

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Nelson offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 70 and 71, insert:

5 Section 1. Subsections (5) and (7) of section 482.021,
6 Florida Statutes, are amended to read:

7 482.021 Definitions.--For the purposes of this chapter,
8 and unless otherwise required by the context, the term:

9 (5) "Certified operator in charge" means a certified
10 operator:

11 (a) Whose primary occupation is the pest control business;

12 (b) Who is employed full time by a licensee; and

13 (c) Whose principal duty is the ~~personal~~ supervision of
14 the licensee's operation in a category or categories of pest
15 control in which the operator is certified.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

16 (7) "Employee" means a person who is employed by a
17 licensee that provides that person with necessary training,
18 supervision, pesticides, equipment, and insurance and who
19 receives compensation from and is under the ~~personal~~ supervision
20 ~~and direct control~~ of the licensee's certified operator in
21 charge and from whose compensation the licensee regularly
22 deducts and matches federal insurance contributions and federal
23 income and Social Security taxes.

24 Section 2. Subsection (3) of section 482.051, Florida
25 Statutes, is amended to read:

26 482.051 Rules.--The department has authority to adopt
27 rules pursuant to ss. 120.536(1) and 120.54 to implement the
28 provisions of this chapter. Prior to proposing the adoption of a
29 rule, the department shall counsel with members of the pest
30 control industry concerning the proposed rule. The department
31 shall adopt rules for the protection of the health, safety, and
32 welfare of pest control employees and the general public which
33 require:

34 (3) That written contracts be required for providing
35 termites and other wood-destroying organisms pest control, that
36 provisions necessary to assure consumer protection as specified
37 by the department be included in such contracts, that licensees
38 perform an inspection before issuing a contract on an existing
39 structure, and that ~~require~~ licensees ~~to~~ comply with the
40 contracts issued.

41 Section 3. Subsection (4) of section 482.071, Florida
42 Statutes, is amended to read:

43 482.071 Licenses.--

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

44 (4) A licensee may not operate a pest control business
45 without carrying the required insurance coverage. Each person
46 making application for a pest control business license or
47 renewal thereof must furnish to the department a certificate of
48 insurance that meets the requirements for minimum financial
49 responsibility for bodily injury and property damage consisting
50 of:

51 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and
52 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000
53 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;
54 or

55 (b) Combined single-limit coverage: \$500,000 ~~\$400,000~~ in
56 the aggregate.

57 Section 4. Section 482.072, Florida Statutes, is created
58 to read:

59 482.072 Pest control service centers.--

60 (1) The department may issue a license to a qualified
61 business to operate a pest control service center, to solicit
62 pest control business, or to provide services to customers for
63 one or more business locations licensed under s. 482.071. A
64 person may not operate a centralized service center for a pest
65 control business that is not licensed by the department.

66 (2) (a) Before operating a pest control service center, and
67 biennially thereafter, on or before an anniversary date set by
68 the department for the licensed pest control service center
69 location, the pest control business must apply to the department
70 for a license under this chapter, or a renewal thereof, for each

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

71 pest control service center location. An application must be
72 submitted in the format prescribed by the department.

73 (b) The department shall establish a fee for the issuance
74 of a pest control service center license of at least \$500, but
75 not more than \$1,000, and a fee for the renewal of a license of
76 at least \$500, but not more than \$1,000; however, until rules
77 setting the fees are adopted by the department, the initial
78 license and renewal fees are each set at \$500. The department
79 shall establish a grace period, not to exceed 30 calendar days
80 after a license's anniversary renewal date. The department shall
81 assess a late renewal fee of \$150, in addition to the renewal
82 fee, to a business that renews its license after the grace
83 period.

84 (c) A license automatically expires 60 calendar days after
85 the anniversary renewal date unless the license is renewed
86 before that date. Once a license expires, it may be reinstated
87 only upon reapplication and payment of the license fee and late
88 renewal fee.

89 (d) A license automatically expires when a licensee
90 changes its pest control service center business location
91 address. The department shall issue a new license upon payment
92 of a \$250 fee. The new license automatically expires 60 calendar
93 days after the anniversary renewal date of the former license
94 unless the license is renewed before that date.

95 (e) The department may not issue or renew a license to
96 operate a centralized pest control service center unless the
97 pest control business licensees for whom the centralized service
98 center solicits business have one or more common owners.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

99 (f) The department may deny the issuance of a pest control
100 service center license, or refuse to renew a license, if the
101 department finds that the applicant or licensee, or any of its
102 directors, officers, owners, or general partners, are or were
103 directors, officers, owners, or general partners of a pest
104 control business described in s. 482.071(2)(g) or violated a
105 rule adopted under s. 482.071(2)(f).

106 (g) Section 482.091 does not apply to a person who
107 solicits pest control services or provides customer service in a
108 licensed pest control service center unless the person performs
109 the pest control work described in s. 482.021(21)(a)-(d),
110 executes a pest control contract, or accepts remuneration for
111 such work.

112 (3)(a) The department shall adopt rules establishing
113 requirements and procedures for recordkeeping and monitoring of
114 pest control service center operations to ensure compliance with
115 this chapter and rules adopted under this chapter.

116 (b) Notwithstanding s. 482.163, whether an employee acts
117 outside of the course and scope of his or her employment or
118 whether the employee disobeys employer policies:

119 1. A pest control service center licensee may be subject
120 to disciplinary action under s. 482.161 for a violation of this
121 chapter or a rule adopted under this chapter committed by an
122 employee of the service center.

123 2. A pest control business licensee may be subject to
124 disciplinary action under s. 482.161 for a violation committed
125 by an employee of the service center if the business licensee
126 benefits from the violation.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

127 Section 5. Section 482.152, Florida Statutes, is amended
128 to read:

129 482.152 Duties of certified operator in charge of pest
130 control activities of licensee.--A certified operator in charge
131 of the pest control activities of a licensee shall have her or
132 his primary occupation with the licensee and shall be a full-
133 time employee of the licensee. The, and her or his principal
134 duties of the certified operator in charge ~~duty~~ shall include:

135 (1) The Responsibility for the ~~personal~~ supervision of,
136 and participation in, the pest control activities of ~~at~~ the
137 business location of the licensee. This chapter does not prevent
138 a certified operator in charge from performing duties at other
139 business locations owned by the licensee if:

140 (a) The certified operator in charge performs her or his
141 duties as provided in this section for the business location of
142 the licensee.

143 (b) The certified operator in charge is a full-time
144 employee of the licensee.

145 (c) The primary occupation of the certified operator in
146 charge is the pest control business. ~~as the same relate to:~~

147 (2) ~~(1)~~ The Selection of proper and correct chemicals for
148 the particular pest control work performed.

149 (3) ~~(2)~~ The Safe and proper use of the pesticides used.

150 (4) ~~(3)~~ The Correct concentration and formulation of
151 pesticides used in all pest control work performed.

152 (5) ~~(4)~~ The Training of personnel in the proper and
153 acceptable methods of pest control.

154 (6) ~~(5)~~ The Control measures and procedures used.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

155 ~~(7)(6)~~ The Notification of the department of any
156 accidental human poisoning or death connected with pest control
157 work performed on a job she or he is supervising, within 24
158 hours after she or he has knowledge of the poisoning or death.

159 Section 6. Section 482.157, Florida Statutes, is created
160 to read:

161 482.157 Limited certification for commercial wildlife
162 management personnel.--

163 (1) The department shall establish a limited certification
164 category for individual commercial wildlife management personnel
165 which authorizes the personnel to use nonchemical methods for
166 controlling pest birds or rodents, including, but not limited
167 to, the use of traps, glue boards, mechanical or electronic
168 devices, or exclusionary techniques.

169 (2) A person seeking limited certification under this
170 section must pass an examination administered by the department.
171 An application for examination must be accompanied by an
172 examination fee set by rule of the department of at least \$150
173 but not to exceed \$300. The department shall provide the
174 appropriate reference materials for the examination and make the
175 examination readily available to applicants at least quarterly
176 or as often as necessary in each county. Before the department
177 issues a limited certification under this section, the person
178 applying for certification must furnish proof that he or she
179 holds a certificate of insurance stating that his or her
180 employer meets the requirements for minimum financial
181 responsibility in s. 482.071(4).

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

182 (3) An application for recertification under this section
183 must be submitted biennially and must be accompanied by a
184 recertification fee set by rule of the department of at least
185 \$150 but not to exceed \$300. The application must also be
186 accompanied by proof that:

187 (a) The applicant completed 4 classroom hours of
188 acceptable continuing education.

189 (b) The applicant holds a certificate of insurance stating
190 that his or her employer meets the requirements for minimum
191 financial responsibility in s. 482.071(4).

192 (4) The department shall establish a grace period, not to
193 exceed 30 calendar days after a biennial date established by the
194 department on which recertification is due. The department shall
195 assess a late charge of \$50, in addition to the recertification
196 fee, to commercial wildlife management personnel who are
197 recertified after the grace period.

198 (5) A limited certification automatically expires 180
199 calendar days after the biennial date on which recertification
200 is due unless the commercial wildlife personnel are recertified
201 before the certification expires. Once a certification expires,
202 certification may be issued only upon successful reexamination
203 and payment of the examination fees.

204 (6) Certification under this section does not authorize:

205 (a) Use of any pesticide or chemical substance, other than
206 adhesive materials, to control pest birds, rodents, or other
207 nuisance wildlife in, on, or under a structure.

208 (b) Operation of a pest control business.

209 (c) Supervision of a certified person.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

210 Section 7. Subsection (6) of section 482.226, Florida
211 Statutes, is amended to read:

212 482.226 Wood-destroying organism inspection report; notice
213 of inspection or treatment; financial responsibility.--

214 (6) Any licensee that performs wood-destroying organism
215 inspections in accordance with subsection (1) must meet minimum
216 financial responsibility in the form of errors and omissions
217 (professional liability) insurance coverage or bond in an amount
218 no less than \$250,000 ~~\$50,000~~ in the aggregate and ~~\$25,000 per~~
219 ~~occurrence~~, or demonstrate that the licensee has equity or net
220 worth of no less than \$500,000 ~~\$100,000~~ as determined by
221 generally accepted accounting principles substantiated by a
222 certified public accountant's review or certified audit. The
223 licensee must show proof of meeting this requirement at the time
224 of license application or renewal thereof.

225 Section 8. Subsection (1) of section 493.6102, Florida
226 Statutes, is amended to read:

227 493.6102 Inapplicability of this chapter.--This chapter
228 shall not apply to:

229 (1) Any individual who is an "officer" as defined in s.
230 943.10(14), or is a law enforcement officer of the United States
231 Government, while the ~~such~~ local, state, or federal officer is
232 engaged in her or his official duties or, if approved by the
233 officer's supervisors, when performing off-duty activities as a
234 security officer ~~activities approved by her or his superiors.~~

235 Section 9. Section 493.6105, Florida Statutes, is amended
236 to read:

237 493.6105 Initial application for license.--

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

238 (1) Each individual, partner, or principal officer in a
239 corporation, shall file with the department a complete
240 application accompanied by an application fee not to exceed \$60,
241 except that the applicant for a Class "D" or Class "G" license
242 shall not be required to submit an application fee. The
243 application fee shall not be refundable.

244 (a) The application submitted by any individual, partner,
245 or corporate officer shall be approved by the department prior
246 to that individual, partner, or corporate officer assuming his
247 or her duties.

248 (b) Individuals who invest in the ownership of a licensed
249 agency, but do not participate in, direct, or control the
250 operations of the agency shall not be required to file an
251 application.

252 (2) Each application shall be signed and verified by the
253 individual under oath as provided in s. 92.525 ~~and shall be~~
254 ~~notarized.~~

255 (3) The application shall contain the following
256 information concerning the individual signing same:

257 (a) Name and any aliases.

258 (b) Age and date of birth.

259 (c) Place of birth.

260 (d) Social security number or alien registration number,
261 whichever is applicable.

262 (e) Present residence address ~~and his or her residence~~
263 ~~addresses within the 5 years immediately preceding the~~
264 ~~submission of the application.~~

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

265 ~~(f) Occupations held presently and within the 5 years~~
266 ~~immediately preceding the submission of the application.~~

267 ~~(f)-(g)~~ A statement of all criminal convictions, findings
268 of guilt, and pleas of guilty or nolo contendere, regardless of
269 adjudication of guilt.

270 (g) One passport-type color photograph taken within the 6
271 months immediately preceding submission of the application.

272 (h) A statement whether he or she has ever been
273 adjudicated incompetent under chapter 744.

274 (i) A statement whether he or she has ever been committed
275 to a mental institution under chapter 394.

276 (j) A full set of fingerprints on a card provided by the
277 department and a fingerprint fee to be established by rule of
278 the department based upon costs determined by state and federal
279 agency charges and department processing costs. An applicant who
280 has, within the immediately preceding 6 months, submitted a
281 fingerprint card and fee for licensing purposes under this
282 chapter shall not be required to submit another fingerprint card
283 or fee.

284 (k) A personal inquiry waiver which allows the department
285 to conduct necessary investigations to satisfy the requirements
286 of this chapter.

287 (l) Such further facts as may be required by the
288 department to show that the individual signing the application
289 is of good moral character and qualified by experience and
290 training to satisfy the requirements of this chapter.

