

Amendment No.

CHAMBER ACTION

Senate

House

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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.

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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.--

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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

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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.

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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.

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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.

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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).

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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.

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210 Section 7. Section 482.163, Florida Statutes, is amended
211 to read:

212 482.163 Responsibility for pest control activities of
213 employee.--Proper performance of pest control activities by a
214 pest control business employee is the responsibility not only of
215 the employee but also of the licensee and the certified operator
216 in charge, and the licensee and certified operator in charge may
217 be subject to disciplinary action under ~~disciplined pursuant to~~
218 ~~the provisions of s. 482.161 for the pest control activities of~~
219 an employee unless the employee acts outside of the course and
220 scope of his or her employment or the employee disobeys employer
221 policies that the licensee and certified operator in charge
222 regularly and consistently enforce. If an administrative action
223 resulting from an inspection or investigation is initiated
224 against an employee of the licensee, the department shall notify
225 the licensee and certified operator in charge so that corrective
226 action may be taken. A licensee may not automatically be
227 ~~considered responsible for violations made by an employee.~~
228 ~~However, the licensee may not knowingly encourage, aid, or abet~~
229 ~~violations of this chapter.~~

230 Section 8. Subsection (6) of section 482.226, Florida
231 Statutes, is amended to read:

232 482.226 Wood-destroying organism inspection report; notice
233 of inspection or treatment; financial responsibility.--

234 (6) Any licensee that performs wood-destroying organism
235 inspections in accordance with subsection (1) must meet minimum
236 financial responsibility in the form of errors and omissions
237 (professional liability) insurance coverage or bond in an amount
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238 no less than \$250,000 ~~\$50,000~~ in the aggregate ~~and \$25,000 per~~
239 ~~occurrence,~~ or demonstrate that the licensee has equity or net
240 worth of no less than \$500,000 ~~\$100,000~~ as determined by
241 generally accepted accounting principles substantiated by a
242 certified public accountant's review or certified audit. The
243 licensee must show proof of meeting this requirement at the time
244 of license application or renewal thereof.

245 Section 9. Subsection (1) of section 493.6102, Florida
246 Statutes, is amended to read:

247 493.6102 Inapplicability of this chapter.--This chapter
248 shall not apply to:

249 (1) Any individual who is an "officer" as defined in s.
250 943.10(14), or is a law enforcement officer of the United States
251 Government, while the ~~such~~ local, state, or federal officer is
252 engaged in her or his official duties or, if approved by the
253 officer's supervisors, when performing off-duty activities as a
254 security officer ~~activities approved by her or his superiors.~~

255 Section 10. Section 493.6105, Florida Statutes, is amended
256 to read:

257 493.6105 Initial application for license.--

258 (1) Each individual, partner, or principal officer in a
259 corporation, shall file with the department a complete
260 application accompanied by an application fee not to exceed \$60,
261 except that the applicant for a Class "D" or Class "G" license
262 shall not be required to submit an application fee. The
263 application fee shall not be refundable.

264 (a) The application submitted by any individual, partner,
265 or corporate officer shall be approved by the department prior
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266 to that individual, partner, or corporate officer assuming his
267 or her duties.

268 (b) Individuals who invest in the ownership of a licensed
269 agency, but do not participate in, direct, or control the
270 operations of the agency shall not be required to file an
271 application.

272 (2) Each application shall be signed and verified by the
273 individual under oath as provided in s. 92.525 ~~and shall be~~
274 ~~notarized.~~

275 (3) The application shall contain the following
276 information concerning the individual signing same:

277 (a) Name and any aliases.

278 (b) Age and date of birth.

279 (c) Place of birth.

280 (d) Social security number or alien registration number,
281 whichever is applicable.

282 (e) Present residence address ~~and his or her residence~~
283 ~~addresses within the 5 years immediately preceding the~~
284 ~~submission of the application.~~

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

287 (f)(g) A statement of all criminal convictions, findings
288 of guilt, and pleas of guilty or nolo contendere, regardless of
289 adjudication of guilt.

