date, the individual's license shall be automatically suspended~~
936 ~~until proof of the required training is submitted to the~~
937 ~~department. A person licensed before January 1, 2007, is not~~
938 ~~required to complete additional training hours in order to renew~~



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939 ~~an active license beyond the total required hours, and the~~
940 ~~timeframe for completion in effect at the time he or she was~~
941 ~~licensed applies.~~

942 ~~(c) An individual whose license is suspended or revoked~~
943 ~~pursuant to paragraph (b), or is expired for at least 1 year, is~~
944 ~~considered, upon reapplication for a license, an initial~~
945 ~~applicant and must submit proof of successful completion of 40~~
946 ~~hours of professional training at a school or training facility~~
947 ~~licensed by the department as provided in paragraph (a) before a~~
948 ~~license is issued.~~

949 Section 24. Subsection (1) of section 493.6304, Florida
950 Statutes, is amended to read:

951 493.6304 Security officer school or training facility.—

952 (1) Any school, training facility, or instructor who offers
953 the training specified ~~outlined~~ in s. 493.6303(4) for Class "D"
954 applicants shall, before licensure of such school, training
955 facility, or instructor, file with the department an application
956 accompanied by an application fee in an amount to be determined
957 by rule, not to exceed \$60. The fee is ~~shall~~ not ~~be~~ refundable.

958 Section 25. Subsection (1) of section 493.6402, Florida
959 Statutes, is amended to read:

960 493.6402 Fees.—

961 (1) The department shall establish by rule ~~biennial~~ license
962 fees, ~~that shall~~ not to exceed the following:

963 (a) Class "R" license-recovery agency: \$450.

964 (b) Class "RR" license-branch office: \$125.

965 (c) Class "MR" license-recovery agency manager: \$75.

966 (d) Class "E" license-recovery agent: \$75.

967 (e) Class "EE" license-recovery agent intern: \$60.



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968 (f) Class "RS" license—recovery agent school or training
969 facility: \$60.

970 (g) Class "RI" license—recovery agent school or training
971 facility instructor: \$60.

972 Section 26. Subsection (2) of section 493.6403, Florida
973 Statutes, is amended to read:

974 493.6403 License requirements.—

975 (2) ~~Beginning October 1, 1994,~~ An applicant for a Class "E"
976 or a Class "EE" license must submit proof of successful
977 completion ~~have completed a minimum~~ of 40 hours of professional
978 training at a school or training facility licensed by the
979 department. The department shall by rule establish the general
980 content for the training.

981 Section 27. Subsection (6) is added to section 501.013,
982 Florida Statutes, to read:

983 501.013 Health studios; exemptions.—The following
984 businesses or activities may be declared exempt from the
985 provisions of ss. 501.012-501.019 upon the filing of an
986 affidavit with the department establishing that the stated
987 qualifications are met:

988 (6) A program or facility offered by an organization for
989 the exclusive use of its employees and their family members.

990 Section 28. Paragraph (a) of subsection (3) of section
991 501.059, Florida Statutes, is amended to read:

992 501.059 Telephone solicitation.—

993 (3) (a) If any residential, mobile, or telephonic paging
994 device telephone subscriber notifies the department of his or
995 her desire to be placed on a "no sales solicitation calls"
996 listing indicating that the subscriber does not wish to receive



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997 unsolicited telephonic sales calls, the department shall place
998 the subscriber on that listing ~~for 5 years.~~

999 Section 29. Paragraph (a) of subsection (1) and subsection
1000 (3) of section 507.04, Florida Statutes, are amended to read:

1001 507.04 Required insurance coverages; liability limitations;
1002 valuation coverage.—

1003 (1) LIABILITY INSURANCE.—

1004 (a)1. Except as provided in paragraph (b), each mover
1005 operating in this state must maintain current and valid
1006 liability insurance coverage of at least \$10,000 per shipment
1007 for the loss or damage of household goods resulting from the
1008 negligence of the mover or its employees or agents.

1009 2. The mover must provide the department with evidence of
1010 liability insurance coverage before the mover is registered with
1011 the department under s. 507.03. All insurance coverage
1012 maintained by a mover must remain in effect throughout the
1013 mover's registration period. A mover's failure to maintain
1014 insurance coverage in accordance with this paragraph constitutes
1015 an immediate threat to the public health, safety, and welfare.

1016 ~~If a mover fails to maintain insurance coverage, the department~~
1017 ~~may immediately suspend the mover's registration or eligibility~~
1018 ~~for registration, and the mover must immediately cease operating~~
1019 ~~as a mover in this state. In addition, and notwithstanding the~~
1020 ~~availability of any administrative relief pursuant to chapter~~
1021 ~~120, the department may seek from the appropriate circuit court~~
1022 ~~an immediate injunction prohibiting the mover from operating in~~
1023 ~~this state until the mover complies with this paragraph, a civil~~
1024 ~~penalty not to exceed \$5,000, and court costs.~~

1025 (3) INSURANCE COVERAGES.—The insurance coverages required



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1026 under paragraph (1)(a) and subsection (2) must be issued by an
1027 insurance company or carrier licensed to transact business in
1028 this state under the Florida Insurance Code as designated in s.
1029 624.01. The department shall require a mover to present a
1030 certificate of insurance of the required coverages before
1031 issuance or renewal of a registration certificate under s.
1032 507.03. The department shall be named as a certificateholder in
1033 the certificate and must be notified at least 10 days before
1034 cancellation of insurance coverage. If a mover fails to maintain
1035 insurance coverage, the department may immediately suspend the
1036 mover's registration or eligibility for registration, and the
1037 mover must immediately cease operating as a mover in this state.
1038 In addition, and notwithstanding the availability of any
1039 administrative relief pursuant to chapter 120, the department
1040 may seek from the appropriate circuit court an immediate
1041 injunction prohibiting the mover from operating in this state
1042 until the mover complies with this section, a civil penalty not
1043 to exceed \$5,000, and court costs.

1044 Section 30. Subsection (1) of section 531.37, Florida
1045 Statutes, is amended to read:

1046 531.37 Definitions.—As used in this chapter:

1047 (1) "Weights and measures" means all weights and measures
1048 of every kind, instruments, and devices for weighing and
1049 measuring, and any appliance and accessories associated with any
1050 or all such instruments and devices, excluding taximeters,
1051 digital networks, and those weights and measures used for the
1052 purpose of inspecting the accuracy of devices used in
1053 conjunction with aviation fuel.

1054 Section 31. Section 531.61, Florida Statutes, is amended to



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1055 read:

1056 531.61 Exemptions from permit requirement.—Commercial
1057 weights or measures instruments or devices are exempt from the
1058 requirements of ss. 531.60-531.66 if:

1059 ~~(1) The device is a taximeter that is licensed, permitted,~~
1060 ~~or registered by a municipality, county, or other local~~
1061 ~~government and is tested for accuracy and compliance with state~~
1062 ~~standards by the local government in cooperation with the state~~
1063 ~~as authorized in s. 531.421.~~

1064 ~~(2)~~ The device is used exclusively for weighing railroad
1065 cars and is tested for accuracy and compliance with state
1066 standards by a private testing agency.

1067 (2) ~~(3)~~ The device is used exclusively for measuring
1068 aviation fuel or petroleum products inspected under chapter 525.

1069 Section 32. Paragraph (g) of subsection (2) of section
1070 531.63, Florida Statutes, is repealed.

1071 Section 33. Section 534.021, Florida Statutes, is amended
1072 to read:

1073 534.021 Recording of marks or brands.—The department shall
1074 be the recorder of livestock marks or brands, and the marks or
1075 brands may not be recorded elsewhere in the state. Any livestock
1076 owner who uses a mark or brand to identify her or his livestock
1077 must register the mark or brand by applying to the department.

1078 The application must be made on a form prescribed by the
1079 department and must be accompanied by a detailed drawing
1080 ~~facsimile~~ of the brand applied for and a statement identifying
1081 the county in which the applicant has or expects to have
1082 livestock bearing the mark or brand to be recorded. The
1083 department shall, upon its satisfaction that the application



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1084 meets the requirements of this chapter, record the mark or brand
1085 for exclusive statewide use by the applicant. If an application
1086 is made to record a mark or brand previously recorded, the
1087 department shall determine whether the county in which the mark
1088 or brand will be used is near enough to another county in which
1089 the previously recorded mark or brand is used to cause confusion
1090 or to aid theft or dishonesty, and if so, the department must
1091 decline to admit to record the mark or brand. If a conflict
1092 arises between the owner of any recorded mark or brand and
1093 another claiming the right to record the same mark or brand, the
1094 department must give preference to the present owner. The
1095 department shall charge and collect at the time of recording a
1096 fee of \$10 for each mark or brand. A person may not use any mark
1097 or brand to which another has a prior right of record. It is
1098 unlawful to brand any animal with a brand not registered with
1099 the department.