291 ~~(4) In addition to the application requirements outlined~~
292 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~
518253

Amendment No.

293 ~~Class "E," Class "EE," or Class "G" license shall submit two~~
294 ~~color photographs taken within the 6 months immediately~~
295 ~~preceding the submission of the application, which meet~~
296 ~~specifications prescribed by rule of the department. All other~~
297 ~~applicants shall submit one photograph taken within the 6 months~~
298 ~~immediately preceding the submission of the application.~~

299 (4)~~(5)~~ In addition to the application requirements
300 outlined under subsection (3), the applicant for a Class "C,"
301 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"
302 license shall include a statement on a form provided by the
303 department of the experience which he or she believes will
304 qualify him or her for such license.

305 (5)~~(6)~~ In addition to the requirements outlined in
306 subsection (3), an applicant for a Class "G" license shall
307 satisfy minimum training criteria for firearms established by
308 rule of the department, which training criteria shall include,
309 but is not limited to, 28 hours of range and classroom training
310 taught and administered by a Class "K" licensee; however, no
311 more than 8 hours of such training shall consist of range
312 training. If the applicant can show proof that he or she is an
313 active law enforcement officer currently certified under the
314 Criminal Justice Standards and Training Commission or has
315 completed the training required for that certification within
316 the last 12 months, or if the applicant submits one of the
317 certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
318 department may waive the foregoing firearms training
319 requirement.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

320 (6)~~(7)~~ In addition to the requirements under subsection
321 (3), an applicant for a Class "K" license shall:

322 (a) Submit one of the following certificates:

323 1. The Florida Criminal Justice Standards and Training
324 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
325 the commission that the applicant is authorized to provide
326 firearms instruction.

327 2. The National Rifle Association Law Enforcement ~~Police~~
328 Firearms Instructor's Certificate.

329 ~~3. The National Rifle Association Security Firearms~~
330 ~~Instructor's Certificate.~~

331 ~~3.4.~~ A firearms instructor's training certificate issued
332 by any branch of the United States Armed Forces, from a federal
333 law enforcement academy or agency, state, county, or municipal
334 ~~police~~ academy in this state recognized as such by the Criminal
335 Justice Standards and Training Commission ~~or by the Department~~
336 ~~of Education.~~

337 (b) Pay the fee for and pass an examination administered
338 by the department which shall be based upon, but is not
339 necessarily limited to, a firearms instruction manual provided
340 by the department.

341 (7)~~(8)~~ In addition to the application requirements for
342 individuals, partners, or officers outlined under subsection
343 (3), the application for an agency license shall contain the
344 following information:

345 (a) The proposed name under which the agency intends to
346 operate.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

347 (b) The street address, mailing address, and telephone
348 numbers of the principal location at which business is to be
349 conducted in this state.

350 (c) The street address, mailing address, and telephone
351 numbers of all branch offices within this state.

352 (d) The names and titles of all partners or, in the case
353 of a corporation, the names and titles of its principal
354 officers.

355 ~~(8)(9)~~ Upon submission of a complete application, a Class
356 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
357 Class "MA," Class "MB," or Class "MR" applicant may commence
358 employment or appropriate duties for a licensed agency or branch
359 office. However, the Class "C" or Class "E" applicant must work
360 under the direction and control of a sponsoring licensee while
361 his or her application is being processed. If the department
362 denies application for licensure, the employment of the
363 applicant must be terminated immediately, unless he or she
364 performs only unregulated duties.

365 Section 10. Paragraph (f) of subsection (1) and paragraph
366 (a) of subsection (2) of section 493.6106, Florida Statutes, are
367 amended, and paragraph (g) is added to subsection (1) of that
368 section, to read:

369 493.6106 License requirements; posting.--

370 (1) Each individual licensed by the department must:

371 (f) Be a citizen or permanent legal resident alien of the
372 United States or have appropriate ~~been granted~~ authorization
373 issued ~~to seek employment in this country~~ by the United States

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

374 Bureau of Citizenship and Immigration Services of the United
375 States Department of Homeland Security.

376 1. An applicant for a Class "C," Class "CC," Class "D,"
377 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
378 "MB," Class "MR," or Class "RI" license who is not a United
379 States citizen must submit proof of current employment
380 authorization issued by the United States Bureau of Citizenship
381 and Immigration Services or proof that she or he is deemed a
382 permanent legal resident alien by the United States Bureau of
383 Citizenship and Immigration Services.

384 2. An applicant for a Class "G" or Class "K" license who
385 is not a United States citizen must submit proof that she or he
386 is deemed a permanent legal resident alien by the United States
387 Bureau of Citizenship and Immigration Services, together with
388 additional documentation establishing that she or he has resided
389 in the state of residence shown on the application for at least
390 90 consecutive days before the date that the application is
391 submitted.

392 3. An applicant for an agency or school license who is not
393 a United States citizen or permanent legal resident alien must
394 submit documentation issued by the United States Bureau of
395 Citizenship and Immigration Services stating that she or he is
396 lawfully in the United States and is authorized to own and
397 operate the type of agency or school for which she or he is
398 applying. An employment authorization card issued by the United
399 States Bureau of Citizenship and Immigration Services is not
400 sufficient documentation.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

401 (g) Not be prohibited from purchasing or possessing a
402 firearm by state or federal law if the individual is applying
403 for a Class "G" license or a Class "K" license.

404 (2) Each agency shall have a minimum of one physical
405 location within this state from which the normal business of the
406 agency is conducted, and this location shall be considered the
407 primary office for that agency in this state.

408 (a) If an agency or branch office desires to change the
409 physical location of the business, as it appears on the ~~agency~~
410 license, the department must be notified within 10 days of the
411 change, and, except upon renewal, the fee prescribed in s.
412 493.6107 must be submitted for each license requiring revision.
413 Each license requiring revision must be returned with such
414 notification.

415 Section 11. Subsection (3) of section 493.6107, Florida
416 Statutes, is amended to read:

417 493.6107 Fees.--

418 (3) The fees set forth in this section must be paid by
419 ~~certified check or money order or, at the discretion of the~~
420 ~~department, by agency check~~ at the time the application is
421 approved, except that the applicant for a Class "G" or Class "M"
422 license must pay the license fee at the time the application is
423 made. If a license is revoked or denied or if the application is
424 withdrawn, the license fee shall not be refunded.

425 Section 12. Paragraph (a) of subsection (1) and subsection
426 (3) of section 493.6108, Florida Statutes, are amended to read:

427 493.6108 Investigation of applicants by Department of
428 Agriculture and Consumer Services.--

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

429 (1) Except as otherwise provided, prior to the issuance of
430 a license under this chapter, the department shall make an
431 investigation of the applicant for a license. The investigation
432 shall include:

433 (a)1. An examination of fingerprint records and police
434 records. When a criminal history analysis of any applicant under
435 this chapter is performed by means of fingerprint card
436 identification, the time limitations prescribed by s. 120.60(1)
437 shall be tolled during the time the applicant's fingerprint card
438 is under review by the Department of Law Enforcement or the
439 United States Department of Justice, Federal Bureau of
440 Investigation.

441 2. If a legible set of fingerprints, as determined by the
442 Department of Law Enforcement or the Federal Bureau of
443 Investigation, cannot be obtained after two attempts, the
444 Department of Agriculture and Consumer Services may determine
445 the applicant's eligibility based upon a criminal history record
446 check under the applicant's name conducted by the Department of
447 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
448 ~~A set of fingerprints are taken by a law enforcement agency or~~
449 ~~the department and the applicant submits~~ a written statement
450 signed by the fingerprint technician or a licensed physician
451 stating that there is a physical condition that precludes
452 obtaining a legible set of fingerprints or that the fingerprints
453 taken are the best that can be obtained ~~is sufficient to meet~~
454 ~~this requirement.~~

455 (3) The department shall also investigate the mental
456 history and current mental and emotional fitness of any Class
518253

Amendment No.

457 "G" or Class "K" applicant, and may deny a Class "G" or Class
458 "K" license to anyone who has a history of mental illness or
459 drug or alcohol abuse.

460 Section 13. Subsection (4) of section 493.6111, Florida
461 Statutes, is amended to read:

462 493.6111 License; contents; identification card.--

463 (4) Notwithstanding the existence of a valid Florida
464 corporate registration, an ~~ne~~ agency or school licensee may not
465 conduct activities regulated under this chapter under any
466 fictitious name without prior written authorization from the
467 department to use that name in the conduct of activities
468 regulated under this chapter. The department may not authorize
469 the use of a name which is so similar to that of a public
470 officer or agency, or of that used by another licensee, that the
471 public may be confused or misled thereby. The authorization for
472 the use of a fictitious name shall require, as a condition
473 precedent to the use of such name, the filing of a certificate
474 of engaging in business under a fictitious name under s. 865.09.
475 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
476 under more than one fictitious name except as separately
477 licensed nor shall the license be valid to protect any licensee
478 who is engaged in ~~the~~ business under any name other than that
479 specified in the license. An agency desiring to change its
480 licensed name shall notify the department and, except upon
481 renewal, pay a fee not to exceed \$30 for each license requiring
482 revision including those of all licensed employees except Class
483 "D" or Class "G" licensees. Upon the return of such licenses to
484 the department, revised licenses shall be provided.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

485 Section 14. Subsection (2) and paragraph (a) of subsection
486 (3) of section 493.6113, Florida Statutes, are amended to read:

487 493.6113 Renewal application for licensure.--

488 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
489 expiration date of the license, the department shall mail a
490 written notice to the last known mailing ~~residence~~ address of
491 the licensee ~~for individual licensees and to the last known~~
492 ~~agency address for agencies.~~

493 (3) Each licensee shall be responsible for renewing his or
494 her license on or before its expiration by filing with the
495 department an application for renewal accompanied by payment of
496 the prescribed license fee.

497 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~
498 licensee shall additionally submit on a form prescribed by the
499 department a certification of insurance which evidences that the
500 licensee maintains coverage as required under s. 493.6110.

501 Section 15. Subsection (8), paragraph (d) of subsection
502 (12), and subsection (16) of section 493.6115, Florida Statutes,
503 are amended to read:

504 493.6115 Weapons and firearms.--

505 (8) A Class "G" applicant must satisfy the minimum
506 training criteria as set forth in s. 493.6105(5)~~(6)~~ and as
507 established by rule of the department.

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

510 (d) The applicant has received approval from the
511 department subsequent to its conduct of a criminal history
512 record check as authorized in s. 493.6108(1)(a)1. ~~493.6121(6).~~

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

513 (16) If the criminal history record check program
514 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
515 department may issue a temporary "G" license on a case-by-case
516 basis, provided that the applicant has met all statutory
517 requirements for the issuance of a temporary "G" license as
518 specified in subsection (12), excepting the criminal history
519 record check stipulated there; provided, that the department
520 requires that the licensed employer of the applicant conduct a
521 criminal history record check of the applicant pursuant to
522 standards set forth in rule by the department, and provide to
523 the department an affidavit containing such information and
524 statements as required by the department, including a statement
525 that the criminal history record check did not indicate the
526 existence of any criminal history that would prohibit licensure.
527 Failure to properly conduct such a check, or knowingly providing
528 incorrect or misleading information or statements in the
529 affidavit shall constitute grounds for disciplinary action
530 against the licensed agency, including revocation of license.

531 Section 16. Paragraph (u) of subsection (1) of section
532 493.6118, Florida Statutes, is redesignated as paragraph (v),
533 and a new paragraph (u) is added to that subsection to read:

534 493.6118 Grounds for disciplinary action.--

535 (1) The following constitute grounds for which
536 disciplinary action specified in subsection (2) may be taken by
537 the department against any licensee, agency, or applicant
538 regulated by this chapter, or any unlicensed person engaged in
539 activities regulated under this chapter.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

540 (u) For a Class "G" or a Class "K" applicant or licensee,
541 being prohibited from purchasing or possessing a firearm by
542 state or federal law.

543 Section 17. Subsections (7) and (8) of section 493.6121,
544 Florida Statutes, are renumbered as subsections (6) and (7),
545 respectively, and present subsection (6) of that section is
546 amended, to read:

547 493.6121 Enforcement; investigation.--

548 ~~(6) The department shall be provided access to the program~~
549 ~~that is operated by the Department of Law Enforcement, pursuant~~
550 ~~to s. 790.065, for providing criminal history record information~~
551 ~~to licensed gun dealers, manufacturers, and exporters. The~~
552 ~~department may make inquiries, and shall receive responses in~~
553 ~~the same fashion as provided under s. 790.065. The department~~
554 ~~shall be responsible for payment to the Department of Law~~
555 ~~Enforcement of the same fees as charged to others afforded~~
556 ~~access to the program.~~

557 Section 18. Subsection (3) of section 493.6202, Florida
558 Statutes, is amended to read:

559 493.6202 Fees.--

560 (3) The fees set forth in this section must be paid by
561 ~~certified check or money order or, at the discretion of the~~
562 ~~department, by agency check~~ at the time the application is
563 approved, except that the applicant for a Class "G," Class "C,"
564 Class "CC," Class "M," or Class "MA" license must pay the
565 license fee at the time the application is made. If a license is
566 revoked or denied or if the application is withdrawn, the
567 license fee shall not be refunded.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

568 Section 19. Subsections (2), (4), and (6) of section
569 493.6203, Florida Statutes, are amended to read:

570 493.6203 License requirements.--In addition to the license
571 requirements set forth elsewhere in this chapter, each
572 individual or agency shall comply with the following additional
573 requirements:

574 (2) An applicant for a Class "MA" license shall have 2
575 years of lawfully gained, verifiable, full-time experience, or
576 training in:

577 (a) Private investigative work or related fields of work
578 that provided equivalent experience or training;

579 (b) Work as a Class "CC" licensed intern;

580 (c) Any combination of paragraphs (a) and (b);

581 (d) Experience described in paragraph (a) for 1 year and
582 experience described in paragraph (e) for 1 year;

583 (e) No more than 1 year using:

584 1. College coursework related to criminal justice,
585 criminology, or law enforcement administration; or

586 2. Successfully completed law enforcement-related training
587 received from any federal, state, county, or municipal agency;
588 or

589 (f) Experience described in paragraph (a) for 1 year and
590 work in a managerial or supervisory capacity for 1 year.