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

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

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

296 (j) A full set of fingerprints on a card provided by the
297 department and a fingerprint fee to be established by rule of
298 the department based upon costs determined by state and federal
299 agency charges and department processing costs. An applicant who
300 has, within the immediately preceding 6 months, submitted a
301 fingerprint card and fee for licensing purposes under this
302 chapter shall not be required to submit another fingerprint card
303 or fee.

304 (k) A personal inquiry waiver which allows the department
305 to conduct necessary investigations to satisfy the requirements
306 of this chapter.

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

311 ~~(4) In addition to the application requirements outlined~~
312 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~
313 ~~Class "E," Class "EE," or Class "G" license shall submit two~~
314 ~~color photographs taken within the 6 months immediately~~
315 ~~preceding the submission of the application, which meet~~
316 ~~specifications prescribed by rule of the department. All other~~
317 ~~applicants shall submit one photograph taken within the 6 months~~
318 ~~immediately preceding the submission of the application.~~

319 (4)~~(5)~~ In addition to the application requirements
320 outlined under subsection (3), the applicant for a Class "C,"
321 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"

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322 license shall include a statement on a form provided by the
323 department of the experience which he or she believes will
324 qualify him or her for such license.

325 (5)~~(6)~~ In addition to the requirements outlined in
326 subsection (3), an applicant for a Class "G" license shall
327 satisfy minimum training criteria for firearms established by
328 rule of the department, which training criteria shall include,
329 but is not limited to, 28 hours of range and classroom training
330 taught and administered by a Class "K" licensee; however, no
331 more than 8 hours of such training shall consist of range
332 training. If the applicant can show proof that he or she is an
333 active law enforcement officer currently certified under the
334 Criminal Justice Standards and Training Commission or has
335 completed the training required for that certification within
336 the last 12 months, or if the applicant submits one of the
337 certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
338 department may waive the foregoing firearms training
339 requirement.

340 (6)~~(7)~~ In addition to the requirements under subsection
341 (3), an applicant for a Class "K" license shall:

342 (a) Submit one of the following certificates:

343 1. The Florida Criminal Justice Standards and Training
344 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
345 the commission that the applicant is authorized to provide
346 firearms instruction.

347 2. The National Rifle Association Law Enforcement ~~Police~~
348 Firearms Instructor's Certificate.

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349 ~~3. The National Rifle Association Security Firearms~~
350 ~~Instructor's Certificate.~~

351 3.4. A firearms instructor's training certificate issued
352 by any branch of the United States Armed Forces, from a federal
353 law enforcement academy or agency, state, county, or municipal
354 police academy in this state recognized as such by the Criminal
355 Justice Standards and Training Commission or by the Department
356 of Education.

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

361 ~~(7)-(8)~~ In addition to the application requirements for
362 individuals, partners, or officers outlined under subsection
363 (3), the application for an agency license shall contain the
364 following information:

365 (a) The proposed name under which the agency intends to
366 operate.

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

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

372 (d) The names and titles of all partners or, in the case
373 of a corporation, the names and titles of its principal
374 officers.

375 ~~(8)-(9)~~ Upon submission of a complete application, a Class
376 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
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377 Class "MA," Class "MB," or Class "MR" applicant may commence
378 employment or appropriate duties for a licensed agency or branch
379 office. However, the Class "C" or Class "E" applicant must work
380 under the direction and control of a sponsoring licensee while
381 his or her application is being processed. If the department
382 denies application for licensure, the employment of the
383 applicant must be terminated immediately, unless he or she
384 performs only unregulated duties.

385 Section 11. Paragraph (f) of subsection (1) and paragraph
386 (a) of subsection (2) of section 493.6106, Florida Statutes, are
387 amended, and paragraph (g) is added to subsection (1) of that
388 section, to read:

389 493.6106 License requirements; posting.--

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

391 (f) Be a citizen or permanent legal resident alien of the
392 United States or have appropriate ~~been granted~~ authorization
393 issued to seek employment in this country by the United States
394 Bureau of Citizenship and Immigration Services of the United
395 States Department of Homeland Security.