1100 Section 34. Section 534.041, Florida Statutes, is amended
1101 to read:

1102 534.041 Renewal of certificate of mark or brand.—The
1103 registration of a mark or brand entitles the registered owner to
1104 exclusive ownership and use of the mark or brand for a period
1105 ending at midnight on the last day of the month 10 ~~5~~ years from
1106 the date of registration. Upon application, registration may be
1107 renewed, ~~upon application and payment of a renewal fee of \$5,~~
1108 for successive 10-year ~~5-year~~ periods, each ending at midnight
1109 on the last day of the month 10 ~~5~~ years from the date of
1110 renewal. At least 60 days before ~~prior to~~ the expiration of a
1111 registration, the department shall notify by letter the
1112 registered owner of the mark or brand that, upon application for



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1113 renewal and payment of the renewal fee, the department will
1114 issue a renewal certificate granting the registered owner
1115 exclusive ownership and use of the mark or brand for another 10-
1116 year ~~5-year~~ period ending at midnight on the last day of the
1117 month 10 ~~5~~ years from the date of renewal. Failure to make
1118 application for renewal within the month of expiration of a
1119 registration will cause the department to send a second notice
1120 to the registered owner by mail at her or his last known
1121 address. Failure of the registered owner to make application for
1122 renewal within 30 days after receipt of the second notice will
1123 cause the owner's mark or brand to be placed on an inactive list
1124 for a period of 12 months, after which it will be canceled and
1125 become subject to registration by another person.

1126 Section 35. Section 534.061, Florida Statutes, is repealed.

1127 Section 36. Subsection (1) of section 573.118, Florida
1128 Statutes, is amended to read:

1129 573.118 Assessment; funds; review of accounts; loans.—

1130 (1) To provide funds to defray the necessary expenses
1131 incurred by the department in the formulation, issuance,
1132 administration, and enforcement of any marketing order, every
1133 person engaged in the production, distributing, or handling of
1134 agricultural commodities within this state, and directly
1135 affected by any marketing order, shall pay to the department, at
1136 such times and in such installments as the department may
1137 prescribe, such person's pro rata share of necessary expenses.
1138 Each person's share of expenses shall be that proportion which
1139 the total volume of agricultural commodities produced,
1140 distributed, or handled by the person during the current
1141 marketing season, or part thereof covered by such marketing



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1142 order, is of the total volume of the commodities produced,
1143 distributed, or handled by all such persons during the same
1144 current marketing season or part thereof. The department, after
1145 receiving the recommendations of the advisory council, shall fix
1146 the rate of assessment on the volume of agricultural commodities
1147 sold or some other equitable basis. For convenience of
1148 collection, upon request of the department, handlers of the
1149 commodities shall pay any producer assessments. Handlers paying
1150 assessments for and on behalf of any producers may collect the
1151 producer assessments from any moneys owed by the handlers to the
1152 producers. The collected assessments shall be deposited into the
1153 appropriate trust fund and used for the sole purpose of
1154 implementing the marketing order for which the assessment was
1155 collected. The department is not subject to s. 287.057 in the
1156 expenditure of these funds. However, the director of the
1157 Division of Fruit and Vegetables ~~Marketing and Development~~ shall
1158 file with the internal auditor of the department a certification
1159 of conditions and circumstances justifying each contract or
1160 agreement entered into without competitive bidding.

1161 Section 37. Paragraph (b) of subsection (4) of section
1162 590.02, Florida Statutes, is amended to read:

1163 590.02 Florida Forest Service; powers, authority, and
1164 duties; liability; building structures; Withlacoochee Training
1165 Center.—

1166 (4)

1167 (b) Notwithstanding s. 553.80(1), the department shall
1168 exclusively enforce the Florida Building Code as it pertains to
1169 wildfire, ~~and~~ law enforcement, and other Florida Forest Service
1170 facilities under the jurisdiction of the department.



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1171 Section 38. Paragraph (a) of subsection (5) of section
1172 597.004, Florida Statutes, is amended to read:

1173 597.004 Aquaculture certificate of registration.—

1174 (5) SALE OF AQUACULTURE PRODUCTS.—

1175 (a) Aquaculture products, except shellfish, snook, and any
1176 fish of the genus *Micropterus*, and prohibited and restricted
1177 freshwater and marine species identified by rules of the Fish
1178 and Wildlife Conservation Commission, may be sold by an
1179 aquaculture producer certified pursuant to this section or by a
1180 dealer licensed pursuant to part VII of chapter 379 without
1181 restriction so long as the product origin can be identified.

1182 Section 39. Subsection (2) of section 604.16, Florida
1183 Statutes, is amended to read:

1184 604.16 Exceptions to provisions of ss. 604.15-604.34.—

1185 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
1186 not apply to:

1187 (2) A dealer in agricultural products who pays at the time
1188 of purchase with United States cash currency or a cash
1189 equivalent, such as a money order, cashier's check, wire
1190 transfer, electronic funds transfer, or PIN-based debit
1191 transaction, or who pays with a credit card as defined in s.
1192 658.995(2)(a).

1193 Section 40. Subsections (2) and (4), and paragraph (b) of
1194 subsection (5) of section 790.06, Florida Statutes, are amended
1195 to read:

1196 790.06 License to carry concealed weapon or firearm.—

1197 (2) The Department of Agriculture and Consumer Services
1198 shall issue a license if the applicant:

1199 (a) Is a resident of the United States and a citizen of the



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1200 United States or a permanent resident alien of the United
1201 States, as determined by the United States Bureau of Citizenship
1202 and Immigration Services, or is a consular security official of
1203 a foreign government that maintains diplomatic relations and
1204 treaties of commerce, friendship, and navigation with the United
1205 States and is certified as such by the foreign government and by
1206 the appropriate embassy in this country;

1207 (b) Is 21 years of age or older;

1208 (c) Does not suffer from a physical infirmity which
1209 prevents the safe handling of a weapon or firearm;

1210 (d) Is not ineligible to possess a firearm pursuant to s.
1211 790.23 by virtue of having been convicted of a felony;

1212 (e) Has not been: ~~committed for the abuse of a controlled~~
1213 ~~substance or been~~

1214 1. Found guilty of a crime under the provisions of chapter
1215 893 or similar laws of any other state relating to controlled
1216 substances within a 3-year period immediately preceding the date
1217 on which the application is submitted; or

1218 2. Committed for the abuse of a controlled substance under
1219 chapter 397 or under the provisions of former chapter 396 or
1220 similar laws of any other state. An applicant who has been
1221 granted relief from firearms disabilities pursuant to s.
1222 790.065(2)(a)4.d. or pursuant to the law of the state where the
1223 commitment occurred is deemed not to be committed for the abuse
1224 of a controlled substance under this subparagraph;

1225 (f) Does not chronically and habitually use alcoholic
1226 beverages or other substances to the extent that his or her
1227 normal faculties are impaired. It shall be presumed that an
1228 applicant chronically and habitually uses alcoholic beverages or



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1229 other substances to the extent that his or her normal faculties
1230 are impaired if the applicant has been ~~committed under chapter~~
1231 ~~397 or under the provisions of former chapter 396~~ or has been
1232 convicted under s. 790.151 or has been deemed a habitual
1233 offender under s. 856.011(3), or has had two or more convictions
1234 under s. 316.193 or similar laws of any other state, within the
1235 3-year period immediately preceding the date on which the
1236 application is submitted;

1237 (g) Desires a legal means to carry a concealed weapon or
1238 firearm for lawful self-defense;

1239 (h) Demonstrates competence with a firearm by any one of
1240 the following:

1241 1. Completion of any hunter education or hunter safety
1242 course approved by the Fish and Wildlife Conservation Commission
1243 or a similar agency of another state;

1244 2. Completion of any National Rifle Association firearms
1245 safety or training course;

1246 3. Completion of any firearms safety or training course or
1247 class available to the general public offered by a law
1248 enforcement agency, junior college, college, or private or
1249 public institution or organization or firearms training school,
1250 using instructors certified by the National Rifle Association,
1251 Criminal Justice Standards and Training Commission, or the
1252 Department of Agriculture and Consumer Services;

1253 4. Completion of any law enforcement firearms safety or
1254 training course or class offered for security guards,
1255 investigators, special deputies, or any division or subdivision
1256 of a law enforcement agency or security enforcement;

1257 5. Presents evidence of equivalent experience with a



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1258 firearm through participation in organized shooting competition
1259 or military service;

1260 6. Is licensed or has been licensed to carry a firearm in
1261 this state or a county or municipality of this state, unless
1262 such license has been revoked for cause; or

1263 7. Completion of any firearms training or safety course or
1264 class conducted by a state-certified or National Rifle
1265 Association certified firearms instructor;

1266

1267 A photocopy of a certificate of completion of any of the courses
1268 or classes; an affidavit from the instructor, school, club,
1269 organization, or group that conducted or taught such course or
1270 class attesting to the completion of the course or class by the
1271 applicant; or a copy of any document that shows completion of
1272 the course or class or evidences participation in firearms
1273 competition shall constitute evidence of qualification under
1274 this paragraph. A person who conducts a course pursuant to
1275 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
1276 an instructor, attests to the completion of such courses, must
1277 maintain records certifying that he or she observed the student
1278 safely handle and discharge the firearm in his or her physical
1279 presence and that the discharge of the firearm included live
1280 fire using a firearm and ammunition as defined in s. 790.001;

1281 (i) Has not been adjudicated an incapacitated person under
1282 s. 744.331, or similar laws of any other state. An applicant who
1283 has been granted relief from firearms disabilities pursuant to
1284 s. 790.065(2)(a)4.d. or pursuant to the law of the state where
1285 the adjudication occurred is deemed not to have been adjudicated
1286 an incapacitated person under this paragraph, unless 5 years



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1287 ~~have elapsed since the applicant's restoration to capacity by~~
1288 ~~court order;~~

1289 (j) Has not been committed to a mental institution under
1290 chapter 394, or similar laws of any other state. An applicant
1291 who has been granted relief from firearms disabilities pursuant
1292 to s. 790.065(2)(a)4.d. or pursuant to the law of the state
1293 where the commitment occurred is deemed not to have been
1294 committed in a mental institution under this paragraph, unless
1295 the applicant produces a certificate from a licensed
1296 psychiatrist that he or she has not suffered from disability for
1297 at least 5 years before the date of submission of the
1298 application;

1299 (k) Has not had adjudication of guilt withheld or
1300 imposition of sentence suspended on any felony unless 3 years
1301 have elapsed since probation or any other conditions set by the
1302 court have been fulfilled, or expunction has occurred;

1303 (l) Has not had adjudication of guilt withheld or
1304 imposition of sentence suspended on any misdemeanor crime of
1305 domestic violence unless 3 years have elapsed since probation or
1306 any other conditions set by the court have been fulfilled, or
1307 the record has been expunged;

1308 (m) Has not been issued an injunction that is currently in
1309 force and effect and that restrains the applicant from
1310 committing acts of domestic violence or acts of repeat violence;
1311 and

1312 (n) Is not prohibited from purchasing or possessing a
1313 firearm by any other provision of Florida or federal law.