591
592 However, experience in performing bodyguard services is not
593 creditable toward the requirements of this subsection.

594 (4) An applicant for a Class "C" license shall have 2
595 years of lawfully gained, verifiable, full-time experience, or
518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

596 training in one, or a combination of more than one, of the
597 following:

598 (a) Private investigative work or related fields of work
599 that provided equivalent experience or training.

600 (b) College coursework related to criminal justice,
601 criminology, or law enforcement administration, or successful
602 completion of any law enforcement-related training received from
603 any federal, state, county, or municipal agency, except that no
604 more than 1 year may be used from this category.

605 (c) Work as a Class "CC" licensed intern.

606

607 However, experience in performing bodyguard services is not
608 creditable toward the requirements of this subsection.

609 (6) (a) A Class "CC" licensee shall serve an internship
610 under the direction and control of a designated sponsor, who is
611 a Class "C," Class "MA," or Class "M" licensee.

612 (b) Effective July 1, 2009 ~~September 1, 2008~~, before
613 submission of an application to the department, the an applicant
614 for a Class "CC" license must have completed a minimum of 40 at
615 least 24 hours of professional training a 40-hour course
616 pertaining to general investigative techniques and this chapter,
617 which course is offered by a state university or by a school,
618 community college, college, or university under the purview of
619 the Department of Education, and the applicant must pass an
620 examination. The training must be provided in two parts, one 24-
621 hour course and one 16-hour course. The certificate evidencing
622 satisfactory completion of the 40 at least 24 hours of
623 professional training a 40-hour course must be submitted with

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

624 the application for a Class "CC" license. ~~The remaining 16 hours~~
625 ~~must be completed and an examination passed within 180 days. If~~
626 ~~documentation of completion of the required training is not~~
627 ~~submitted within the specified timeframe, the individual's~~
628 ~~license is automatically suspended or his or her authority to~~
629 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
630 ~~until such time as proof of certificate of completion is~~
631 ~~provided to the department.~~ The training ~~course~~ specified in
632 this paragraph may be provided by face-to-face presentation,
633 online technology, or a home study course in accordance with
634 rules and procedures of the Department of Education. The
635 administrator of the examination must verify the identity of
636 each applicant taking the examination.

637 1. Upon an applicant's successful completion of each part
638 of the approved training ~~course~~ and passage of any required
639 examination, the school, community college, college, or
640 university shall issue a certificate of completion to the
641 applicant. The certificates must be on a form established by
642 rule of the department.

643 2. The department shall establish by rule the general
644 content of the professional training ~~course~~ and the examination
645 criteria.

646 3. If the license of an applicant for relicensure is ~~has~~
647 ~~been~~ invalid for more than 1 year, the applicant must complete
648 the required training and pass any required examination.

649 (c) An individual who submits an application for a Class
650 "CC" license on or after September 1, 2008, through June 30,
651 2009, who has not completed the 16-hour course must submit proof

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

652 of successful completion of the course within 180 days after the
653 date the application is submitted. If documentation of
654 completion of the required training is not submitted by that
655 date, the individual's license is automatically suspended until
656 proof of the required training is submitted to the department.
657 An individual licensed on or before August 31, 2008, is not
658 required to complete additional training hours in order to renew
659 an active license beyond the required total amount of training,
660 and within the timeframe, in effect at the time he or she was
661 licensed.

662 Section 20. Subsection (3) of section 493.6302, Florida
663 Statutes, is amended to read:

664 493.6302 Fees.--

665 (3) The fees set forth in this section must be paid by
666 ~~certified check or money order or, at the discretion of the~~
667 ~~department, by agency check~~ at the time the application is
668 approved, except that the applicant for a Class "D," Class "G,"
669 Class "M," or Class "MB" license must pay the license fee at the
670 time the application is made. If a license is revoked or denied
671 or if the application is withdrawn, the license fee shall not be
672 refunded.

673 Section 21. Subsection (4) of section 493.6303, Florida
674 Statutes, is amended to read:

675 493.6303 License requirements.--In addition to the license
676 requirements set forth elsewhere in this chapter, each
677 individual or agency shall comply with the following additional
678 requirements:

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

679 (4) (a) Effective July 1, 2009, an applicant for a Class
680 "D" license must submit proof of successful completion of
681 ~~complete~~ a minimum of 40 hours of professional training at a
682 school or training facility licensed by the department. The
683 training must be provided in two parts, one 24-hour course and
684 one 16-hour course. The department shall by rule establish the
685 general content and number of hours of each subject area to be
686 taught.

687 (b) An individual who submits an application for a Class
688 "D" license on or after January 1, 2007, through June 30, 2009,
689 who has not completed the 16-hour course must submit proof of
690 successful completion of the course within 180 days after the
691 date the application is submitted. If documentation of
692 completion of the required training is not submitted by that
693 date, the individual's license is automatically suspended until
694 proof of the required training is submitted to the department.
695 This section does not require a person licensed before January
696 1, 2007, to complete additional training hours in order to renew
697 an active license beyond the required total amount of training
698 within the timeframe prescribed by law at the time he or she was
699 licensed. An applicant may fulfill the training requirement
700 ~~prescribed in paragraph (a) by submitting proof of:~~

701 1. ~~Successful completion of the total number of required~~
702 ~~hours of training before initial application for a Class "D"~~
703 ~~license; or~~

704 2. ~~Successful completion of 24 hours of training before~~
705 ~~initial application for a Class "D" license and successful~~
706 ~~completion of the remaining 16 hours of training within 180 days~~

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

707 ~~after the date that the application is submitted. If~~
708 ~~documentation of completion of the required training is not~~
709 ~~submitted within the specified timeframe, the individual's~~
710 ~~license is automatically suspended until such time as proof of~~
711 ~~the required training is provided to the department.~~

712 (c) An individual ~~However, any person whose license is~~
713 ~~suspended or has been revoked, suspended pursuant to paragraph~~
714 ~~(b) subparagraph 2., or is expired for at least 1 year, or~~
715 ~~longer is considered, upon reapplication for a license, an~~
716 ~~initial applicant and must submit proof of successful completion~~
717 ~~of 40 hours of professional training at a school or training~~
718 ~~facility licensed by the department as provided ~~prescribed~~ in~~
719 ~~paragraph (a) before a license is ~~will be~~ issued. Any person~~
720 ~~whose license was issued before January 1, 2007, and whose~~
721 ~~license has been expired for less than 1 year must, upon~~
722 ~~reapplication for a license, submit documentation of completion~~
723 ~~of the total number of hours of training prescribed by law at~~
724 ~~the time her or his initial license was issued before another~~
725 ~~license will be issued. This subsection does not require an~~
726 ~~individual licensed before January 1, 2007, to complete~~
727 ~~additional training hours in order to renew an active license,~~
728 ~~beyond the required total amount of training within the~~
729 ~~timeframe prescribed by law at the time she or he was licensed.~~

730 Section 22. Subsection (2) of section 493.6304, Florida
731 Statutes, is amended to read:

732 493.6304 Security officer school or training facility.--

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

733 (2) The application shall be signed and verified by the
734 applicant under oath as provided in s. 92.525 ~~notarized~~ and
735 shall contain, at a minimum, the following information:

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

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

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

743 Section 23. Subsections (7) and (8) of section 493.6401,
744 Florida Statutes, are amended to read:

745 493.6401 Classes of licenses.--

746 (7) Any person who operates a recovery agent ~~repossessor~~
747 school or training facility or who conducts an Internet-based
748 training course or a correspondence training course must have a
749 Class "RS" license.

750 (8) Any individual who teaches or instructs at a Class
751 "RS" recovery agent ~~repossessor~~ school or training facility
752 shall have a Class "RI" license.

753 Section 24. Paragraphs (f) and (g) of subsection (1) and
754 subsection (3) of section 493.6402, Florida Statutes, are
755 amended to read:

756 493.6402 Fees.--

757 (1) The department shall establish by rule biennial
758 license fees which shall not exceed the following:

759 (f) Class "RS" license--recovery agent ~~repossessor~~ school
760 or training facility: \$60.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

761 (g) Class "RI" license--recovery agent ~~repossessor~~ school
762 or training facility instructor: \$60.

763 (3) The fees set forth in this section must be paid by
764 ~~certified check or money order, or, at the discretion of the~~
765 ~~department, by agency check~~ at the time the application is
766 approved, except that the applicant for a Class "E," Class "EE,"
767 or Class "MR" license must pay the license fee at the time the
768 application is made. If a license is revoked or denied, or if an
769 application is withdrawn, the license fee shall not be refunded.

770 Section 25. Subsections (1) and (2) of section 493.6406,
771 Florida Statutes, are amended to read:

772 493.6406 Recovery agent ~~Repossession services~~ school or
773 training facility.--

774 (1) Any school, training facility, or instructor who
775 offers the training outlined in s. 493.6403(2) for Class "E" or
776 Class "EE" applicants shall, before licensure of such school,
777 training facility, or instructor, file with the department an
778 application accompanied by an application fee in an amount to be
779 determined by rule, not to exceed \$60. The fee shall not be
780 refundable. This training may be offered as face-to-face
781 training, Internet-based training, or correspondence training.

782 (2) The application shall be signed and verified by the
783 applicant under oath as provided in s. 92.525 ~~notarized~~ and
784 shall contain, at a minimum, the following information:

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

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

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

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

793 Section 26. Paragraph (a) of subsection (2) of section
794 501.605, Florida Statutes, is amended to read:

795 501.605 Licensure of commercial telephone sellers.--

796 (2) An applicant for a license as a commercial telephone
797 seller must submit to the department, in such form as it
798 prescribes, a written application for the license. The
799 application must set forth the following information:

800 (a) The true name, date of birth, driver's license number,
801 ~~social security number,~~ and home address of the applicant,
802 including each name under which he or she intends to do
803 business.

804
805 The application shall be accompanied by a copy of any: Script,
806 outline, or presentation the applicant will require or suggest a
807 salesperson to use when soliciting, or, if no such document is
808 used, a statement to that effect; sales information or
809 literature to be provided by the applicant to a salesperson; and
810 sales information or literature to be provided by the applicant
811 to a purchaser in connection with any solicitation.

812 Section 27. Paragraph (a) of subsection (1) of section
813 501.607, Florida Statutes, is amended to read:

814 501.607 Licensure of salespersons.--

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

815 (1) An applicant for a license as a salesperson must
816 submit to the department, in such form as it prescribes, a
817 written application for a license. The application must set
818 forth the following information:

819 (a) The true name, date of birth, driver's license number,
820 ~~social security number,~~ and home address of the applicant.

821 Section 28. Subsection (2) of section 501.913, Florida
822 Statutes, is amended to read:

823 501.913 Registration.--

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

825 (a) Specimens or facsimiles of the label for each brand of
826 antifreeze;

827 (b) An application fee of \$200 for each brand; and

828 (c) A properly labeled sample of at least 1 gallon, but
829 not more than 2 gallons, of each brand of antifreeze.

830 Section 29. Subsection (2) of section 525.01, Florida
831 Statutes, is amended to read:

832 525.01 Gasoline and oil to be inspected.--

833 (2) All petroleum fuels are ~~shall be~~ subject to inspection
834 and analysis by the department. Before selling or offering for
835 sale in this state any petroleum fuel, all manufacturers,
836 terminal suppliers, wholesalers, and importers as defined in s.
837 206.01 ~~jobbers~~ shall file with the department:

838 (a) An affidavit that they desire to do business in this
839 state, and the name and address of the manufacturer of the
840 petroleum fuel.

841 (b) An affidavit stating that the petroleum fuel is in
842 conformity with the standards prescribed by department rule.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

843 Section 30. Subsections (1) and (3) of section 525.09,
844 Florida Statutes, are amended to read:

845 525.09 Inspection fee.--

846 (1) For the purpose of defraying the expenses incident to
847 inspecting, testing, and analyzing petroleum fuels in this
848 state, there shall be paid to the department a charge of one-
849 eighth cent per gallon on all gasoline, alternative fuel
850 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
851 kerosene (except when used as aviation turbine fuel), and #1
852 fuel oil for sale or use in this state. This inspection fee
853 shall be imposed in the same manner as the motor fuel tax
854 pursuant to s. 206.41. Payment shall be made on or before the
855 25th day of each month.