396 1. An applicant for a Class "C," Class "CC," Class "D,"
397 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
398 "MB," Class "MR," or Class "RI" license who is not a United
399 States citizen must submit proof of current employment
400 authorization issued by the United States Bureau of Citizenship
401 and Immigration Services or proof that she or he is deemed a
402 permanent legal resident alien by the United States Bureau of
403 Citizenship and Immigration Services.

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404 2. An applicant for a Class "G" or Class "K" license who
405 is not a United States citizen must submit proof that she or he
406 is deemed a permanent legal resident alien by the United States
407 Bureau of Citizenship and Immigration Services, together with
408 additional documentation establishing that she or he has resided
409 in the state of residence shown on the application for at least
410 90 consecutive days before the date that the application is
411 submitted.

412 3. An applicant for an agency or school license who is not
413 a United States citizen or permanent legal resident alien must
414 submit documentation issued by the United States Bureau of
415 Citizenship and Immigration Services stating that she or he is
416 lawfully in the United States and is authorized to own and
417 operate the type of agency or school for which she or he is
418 applying. An employment authorization card issued by the United
419 States Bureau of Citizenship and Immigration Services is not
420 sufficient documentation.

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

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

428 (a) If an agency or branch office desires to change the
429 physical location of the business, as it appears on the agency
430 license, the department must be notified within 10 days of the
431 change, and, except upon renewal, the fee prescribed in s.

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432 493.6107 must be submitted for each license requiring revision.
433 Each license requiring revision must be returned with such
434 notification.

435 Section 12. Subsection (3) of section 493.6107, Florida
436 Statutes, is amended to read:

437 493.6107 Fees.--

438 (3) The fees set forth in this section must be paid by
439 ~~certified check or money order or, at the discretion of the~~
440 ~~department, by agency check~~ at the time the application is
441 approved, except that the applicant for a Class "G" or Class "M"
442 license must pay the license fee at the time the application is
443 made. If a license is revoked or denied or if the application is
444 withdrawn, the license fee shall not be refunded.

445 Section 13. Paragraph (a) of subsection (1) and subsection
446 (3) of section 493.6108, Florida Statutes, are amended to read:

447 493.6108 Investigation of applicants by Department of
448 Agriculture and Consumer Services.--

449 (1) Except as otherwise provided, prior to the issuance of
450 a license under this chapter, the department shall make an
451 investigation of the applicant for a license. The investigation
452 shall include:

453 (a)1. An examination of fingerprint records and police
454 records. When a criminal history analysis of any applicant under
455 this chapter is performed by means of fingerprint card
456 identification, the time limitations prescribed by s. 120.60(1)
457 shall be tolled during the time the applicant's fingerprint card
458 is under review by the Department of Law Enforcement or the

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459 United States Department of Justice, Federal Bureau of
460 Investigation.

461 2. If a legible set of fingerprints, as determined by the
462 Department of Law Enforcement or the Federal Bureau of
463 Investigation, cannot be obtained after two attempts, the
464 Department of Agriculture and Consumer Services may determine
465 the applicant's eligibility based upon a criminal history record
466 check under the applicant's name conducted by the Department of
467 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
468 ~~A set of fingerprints are taken by a law enforcement agency or~~
469 ~~the department~~ and the applicant submits a written statement
470 signed by the fingerprint technician or a licensed physician
471 stating that there is a physical condition that precludes
472 obtaining a legible set of fingerprints or that the fingerprints
473 taken are the best that can be obtained ~~is sufficient to meet~~
474 ~~this requirement.~~

475 (3) The department shall also investigate the mental
476 history and current mental and emotional fitness of any Class
477 "G" or Class "K" applicant, and may deny a Class "G" or Class
478 "K" license to anyone who has a history of mental illness or
479 drug or alcohol abuse.