1314 (4) The application shall be completed, under oath, on a
1315 form adopted by the Department of Agriculture and Consumer



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1316 Services and shall include:

1317 (a) The name, address, place of birth, date of birth, and
1318 race of the applicant;

1319 (b) A statement that the applicant is in compliance with
1320 criteria contained within subsections (2) and (3);

1321 (c) A statement that the applicant has been furnished a
1322 copy of or a website link to this chapter and is knowledgeable
1323 of its provisions;

1324 (d) A conspicuous warning that the application is executed
1325 under oath and that a false answer to any question, or the
1326 submission of any false document by the applicant, subjects the
1327 applicant to criminal prosecution under s. 837.06;

1328 (e) A statement that the applicant desires a concealed
1329 weapon or firearms license as a means of lawful self-defense;
1330 and

1331 (f) Directions for an applicant who is a servicemember, as
1332 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
1333 request expedited processing of his or her application.

1334 (5) The applicant shall submit to the Department of
1335 Agriculture and Consumer Services or an approved tax collector
1336 pursuant to s. 790.0625:

1337 (b) A nonrefundable license fee of up to \$55 ~~\$60~~ if he or
1338 she has not previously been issued a statewide license or of up
1339 to \$45 ~~\$50~~ for renewal of a statewide license. The cost of
1340 processing fingerprints as required in paragraph (c) shall be
1341 borne by the applicant. However, an individual holding an active
1342 certification from the Criminal Justice Standards and Training
1343 Commission as a law enforcement officer, correctional officer,
1344 or correctional probation officer as defined in s. 943.10(1),



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1345 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
1346 requirements of this section. If such individual wishes to
1347 receive a concealed weapon or firearm license, he or she is
1348 exempt from the background investigation and all background
1349 investigation fees but must pay the current license fees
1350 regularly required to be paid by nonexempt applicants. Further,
1351 a law enforcement officer, a correctional officer, or a
1352 correctional probation officer as defined in s. 943.10(1), (2),
1353 or (3) is exempt from the required fees and background
1354 investigation for 1 year after his or her retirement.

1355 Section 41. This act shall take effect July 1, 2017.

1356

1357 ===== T I T L E A M E N D M E N T =====

1358 And the title is amended as follows:

1359 Delete everything before the enacting clause
1360 and insert:

1361 A bill to be entitled
1362 An act relating to the Department of Agriculture and
1363 Consumer Services; amending s. 288.1175, F.S.;
1364 specifying that applications for funding for certain
1365 agriculture education and promotion facilities must be
1366 postmarked or electronically submitted by a certain
1367 date; amending s. 472.003, F.S.; specifying that
1368 certain persons under contract with registered or
1369 certified surveyors and mappers are not subject to the
1370 provisions of ch. 472, F.S.; amending s. 472.005,
1371 F.S.; redefining the terms "practice of surveying and
1372 mapping" and "subordinate"; amending s. 472.013, F.S.;
1373 revising the standards for when an applicant is



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1374 eligible to take the licensure examination to practice
1375 as a surveyor and mapper; amending s. 472.015, F.S.;
1376 revising the qualifications for licensure by
1377 endorsement; revising the requirements for a certain
1378 notice relating to insurance coverage; amending s.
1379 472.018, F.S.; revising the continuing education
1380 requirements for new licensees and license renewal;
1381 authorizing the board to provide by rule the method of
1382 delivery of, criteria for, and provisions to carryover
1383 hours for continuing education requirements; deleting
1384 a requirement that the board approve courses;
1385 requiring the board to issue cease and desist orders
1386 and enact certain penalties for continuing education
1387 providers failing to conform to board rules; requiring
1388 the department to establish a system for the
1389 administration of continuing education requirements
1390 adopted by the board; amending s. 472.025, F.S.;
1391 deleting a requirement that registrant seals be of
1392 impression-type metal; amending s. 472.033, F.S.;
1393 specifying that the department may initiate an
1394 investigation if it has reasonable cause to believe
1395 that a person is engaged in the practice of surveying
1396 and mapping without a license; amending s. 472.0351,
1397 F.S.; specifying that disciplinary actions may be
1398 taken for the unlicensed practice of surveying and
1399 mapping; amending s. 472.0366, F.S.; revising the
1400 requirements for copies of evaluation certificates
1401 that must be submitted to the Division of Emergency
1402 Management within the Executive Office of the



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1403 Governor; requiring that certain copies of evaluation
1404 certificates be retained in the surveyor and mapper's
1405 records; amending s. 487.2041, F.S.; requiring the
1406 department to adopt by rule certain United States
1407 Environmental Protection Agency regulations relating
1408 to labeling requirements for pesticides and devices;
1409 amending s. 493.6101, F.S.; specifying that a manager
1410 of a private investigative agency may manage multiple
1411 offices; amending s. 493.6105, F.S.; exempting certain
1412 partners and corporate officers from fingerprint
1413 retention requirements; revising the submission
1414 requirements for applications for Class "K" licenses;
1415 amending s. 493.6107, F.S.; deleting a specification
1416 that license fees are biennial; amending s. 493.6108,
1417 F.S.; providing an authorization to the Department of
1418 Law Enforcement to release certain mental health and
1419 substance abuse history of Class "G" or Class "K"
1420 applicants and licensees for the purpose of
1421 determining licensure eligibility; requiring licensees
1422 to notify their employer of an arrest within a
1423 specified period; amending s. 493.6112, F.S.; revising
1424 the notification requirements for changes of certain
1425 partners, officers, and employees of private
1426 investigative, security, and recovery agencies;
1427 amending s. 493.6113, F.S.; specifying that Class "G"
1428 licensees must complete requalification training for
1429 each type and caliber of firearm carried in the course
1430 of performing regulated duties; conforming
1431 terminology; amending s. 493.6115, F.S.; conforming a



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1432 cross-reference; revising the circumstances under
1433 which certain licensees may carry a concealed firearm;
1434 revising the conditions under which the department may
1435 issue a temporary Class "G" license; amending s.
1436 493.6118, F.S.; providing that failure of a licensee
1437 to timely notify his or her employer of an arrest is
1438 grounds for disciplinary action by the department;
1439 requiring the department to temporarily suspend
1440 specified licenses of a licensee arrested or formally
1441 charged with certain crimes until disposition of the
1442 case; requiring the department to notify a licensee of
1443 administrative hearing rights; specifying that any
1444 hearing must be limited to a determination as to
1445 whether the licensee has been arrested or charged with
1446 a disqualifying crime; providing that the suspension
1447 may be lifted under certain circumstances; requiring
1448 the department to proceed with revocation under
1449 certain circumstances; amending s. 493.6202, F.S.;
1450 deleting a specification that license fees are
1451 biennial; amending s. 493.6203, F.S.; deleting a
1452 requirement that certain training be provided in two
1453 parts; amending s. 493.6302, F.S.; deleting a
1454 specification that license fees are biennial; amending
1455 s. 493.6303, F.S.; deleting a requirement that certain
1456 training be provided in two parts; deleting obsolete
1457 provisions; making technical changes; deleting a
1458 provision requiring that if a license is suspended,
1459 revoked, or expired for at least 1 year, that the
1460 applicant must submit proof of certain training before



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1461 issuance of a new license; amending s. 493.6304, F.S.;
1462 making technical changes; amending s. 493.6402, F.S.;
1463 deleting a specification that license fees are
1464 biennial; amending s. 493.6403, F.S.; requiring that
1465 applicants for Class "E" and "EE" licenses submit
1466 proof of successful completion of certain training,
1467 rather than just completion of such training; amending
1468 s. 501.013, F.S.; providing that a program or facility
1469 offered by an organization for the exclusive use of
1470 its employees and their family members is not subject
1471 to certain health studio regulations; amending s.
1472 501.059, F.S.; removing a limitation on the length of
1473 time for which the department must place certain
1474 persons on a no sales solicitation list; amending s.
1475 507.04, F.S.; making a technical change; amending s.
1476 531.37, F.S.; redefining the term "weights and
1477 measures" to exclude taximeters and digital networks;
1478 amending s. 531.61, F.S.; deleting certain taximeters
1479 from a permitting requirements for commercially
1480 operated or tested weights or measures instruments or
1481 devices; repealing s. 531.63(2)(g), F.S.; relating to
1482 maximum permit fees for taximeters; amending s.
1483 534.021, F.S.; specifying that a detailed drawing,
1484 rather than a facsimile, of a brand must accompany an
1485 application for the recording of certain marks and
1486 brands; amending s. 534.041, F.S.; extending the
1487 registration and renewal period for certain mark or
1488 brand certificates; eliminating a renewal fee;
1489 repealing s. 534.061, F.S., relating to the transfer



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1490 of ownership of cattle; amending s. 573.118, F.S.;

1491 specifying that the Division of Fruit and Vegetables,

1492 rather than the Division of Marketing and Development,

1493 must file a specified certification; amending s.