856 (3) All remittances to the department for the inspection
857 tax herein provided shall be accompanied by a detailed report
858 under oath showing the number of gallons of gasoline,
859 alternative fuel containing alcohol as defined in s.
860 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
861 in each county.

862 Section 31. Section 526.50, Florida Statutes, is amended
863 to read:

864 526.50 Definition of terms.--As used in this part:

865 (1) "Brake fluid" means the fluid intended for use as the
866 liquid medium through which force is transmitted in the
867 hydraulic brake system of a vehicle operated upon the highways.

868 (2) "Brand" means the product name appearing on the label
869 of a container of brake fluid.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

870 (3)~~(5)~~ "Container" means any receptacle in which brake
871 fluid is immediately contained when sold, but does not mean a
872 carton or wrapping in which a number of such receptacles are
873 shipped or stored or a tank car or truck.

874 (4)~~(2)~~ "Department" means the Department of Agriculture
875 and Consumer Services.

876 (5) "Formula" means the name of the chemical mixture or
877 composition of the brake fluid product.

878 (6)~~(4)~~ "Labeling" includes all written, printed or graphic
879 representations, in any form whatsoever, imprinted upon or
880 affixed to any container of brake fluid.

881 (7)~~(6)~~ "Permit year" means a period of 12 months
882 commencing July 1 and ending on the next succeeding June 30.

883 (8)~~(7)~~ "Registrant" means any manufacturer, packer,
884 distributor, seller, or other person who has registered a brake
885 fluid with the department.

886 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
887 trade, keep for sale, offer for sale or expose for sale, in any
888 of their variant forms.

889 Section 32. Section 526.51, Florida Statutes, is amended
890 to read:

891 526.51 Registration;~~renewal and~~ fees; departmental
892 expenses; cancellation or refusal to issue or renew.--

893 (1) (a) Application for registration of each brand of brake
894 fluid shall be made on forms to be supplied by the department.
895 The applicant shall give his or her name and address and the
896 brand name of the brake fluid, state that he or she owns the
897 brand name and has complete control over the product sold

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

898 thereunder in Florida, and provide the name and address of the
899 resident agent in Florida. If the applicant does not own the
900 brand name but wishes to register the product with the
901 department, a notarized affidavit that gives the applicant full
902 authorization to register the brand name and that is signed by
903 the owner of the brand name must accompany the application for
904 registration. The affidavit must include all affected brand
905 names, the owner's company or corporate name and address, the
906 applicant's company or corporate name and address, and a
907 statement from the owner authorizing the applicant to register
908 the product with the department. The owner of the brand name
909 shall maintain complete control over each product sold under
910 that brand name in this state. All first-time brand-formula
911 combination ~~new product~~ applications must be accompanied by a
912 certified report from an independent testing laboratory, setting
913 forth the analysis of the brake fluid which shall show its
914 quality to be not less than the specifications established by
915 the department for brake fluids. A sample of not less than 24
916 fluid ounces of brake fluid shall be submitted, in a container
917 or containers, with labels representing exactly how the
918 containers of brake fluid will be labeled when sold, and the
919 sample and container shall be analyzed and inspected by the
920 Division of Standards in order that compliance with the
921 department's specifications and labeling requirements may be
922 verified. Upon approval of the application, the department shall
923 register the brand name of the brake fluid and issue to the
924 applicant a permit authorizing the registrant to sell the brake

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

925 fluid in this state during the permit year specified in the
926 permit.

927 (b) Each applicant shall pay a fee of \$100 with each
928 application. An applicant seeking reregistration of a previously
929 registered brand-formula combination must submit a completed
930 application and all materials required under this subsection to
931 the department before the first day of the permit year. A brand-
932 formula combination for which a completed application and all
933 materials required under this subsection are not received before
934 the first day of the permit year ceases to be registered with
935 the department until a completed application and all materials
936 required under this subsection are received and approved. Any
937 fee, application, or materials received after the first day of
938 the permit year, if the brand-formula combination was previously
939 registered with the department, A permit may be renewed by
940 application to the department, accompanied by a renewal fee of
941 \$50 on or before the last day of the permit year immediately
942 preceding the permit year for which application is made for
943 renewal of registration. To any fee not paid when due, there
944 shall accrue a penalty of \$25, which shall be added to the
945 renewal fee. Renewals will be accepted only on brake fluids that
946 have no change in formula, composition, or brand name. Any
947 change in formula, composition, or brand name of any brake fluid
948 constitutes a new product that must be registered in accordance
949 with this part.

950 (2) All fees collected under the provisions of this
951 section shall be credited to the General Inspection Trust Fund

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

952 of the department and all expenses incurred in the enforcement
953 of this part shall be paid from said fund.

954 (3) The department may cancel ~~or~~ refuse to issue ~~or~~
955 ~~refuse to renew~~ any registration and permit after due notice and
956 opportunity to be heard if it finds that the brake fluid is
957 adulterated or misbranded or that the registrant has failed to
958 comply with the provisions of this part or the rules and
959 regulations promulgated thereunder.

960 Section 33. Paragraph (a) of subsection (3) of section
961 526.52, Florida Statutes, is amended to read:

962 526.52 Specifications; adulteration and misbranding.--

963 (3) Brake fluid is deemed to be misbranded:

964 (a) If its container does not bear on its side or top a
965 label on which is printed the name and place of business of the
966 registrant of the product, the words "brake fluid," and a
967 statement that the product therein equals or exceeds the minimum
968 specification of the Society of Automotive Engineers for heavy-
969 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
970 Safety Standard No. 116 adopted by the United States Department
971 of Transportation, ~~heavy-duty-type~~. By regulation the department
972 may require that the duty-type classification appear on the
973 label.

974 Section 34. Subsection (2) of section 526.53, Florida
975 Statutes, is amended to read:

976 526.53 Enforcement; inspection and analysis, stop-sale and
977 disposition, regulations.--

978 (2) (a) When any brake fluid is sold in violation of any of
979 the provisions of this part, all such affected brake fluid of
518253

Amendment No.

980 the same brand name ~~on the same premises on which the violation~~
981 ~~occurred~~ shall be placed under a stop-sale order by the
982 department by serving the owner of the brand name, distributor,
983 or other entity responsible for selling or distributing the
984 product in the state with the stop-sale order. The department
985 shall withdraw its stop-sale order upon the removal of the
986 violation or upon voluntary destruction of the product, or other
987 disposal approved by the department, under the supervision of
988 the department.

989 (b) In addition to being subject to the stop-sale
990 procedures above, unregistered brake fluid shall be held by the
991 department or its representative, at a place to be designated in
992 the stop-sale order, until properly registered and released in
993 writing by the department or its representative. If application
994 is has not been made for registration of the such product within
995 30 days after issue of the stop-sale order, such product shall
996 be disposed of by the department, or, with the department's
997 consent, by the business, to any tax-supported institution or
998 agency of the state if the brake fluid meets legal
999 specifications or by other disposal authorized by rule of the
1000 department if it fails to meet legal specifications.

1001 Section 35. Subsections (2) and (5) of section 527.02,
1002 Florida Statutes, are amended to read:

1003 527.02 License; penalty; fees.--

1004 (2) Each business location of a person having multiple
1005 locations shall be separately licensed and must meet the
1006 requirements of this section. Such license shall be granted to
1007 any applicant determined by the department to be competent,

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1008 qualified, and trustworthy who files with the department a
1009 surety bond, insurance affidavit, or other proof of insurance,
1010 as hereinafter specified, and pays for such license the
1011 following original application fee for new licenses and annual
1012 renewal fees for existing licenses:
1013

License Category	Original Application Fee	Renewal Fee
Category I liquefied petroleum gas dealer	<u>\$600</u> \$525	<u>\$500</u> \$425
Category II liquefied petroleum gas dispenser	525	<u>425</u> 375
Category III liquefied petroleum gas cylinder exchange unit operator	<u>125</u> 100	<u>75</u> 65
Category IV liquefied petroleum gas dispenser and recreational vehicle servicer	525	<u>425</u> 400
Category V liquefied petroleum petroleum gases dealer for industrial uses only	<u>350</u> 300	<u>275</u> 200

1019
518253

Amendment No.			
1020	LP gas installer	<u>400</u> 300	<u>300</u> 200
1021	Specialty installer	300	<u>250</u> 200
1022	Dealer in appliances and equipment for use of liquefied petroleum gas	50	45
1023	Manufacturer of liquefied petroleum gas appliances and equipment	525	<u>425</u> 375
1024	Requalifier of cylinders	525	<u>425</u> 375
1025	Fabricator, repairer, and tester of vehicles and cargo tanks	525	<u>425</u> 375
1026	(5) The license fee for a pipeline system operator shall		
1027	be <u>\$350</u> \$100 per system owned or operated by the person, not to		
1028	exceed \$400 per license year. Such license fee applies only to a		
1029	pipeline system operator who owns or operates a liquefied		
1030	petroleum gas pipeline system that is used to transmit liquefied		
1031	petroleum gas from a common source to the ultimate customer and		

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1032 that serves 10 or more customers. The license shall be renewed
1033 each year at a fee of \$275 per year.

1034 Section 36. Subsections (1) and (3) and paragraphs (a) and
1035 (c) of subsection (5) of section 527.0201, Florida Statutes, are
1036 amended to read:

1037 527.0201 Qualifiers; master qualifiers; examinations.--

1038 (1) In addition to the requirements of s. 527.02, any
1039 person applying for a license to engage in the activities of a
1040 pipeline system operator, category I liquefied petroleum gas
1041 dealer, category II liquefied petroleum gas dispenser, category
1042 IV liquefied petroleum gas dispenser and recreational vehicle
1043 servicer, category V liquefied petroleum gases dealer for
1044 industrial uses only, LP gas installer, specialty installer,
1045 requalifier ~~requalification~~ of cylinders, or fabricator,
1046 repairer, and tester of vehicles and cargo tanks must prove
1047 competency by passing a written examination administered by the
1048 department or its agent with a grade of at least 75 percent in
1049 each area tested ~~or above~~. Each applicant for examination shall
1050 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule
1051 specify the general areas of competency to be covered by each
1052 examination and the relative weight to be assigned in grading
1053 each area tested.

1054 (3) Qualifier cards issued to category I liquefied
1055 petroleum gas dealers and liquefied petroleum gas installers
1056 shall expire 3 years after the date of issuance. All category I
1057 liquefied petroleum gas dealer qualifiers and liquefied
1058 petroleum gas installer qualifiers holding a valid qualifier
1059 card upon the effective date of this act shall retain their

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1060 | qualifier status until July 1, 2003, and may sit for the master
1061 | qualifier examination at any time during that time period. All
1062 | such category I liquefied petroleum gas dealer qualifiers and
1063 | liquefied petroleum gas installer qualifiers may renew their
1064 | qualification on or before July 1, 2003, upon application to the
1065 | department, payment of a \$20 renewal fee, and documentation of
1066 | the completion of a minimum of 16 ~~12~~ hours of approved
1067 | continuing education courses, as defined by department rule,
1068 | during the previous 3-year period. Applications for renewal must
1069 | be made 30 calendar days prior to expiration. Persons failing to
1070 | renew prior to the expiration date must reapply and take a
1071 | qualifier competency examination in order to reestablish
1072 | category I liquefied petroleum gas dealer qualifier and
1073 | liquefied petroleum gas installer qualifier status. If a
1074 | category I liquefied petroleum gas qualifier or liquefied
1075 | petroleum gas installer qualifier becomes a master qualifier at
1076 | any time during the effective date of the qualifier card, the
1077 | card shall remain in effect until expiration of the master
1078 | qualifier certification.

1079 | (5) In addition to all other licensing requirements, each
1080 | category I liquefied petroleum gas dealer and liquefied
1081 | petroleum gas installer must, at the time of application for
1082 | licensure, identify to the department one master qualifier who
1083 | is a full-time employee at the licensed location. This person
1084 | shall be a manager, owner, or otherwise primarily responsible
1085 | for overseeing the operations of the licensed location and must
1086 | provide documentation to the department as provided by rule. The

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1087 master qualifier requirement shall be in addition to the
1088 requirements of subsection (1).

1089 (a) In order to apply for certification as a master
1090 qualifier, each applicant must be a category I liquefied
1091 petroleum gas dealer qualifier or liquefied petroleum gas
1092 installer qualifier, must be employed by a licensed category I
1093 liquefied petroleum gas dealer, liquefied petroleum gas
1094 installer, or applicant for such license, must provide
1095 documentation of a minimum of 1 year's work experience in the
1096 gas industry, and must pass a master qualifier competency
1097 examination. Master qualifier examinations shall be based on
1098 Florida's laws, rules, and adopted codes governing liquefied
1099 petroleum gas safety, general industry safety standards, and
1100 administrative procedures. The examination must be successfully
1101 passed ~~completed~~ by the applicant with a grade of at least 75
1102 percent ~~or more~~. Each applicant for master qualifier status
1103 shall submit to the department a nonrefundable \$50 ~~\$30~~
1104 examination fee prior to the examination.