480 Section 14. Subsection (4) of section 493.6111, Florida
481 Statutes, is amended to read:

482 493.6111 License; contents; identification card.--

483 (4) Notwithstanding the existence of a valid Florida
484 corporate registration, an ~~ne~~ agency or school licensee may not
485 conduct activities regulated under this chapter under any
486 fictitious name without prior written authorization from the

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487 department to use that name in the conduct of activities
488 regulated under this chapter. The department may not authorize
489 the use of a name which is so similar to that of a public
490 officer or agency, or of that used by another licensee, that the
491 public may be confused or misled thereby. The authorization for
492 the use of a fictitious name shall require, as a condition
493 precedent to the use of such name, the filing of a certificate
494 of engaging in business under a fictitious name under s. 865.09.
495 A No licensee may not ~~shall be permitted to~~ conduct business
496 under more than one fictitious name except as separately
497 licensed nor shall the license be valid to protect any licensee
498 who is engaged in ~~the~~ business under any name other than that
499 specified in the license. An agency desiring to change its
500 licensed name shall notify the department and, except upon
501 renewal, pay a fee not to exceed \$30 for each license requiring
502 revision including those of all licensed employees except Class
503 "D" or Class "G" licensees. Upon the return of such licenses to
504 the department, revised licenses shall be provided.

505 Section 15. Subsection (2) and paragraph (a) of subsection
506 (3) of section 493.6113, Florida Statutes, are amended to read:

507 493.6113 Renewal application for licensure.--

508 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
509 expiration date of the license, the department shall mail a
510 written notice to the last known mailing ~~residence~~ address of
511 the licensee ~~for individual licensees and to the last known~~
512 ~~agency address for agencies.~~

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

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

521 Section 16. Subsection (8), paragraph (d) of subsection
522 (12), and subsection (16) of section 493.6115, Florida Statutes,
523 are amended to read:

524 493.6115 Weapons and firearms.--

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

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

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

533 (16) If the criminal history record check program
534 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
535 department may issue a temporary "G" license on a case-by-case
536 basis, provided that the applicant has met all statutory
537 requirements for the issuance of a temporary "G" license as
538 specified in subsection (12), excepting the criminal history
539 record check stipulated there; provided, that the department
540 requires that the licensed employer of the applicant conduct a
541 criminal history record check of the applicant pursuant to
542 standards set forth in rule by the department, and provide to
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543 the department an affidavit containing such information and
544 statements as required by the department, including a statement
545 that the criminal history record check did not indicate the
546 existence of any criminal history that would prohibit licensure.
547 Failure to properly conduct such a check, or knowingly providing
548 incorrect or misleading information or statements in the
549 affidavit shall constitute grounds for disciplinary action
550 against the licensed agency, including revocation of license.

551 Section 17. Paragraph (u) of subsection (1) of section
552 493.6118, Florida Statutes, is redesignated as paragraph (v),
553 and a new paragraph (u) is added to that subsection to read:

554 493.6118 Grounds for disciplinary action.--

555 (1) The following constitute grounds for which
556 disciplinary action specified in subsection (2) may be taken by
557 the department against any licensee, agency, or applicant
558 regulated by this chapter, or any unlicensed person engaged in
559 activities regulated under this chapter.

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

563 Section 18. Subsections (7) and (8) of section 493.6121,
564 Florida Statutes, are renumbered as subsections (6) and (7),
565 respectively, and present subsection (6) of that section is
566 amended, to read:

567 493.6121 Enforcement; investigation.--

568 ~~(6) The department shall be provided access to the program~~
569 ~~that is operated by the Department of Law Enforcement, pursuant~~
570 ~~to s. 790.065, for providing criminal history record information~~
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571 ~~to licensed gun dealers, manufacturers, and exporters. The~~
572 ~~department may make inquiries, and shall receive responses in~~
573 ~~the same fashion as provided under s. 790.065. The department~~
574 ~~shall be responsible for payment to the Department of Law~~
575 ~~Enforcement of the same fees as charged to others afforded~~
576 ~~access to the program.~~

577 Section 19. Subsection (3) of section 493.6202, Florida
578 Statutes, is amended to read:

579 493.6202 Fees.--

580 (3) The fees set forth in this section must be paid by
581 ~~certified check or money order or, at the discretion of the~~
582 ~~department, by agency check~~ at the time the application is
583 approved, except that the applicant for a Class "G," Class "C,"
584 Class "CC," Class "M," or Class "MA" license must pay the
585 license fee at the time the application is made. If a license is
586 revoked or denied or if the application is withdrawn, the
587 license fee shall not be refunded.