1494 590.02, F.S.; specifying that the department has

1495 exclusive authority to enforce the Florida Building

1496 Code as it relates to Florida Forest Service

1497 facilities under the jurisdiction of the department;

1498 amending s. 597.004, F.S.; authorizing certain

1499 saltwater products dealers to sell certain aquaculture

1500 products without restriction under a specified

1501 circumstance; amending s. 604.16, F.S.; specifying

1502 that dealers in agricultural products who pay by

1503 credit card are exempt from certain dealer

1504 requirements; amending s. 790.06, F.S.; revising the

1505 requirements to obtain a license to carry a concealed

1506 weapon or firearm; revising the requirements of the

1507 application form; revising the license fees to obtain

1508 or renew such license; providing an effective date.

By Senator Young

18-00242A-17

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1 A bill to be entitled
 2 An act relating to the Department of Agriculture and
 3 Consumer Services; amending s. 288.1175, F.S.;
 4 specifying that applications for funding for certain
 5 agriculture education and promotion facilities be
 6 postmarked or electronically submitted by a certain
 7 date; amending s. 487.2041, F.S.; requiring the
 8 department to adopt by rule certain United States
 9 Environmental Protection Agency regulations relating
 10 to labeling requirements for pesticides and devices;
 11 amending s. 493.6101, F.S.; specifying that a manager
 12 of a private investigative agency may manage multiple
 13 offices; amending s. 493.6105, F.S.; exempting certain
 14 partners and corporate officers from fingerprint
 15 retention requirements; revising the submission
 16 requirements for applications for Class "K" licenses;
 17 amending s. 493.6107, F.S.; deleting a specification
 18 that license fees are biennial; amending s. 493.6108,
 19 F.S.; providing an authorization to the Department of
 20 Law Enforcement to release certain mental health and
 21 substance abuse history of applicants and licensees
 22 for the purpose of determining licensure eligibility;
 23 requiring licensees to notify their employer of an
 24 arrest within a specified period; amending s.
 25 493.6112, F.S.; revising the notification requirements
 26 for changes of certain partners, officers, and
 27 employees of private investigative, security, and
 28 recovery agencies; amending s. 493.6113, F.S.;
 29 specifying that Class "G" licensees must complete
 30 requalification training for each type and caliber of
 31 firearm carried in the course of performing regulated
 32 duties; conforming terminology; amending s. 493.6115,

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33 F.S.; correcting a cross-reference regarding the
 34 conditions under which a Class "G" licensee may carry
 35 a concealed weapon; revising the conditions under
 36 which the department may issue a temporary Class "G"
 37 license; amending s. 493.6118, F.S.; providing that
 38 failure of a licensee to timely notify his or her
 39 employer of an arrest is grounds for disciplinary
 40 action by the Department of Agriculture and Consumer
 41 Services; requiring the department to suspend
 42 specified licenses of licensees arrested or formally
 43 charged with certain crimes until disposition of their
 44 cases; amending s. 493.6202, F.S.; deleting a
 45 specification that license fees are biennial; amending
 46 s. 493.6203, F.S.; deleting a requirement that certain
 47 training be provided in two parts; deleting obsolete
 48 provisions; amending s. 493.6302, F.S.; deleting a
 49 specification that license fees are biennial; amending
 50 s. 493.6303, F.S.; deleting a requirement that certain
 51 training must be provided in two parts; deleting
 52 obsolete provisions; making technical changes;
 53 amending s. 493.6304, F.S.; making technical changes;
 54 amending s. 493.6402, F.S.; deleting a specification
 55 that license fees are biennial; amending s. 493.6403,
 56 F.S.; requiring that applicants for Class "E" and "EE"
 57 licenses submit proof of successful completion of
 58 certain training, not just complete such training;
 59 deleting an obsolete provision; amending s. 501.059,
 60 F.S.; removing a limitation on the length of time for
 61 which the department must place certain persons on a

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62 no-solicitation list; amending s. 507.04, F.S.; making
 63 a technical change; amending s. 534.021, F.S.;
 64 specifying that a detailed drawing, rather than a
 65 facsimile, must accompany an application for the
 66 recording of certain marks and brands; amending s.
 67 534.041, F.S.; extending the renewal period for
 68 certain mark or brand certificates; eliminating a
 69 renewal fee; repealing s. 534.061, F.S., relating to
 70 the transfer of ownership of cattle; amending s.
 71 573.118, F.S.; specifying that the Division of Fruit
 72 and Vegetables, rather than the Division of Marketing
 73 and Development, must file a specified certification;
 74 amending s. 590.02, F.S.; specifying that the
 75 department has exclusive authority to enforce the
 76 Florida Building Code as it relates to Florida Forest
 77 Service facilities under the jurisdiction of the
 78 department; amending s. 597.004, F.S.; authorizing
 79 licensed dealers, rather than certified aquaculture
 80 producers, to sell certain aquaculture products
 81 without restriction under a specified circumstance;
 82 amending s. 604.16, F.S.; specifying that dealers in
 83 agricultural products who pay by credit card are
 84 exempt from certain dealer requirements; providing an
 85 effective date.

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

88
 89 Section 1. Subsection (8) of section 288.1175, Florida
 90 Statutes, is amended to read:

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91 288.1175 Agriculture education and promotion facility.-
 92 (8) Applications must be postmarked or electronically
 93 submitted by October 1 of each year. The Department of
 94 Agriculture and Consumer Services may not recommend funding for
 95 less than the requested amount to any applicant certified as an
 96 agriculture education and promotion facility; however, funding
 97 of certified applicants shall be subject to the amount provided
 98 by the Legislature in the General Appropriations Act for this
 99 program.

100 Section 2. Section 487.2041, Florida Statutes, is amended
 101 to read:

102 487.2041 Enforcement of federal worker protection
 103 regulations.-The department shall, to the extent that resources
 104 are available, continue to operate under the United States
 105 Environmental Protection Agency regulations regarding the
 106 Labeling Requirement for Pesticides and Devices, 40 C.F.R. part
 107 156, and the Worker Protection Standard, 40 C.F.R. part 170,
 108 which the department shall adopt ~~adopted~~ by rule ~~during the~~
 109 ~~1995-1996 fiscal year and published in the Florida~~
 110 ~~Administrative Code~~. Any provision of this part not preempted by
 111 federal law shall continue to apply.

112 Section 3. Subsection (13) of section 493.6101, Florida
 113 Statutes, is amended to read:

114 493.6101 Definitions.-

115 (13) "Manager" means any licensee who directs the
 116 activities of licensees at any agency or branch office. The
 117 manager shall be assigned to and shall primarily operate from
 118 the agency or branch office location for which he or she has
 119 been designated as manager. The manager of a private

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120 investigative agency may, however, manage multiple private
 121 investigative agencies and branch offices.

122 Section 4. Paragraph (j) of subsection (3) and paragraph
 123 (a) of subsection (6) of section 493.6105, Florida Statutes, are
 124 amended to read:

125 493.6105 Initial application for license.—

126 (3) The application must contain the following information
 127 concerning the individual signing the application:

128 (j) A full set of fingerprints, a fingerprint processing
 129 fee, and a fingerprint retention fee. The fingerprint processing
 130 and retention fees shall be established by rule of the
 131 department based upon costs determined by state and federal
 132 agency charges and department processing costs, which must
 133 include the cost of retaining the fingerprints in the statewide
 134 automated biometric identification system established in s.
 135 943.05(2)(b) and the cost of enrolling the fingerprints in the
 136 national retained print arrest notification program as required
 137 under s. 493.6108. An applicant who has, within the immediately
 138 preceding 6 months, submitted such fingerprints and fees for
 139 licensing purposes under this chapter and who still holds a
 140 valid license is not required to submit another set of
 141 fingerprints or another fingerprint processing fee. An applicant
 142 who holds multiple licenses issued under this chapter is
 143 required to pay only a single fingerprint retention fee.
 144 Partners and corporate officers who do not possess licenses
 145 subject to renewal under s. 493.6113 are exempt from the
 146 fingerprint retention requirements of this chapter.

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

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149 (a) Submit one of the following:

150 1. The Florida Criminal Justice Standards and Training
 151 Commission Instructor Certificate and written confirmation by
 152 the commission that the applicant possesses an active firearms
 153 certification.

154 2. A valid ~~The~~ National Rifle Association Private Security
 155 Firearm Instructor Certificate issued not more than 3 years
 156 before the submission of the applicant's Class "K" application.

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

160 Section 5. Subsection (1) of section 493.6107, Florida
 161 Statutes, is amended to read:

162 493.6107 Fees.—

163 (1) The department shall establish by rule examination and
 164 ~~biennial~~ license fees ~~which shall~~ not to exceed the following:

165 (a) Class "M" license—manager Class "AB" agency: \$75.