1105 (c) Master qualifier status shall expire 3 years after the
1106 date of issuance of the certificate and may be renewed by
1107 submission to the department of documentation of completion of
1108 at least 16 ~~12~~ hours of approved continuing education courses
1109 during the 3-year period; proof of employment with a licensed
1110 category I liquefied petroleum gas dealer, liquefied petroleum
1111 gas installer, or applicant; and a \$30 certificate renewal fee.
1112 The department shall define, by rule, approved courses of
1113 continuing education.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1114 Section 37. Subsection (4) of section 527.021, Florida
1115 Statutes, is amended to read:

1116 527.021 Registration of transport vehicles.--

1117 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for
1118 each registered vehicle inspected by the department pursuant to
1119 s. 527.061. Registered vehicles shall be inspected annually. All
1120 inspection fees collected in connection with this section shall
1121 be deposited in the General Inspection Trust Fund for the
1122 purpose of administering the provisions of this chapter.

1123 Section 38. Section 527.12, Florida Statutes, is amended
1124 to read:

1125 527.12 Cease and desist orders; stop-use orders; stop-
1126 operation orders; stop-sale orders; administrative fines.--

1127 (1) Whenever the department has ~~shall have~~ reason to
1128 believe that any person is violating or has violated ~~been~~
1129 ~~violating provisions of~~ this chapter or any rules adopted under
1130 this chapter pursuant thereto, the department ~~it~~ may issue a
1131 cease and desist order, ~~or~~ impose a civil penalty, or do both
1132 ~~may issue such cease and desist order and impose a civil~~
1133 ~~penalty.~~

1134 (2) Whenever a person or liquefied petroleum gas system or
1135 storage facility, or any part or component thereof, fails to
1136 comply with this chapter or any rules adopted under this
1137 chapter, the department may issue a stop-use order, stop-
1138 operation order, or stop-sale order.

1139 Section 39. Subsection (1) of section 559.805, Florida
1140 Statutes, is amended to read:

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1141 559.805 Filings with the department; disclosure of
1142 advertisement identification number.--

1143 (1) Every seller of a business opportunity shall annually
1144 file with the department a copy of the disclosure statement
1145 required by s. 559.803 before ~~prior to~~ placing an advertisement
1146 or making any other representation designed to offer to, sell
1147 to, or solicit an offer to buy a business opportunity from a
1148 prospective purchaser in this state and shall update this filing
1149 by reporting any material change in the required information
1150 within 30 days after the material change occurs. An
1151 advertisement is not placed in the state merely because the
1152 publisher circulates, or there is circulated on his or her
1153 behalf in the state, any bona fide newspaper or other
1154 publication of general, regular, and paid circulation which has
1155 had more than two-thirds of its circulation during the past 12
1156 months outside the state or because a radio or television
1157 program originating outside the state is received in the state.
1158 If the seller is required by s. 559.807 to provide a bond or
1159 establish a trust account or guaranteed letter of credit, he or
1160 she shall contemporaneously file with the department a copy of
1161 the bond, a copy of the formal notification by the depository
1162 that the trust account is established, or a copy of the
1163 guaranteed letter of credit. Every seller of a business
1164 opportunity shall file with the department a list of independent
1165 agents who will engage in the offer or sale of business
1166 opportunities on behalf of the seller in this state. This list
1167 must be kept current and shall include the following
1168 information: name, home and business address, telephone number,
518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1169 present employer, ~~social security number,~~ and birth date. A ~~No~~
1170 person may not ~~shall be allowed to~~ offer or sell business
1171 opportunities unless the required information is ~~has been~~
1172 provided to the department.

1173 Section 40. Subsection (3) of section 559.928, Florida
1174 Statutes, is amended to read:

1175 559.928 Registration.--

1176 (3) Each independent agent shall annually file an
1177 affidavit with the department before ~~prior to~~ engaging in
1178 business in this state. This affidavit must include the
1179 independent agent's full name, legal business or trade name,
1180 mailing address, business address, telephone number, ~~social~~
1181 ~~security number,~~ and the name or names and addresses of each
1182 seller of travel represented by the independent agent. A letter
1183 evidencing proof of filing must be issued by the department and
1184 must be prominently displayed in the independent agent's primary
1185 place of business. Each independent agent must also submit an
1186 annual registration fee of \$50. All moneys collected pursuant to
1187 the imposition of the fee shall be deposited by the Chief
1188 Financial Officer into the General Inspection Trust Fund of the
1189 Department of Agriculture and Consumer Services for the sole
1190 purpose of administrating this part. As used in this subsection,
1191 the term "independent agent" means a person who represents a
1192 seller of travel by soliciting persons on its behalf; who has a
1193 written contract with a seller of travel which is operating in
1194 compliance with this part and any rules adopted thereunder; who
1195 does not receive a fee, commission, or other valuable
1196 consideration directly from the purchaser for the seller of
518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1197 travel; who does not at any time have any unissued ticket stock
1198 or travel documents in his or her possession; and who does not
1199 have the ability to issue tickets, vacation certificates, or any
1200 other travel document. The term "independent agent" does not
1201 include an affiliate of the seller of travel, as that term is
1202 used in s. 559.935(3), or the employees of the seller of travel
1203 or of such affiliates.

1204 Section 41. Subsection (7) of section 570.0725, Florida
1205 Statutes, is amended to read:

1206 570.0725 Food recovery; legislative intent; department
1207 functions.--

1208 (7) For public information purposes, the department may
1209 ~~shall~~ develop and provide a public information brochure
1210 detailing the need for food banks and similar of food recovery
1211 programs, the benefit of such food recovery programs, the manner
1212 in which such organizations may become involved in such food
1213 recovery programs, and the protection afforded to such programs
1214 under s. 768.136, and the food recovery entities or food banks
1215 that exist in the state. This brochure must be updated annually.
1216 A food bank or similar food recovery organization seeking to be
1217 included on a list of such organizations must notify the
1218 department and provide the information required by rule of the
1219 department. Such organizations are responsible for updating the
1220 information and providing the updated information to the
1221 department. The department may adopt rules to implement this
1222 section.

1223 Section 42. Paragraph (e) of subsection (6) of section
1224 570.53, Florida Statutes, is amended to read:

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1225 570.53 Division of Marketing and Development; powers and
1226 duties.--The powers and duties of the Division of Marketing and
1227 Development include, but are not limited to:

1228 (6)

1229 (e) Extending in every practicable way the distribution
1230 and sale of Florida agricultural products throughout the markets
1231 of the world as required of the department by s. ss. 570.07(7),
1232 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1233 Section 43. Subsection (2) of section 570.54, Florida
1234 Statutes, is amended to read:

1235 570.54 Director; duties.--

1236 (2) It shall be the duty of the director of this division
1237 to supervise, direct, and coordinate the activities authorized
1238 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
1239 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
1240 chapters 504, 571, 573, and 574 and to exercise other powers and
1241 authority as authorized by the department.

1242 Section 44. Subsection (4) of section 570.55, Florida
1243 Statutes, is amended to read:

1244 570.55 Identification of sellers or handlers of tropical
1245 or subtropical fruit and vegetables; containers specified;
1246 penalties.--

1247 (4) IDENTIFICATION OF HANDLER.--At the time of each
1248 transaction involving the handling or sale of 55 pounds or more
1249 of tropical or subtropical fruit or vegetables in the primary
1250 channel of trade, the buyer or receiver of the tropical or
1251 subtropical fruit or vegetables shall demand a bill of sale,
1252 invoice, sales memorandum, or other document listing the date of
518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1253 the transaction, the quantity of the tropical or subtropical
1254 fruit or vegetables involved in the transaction, and the
1255 identification of the seller or handler as it appears on the
1256 driver's license of the seller or handler, including the
1257 driver's license number. If the seller or handler does not
1258 possess a driver's license, the buyer or receiver shall use any
1259 other acceptable means of identification, which may include, but
1260 is not limited to, i.e., voter's registration card and number,
1261 draft card, ~~social security card,~~ or other identification.
1262 However, no less than two identification documents shall be
1263 used. The identification of the seller or handler shall be
1264 recorded on the bill of sale, sales memorandum, invoice, or
1265 voucher, which shall be retained by the buyer or receiver for a
1266 period of not less than 1 year from the date of the transaction.

1267 Section 45. Subsection (3) of section 570.902, Florida
1268 Statutes, is amended to read:

1269 570.902 Definitions; ss. 570.902 and 570.903.--For the
1270 purpose of ss. 570.902 and 570.903:

1271 ~~(3) "Museum" means the Florida Agricultural Museum which~~
1272 ~~is designated as the museum for agriculture and rural history of~~
1273 ~~the State of Florida.~~

1274 Section 46. Section 570.903, Florida Statutes, is amended
1275 to read:

1276 570.903 Direct-support organization.--

1277 (1) When the Legislature authorizes the establishment of a
1278 direct-support organization to provide assistance for the
1279 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
1280 ~~Florida State Collection of Arthropods,~~ the Friends of the

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1281 Florida State Forests Program of the Division of Forestry, and
1282 the Forestry Arson Alert Program, and other programs of the
1283 department, the following provisions shall govern the creation,
1284 use, powers, and duties of the direct-support organization.

1285 (a) The department shall enter into a memorandum or letter
1286 of agreement with the direct-support organization, which shall
1287 specify the approval of the department, the powers and duties of
1288 the direct-support organization, and rules with which the
1289 direct-support organization shall comply.

1290 (b) The department may permit, without charge, appropriate
1291 use of property, facilities, and personnel of the department by
1292 a direct-support organization, subject to the provisions of ss.
1293 570.902 and 570.903. The use shall be directly in keeping with
1294 the approved purposes of the direct-support organization and
1295 shall not be made at times or places that would unreasonably
1296 interfere with opportunities for the general public to use
1297 department facilities for established purposes.

1298 (c) The department shall prescribe by contract or by rule
1299 conditions with which a direct-support organization shall comply
1300 in order to use property, facilities, or personnel of the
1301 department ~~or museum~~. Such rules shall provide for budget and
1302 audit review and oversight by the department.

1303 (d) The department shall not permit the use of property,
1304 facilities, or personnel of the ~~museum,~~ department, or
1305 designated program by a direct-support organization which does
1306 not provide equal employment opportunities to all persons
1307 regardless of race, color, religion, sex, age, or national
1308 origin.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1309 (2) (a) The direct-support organization shall be empowered
1310 to conduct programs and activities; raise funds; request and
1311 receive grants, gifts, and bequests of money; acquire, receive,
1312 hold, invest, and administer, in its own name, securities,
1313 funds, objects of value, or other property, real or personal;
1314 and make expenditures to or for the direct or indirect benefit
1315 of the ~~museum or~~ designated program.

1316 (b) Notwithstanding the provisions of s. 287.057, the
1317 direct-support organization may enter into contracts or
1318 agreements with or without competitive bidding for the
1319 ~~restoration of objects, historical buildings, and other~~
1320 ~~historical materials or for the purchase of objects, historical~~
1321 ~~buildings, and other historical materials which are to be added~~
1322 ~~to the collections of the museum, or benefit of~~ the designated
1323 program. However, before the direct-support organization may
1324 enter into a contract or agreement without competitive bidding,
1325 the direct-support organization shall file a certification of
1326 conditions and circumstances with the internal auditor of the
1327 department justifying each contract or agreement.

1328 (c) Notwithstanding the provisions of s. 287.025(1) (e),
1329 the direct-support organization may enter into contracts to
1330 insure property of the ~~museum or~~ designated programs ~~and may~~
1331 ~~insure objects or collections on loan from others in satisfying~~
1332 ~~security terms of the lender.~~

1333 (3) The direct-support organization shall provide for an
1334 annual financial audit in accordance with s. 215.981.

1335 (4) Neither a designated program ~~or a museum~~, nor a
1336 nonprofit corporation trustee or employee may:

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1337 (a) Receive a commission, fee, or financial benefit in
1338 connection with the sale or exchange of property ~~historical~~
1339 ~~objects or properties~~ to the direct-support organization, ~~the~~
1340 ~~museum,~~ or the designated program; or

1341 (b) Be a business associate of any individual, firm, or
1342 organization involved in the sale or exchange of property to the
1343 direct-support organization, ~~the museum,~~ or the designated
1344 program.

1345 (5) All moneys received by the direct-support organization
1346 shall be deposited into an account of the direct-support
1347 organization and shall be used by the organization in a manner
1348 consistent with the goals of ~~the museum~~ or designated program.

1349 (6) The identity of a donor or prospective donor who
1350 desires to remain anonymous and all information identifying such
1351 donor or prospective donor are confidential and exempt from the
1352 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1353 Constitution.

1354 (7) The Commissioner of Agriculture, or the commissioner's
1355 designee, may serve on the board of trustees and the executive
1356 committee of any direct-support organization established to
1357 benefit the museum or any designated program.

1358 ~~(8) The department shall establish by rule archival~~
1359 ~~procedures relating to museum artifacts and records. The rules~~
1360 ~~shall provide procedures which protect the museum's artifacts~~
1361 ~~and records equivalent to those procedures which have been~~
1362 ~~established by the Department of State under chapters 257 and~~
1363 ~~267.~~

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1364 Section 47. Subsection (4) of section 573.118, Florida
1365 Statutes, is amended to read:

1366 573.118 Assessment; funds; audit; loans.--

1367 (4) In the event of levying and collecting of assessments,
1368 for each fiscal year in which assessment funds are received by
1369 the department, the department shall maintain records of
1370 collections and expenditures for each marketing order separately
1371 within the state's accounting system. If requested by an
1372 advisory council, department staff shall cause to be made a
1373 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~
1374 ~~public accountant~~, such audit to be completed within 60 days
1375 after the request is received ~~end of the fiscal year~~. The
1376 advisory council ~~department and all producers and handlers~~
1377 ~~covered by the marketing order~~ shall be provided a copy of the
1378 ~~properly advised of the details of the annual official~~ audit of
1379 the accounts ~~as shown by the certified public accountant~~ within
1380 30 days after completion of the audit.