588 Section 20. Subsections (2), (4), and (6) of section
589 493.6203, Florida Statutes, are amended to read:

590 493.6203 License requirements.--In addition to the license
591 requirements set forth elsewhere in this chapter, each
592 individual or agency shall comply with the following additional
593 requirements:

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

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

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- 599 (b) Work as a Class "CC" licensed intern;
600 (c) Any combination of paragraphs (a) and (b);
601 (d) Experience described in paragraph (a) for 1 year and
602 experience described in paragraph (e) for 1 year;
603 (e) No more than 1 year using:
604 1. College coursework related to criminal justice,
605 criminology, or law enforcement administration; or
606 2. Successfully completed law enforcement-related training
607 received from any federal, state, county, or municipal agency;
608 or
609 (f) Experience described in paragraph (a) for 1 year and
610 work in a managerial or supervisory capacity for 1 year.

611
612 However, experience in performing bodyguard services is not
613 creditable toward the requirements of this subsection.

614 (4) An applicant for a Class "C" license shall have 2
615 years of lawfully gained, verifiable, full-time experience, or
616 training in one, or a combination of more than one, of the
617 following:

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

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

625 (c) Work as a Class "CC" licensed intern.
626

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

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

632 (b) Effective July 1, 2009 ~~September 1, 2008~~, before
633 submission of an application to the department, the an applicant
634 for a Class "CC" license must have completed a minimum of 40 at
635 least 24 hours of professional training a 40-hour course
636 pertaining to general investigative techniques and this chapter,
637 which course is offered by a state university or by a school,
638 community college, college, or university under the purview of
639 the Department of Education, and the applicant must pass an
640 examination. The training must be provided in two parts, one 24-
641 hour course and one 16-hour course. The certificate evidencing
642 satisfactory completion of the 40 at least 24 hours of
643 professional training a 40-hour course must be submitted with
644 the application for a Class "CC" license. ~~The remaining 16 hours~~
645 ~~must be completed and an examination passed within 180 days. If~~
646 ~~documentation of completion of the required training is not~~
647 ~~submitted within the specified timeframe, the individual's~~
648 ~~license is automatically suspended or his or her authority to~~
649 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
650 ~~until such time as proof of certificate of completion is~~
651 ~~provided to the department.~~ The training course specified in
652 this paragraph may be provided by face-to-face presentation,
653 online technology, or a home study course in accordance with
654 rules and procedures of the Department of Education. The

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655 administrator of the examination must verify the identity of
656 each applicant taking the examination.

657 1. Upon an applicant's successful completion of each part
658 of the approved training ~~course~~ and passage of any required
659 examination, the school, community college, college, or
660 university shall issue a certificate of completion to the
661 applicant. The certificates must be on a form established by
662 rule of the department.

663 2. The department shall establish by rule the general
664 content of the professional training ~~course~~ and the examination
665 criteria.

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

669 (c) An individual who submits an application for a Class
670 "CC" license on or after September 1, 2008, through June 30,
671 2009, who has not completed the 16-hour course must submit proof
672 of successful completion of the course within 180 days after the
673 date the application is submitted. If documentation of
674 completion of the required training is not submitted by that
675 date, the individual's license is automatically suspended until
676 proof of the required training is submitted to the department.
677 An individual licensed on or before August 31, 2008, is not
678 required to complete additional training hours in order to renew
679 an active license beyond the required total amount of training,
680 and within the timeframe, in effect at the time he or she was
681 licensed.

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682 Section 21. Subsection (3) of section 493.6302, Florida
683 Statutes, is amended to read:

684 493.6302 Fees.--

685 (3) The fees set forth in this section must be paid by
686 ~~certified check or money order or, at the discretion of the~~
687 ~~department, by agency check~~ at the time the application is
688 approved, except that the applicant for a Class "D," Class "G,"
689 Class "M," or Class "MB" license must pay the license fee at the
690 time the application is made. If a license is revoked or denied
691 or if the application is withdrawn, the license fee shall not be
692 refunded.