166 (b) Class "G" license—statewide firearm license: \$150.

167 (c) Class "K" license—firearms instructor: \$100.

168 (d) Fee for the examination for firearms instructor: \$75.

169 Section 6. Paragraph (b) of subsection (1) and subsection
 170 (5) of section 493.6108, Florida Statutes, are amended to read:

171 493.6108 Investigation of applicants by Department of
 172 Agriculture and Consumer Services.—

173 (1) Except as otherwise provided, the department must
 174 investigate an applicant for a license under this chapter before
 175 it may issue the license. The investigation must include:

176 (b) An inquiry to determine if the applicant has been
 177 adjudicated incompetent under chapter 744 or has been committed

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178 to a mental institution under chapter 394. Notwithstanding s.
 179 790.065(2)(a)4.f., the Department of Law Enforcement is
 180 authorized, for the limited purposes of determining the
 181 eligibility of applicants and licensees under this chapter, to
 182 provide the department with mental health and substance abuse
 183 data of individuals who are prohibited from purchasing a
 184 firearm.

185 (5) A person licensed under this chapter must notify his or
 186 her employer within 3 calendar days if he or she is arrested for
 187 any offense. If the department receives information about an
 188 arrest within the state of a person who holds a valid license
 189 issued under this chapter for a crime that could potentially
 190 disqualify the person from holding such a license, the
 191 department must provide the arrest information to the agency
 192 that employs the licensee.

193 Section 7. Section 493.6112, Florida Statutes, is amended
 194 to read:

195 493.6112 Notification to Department of Agriculture and
 196 Consumer Services of changes of partner or officer or
 197 employees.-

198 (1) After filing the application, unless the department
 199 declines to issue the license or revokes it after issuance, an
 200 agency ~~or school~~ shall, within 5 working days of the withdrawal,
 201 removal, replacement, or addition of any or all partners or
 202 officers, notify and file with the department complete
 203 applications for such individuals. The agency's ~~or school's~~ good
 204 standing under this chapter shall be contingent upon the
 205 department's approval of any new partner or officer.

206 (2) Each agency ~~or school~~ shall, upon the employment or

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207 termination of employment of a licensee, report such employment
 208 or termination within 15 calendar days ~~immediately~~ to the
 209 department and, in the case of a termination, report the reason
 210 or reasons therefor. The report shall be submitted
 211 electronically in a manner ~~on a form~~ prescribed by the
 212 department.

213 Section 8. Paragraph (b) of subsection (3) of section
 214 493.6113, Florida Statutes, is amended to read:

215 493.6113 Renewal application for licensure.-

216 (3) Each licensee is responsible for renewing his or her
 217 license on or before its expiration by filing with the
 218 department an application for renewal accompanied by payment of
 219 the renewal fee and the fingerprint retention fee to cover the
 220 cost of ongoing retention in the statewide automated biometric
 221 identification system established in s. 943.05(2)(b). Upon the
 222 first renewal of a license issued under this chapter before
 223 January 1, 2017, the licensee shall submit a full set of
 224 fingerprints and fingerprint processing fees to cover the cost
 225 of entering the fingerprints into the statewide automated
 226 biometric identification system pursuant to s. 493.6108(4)(a)
 227 and the cost of enrollment in the Federal Bureau of
 228 Investigation's national retained print arrest notification
 229 program. Subsequent renewals may be completed without submission
 230 of a new set of fingerprints.

231 (b) Each Class "G" licensee shall additionally submit proof
 232 that he or she has received during each year of the license
 233 period a minimum of 4 hours of firearms regualification
 234 ~~recertification~~ training taught by a Class "K" licensee and has
 235 complied with such other health and training requirements that

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236 the department shall adopt by rule. Proof of completion of
 237 firearms requalification ~~recertification~~ training shall be
 238 submitted to the department upon completion of the training. A
 239 Class "G" licensee must successfully complete this
 240 requalification training for each type and caliber of firearm
 241 carried in the course of performing his or her regulated duties.
 242 If the licensee fails to complete the required 4 hours of annual
 243 training during the first year of the 2-year term of the
 244 license, the license shall be automatically suspended. The
 245 licensee must complete the minimum number of hours of range and
 246 classroom training required at the time of initial licensure and
 247 submit proof of completion of such training to the department
 248 before the license may be reinstated. If the licensee fails to
 249 complete the required 4 hours of annual training during the
 250 second year of the 2-year term of the license, the licensee must
 251 complete the minimum number of hours of range and classroom
 252 training required at the time of initial licensure and submit
 253 proof of completion of such training to the department before
 254 the license may be renewed. The department may waive the
 255 firearms training requirement if:

256 1. The applicant provides proof that he or she is currently
 257 certified as a law enforcement officer or correctional officer
 258 under the Criminal Justice Standards and Training Commission and
 259 has completed law enforcement firearms requalification training
 260 annually during the previous 2 years of the licensure period;

261 2. The applicant provides proof that he or she is currently
 262 certified as a federal law enforcement officer and has received
 263 law enforcement firearms training administered by a federal law
 264 enforcement agency annually during the previous 2 years of the

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265 licensure period; or

266 3. The applicant submits a valid firearm certificate among
 267 those specified in s. 493.6105(6) (a) and provides proof of
 268 having completed requalification training during the previous 2
 269 years of the licensure period.

270 Section 9. Subsection (4) of section 493.6115, Florida
 271 Statutes, is amended, present paragraphs (b), (c), and (d) of
 272 subsection (12) of that section are redesignated as paragraphs
 273 (c), (d), and (e), respectively, and a new paragraph (b) is
 274 added to that subsection, to read:

275 493.6115 Weapons and firearms.—

276 (4) A Class "C" or Class "CC" licensee who is 21 years of
 277 age or older and who has also been issued a Class "G" license
 278 may carry, in the performance of her or his duties, a concealed
 279 firearm. A Class "D" licensee who is 21 years of age or older
 280 and who has also been issued a Class "G" license may carry a
 281 concealed firearm in the performance of her or his duties under
 282 the conditions specified in s. 493.6305(3) and (4) ~~493.6305(2)~~.
 283 The Class "G" license must ~~shall~~ clearly indicate such
 284 authority. The authority of any such licensee to carry a
 285 concealed firearm is ~~shall be~~ valid in any location throughout
 286 the state, ~~in any location~~, while performing services within the
 287 scope of the license.

288 (12) The department may issue a temporary Class "G"
 289 license, on a case-by-case basis, if:

290 (b) The department has reviewed the mental health and
 291 substance abuse data provided by the Department of Law
 292 Enforcement as authorized in s. 493.6108(1) (b) and has
 293 determined the applicant is not prohibited from licensure based

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294 upon this data.

295 Section 10. Subsection (1) of section 493.6118, Florida
296 Statutes, is amended, and subsections (8) and (9) are added to
297 that section, to read:

298 493.6118 Grounds for disciplinary action.—

299 (1) The following constitute grounds for which disciplinary
300 action specified in subsection (2) may be taken by the
301 department against any licensee, agency, or applicant regulated
302 by this chapter, or any unlicensed person engaged in activities
303 regulated under this chapter:—

304 (a) Fraud or willful misrepresentation in applying for or
305 obtaining a license.

306 (b) Use of any fictitious or assumed name by an agency
307 unless the agency has department approval and qualifies under s.
308 865.09.

309 (c) Being found guilty of or entering a plea of guilty or
310 nolo contendere to, regardless of adjudication, or being
311 convicted of a crime that directly relates to the business for
312 which the license is held or sought. A plea of nolo contendere
313 shall create a rebuttable presumption of guilt to the underlying
314 criminal charges, and the department shall allow the individual
315 being disciplined or denied an application for a license to
316 present any mitigating circumstances surrounding his or her
317 plea.

318 (d) A false statement by the licensee that any individual
319 is or has been in his or her employ.

320 (e) A finding that the licensee or any employee is guilty
321 of willful betrayal of a professional secret or any unauthorized
322 release of information acquired as a result of activities

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323 regulated under this chapter.

324 (f) Proof that the applicant or licensee is guilty of fraud
325 or deceit, or of negligence, incompetency, or misconduct, in the
326 practice of the activities regulated under this chapter.

327 (g) Conducting activities regulated under this chapter
328 without a license or with a revoked or suspended license.

329 (h) Failure of the licensee to maintain in full force and
330 effect the commercial general liability insurance coverage
331 required by s. 493.6110.

332 (i) Impersonating, or permitting or aiding and abetting an
333 employee to impersonate, a law enforcement officer or an
334 employee of the state, the United States, or any political
335 subdivision thereof by identifying himself or herself as a
336 federal, state, county, or municipal law enforcement officer or
337 official representative, by wearing a uniform or presenting or
338 displaying a badge or credentials that would cause a reasonable
339 person to believe that he or she is a law enforcement officer or
340 that he or she has official authority, by displaying any
341 flashing or warning vehicular lights other than amber colored,
342 or by committing any act that is intended to falsely convey
343 official status.

344 (j) Commission of an act of violence or the use of force on
345 any person except in the lawful protection of one's self or
346 another from physical harm.

347 (k) Knowingly violating, advising, encouraging, or
348 assisting the violation of any statute, court order, capias,
349 warrant, injunction, or cease and desist order, in the course of
350 business regulated under this chapter.

351 (l) Soliciting business for an attorney in return for

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352 compensation.

353 (m) Transferring or attempting to transfer a license issued

354 pursuant to this chapter.