1381 Section 48. Subsections (18) through (30) of section
1382 581.011, Florida Statutes, are renumbered as subsections (17)
1383 through (29), respectively, and present subsections (17) and
1384 (20) of that section are amended to read:

1385 581.011 Definitions.--As used in this chapter:

1386 ~~(17) "Museum" means the Florida State Collection of~~
1387 ~~Arthropods.~~

1388 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in
1389 which nursery stock is grown, propagated, or held for sale or
1390 distribution, including ~~except where~~ aquatic plant species are
1391 tended for harvest in the natural environment.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1392 Section 49. Paragraph (d) of subsection (14) of section
1393 581.031, Florida Statutes, is amended to read:

1394 581.031 Department; powers and duties.--The department has
1395 the following powers and duties:

1396 (14)

1397 (d) To prescribe a fee for these services, if provided the
1398 fee does not exceed the cost of the services rendered. Annual
1399 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per
1400 tree. If the fee has not been paid within 30 days of billing, a
1401 penalty of \$10 or 20 percent of the unpaid balance, whichever is
1402 greater, shall be assessed.

1403 Section 50. Subsection (6) of section 581.131, Florida
1404 Statutes, is amended to read:

1405 581.131 Certificate of registration.--

1406 (6) Neither the certificate of registration fee nor the
1407 annual renewal fee shall exceed \$600 ~~\$460~~. The department may
1408 exempt from the payment of a certificate fee those governmental
1409 agency nurseries whose nursery stock is used exclusively for
1410 planting on their own property.

1411 Section 51. Paragraph (a) of subsection (3) of section
1412 581.211, Florida Statutes, is amended to read:

1413 581.211 Penalties for violations.--

1414 (3) (a) 1. In addition to any other provision of law, the
1415 department may, after notice and hearing, impose an
1416 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1417 violation of this chapter, upon any person, nurseryman, stock
1418 dealer, agent or plant broker. The fine, when paid, shall be
1419 deposited in the Plant Industry Trust Fund. In addition, the

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1420 department may place the violator on probation for up to 1 year,
1421 with conditions.

1422 2. The imposition of a fine or probation pursuant to this
1423 subsection may be in addition to or in lieu of the suspension or
1424 revocation of a certificate of registration or certificate of
1425 inspection.

1426 Section 52. Section 583.13, Florida Statutes, is amended
1427 to read:

1428 583.13 Labeling and advertising requirements for dressed
1429 poultry; unlawful acts.--

1430 (1) It is unlawful for any dealer or broker to sell, offer
1431 for sale, or hold for the purpose of sale in the state any
1432 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1433 is packed in a container clearly bearing a label, not less than
1434 3 inches by 5 inches, on which shall be plainly and legibly
1435 printed, in letters of not less than one-fourth inch 1/4 in
1436 height, ~~the grade and the part name or whole-bird statement of~~
1437 ~~such poultry. The grade may be expressed in the term "premium,"~~
1438 ~~"good," or "standard," or as the grade of another state or~~
1439 ~~federal agency the standards of quality of which, by law, are~~
1440 ~~equal to the standards of quality provided by this law and rules~~
1441 ~~promulgated hereunder.~~

1442 (2) It is unlawful to sell unpackaged dressed or ready-to-
1443 cook poultry at retail unless such poultry is labeled by a
1444 placard immediately adjacent to the poultry or unless each bird
1445 is individually labeled to show ~~the grade and the part name or~~
1446 ~~whole-bird statement.~~ The placard shall be no smaller than 7
1447 inches by 7 inches in size, and the required labeling

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1448 information shall be legibly and plainly printed on the placard
1449 in letters not smaller than 1 inch in height.

1450 (3) It is unlawful to sell packaged dressed or ready-to-
1451 cook poultry at retail unless such poultry is labeled to show
1452 ~~the grade,~~ the part name or whole-bird statement, the net weight
1453 of the poultry, and the name and address of the dealer. The size
1454 of the type on the label must be one-eighth inch or larger. A
1455 placard immediately adjacent to such poultry may be used to
1456 indicate ~~the grade and~~ the part name or whole-bird statement,
1457 but not the net weight of the poultry or the name and address of
1458 the dealer.

1459 (4) It is unlawful to use dressed or ready-to-cook poultry
1460 in bulk in the preparation of food served to the public, or to
1461 hold such poultry for the purpose of such use, unless the
1462 poultry when received was packed in a container clearly bearing
1463 a label, not less than 3 inches by 5 inches, on which was
1464 plainly and legibly printed, in letters not less than one-fourth
1465 inch in height, ~~the grade and~~ the part name or whole-bird
1466 statement of such poultry. ~~The grade may be expressed in the~~
1467 ~~term "premium," "good," or "standard," or as the grade of~~
1468 ~~another state or federal agency the standards of quality of~~
1469 ~~which, by law, are equal to the standards of quality provided by~~
1470 ~~this law and rules promulgated hereunder.~~

1471 (5) It is unlawful to offer dressed or ready-to-cook
1472 poultry for sale in any advertisement in a newspaper or
1473 circular, on radio or television, or in any other form of
1474 advertising without plainly designating in such advertisement

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1475 ~~the grade and~~ the part name or whole-bird statement of such
1476 poultry.

1477 Section 53. Subsections (4) and (5) of section 590.125,
1478 Florida Statutes, are renumbered as subsections (5) and (6),
1479 respectively, subsection (1), paragraph (b) of subsection (3),
1480 and paragraph (c) of present subsection (4) are amended, and new
1481 subsections (4) and (7) are added to that section, to read:

1482 590.125 Open burning authorized by the division.--

1483 (1) DEFINITIONS.--As used in this section, the term:

1484 (a) "Certified pile burner" means an individual who
1485 successfully completes the division's pile burning certification
1486 program and possesses a valid pile burner certification number.

1487 (b) "Certified prescribed burn manager" means an
1488 individual who successfully completes the certified prescribed
1489 burning certification program of the division and possesses a
1490 valid certification number.

1491 ~~(c)(d)~~ "Extinguished" means:

1492 1. ~~that no spreading flame~~ For wild land burning or
1493 certified prescribed burning, that no spreading flames exist.

1494 2. ~~and no visible flame, smoke, or emissions~~ For
1495 vegetative land-clearing debris burning or pile burning, that no
1496 visible flames exist.

1497 3. For vegetative land-clearing debris burning or pile
1498 burning in an area designated as smoke sensitive by the
1499 division, that no visible flames, smoke, or emissions exist.

1500 (d) "Land-clearing operation" means the uprooting or
1501 clearing of vegetation in connection with the construction of
1502 buildings and rights-of-way, land development, and mineral

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1503 operations. The term does not include the clearing of yard
1504 trash.

1505 (e) "Pile burning" means the burning of silvicultural,
1506 agricultural, or land-clearing and tree-cutting debris
1507 originating onsite, which is stacked together in a round or
1508 linear fashion, including, but not limited to, a windrow.

1509 (f)-(a) "Prescribed burning" means the controlled
1510 application of fire in accordance with a written prescription
1511 for vegetative fuels under specified environmental conditions
1512 while following appropriate precautionary measures that ensure
1513 that the fire is confined to a predetermined area to accomplish
1514 the planned fire or land-management objectives.

1515 (g)-(e) "Prescription" means a written plan establishing
1516 the criteria necessary for starting, controlling, and
1517 extinguishing a prescribed burn.

1518 (h) "Yard trash" means vegetative matter resulting from
1519 landscaping and yard maintenance operations and other such
1520 routine property cleanup activities. The term includes materials
1521 such as leaves, shrub trimmings, grass clippings, brush, and
1522 palm fronds.

1523 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1524 PURPOSE.--

1525 (b) Certified prescribed burning pertains only to
1526 broadcast burning for purposes of silviculture, wildlife
1527 management, ecological maintenance and restoration, and range
1528 and pasture management. It must be conducted in accordance with
1529 this subsection and:

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1530 1. May be accomplished only when a certified prescribed
1531 burn manager is present on site with a copy of the prescription
1532 from ignition of the burn to its completion.

1533 2. Requires that a written prescription be prepared before
1534 receiving authorization to burn from the division.

1535 3. Requires that the specific consent of the landowner or
1536 his or her designee be obtained before requesting an
1537 authorization.

1538 4. Requires that an authorization to burn be obtained from
1539 the division before igniting the burn.

1540 5. Requires that there be adequate firebreaks at the burn
1541 site and sufficient personnel and firefighting equipment for the
1542 control of the fire.

1543 6. Is considered to be in the public interest and does not
1544 constitute a public or private nuisance when conducted under
1545 applicable state air pollution statutes and rules.

1546 7. Is considered to be a property right of the property
1547 owner if vegetative fuels are burned as required in this
1548 subsection.

1549 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1550 PURPOSE.--

1551 (a) Pile burning is a tool that benefits current and
1552 future generations in Florida by disposing of naturally
1553 occurring vegetative debris through burning rather than
1554 disposing of the debris in landfills.

1555 (b) Certified pile burning pertains to the disposal of
1556 piled, naturally occurring debris from an agricultural,
1557 silvicultural, or temporary land-clearing operation. A land-

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1558 clearing operation is temporary if it operates for 6 months or
1559 less. Certified pile burning must be conducted in accordance
1560 with this subsection, and:

1561 1. A certified pile burner must ensure, before ignition,
1562 that the piles are properly placed and that the content of the
1563 piles is conducive to efficient burning.

1564 2. A certified pile burner must ensure that the piles are
1565 properly extinguished no later than 1 hour after sunset. If the
1566 burn is conducted in an area designated by the division as smoke
1567 sensitive, a certified pile burner must ensure that the piles
1568 are properly extinguished at least 1 hour before sunset.

1569 3. A written pile burn plan must be prepared before
1570 receiving authorization from the division to burn.

1571 4. The specific consent of the landowner or his or her
1572 agent must be obtained before requesting authorization to burn.

1573 5. An authorization to burn must be obtained from the
1574 division or its designated agent before igniting the burn.

1575 6. There must be adequate firebreaks and sufficient
1576 personnel and firefighting equipment at the burn site to control
1577 the fire.

1578 (c) If a burn is conducted in accordance with this
1579 subsection, the property owner and his or her agent are not
1580 liable under s. 590.13 for damage or injury caused by the fire
1581 or resulting smoke, and are not in violation of subsection (2),
1582 unless gross negligence is proven.

1583 (d) A certified pile burner who violates this section
1584 commits a misdemeanor of the second degree, punishable as
1585 provided in s. 775.082 or s. 775.083.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1586 (e) The division shall adopt rules regulating certified
1587 pile burning. The rules shall include procedures and criteria
1588 for certifying and decertifying certified pile burn managers
1589 based on past experience, training, and record of compliance
1590 with this section.

1591 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1592 DIVISION.--The division may conduct fuel reduction initiatives,
1593 including, but not limited to, burning and mechanical and
1594 chemical treatment, on any area of wild land within the state
1595 which is reasonably determined to be in danger of wildfire in
1596 accordance with the following procedures:

1597 (c) ~~Prepare, and send the county tax collector shall~~
1598 ~~include with the annual tax statement, a notice to be sent to~~
1599 ~~all landowners in each area township designated by the division~~
1600 ~~as a wildfire hazard area. The notice must describe particularly~~
1601 ~~the area to be treated and the tentative date or dates of the~~
1602 ~~treatment and must list the reasons for and the expected~~
1603 ~~benefits from the wildfire hazard reduction.~~

1604 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1605 AUTHORIZATION PROGRAMS.--

1606 (a) A county or municipality may exercise the division's
1607 authority, if delegated by the division under this subsection,
1608 to issue authorizations for the burning of yard trash or debris
1609 from land-clearing operations. A county's or municipality's
1610 existing or proposed open burning authorization program must:

1611 1. Be approved by the division. The division shall not
1612 approve a program if it fails to meet the requirements of

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1613 subsections (2) and (4) and any rules adopted under those
1614 subsections.

1615 2. Provide by ordinance or local law the requirements for
1616 obtaining and performing a burn authorization that comply with
1617 subsections (2) and (4) and any rules adopted under those
1618 subsections.

1619 3. Provide for the enforcement of the program's
1620 requirements.

1621 4. Provide financial, personnel, and other resources
1622 needed to carry out the program.

1623 (b) If the division determines that a county's or
1624 municipality's open burning authorization program does not
1625 comply with subsections (2) and (4) and any rules adopted under
1626 those subsections, the division shall require the county or
1627 municipality to take necessary corrective actions within a
1628 reasonable period, not to exceed 90 days.

1629 1. If the county or municipality fails to take the
1630 necessary corrective actions within the required period, the
1631 division shall resume administration of the open burning
1632 authorization program in the county or municipality and the
1633 county or municipality shall cease administration of its
1634 program.