693 Section 22. Subsection (4) of section 493.6303, Florida
694 Statutes, is amended to read:

695 493.6303 License requirements.--In addition to the license
696 requirements set forth elsewhere in this chapter, each
697 individual or agency shall comply with the following additional
698 requirements:

699 (4) (a) Effective July 1, 2009, an applicant for a Class
700 "D" license must submit proof of successful completion of
701 ~~complete~~ a minimum of 40 hours of professional training at a
702 school or training facility licensed by the department. The
703 training must be provided in two parts, one 24-hour course and
704 one 16-hour course. The department shall by rule establish the
705 general content and number of hours of each subject area to be
706 taught.

707 (b) An individual who submits an application for a Class
708 "D" license on or after January 1, 2007, through June 30, 2009,
709 who has not completed the 16-hour course must submit proof of

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710 successful completion of the course within 180 days after the
711 date the application is submitted. If documentation of
712 completion of the required training is not submitted by that
713 date, the individual's license is automatically suspended until
714 proof of the required training is submitted to the department.
715 This section does not require a person licensed before January
716 1, 2007, to complete additional training hours in order to renew
717 an active license beyond the required total amount of training
718 within the timeframe prescribed by law at the time he or she was
719 licensed. An applicant may fulfill the training requirement
720 prescribed in paragraph (a) by submitting proof of:

721 ~~1. Successful completion of the total number of required~~
722 ~~hours of training before initial application for a Class "D"~~
723 ~~license; or~~

724 ~~2. Successful completion of 24 hours of training before~~
725 ~~initial application for a Class "D" license and successful~~
726 ~~completion of the remaining 16 hours of training within 180 days~~
727 ~~after the date that the application is submitted. If~~
728 ~~documentation of completion of the required training is not~~
729 ~~submitted within the specified timeframe, the individual's~~
730 ~~license is automatically suspended until such time as proof of~~
731 ~~the required training is provided to the department.~~

732 (c) An individual ~~However, any person~~ whose license is
733 suspended or has been revoked, suspended pursuant to paragraph
734 (b) subparagraph 2., or is expired for at least 1 year, or
735 ~~longer~~ is considered, upon reapplication for a license, an
736 initial applicant and must submit proof of successful completion
737 of 40 hours of professional training at a school or training

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738 facility licensed by the department as provided ~~prescribed~~ in
739 paragraph (a) before a license is ~~will be~~ issued. ~~Any person~~
740 ~~whose license was issued before January 1, 2007, and whose~~
741 ~~license has been expired for less than 1 year must, upon~~
742 ~~reapplication for a license, submit documentation of completion~~
743 ~~of the total number of hours of training prescribed by law at~~
744 ~~the time her or his initial license was issued before another~~
745 ~~license will be issued. This subsection does not require an~~
746 ~~individual licensed before January 1, 2007, to complete~~
747 ~~additional training hours in order to renew an active license,~~
748 ~~beyond the required total amount of training within the~~
749 ~~timeframe prescribed by law at the time she or he was licensed.~~

750 Section 23. Subsection (2) of section 493.6304, Florida
751 Statutes, is amended to read:

752 493.6304 Security officer school or training facility.--

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

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

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

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

763 Section 24. Subsections (7) and (8) of section 493.6401,
764 Florida Statutes, are amended to read:

765 493.6401 Classes of licenses.--

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766 (7) Any person who operates a recovery agent ~~repossessor~~
767 school or training facility or who conducts an Internet-based
768 training course or a correspondence training course must have a
769 Class "RS" license.

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

773 Section 25. Paragraphs (f) and (g) of subsection (1) and
774 subsection (3) of section 493.6402, Florida Statutes, are
775 amended to read:

776 493.6402 Fees.--

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

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

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

783 (3) The fees set forth in this section must be paid by
784 ~~certified check or money order, or, at the discretion of the~~
785 ~~department, by agency check~~ at the time the application is
786 approved, except that the applicant for a Class "E," Class "EE,"
787 or Class "MR" license must pay the license fee at the time the
788 application is made. If a license is revoked or denied, or if an
789 application is withdrawn, the license fee shall not be refunded.