355 (n) Employing or contracting with any unlicensed or

356 improperly licensed person or agency to conduct activities

357 regulated under this chapter, or performing any act that

358 assists, aids, or abets a person or business entity in engaging

359 in unlicensed activity, when the licensure status was known or

360 could have been ascertained by reasonable inquiry.

361 (o) Failure or refusal to cooperate with or refusal of

362 access to an authorized representative of the department engaged

363 in an official investigation pursuant to this chapter.

364 (p) Failure of any partner, principal corporate officer, or

365 licensee to have his or her identification card in his or her

366 possession while on duty.

367 (q) Failure of any licensee to have his or her license in

368 his or her possession while on duty, as specified in s.

369 493.6111(1).

370 (r) Failure or refusal by a sponsor to certify a biannual

371 written report on an intern or to certify completion or

372 termination of an internship to the department within 15 working

373 days.

374 (s) Failure to report to the department any person whom the

375 licensee knows to be in violation of this chapter or the rules

376 of the department.

377 (t) Violating any provision of this chapter.

378 (u) For a Class "G" licensee, failing to timely complete

379 requalification ~~recertification~~ training as required in s.

380 493.6113(3)(b).

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381 (v) For a Class "K" licensee, failing to maintain active

382 certification specified under s. 493.6105(6).

383 (w) For a Class "G" or a Class "K" applicant or licensee,

384 being prohibited from purchasing or possessing a firearm by

385 state or federal law.

386 (x) In addition to the grounds for disciplinary action

387 prescribed in paragraphs (a)-(t), Class "R" recovery agencies,

388 Class "E" recovery agents, and Class "EE" recovery agent interns

389 are prohibited from committing the following acts:

390 1. Recovering a motor vehicle, mobile home, motorboat,

391 aircraft, personal watercraft, all-terrain vehicle, farm

392 equipment, or industrial equipment that has been sold under a

393 conditional sales agreement or under the terms of a chattel

394 mortgage before authorization has been received from the legal

395 owner or mortgagee.

396 2. Charging for expenses not actually incurred in

397 connection with the recovery, transportation, storage, or

398 disposal of repossessed property or personal property obtained

399 in a repossession.

400 3. Using any repossessed property or personal property

401 obtained in a repossession for the personal benefit of a

402 licensee or an officer, director, partner, manager, or employee

403 of a licensee.

404 4. Selling property recovered under the provisions of this

405 chapter, except with written authorization from the legal owner

406 or the mortgagee thereof.

407 5. Failing to notify the police or sheriff's department of

408 the jurisdiction in which the repossessed property is recovered

409 within 2 hours after recovery.

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410 6. Failing to remit moneys collected in lieu of recovery of
411 a motor vehicle, mobile home, motorboat, aircraft, personal
412 watercraft, all-terrain vehicle, farm equipment, or industrial
413 equipment to the client within 10 working days.

414 7. Failing to deliver to the client a negotiable instrument
415 that is payable to the client, within 10 working days after
416 receipt of such instrument.

417 8. Falsifying, altering, or failing to maintain any
418 required inventory or records regarding disposal of personal
419 property contained in or on repossessed property pursuant to s.
420 493.6404(1).

421 9. Carrying any weapon or firearm when he or she is on
422 private property and performing duties under his or her license
423 whether or not he or she is licensed pursuant to s. 790.06.

424 10. Soliciting from the legal owner the recovery of
425 property subject to repossession after such property has been
426 seen or located on public or private property if the amount
427 charged or requested for such recovery is more than the amount
428 normally charged for such a recovery.

429 11. Wearing, presenting, or displaying a badge in the
430 course of performing a repossession regulated by this chapter.

431 (y) Installation of a tracking device or tracking
432 application in violation of s. 934.425.

433 (z) Failure of any licensee to notify his or her employer
434 within 3 calendar days if he or she is arrested for any offense.

435 (8) Upon notification and subsequent written verification
436 to the department by a law enforcement agency, a court, or the
437 Department of Law Enforcement that a licensee has been arrested
438 or formally charged with a firearms-related crime that would

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439 disqualify him or her from licensure under this section, the
440 department shall automatically suspend his or her Class "G" or
441 Class "K" license until final disposition of the case.

442 (9) Upon notification and subsequent written verification
443 to the department by a law enforcement agency, a court, or the
444 Department of Law Enforcement that a licensee has been arrested
445 or formally charged with a forcible felony as defined in s.
446 776.08, the department shall automatically suspend his or her
447 license until final disposition of the case.

448 Section 11. Subsection (1) of section 493.6202, Florida
449 Statutes, is amended to read:

450 493.6202 Fees.—

451 (1) The department shall establish by rule examination and
452 ~~biennial~~ license fees, ~~which shall not to exceed~~ the following:

453 (a) Class "A" license—private investigative agency: \$450.

454 (b) Class "AA" or "AB" license—branch office: \$125.

455 (c) Class "MA" license—private investigative agency
456 manager: \$75.

457 (d) Class "C" license—private investigator: \$75.

458 (e) Class "CC" license—private investigator intern: \$60.

459 Section 12. Subsection (5) and paragraphs (b) and (c) of
460 subsection (6) of section 493.6203, Florida Statutes, are
461 amended to read:

462 493.6203 License requirements.—In addition to the license
463 requirements set forth elsewhere in this chapter, each
464 individual or agency shall comply with the following additional
465 requirements:

466 (5) ~~Effective January 1, 2008,~~ An applicant for a Class
467 "MA," Class "M," or Class "C" license must pass an examination

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468 that covers the provisions of this chapter and is administered
 469 by the department or by a provider approved by the department.
 470 The applicant must pass the examination before applying for
 471 licensure and must submit proof with the license application on
 472 a form approved by rule of the department that he or she has
 473 passed the examination. The administrator of the examination
 474 shall verify the identity of each applicant taking the
 475 examination.

476 (a) The examination requirement in this subsection does not
 477 apply to an individual who holds a valid Class "CC," Class "C,"
 478 Class "MA," or Class "M" license.

479 (b) Notwithstanding the exemption provided in paragraph
 480 (a), if the license of an applicant for relicensure has been
 481 invalid for more than 1 year, the applicant must take and pass
 482 the examination.

483 (c) The department shall establish by rule the content of
 484 the examination, the manner and procedure of its administration,
 485 and an examination fee that may not exceed \$100.

486 (6)

487 (b) ~~Effective January 1, 2012,~~ Before submission of an
 488 application to the department, the applicant for a Class "CC"
 489 license must have completed a minimum of 40 hours of
 490 professional training pertaining to general investigative
 491 techniques and this chapter, which course is offered by a state
 492 university or by a school, community college, college, or
 493 university under the purview of the Department of Education, and
 494 the applicant must pass an examination. ~~The training must be~~
 495 ~~provided in two parts, one 24-hour course and one 16-hour~~
 496 ~~course.~~ The certificate evidencing satisfactory completion of

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497 the 40 hours of professional training must be submitted with the
 498 application for a Class "CC" license. The training specified in
 499 this paragraph may be provided by face-to-face presentation,
 500 online technology, or a home study course in accordance with
 501 rules and procedures of the Department of Education. The
 502 administrator of the examination must verify the identity of
 503 each applicant taking the examination.

504 1. Upon an applicant's successful completion of each part
 505 of the approved training and passage of any required
 506 examination, the school, community college, college, or
 507 university shall issue a certificate of completion to the
 508 applicant. The certificates must be on a form established by
 509 rule of the department.

510 2. The department shall establish by rule the general
 511 content of the professional training and the examination
 512 criteria.

513 3. If the license of an applicant for relicensure is
 514 invalid for more than 1 year, the applicant must complete the
 515 required training and pass any required examination.

516 (c) ~~An individual who submits an application for a Class~~
 517 ~~"CC" license on or after September 1, 2008, through December 31,~~
 518 ~~2011, who has not completed the 16-hour course must submit proof~~
 519 ~~of successful completion of the course within 180 days after the~~
 520 ~~date the application is submitted. If documentation of~~
 521 ~~completion of the required training is not submitted by that~~
 522 ~~date, the individual's license shall be automatically suspended~~
 523 ~~until proof of the required training is submitted to the~~
 524 ~~department.~~ An individual licensed on or before August 31, 2008,
 525 is not required to complete additional training hours in order

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526 to renew an active license beyond the total required hours, and
 527 the timeframe for completion in effect at the time he or she was
 528 licensed applies.

529 Section 13. Subsection (1) of section 493.6302, Florida
 530 Statutes, is amended to read:

531 493.6302 Fees.—

532 (1) The department shall establish by rule ~~biennial~~ license
 533 fees, ~~which shall not to~~ exceed the following:

534 (a) Class "B" license—security agency: \$450.

535 (b) Class "BB" or Class "AB" license—branch office: \$125.

536 (c) Class "MB" license—security agency manager: \$75.

537 (d) Class "D" license—security officer: \$45.

538 (e) Class "DS" license—security officer school or training
 539 facility: \$60.

540 (f) Class "DI" license—security officer school or training
 541 facility instructor: \$60.

542 Section 14. Subsection (4) of section 493.6303, Florida
 543 Statutes, is amended to read:

544 493.6303 License requirements.—In addition to the license
 545 requirements set forth elsewhere in this chapter, each
 546 individual or agency must comply with the following additional
 547 requirements:

548 (4) (a) ~~Effective January 1, 2012,~~ An applicant for a Class
 549 "D" license must submit proof of successful completion of a
 550 minimum of 40 hours of professional training at a school or
 551 training facility licensed by the department. ~~The training must~~
 552 ~~be provided in two parts, one 24-hour course and one 16-hour~~
 553 ~~course.~~ The department shall by rule establish the general
 554 content and number of hours of each subject area to be taught.