1635 2. Each county and municipality administering an open
1636 burning authorization program must cooperate with and assist the
1637 division in carrying out the division's powers, duties, and
1638 functions.

1639 3. A person who violates the requirements of a county's or
1640 municipality's open burning authorization program, as provided

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1641 by ordinance or local law enacted pursuant to this section,
1642 commits a violation of this chapter, punishable as provided in
1643 s. 590.14.

1644 Section 54. Subsection (4) of section 590.14, Florida
1645 Statutes, is renumbered as subsection (7), subsections (1) and
1646 (3) are amended, and new subsections (4), (5), and (6) are added
1647 to that section, to read:

1648 590.14 Notice of violation; penalties.--

1649 (1) If a division employee determines that a person has
1650 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1651 the division to administer provisions of law conferring duties
1652 upon the division, the division employee ~~he or she~~ may issue a
1653 notice of violation indicating the statute violated. This notice
1654 will be filed with the division and a copy forwarded to the
1655 appropriate law enforcement entity for further action if
1656 necessary.

1657 (3) The department may also impose an administrative fine,
1658 not to exceed \$1,000 per violation of any section of chapter 589
1659 or this chapter or violation of any rule adopted by the division
1660 to administer provisions of law conferring duties upon the
1661 division. The fine shall be based upon the degree of damage, the
1662 prior violation record of the person, and whether the person
1663 knowingly provided false information to obtain an authorization.
1664 The fines shall be deposited in the Incidental Trust Fund of the
1665 division.

1666 (4) A person may not:

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1667 (a) Fail to comply with any rule or order adopted by the
1668 division to administer provisions of law conferring duties upon
1669 the division; or

1670 (b) Knowingly make any false statement or representation
1671 in any application, record, plan, or other document required by
1672 this chapter or any rules adopted under this chapter.

1673 (5) A person who violates paragraph (4) (a) or paragraph
1674 (4) (b) commits a misdemeanor of the second degree, punishable as
1675 provided in s. 775.082 or s. 775.083.

1676 (6) It is the intent of the Legislature that a penalty
1677 imposed by a court under subsection (5) be of a severity that
1678 ensures immediate and continued compliance with this section.

1679 Section 55. Paragraph (a) of subsection (1) of section
1680 599.004, Florida Statutes, is amended to read:

1681 599.004 Florida Farm Winery Program; registration; logo;
1682 fees.--

1683 (1) The Florida Farm Winery Program is established within
1684 the Department of Agriculture and Consumer Services. Under this
1685 program, a winery may qualify as a tourist attraction only if it
1686 is registered with and certified by the department as a Florida
1687 Farm Winery. A winery may not claim to be certified unless it
1688 has received written approval from the department.

1689 (a) To qualify as a certified Florida Farm Winery, a
1690 winery shall meet the following standards:

1691 1. Produce or sell less than 250,000 gallons of wine
1692 annually.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1693 2. Maintain a minimum of 10 acres of owned or managed land
1694 ~~vineyards~~ in Florida which produces commodities used in the
1695 production of wine.

1696 3. Be open to the public for tours, tastings, and sales at
1697 least 30 hours each week.

1698 4. Make annual application to the department for
1699 recognition as a Florida Farm Winery, on forms provided by the
1700 department.

1701 5. Pay an annual application and registration fee of \$100.

1702 Section 56. Subsection (11) is added to section 604.15,
1703 Florida Statutes, to read:

1704 604.15 Dealers in agricultural products; definitions.--For
1705 the purpose of ss. 604.15-604.34, the following words and terms,
1706 when used, shall be construed to mean:

1707 (11) "Responsible position" means a position within the
1708 business of a dealer in agricultural products that has the
1709 authority to negotiate or make the purchase of agricultural
1710 products on behalf of the dealer's business or has principal
1711 active management authority over the business decisions,
1712 actions, and activities of the dealer's business in this state.

1713 Section 57. Section 604.19, Florida Statutes, is amended
1714 to read:

1715 604.19 License; fee; bond; certificate of deposit;
1716 penalty.--Unless the department refuses the application on one
1717 or more of the grounds provided in this section, it shall issue
1718 to an applicant, upon the payment of required fees and the
1719 execution and delivery of a bond or certificate of deposit as
1720 provided in this section, a state license entitling the

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1721 applicant to conduct business as a dealer in agricultural
1722 products for a 1-year period to coincide with the effective
1723 period of the bond or certificate of deposit furnished by the
1724 applicant. During the 1-year period covered by a license, if the
1725 supporting surety bond or certificate of deposit is canceled for
1726 any reason, the license shall automatically expire on the date
1727 the surety bond or certificate of deposit terminates, unless an
1728 acceptable replacement is in effect before the date of
1729 termination so that continual coverage occurs for the remaining
1730 period of the license. A surety company shall give the
1731 department a 30-day written notice of cancellation by certified
1732 mail in order to cancel a bond. Cancellation of a bond or
1733 certificate of deposit does shall not relieve a surety company
1734 or financial institution of liability for purchases or sales
1735 occurring while the bond or certificate of deposit was in
1736 effect. The license fee, which must be paid for the principal
1737 place of business for a dealer in agricultural products, shall
1738 be based upon the amount of the dealer's surety bond or
1739 certificate of deposit furnished by each dealer under the
1740 provisions of s. 604.20 and may not exceed \$500. For each
1741 additional place in which the applicant desires to conduct
1742 business and which the applicant names in the application, the
1743 additional license fee must be paid but may not exceed \$100
1744 annually. If a ~~Should any~~ dealer in agricultural products fails,
1745 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
1746 qualify for the renewal of a license on or before its ~~the date~~
1747 ~~of expiration~~ date ~~thereof~~, a penalty not to exceed \$100 shall
1748 apply to and be added to the ~~original~~ license fee for the

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1749 principal place of business and to the license fee for each
1750 additional place of business named in the application and shall
1751 be paid by the applicant before the renewal license may be
1752 issued. The department by rule shall prescribe fee amounts
1753 sufficient to fund ss. 604.15-604.34.

1754 Section 58. Subsections (1) and (4) of section 604.20,
1755 Florida Statutes, are amended to read:

1756 604.20 Bond or certificate of deposit prerequisite;
1757 amount; form.--

1758 (1) Before any license is issued, the applicant therefor
1759 shall make and deliver to the department a surety bond or
1760 certificate of deposit in the amount of at least \$5,000 or in
1761 such greater amount as the department may determine. No bond or
1762 certificate of deposit may be in an amount less than \$5,000. The
1763 penal sum of the bond or certificate of deposit to be furnished
1764 to the department by an applicant for license as a dealer in
1765 agricultural products shall be in an amount equal to twice the
1766 average of the monthly dollar amounts ~~amount~~ of agricultural
1767 products handled for a Florida producer or a producer's agent or
1768 representative, by purchase or otherwise, ~~during the month of~~
1769 ~~maximum transaction in such products~~ during the preceding 12-
1770 month period. Only those months in which the applicant handled,
1771 by purchase or otherwise, amounts equal to or greater than
1772 \$1,000 shall be used to calculate the penal sum of the required
1773 bond or certificate of deposit. An applicant for license who has
1774 not handled agricultural products for a Florida producer or a
1775 producer's agent or representative, by purchase or otherwise,
1776 during the preceding 12-month period shall furnish a bond or
518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1777 certificate of deposit in an amount equal to twice the estimated
1778 average of the monthly dollar amounts ~~amount~~ of such
1779 agricultural products to be handled, by purchase or otherwise,
1780 ~~during the month of maximum transaction~~ during the next
1781 immediate 12 months. Only those months in which the applicant
1782 anticipates handling, by purchase or otherwise, amounts equal to
1783 or greater than \$1,000 shall be used to calculate the penal sum
1784 of the required bond or certificate of deposit. Such bond or
1785 certificate of deposit shall be provided or assigned in the
1786 exact name in which the dealer will conduct business subject to
1787 the provisions of ss. 604.15-604.34. Such bond must be executed
1788 by a surety company authorized to transact business in the
1789 state. For the purposes of ss. 604.19-604.21, the term
1790 "certificate of deposit" means a certificate of deposit at any
1791 recognized financial institution doing business in the United
1792 States. No certificate of deposit may be accepted in connection
1793 with an application for a dealer's license unless the issuing
1794 institution is properly insured by either the Federal Deposit
1795 Insurance Corporation or the Federal Savings and Loan Insurance
1796 Corporation. Such bond or any certificate of deposit assignment
1797 or agreement shall be upon a form prescribed or approved by the
1798 department and shall be conditioned to secure the faithful
1799 accounting for and payment, in the manner prescribed by s.
1800 604.21(9), to producers or their agents or representatives of
1801 the proceeds of all agricultural products handled or purchased
1802 by such dealer, ~~and~~ to secure payment to dealers who sell
1803 agricultural products to such dealer, and to pay any claims or
1804 costs ordered under s. 604.21 as the result of a complaint. Such

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1805 bond or certificate of deposit assignment or agreement shall
1806 include terms binding the instrument to the Commissioner of
1807 Agriculture. A certificate of deposit shall be presented with an
1808 assignment of applicant's rights in the certificate in favor of
1809 the Commissioner of Agriculture on a form prescribed by the
1810 department and with a letter from the issuing institution
1811 acknowledging that the assignment has been properly recorded on
1812 the books of the issuing institution and will be honored by the
1813 issuing institution. Such assignment shall be irrevocable while
1814 the dealer's license is in effect and for an additional period
1815 of 6 months after the termination or expiration of the dealer's
1816 license, provided no complaint is pending against the licensee.
1817 If a complaint is pending, the assignment shall remain in effect
1818 until all actions on the complaint have been finalized. The
1819 certificate of deposit may be released by the assignee of the
1820 financial institution to the licensee or the licensee's
1821 successors, assignee, or heirs if no claims are pending against
1822 the licensee before the department at the conclusion of 6 months
1823 after the last effective date of the license. No certificate of
1824 deposit shall be accepted that contains any provision that would
1825 give the issuing institution any prior rights or claim on the
1826 proceeds or principal of such certificate of deposit. The
1827 department shall determine by rule the maximum amount of bond or
1828 certificate of deposit required of a dealer and whether an
1829 annual bond or certificate of deposit will be required.

1830 (4) The department may issue a conditional license to an
1831 applicant who is unable to provide a single bond or certificate
1832 of deposit in the full amount required by the calculation in
518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1833 subsection (1). The conditional license shall remain in effect
1834 for a 1-year period to coincide with the effective period of the
1835 bond or certificate of deposit furnished by the applicant. The
1836 applicant must provide at least the minimum \$5,000 bond or
1837 certificate of deposit as provided in subsection (1) together
1838 with documentation from each of three separate bonding companies
1839 denying the applicants request for a surety bond in the full
1840 amount required in subsection (1) and one of the following:

1841 (a) A notarized affidavit limiting the handling of
1842 agricultural products, by purchase or otherwise, during their
1843 largest month to a minimum of one-half the amount of the bond or
1844 certificate of deposit provided by the applicant;

1845 (b) A notarized affidavit stating that any subject
1846 agricultural products, handled by purchase or otherwise,
1847 exceeding one-half of the amount of the bond or certificate of
1848 deposit will be handled under the exemption provisions set forth
1849 in s. 604.16(2); or

1850 (c) A second bond or certificate of deposit in such an
1851 amount that, when the penal sum of the second bond or
1852 certificate of deposit is added to the penal sum of the first
1853 bond or certificate of deposit, the combined penal sum will
1854 equal twice the dollar amount of agricultural products handled
1855 for a Florida producer or a producer's agent or representative,
1856 by purchase or otherwise, during the month of maximum
1857 transaction in such products during the preceding 12-month
1858 period.

1859

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1860 The department or its agents may require from any licensee who
1861 is issued a conditional license verified statements of the
1862 volume of the licensee's business or may review the licensee's
1863 records at the licensee's place of business during normal
1864 business hours to determine the licensee's adherence to the
1865 conditions of the license. The failure of a licensee to furnish
1866 such statement or to make such records available shall be cause
1867 for suspension of the licensee's conditional license. If the
1868 department finds such failure to be willful, the conditional
1869 license may be revoked.