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555 (b) ~~An individual who submits an application for a Class~~
 556 ~~"D" license on or after January 1, 2007, through December 31,~~
 557 ~~2011, who has not completed the 16-hour course must submit proof~~
 558 ~~of successful completion of the course within 180 days after the~~
 559 ~~date the application is submitted. If documentation of~~
 560 ~~completion of the required training is not submitted by that~~
 561 ~~date, the individual's license shall be automatically suspended~~
 562 ~~until proof of the required training is submitted to the~~
 563 ~~department. A person licensed before January 1, 2007, is not~~
 564 ~~required to complete additional training hours in order to renew~~
 565 ~~an active license beyond the total required hours, and the~~
 566 ~~timeframe for completion in effect at the time he or she was~~
 567 ~~licensed applies.~~

568 (e) Upon reapplication for a license, an individual whose
 569 license has been is suspended or revoked pursuant to paragraph
 570 (b), or is expired for at least 1 year or more, is considered,
 571 upon reapplication for a license, an initial applicant and must
 572 submit proof of successful completion of 40 hours of
 573 professional training at a school or training facility licensed
 574 by the department as provided in paragraph (a) before a license
 575 is issued.

576 Section 15. Subsection (1) of section 493.6304, Florida
 577 Statutes, is amended to read:

578 493.6304 Security officer school or training facility.—

579 (1) Any school, training facility, or instructor who offers
 580 the training specified outlined in s. 493.6303(4) for Class "D"
 581 applicants shall, before licensure of such school, training
 582 facility, or instructor, file with the department an application
 583 accompanied by an application fee in an amount to be determined

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584 by rule, not to exceed \$60. The fee ~~is shall~~ not be refundable.

585 Section 16. Subsection (1) of section 493.6402, Florida

586 Statutes, is amended to read:

587 493.6402 Fees.—

588 (1) The department shall establish by rule ~~biennial~~ license

589 fees ~~that shall~~ not to exceed the following:

590 (a) Class "R" license—recovery agency: \$450.

591 (b) Class "RR" license—branch office: \$125.

592 (c) Class "MR" license—recovery agency manager: \$75.

593 (d) Class "E" license—recovery agent: \$75.

594 (e) Class "EE" license—recovery agent intern: \$60.

595 (f) Class "RS" license—recovery agent school or training

596 facility: \$60.

597 (g) Class "RI" license—recovery agent school or training

598 facility instructor: \$60.

599 Section 17. Subsection (2) of section 493.6403, Florida

600 Statutes, is amended to read:

601 493.6403 License requirements.—

602 (2) ~~Beginning October 1, 1994,~~ An applicant for a Class "E"

603 or a Class "EE" license must submit proof of successful

604 completion ~~have completed a minimum~~ of 40 hours of professional

605 training at a school or training facility licensed by the

606 department. The department shall by rule establish the general

607 content for the training.

608 Section 18. Paragraph (a) of subsection (3) of section

609 501.059, Florida Statutes, is amended to read:

610 501.059 Telephone solicitation.—

611 (3) (a) If any residential, mobile, or telephonic paging

612 device telephone subscriber notifies the department of his or

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613 her desire to be placed on a "no sales solicitation calls"

614 listing indicating that the subscriber does not wish to receive

615 unsolicited telephonic sales calls, the department shall place

616 the subscriber on that listing ~~for 5 years~~.

617 Section 19. Paragraph (a) of subsection (1) and subsection

618 (3) of section 507.04, Florida Statutes, are amended to read:

619 507.04 Required insurance coverages; liability limitations;

620 valuation coverage.—

621 (1) LIABILITY INSURANCE.—

622 (a)1. Except as provided in paragraph (b), each mover

623 operating in this state must maintain current and valid

624 liability insurance coverage of at least \$10,000 per shipment

625 for the loss or damage of household goods resulting from the

626 negligence of the mover or its employees or agents.

627 2. The mover must provide the department with evidence of

628 liability insurance coverage before the mover is registered with

629 the department under s. 507.03. All insurance coverage

630 maintained by a mover must remain in effect throughout the

631 mover's registration period. A mover's failure to maintain

632 insurance coverage in accordance with this paragraph constitutes

633 an immediate threat to the public health, safety, and welfare.

634 ~~If a mover fails to maintain insurance coverage, the department~~

635 ~~may immediately suspend the mover's registration or eligibility~~

636 ~~for registration, and the mover must immediately cease operating~~

637 ~~as a mover in this state. In addition, and notwithstanding the~~

638 ~~availability of any administrative relief pursuant to chapter~~

639 ~~120, the department may seek from the appropriate circuit court~~

640 ~~an immediate injunction prohibiting the mover from operating in~~

641 ~~this state until the mover complies with this paragraph, a civil~~

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642 ~~penalty not to exceed \$5,000, and court costs.~~

643 (3) INSURANCE COVERAGES.—The insurance coverages required
644 under paragraph (1) (a) and subsection (2) must be issued by an
645 insurance company or carrier licensed to transact business in
646 this state under the Florida Insurance Code as designated in s.
647 624.01. The department shall require a mover to present a
648 certificate of insurance of the required coverages before
649 issuance or renewal of a registration certificate under s.
650 507.03. The department shall be named as a certificateholder in
651 the certificate and must be notified at least 10 days before
652 cancellation of insurance coverage. If a mover fails to maintain
653 insurance coverage, the department may immediately suspend the
654 mover's registration or eligibility for registration, and the
655 mover must immediately cease operating as a mover in this state.
656 In addition, and notwithstanding the availability of any
657 administrative relief pursuant to chapter 120, the department
658 may seek from the appropriate circuit court an immediate
659 injunction prohibiting the mover from operating in this state
660 until the mover complies with this section, a civil penalty not
661 to exceed \$5,000, and court costs.

662 Section 20. Section 534.021, Florida Statutes, is amended
663 to read:

664 534.021 Recording of marks or brands.—The department shall
665 be the recorder of livestock marks or brands, and the marks or
666 brands may not be recorded elsewhere in the state. Any livestock
667 owner who uses a mark or brand to identify her or his livestock
668 must register the mark or brand by applying to the department.
669 The application must be made on a form prescribed by the
670 department and must be accompanied by a detailed drawing

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671 ~~facsimile~~ of the brand applied for and a statement identifying
672 the county in which the applicant has or expects to have
673 livestock bearing the mark or brand to be recorded. The
674 department shall, upon its satisfaction that the application
675 meets the requirements of this chapter, record the mark or brand
676 for exclusive statewide use by the applicant. If an application
677 is made to record a mark or brand previously recorded, the
678 department shall determine whether the county in which the mark
679 or brand will be used is near enough to another county in which
680 the previously recorded mark or brand is used to cause confusion
681 or to aid theft or dishonesty, and if so, the department must
682 decline to admit to record the mark or brand. If a conflict
683 arises between the owner of any recorded mark or brand and
684 another claiming the right to record the same mark or brand, the
685 department must give preference to the present owner. The
686 department shall charge and collect at the time of recording a
687 fee of \$10 for each mark or brand. A person may not use any mark
688 or brand to which another has a prior right of record. It is
689 unlawful to brand any animal with a brand not registered with
690 the department.

691 Section 21. Section 534.041, Florida Statutes, is amended
692 to read:

693 534.041 Renewal of certificate of mark or brand.—The
694 registration of a mark or brand entitles the registered owner to
695 exclusive ownership and use of the mark or brand for a period
696 ending at midnight on the last day of the month 10 ~~5~~ years from
697 the date of registration. Upon application, registration may be
698 renewed, ~~upon application and payment of a renewal fee of \$5,~~
699 for successive 10-year ~~5-year~~ periods, each ending at midnight

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700 on the last day of the month 10 ~~5~~ years from the date of
 701 renewal. At least 60 days ~~before~~ ~~prior to~~ the expiration of a
 702 registration, the department shall notify by letter the
 703 registered owner of the mark or brand that, upon application for
 704 renewal and payment of the renewal fee, the department will
 705 issue a renewal certificate granting the registered owner
 706 exclusive ownership and use of the mark or brand for another 10-
 707 ~~year~~ ~~5-year~~ period ending at midnight on the last day of the
 708 month 10 ~~5~~ years from the date of renewal. Failure to make
 709 application for renewal within the month of expiration of a
 710 registration will cause the department to send a second notice
 711 to the registered owner by mail at her or his last known
 712 address. Failure of the registered owner to make application for
 713 renewal within 30 days after receipt of the second notice will
 714 cause the owner's mark or brand to be placed on an inactive list
 715 for a period of 12 months, after which it will be canceled and
 716 become subject to registration by another person.

717 Section 22. Section 534.061, Florida Statutes, is repealed.

718 Section 23. Subsection (1) of section 573.118, Florida
 719 Statutes, is amended to read:

720 573.118 Assessment; funds; review of accounts; loans.—

721 (1) To provide funds to defray the necessary expenses
 722 incurred by the department in the formulation, issuance,
 723 administration, and enforcement of any marketing order, every
 724 person engaged in the production, distributing, or handling of
 725 agricultural commodities within this state, and directly
 726 affected by any marketing order, shall pay to the department, at
 727 such times and in such installments as the department may
 728 prescribe, such person's pro rata share of necessary expenses.

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729 Each person's share of expenses shall be that proportion which
 730 the total volume of agricultural commodities produced,
 731 distributed, or handled by the person during the current
 732 marketing season, or part thereof covered by such marketing
 733 order, is of the total volume of the commodities produced,
 734 distributed, or handled by all such persons during the same
 735 current marketing season or part thereof. The department, after
 736 receiving the recommendations of the advisory council, shall fix
 737 the rate of assessment on the volume of agricultural commodities
 738 sold or some other equitable basis. For convenience of
 739 collection, upon request of the department, handlers of the
 740 commodities shall pay any producer assessments. Handlers paying
 741 assessments for and on behalf of any producers may collect the
 742 producer assessments from any moneys owed by the handlers to the
 743 producers. The collected assessments shall be deposited into the
 744 appropriate trust fund and used for the sole purpose of
 745 implementing the marketing order for which the assessment was
 746 collected. The department is not subject to s. 287.057 in the
 747 expenditure of these funds. However, the director of the
 748 Division of Fruit and Vegetables Marketing and Development shall
 749 file with the internal auditor of the department a certification
 750 of conditions and circumstances justifying each contract or
 751 agreement entered into without competitive bidding.

752 Section 24. Paragraph (b) of subsection (4) of section
 753 590.02, Florida Statutes, is amended to read:

754 590.02 Florida Forest Service; powers, authority, and
 755 duties; liability; building structures; Withlacoochee Training
 756 Center.—

757 (4)

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758 (b) Notwithstanding s. 553.80(1), the department shall
759 exclusively enforce the Florida Building Code as it pertains to
760 wildfire, ~~and law enforcement, and other Florida Forest Service~~
761 facilities under the jurisdiction of the department.

762 Section 25. Paragraph (a) of subsection (5) of section
763 597.004, Florida Statutes, is amended to read:

764 597.004 Aquaculture certificate of registration.—

765 (5) SALE OF AQUACULTURE PRODUCTS.—

766 (a) Aquaculture products, except shellfish, snook, and any
767 fish of the genus *Micropterus*, and prohibited and restricted
768 freshwater and marine species identified by rules of the Fish
769 and Wildlife Conservation Commission, may be sold ~~by an~~
770 ~~aquaculture producer certified pursuant to this section~~ without
771 restriction by a licensed dealer if the ~~so long as~~ product
772 origin can be identified.

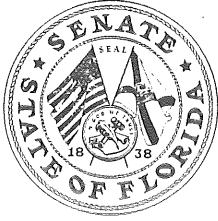
773 Section 26. Subsection (2) of section 604.16, Florida
774 Statutes, is amended to read:

775 604.16 Exceptions to provisions of ss. 604.15-604.34.—

776 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
777 not apply to:

778 (2) A dealer in agricultural products who pays at the time
779 of purchase with United States cash currency or a cash
780 equivalent, such as a money order, cashier's check, wire
781 transfer, electronic funds transfer, or PIN-based debit
782 transaction, or who pays with a credit card as defined in s.
783 658.995(2)(a).

784 Section 27. This act shall take effect July 1, 2017.



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Health Policy, *Chair*
Appropriations Subcommittee on Pre-K - 12
Education, *Vice Chair*
Commerce and Tourism
Communications, Energy, and Public Utilities
Regulated Industries

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR DANA YOUNG

18th District

February 13, 2017

Senator Bill Montford, Chair
Commerce and Tourism Committee
310 Knott Building
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Montford,

My Senate Bill 498, Department of Agriculture and Consumer Services has been referred to your committee for a hearing. I respectfully request that this bill be placed on the next available agenda.

If I may provide any additional information, please do not hesitate to contact me.

Sincerely,

Dana Young
State Senator – 18th District

DY:mfh

cc: Todd McKay, Staff Director – Commerce and Tourism Committee

REPLY TO:

- 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
- 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

Senate's Website: www.flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

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

3-6-17

Meeting Date

498

Bill Number (if applicable)

261922

Amendment Barcode (if applicable)

Topic Chapter 422 Changes -

Name DAVID DANIEL

Job Title _____

Address 311 EAST PARK AVENUE

Street

Phone 224-5081

TUL

City

FL

State

32301

Zip

Email ddaniel@smithbryanaudmyers.com

Speaking: For Against Information

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

Representing FLORIDA SURVEYING AND MAPPING SOCIETY

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)

Mar. 6, 2017
Meeting Date

498
Bill Number (if applicable)

Topic Department bill -

Amendment Barcode (if applicable)

Name Grace Lovett

Job Title Dir. Legislative Affairs

Address PL 10 The Capitol
Street

Phone 850 477 7700

Tallahassee FL 32309
City State Zip

Email grace.lovette.fresh@floridafresh.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: EL 110

Case No.:

Type:

Caption: Senate Committee on Commerce and Tourism

Judge:

Started: 3/6/2017 1:30:40 PM

Ends: 3/6/2017 1:56:42 PM Length: 00:26:03

1:30:44 PM
1:30:53 PM Meeting called to order
1:30:54 PM Roll Called
1:31:10 PM Quorum present
1:31:46 PM Tab 1 Senate Bill 380
1:32:01 PM Senator Mayfield speaks
1:32:29 PM Call for questions on the bill
1:32:37 PM Senator Mayfield explains amendment
1:33:03 PM Senator Montford asks for questions
1:33:22 PM Amendment is accepted
1:33:34 PM Senator Young asks question
1:34:01 PM Senator Mayfield Responds
1:34:25 PM Sen. Montford asks for further questions
1:34:37 PM Senator Montford Calls on Courtney Titus Brooks of Russel Manufacturers Association
1:34:46 PM Courtney Titus Brooks waives in support of bill
1:34:51 PM Sen. Montford calls on Jennifer Wilson of AAA
1:34:58 PM Jennifer Wilson of AAA supports the bill
1:35:14 PM Senator Latvala calls on AAA to explain their support for the bill
1:35:32 PM Speaker for AAA answers Latvalas Question
1:35:44 PM Sen Montford asks for further questions
1:35:55 PM Sen. Montford calls on Richard Gentry of Rubber Manufactrurers Association
1:35:56 PM Richard Gentry waives in support of bill
1:36:00 PM Sen. Montford calls on speaker Trevor Mask
1:36:09 PM Trevor Mark waives in support of bill
1:36:14 PM Sen. Montford asks for further questions
1:36:20 PM Sen. Montford calls roll
1:36:34 PM SB 380 Passes
1:36:42 PM Tab 2 SB 664
1:37:00 PM Sen. Montford calls on Sen. Bean
1:37:05 PM Sen. Bean speaks
1:37:59 PM Sen. Montford asks for questions on the bill
1:38:09 PM Sen. Montford calls on Sen. Bean
1:38:21 PM Sen. Bean answers
1:38:26 PM Sen. Montford calls for questions on amendment
1:38:32 PM No debate on the amendment
1:38:40 PM Amendment is adopted
1:38:49 PM Sen. Montford Calls on Sen. Gibson
1:39:00 PM Sen. Gibson asks Sen. Bean to explain 7 day provision in bill
1:39:28 PM Sen. Bean answers
1:39:44 PM Montford calls for further questions
1:39:55 PM Montford Calls on French Brown from FL Chamber of Commerce
1:40:00 PM Brown supports bill
1:40:04 PM Sen. Montford calls on Melissa Ramba of Florida Retail Federation
1:40:12 PM Melissa Ramba waives in support
1:40:28 PM Sen. Gibbs called on to debate bill
1:40:37 PM Sen. Gibbs speaks
1:41:23 PM Sen. Bean responds
1:41:46 PM Roll called on bill
1:42:05 PM Bill SB 664 passes
1:42:24 PM Tab 3 SB 440
1:42:33 PM Sen. Gibson called on to explain bill
1:42:42 PM Sen. Gibson speaks

1:42:47 PM Sen Montford calls for questions
1:42:53 PM No questions
1:42:57 PM Sen Montford calls on Zayne Smith of AARP
1:43:05 PM Zayne Smith states support for bill
1:43:12 PM Roll Call SB 440
1:43:28 PM Bill 440 passes unanimously
1:43:50 PM SB 498 Tab 4
1:43:56 PM Senator Young called on to explain
1:44:02 PM Sen. Young speaks
1:44:04 PM Sen. Young presents strike-all provision
1:49:33 PM Sen. Montford calls for questions
1:49:47 PM Sen Hutson speaks
1:49:55 PM Sen Young answers
1:49:59 PM Sen Latvala speaks
1:50:27 PM Sen Young answers
1:53:25 PM Sen Latvala speaks
1:53:56 PM Montford Calls on Grace Lovett of FL Dept. of Agriculture and Consumer Services
1:54:28 PM Grace Lovett speaks in support of bill
1:55:24 PM Grace Lovett waives in support of the bill
1:55:31 PM Sen. Montford calls on David Daniel of Florida Surveying and Mapping Society
1:55:32 PM David Daniel waives in support of the bill
1:55:35 PM Montford calls for questions on amendment
1:55:44 PM Roll call on amendment - passes
1:55:51 PM Montford calls for debate on bill
1:56:00 PM Close on bill by Young
1:56:05 PM Roll call on the bill
1:56:15 PM Bill SB 498 passes
1:56:30 PM Meeting adjourned