1870 Section 59. Section 604.25, Florida Statutes, is amended
1871 to read:

1872 604.25 Denial of, refusal to renew ~~grant~~, or suspension or
1873 revocation of, license.--

1874 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
1875 ~~grant a license~~ or may suspend or revoke a license already
1876 ~~granted~~ if the applicant or licensee has:

1877 (1)(a) Suffered a monetary judgment entered against the
1878 applicant or licensee ~~upon which is execution has been returned~~
1879 ~~unsatisfied;~~

1880 (2)(b) Made false charges for handling or services
1881 rendered;

1882 (3)(e) Failed to account promptly and properly or to make
1883 settlements with any producer;

1884 (4)(d) Made any false statement or statements as to
1885 condition, quality, or quantity of goods received or held for
1886 sale when the true condition, quality, or quantity could have
1887 been ascertained by reasonable inspection;

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1888 (5)~~(e)~~ Made any false or misleading statement or
1889 statements as to market conditions or service rendered;

1890 (6)~~(f)~~ Been guilty of a fraud in the attempt to procure,
1891 or the procurement of, a license;

1892 (7)~~(g)~~ Directly or indirectly sold agricultural products
1893 received on consignment or on a net return basis for her or his
1894 own account, without prior authority from the producer
1895 consigning the same, or without notifying such producer;

1896 (8)~~(h)~~ Failed to prevent a person from holding a position
1897 as the applicant's or licensee's owner, officer, director,
1898 general or managing partner, or employee ~~Employed~~ in a
1899 responsible position ~~a person~~, or holding any other similarly
1900 situated position, if the person holds or has held a similar
1901 position with any entity that ~~an officer of a corporation, who~~
1902 has failed to fully comply with an order of the department, has
1903 not satisfied a civil judgment held by the department, has
1904 pending any administrative or civil enforcement action by the
1905 department, or has pending any criminal charges pursuant to s.
1906 604.30 at any time within 1 year after issuance;

1907 (9)~~(i)~~ Violated any statute or rule relating to the
1908 purchase or sale of any agricultural product, whether or not
1909 such transaction is subject to the provisions of this chapter;
1910 ~~or~~

1911 (10)~~(j)~~ Failed to submit to the department an application,
1912 appropriate license fees, and an acceptable surety bond or
1913 certificate of deposit; ~~or-~~

1914 (11)~~(2)~~ Failed ~~If a licensee fails or refused~~ ~~refuses~~ to
1915 comply in full with an order of the department or failed to

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1916 ~~satisfy a civil judgment owed to the department, her or his~~
1917 ~~license may be suspended or revoked, in which case she or he~~
1918 ~~shall not be eligible for license for a period of 1 year or~~
1919 ~~until she or he has fully complied with the order of the~~
1920 ~~department.~~

1921 ~~(3) No person, or officer of a corporation, whose license~~
1922 ~~has been suspended or revoked for failure to comply with an~~
1923 ~~order of the department may hold a responsible position with a~~
1924 ~~licensee for a period of 1 year or until the order of the~~
1925 ~~department has been fully complied with.~~

1926 Section 60. Subsections (18) and (19) of section 616.242,
1927 Florida Statutes, are renumbered as subsections (19) and (20),
1928 respectively, and a new subsection (18) is added to that section
1929 to read:

1930 616.242 Safety standards for amusement rides.--

1931 (18) STOP-OPERATION ORDERS.--If an owner or amusement ride
1932 fails to comply with this chapter or any rule adopted under this
1933 chapter, the department may issue a stop-operation order.

1934 Section 61. Subsection (4) of section 686.201, Florida
1935 Statutes, is amended to read:

1936 686.201 Sales representative contracts involving
1937 commissions; requirements; termination of agreement; civil
1938 remedies.--

1939 (4) This section does not apply to persons licensed
1940 pursuant to chapter 475 who are performing services within the
1941 scope of their license or to contracts to which a seller of
1942 travel as defined in s. 559.927 is a party.

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1943 Section 62. Paragraph (c) of subsection (5) of section
1944 790.06, Florida Statutes, is amended to read:

1945 790.06 License to carry concealed weapon or firearm.--

1946 (5) The applicant shall submit to the Department of
1947 Agriculture and Consumer Services:

1948 (c) A full set of fingerprints of the applicant
1949 administered by a law enforcement agency or the Division of
1950 Licensing of the Department of Agriculture and Consumer
1951 Services.

1952 Section 63. Sections 570.071 and 570.901, Florida
1953 Statutes, are repealed.

1954

1955

1956 **T I T L E A M E N D M E N T**

1957 Remove line 2 and insert:

1958 An act relating to the Department of Agriculture and
1959 Consumer Services; amending s. 482.021, F.S.; revising
1960 terminology to modify requirements for supervision
1961 provided by certified operators in charge of pest control
1962 businesses; amending s. 482.051, F.S.; requiring pest
1963 control licensees to perform inspections before issuing
1964 certain contracts; amending s. 482.071, F.S.; increasing
1965 the financial responsibility requirements for pest control
1966 licensees; creating s. 482.072, F.S.; requiring pest
1967 control service center licenses; providing license
1968 application requirements and procedures; providing for
1969 expiration and renewal of licenses; establishing license
1970 fees; exempting pest control service center employees from

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1971 identification card requirements except under certain
1972 circumstances; requiring recordkeeping and monitoring of
1973 service center operations; authorizing disciplinary action
1974 against pest control licensees for violations committed by
1975 service center employees; amending s. 482.152, F.S.;
1976 revising duties and supervisory requirements of certified
1977 operators in charge of pest control businesses; creating
1978 s. 482.157, F.S.; providing for pest control certification
1979 of commercial wildlife management personnel; providing
1980 application procedures and requirements; requiring a
1981 certification examination; establishing certification
1982 fees; amending s. 482.226, F.S.; increasing the financial
1983 responsibility requirements for certain pest control
1984 licensees; amending s. 493.6102, F.S.; specifying that
1985 provisions regulating security officers do not apply to
1986 certain officers performing off-duty activities; amending
1987 s. 493.6105, F.S.; revising application requirements and
1988 procedures for private investigator, security officer, or
1989 recovery agent licenses; specifying application
1990 requirements for firearms instructor license; amending s.
1991 493.6106, F.S.; revising citizenship requirements and
1992 documentation for private investigator, security officer,
1993 and recovery agent licenses; prohibiting the licensure of
1994 applicants for a statewide firearm license or firearms
1995 instructor license who are prohibited from purchasing or
1996 possessing firearms; requiring notice of changes to branch
1997 office locations for private investigative, security, or
1998 recovery agencies; amending s. 493.6107, F.S.; requiring

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

1999 | the department to accept certain methods of payment for
2000 | certain fees; amending s. 493.6108, F.S.; revising
2001 | requirements for criminal history checks of license
2002 | applicants whose fingerprints are not legible; requiring
2003 | investigation of the mental and emotional fitness of
2004 | applicants for firearms instructor licenses; amending s.
2005 | 493.6111, F.S.; requiring a security officer school or
2006 | recovery agent school to obtain the department's approval
2007 | for use of a fictitious name; amending s. 493.6113, F.S.;
2008 | revising application renewal procedures and requirements;
2009 | amending s. 493.6115, F.S.; conforming cross-references;
2010 | amending s. 493.6118, F.S.; authorizing disciplinary
2011 | action against statewide firearm licensees and firearms
2012 | instructor licensees who are prohibited from purchasing or
2013 | possessing firearms; amending s. 493.6121, F.S.; deleting
2014 | provisions for the department's access to certain criminal
2015 | history records provided to licensed gun dealers,
2016 | manufactures, and exporters; amending s. 493.6202, F.S.;
2017 | requiring the department to accept certain methods of
2018 | payment for certain fees; amending s. 493.6203, F.S.;
2019 | prohibiting bodyguard services from being credited toward
2020 | certain license requirements; revising training
2021 | requirements for private investigator intern license
2022 | applicants; amending s. 493.6302, F.S.; requiring the
2023 | department to accept certain methods of payment for
2024 | certain fees; amending s. 493.6303, F.S.; revising the
2025 | training requirements for security officer license
2026 | applicants; amending s. 493.6304, F.S.; revising

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

2027 application requirements and procedures for security
2028 officer school licenses; amending s. 493.6401, F.S.;
2029 revising terminology for recovery agent schools and
2030 training facilities; amending s. 493.6402, F.S.; revising
2031 terminology for recovery agent schools and training
2032 facilities; requiring the department to accept certain
2033 methods of payment for certain fees; amending s. 493.6406,
2034 F.S.; requiring recovery agent school and instructor
2035 licenses; providing license application requirements and
2036 procedures; amending ss. 501.605 and 501.607, F.S.;
2037 revising application requirements for commercial telephone
2038 seller and salesperson licenses; amending s. 501.913,
2039 F.S.; specifying the sample size required for antifreeze
2040 registration application; amending s. 525.01, F.S.;
2041 revising requirements for petroleum fuel affidavits;
2042 amending s. 525.09, F.S.; imposing an inspection fee on
2043 certain alternative fuels containing alcohol; amending s.
2044 526.50, F.S.; defining terms applicable to regulation of
2045 the sale of brake fluid; amending s. 526.51, F.S.;
2046 revising brake fluid permit application requirements;
2047 deleting permit renewal requirements; providing for
2048 reregistration of brake fluid and establishing fees;
2049 amending s. 526.52, F.S.; revising requirements for
2050 printed statements on brake fluid containers; amending s.
2051 526.53, F.S.; revising requirements and procedures for
2052 brake fluid stop-sale orders; authorizing businesses to
2053 dispose of unregistered brake fluid under certain
2054 circumstances; amending s. 527.02, F.S.; increasing fees

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

2055 for liquefied petroleum gas licenses; revising fees for
2056 pipeline system operators; amending s. 527.0201, F.S.;
2057 revising requirements for liquefied petroleum gas
2058 qualifying examinations; increasing examination fees;
2059 increasing continuing education requirements for certain
2060 liquefied petroleum gas qualifiers; amending s. 527.021,
2061 F.S.; requiring the annual inspection of liquefied
2062 petroleum gas transport vehicles; increasing the
2063 inspection fee; amending s. 527.12, F.S.; providing for
2064 the issuance of certain stop orders; amending ss. 559.805
2065 and 559.928, F.S.; deleting requirements that lists of
2066 independent agents of sellers of business opportunities
2067 and the agents' registration affidavits include the
2068 agents' social security numbers; amending s. 570.0725,
2069 F.S.; revising provisions for public information about
2070 food banks and similar food recovery programs; authorizing
2071 the department to adopt rules; amending ss. 570.53 and
2072 570.54, F.S.; conforming cross-references; amending s.
2073 570.55, F.S.; revising requirements for identifying
2074 sellers or handlers of tropical or subtropical fruit or
2075 vegetables; amending s. 570.902, F.S.; conforming
2076 terminology to the repeal by the act of provisions
2077 establishing the Florida Agricultural Museum; amending s.
2078 570.903, F.S.; revising provisions for direct-support
2079 organizations for certain agricultural programs to conform
2080 to the repeal by the act of provisions establishing the
2081 Florida Agricultural Museum; deleting provisions for a
2082 direct-support organization for the Florida State

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

2083 Collection of Arthropods; amending s. 573.118, F.S.;

2084 requiring the department to maintain records of marketing

2085 orders; requiring an audit at the request of an advisory

2086 council; requiring that the advisory council receive a

2087 copy of the audit within a specified time; amending s.

2088 581.011, F.S.; deleting terminology relating to the

2089 Florida State Collection of Arthropods; revising the term

2090 "nursery" for purposes of plant industry regulations;

2091 amending s. 581.031, F.S.; increasing citrus source tree

2092 registration fees; amending s. 581.131, F.S.; increasing

2093 registration fees for a nurseryman, stock dealer, agent,

2094 or plant broker certificate; amending s. 581.211, F.S.;

2095 increasing the maximum fine for violations of plant

2096 industry regulations; amending s. 583.13, F.S.; deleting a

2097 prohibition on the sale of poultry without displaying the

2098 poultry grade; amending s. 590.125, F.S.; revising

2099 terminology for open burning authorizations; specifying

2100 purposes of certified prescribed burning; requiring the

2101 authorization of the Division of Forestry for certified

2102 pile burning; providing pile burning requirements;

2103 limiting the liability of property owners or agents

2104 engaged in pile burning; providing for the certification

2105 of pile burners; providing penalties for violations by

2106 certified pile burners; requiring rules; revising notice

2107 requirements for wildfire hazard reduction treatments;

2108 providing for approval of local government open burning

2109 authorization programs; providing program requirements;

2110 authorizing the division to close local government

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

2111 programs under certain circumstances; providing penalties
2112 for violations of local government open burning
2113 requirements; amending s. 590.14, F.S.; authorizing fines
2114 for violations of any division rule; providing penalties
2115 for certain violations; providing legislative intent;
2116 amending s. 599.004, F.S.; revising standards that a
2117 winery must meet to qualify as a certified Florida Farm
2118 Winery; amending s. 604.15, F.S.; defining the term
2119 "responsible position" for purposes of provisions
2120 regulating dealers in agricultural products; amending s.
2121 604.19, F.S.; revising requirements for late fees on
2122 agricultural products dealer applications; amending s.
2123 604.20, F.S.; revising the minimum amount of the surety
2124 bond or certificate of deposit required for agricultural
2125 products dealer licenses; providing conditions for the
2126 payment of bond or certificate of deposit proceeds;
2127 requiring additional documentation for issuance of a
2128 conditional license; amending s. 604.25, F.S.; revising
2129 conditions under which the department may deny, refuse to
2130 renew, suspend, or revoke agricultural products dealer
2131 licenses; deleting a provision prohibiting certain persons
2132 from holding a responsible position with a licensee;
2133 amending s. 616.242, F.S.; amending s. 686.201, F.S.;
2134 exempting contracts involving a seller of travel from the
2135 requirements of that section; authorizing the issuance of
2136 stop-operation orders for amusement rides under certain
2137 circumstances; amending s. 790.06, F.S.; authorizing a
2138 concealed firearm license applicant to submit fingerprints

518253

Approved For Filing: 4/27/2009 11:34:11 AM

Amendment No.

2139 administered by the Division of Licensing; repealing ss.
2140 570.071 and 570.901, F.S., relating to the Florida
2141 Agricultural Exposition and the Florida Agricultural
2142 Museum; amending s. 205.064, F.S.;