790 Section 26. Subsections (1) and (2) of section 493.6406,
791 Florida Statutes, are amended to read:

792 493.6406 Recovery agent ~~Repossession services~~ school or
793 training facility.--

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794 (1) Any school, training facility, or instructor who
795 offers the training outlined in s. 493.6403(2) for Class "E" or
796 Class "EE" applicants shall, before licensure of such school,
797 training facility, or instructor, file with the department an
798 application accompanied by an application fee in an amount to be
799 determined by rule, not to exceed \$60. The fee shall not be
800 refundable. This training may be offered as face-to-face
801 training, Internet-based training, or correspondence training.

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

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

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

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

813 Section 27. Paragraph (a) of subsection (2) of section
814 501.605, Florida Statutes, is amended to read:

815 501.605 Licensure of commercial telephone sellers.--

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

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

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822 including each name under which he or she intends to do
823 business.

824
825 The application shall be accompanied by a copy of any: Script,
826 outline, or presentation the applicant will require or suggest a
827 salesperson to use when soliciting, or, if no such document is
828 used, a statement to that effect; sales information or
829 literature to be provided by the applicant to a salesperson; and
830 sales information or literature to be provided by the applicant
831 to a purchaser in connection with any solicitation.

832 Section 28. Paragraph (a) of subsection (1) of section
833 501.607, Florida Statutes, is amended to read:

834 501.607 Licensure of salespersons.--

835 (1) An applicant for a license as a salesperson must
836 submit to the department, in such form as it prescribes, a
837 written application for a license. The application must set
838 forth the following information:

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

841 Section 29. Subsection (2) of section 501.913, Florida
842 Statutes, is amended to read:

843 501.913 Registration.--

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

845 (a) Specimens or facsimiles of the label for each brand of
846 antifreeze;

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

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

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850 Section 30. Subsection (2) of section 525.01, Florida
851 Statutes, is amended to read:

852 525.01 Gasoline and oil to be inspected.--

853 (2) All petroleum fuels are ~~shall be~~ subject to inspection
854 and analysis by the department. Before selling or offering for
855 sale in this state any petroleum fuel, all manufacturers,
856 terminal suppliers, wholesalers, and importers as defined in s.
857 206.01 jobbers shall file with the department:

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

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

863 Section 31. Subsections (1) and (3) of section 525.09,
864 Florida Statutes, are amended to read:

865 525.09 Inspection fee.--

866 (1) For the purpose of defraying the expenses incident to
867 inspecting, testing, and analyzing petroleum fuels in this
868 state, there shall be paid to the department a charge of one-
869 eighth cent per gallon on all gasoline, alternative fuel
870 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
871 kerosene (except when used as aviation turbine fuel), and #1
872 fuel oil for sale or use in this state. This inspection fee
873 shall be imposed in the same manner as the motor fuel tax
874 pursuant to s. 206.41. Payment shall be made on or before the
875 25th day of each month.

876 (3) All remittances to the department for the inspection
877 tax herein provided shall be accompanied by a detailed report
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878 under oath showing the number of gallons of gasoline,
879 alternative fuel containing alcohol as defined in s.
880 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
881 in each county.

882 Section 32. Section 526.50, Florida Statutes, is amended
883 to read:

884 526.50 Definition of terms.--As used in this part:

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

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

890 (3)-(5) "Container" means any receptacle in which brake
891 fluid is immediately contained when sold, but does not mean a
892 carton or wrapping in which a number of such receptacles are
893 shipped or stored or a tank car or truck.

894 (4)-(2) "Department" means the Department of Agriculture
895 and Consumer Services.

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

898 (6)-(4) "Labeling" includes all written, printed or graphic
899 representations, in any form whatsoever, imprinted upon or
900 affixed to any container of brake fluid.

901 (7)-(6) "Permit year" means a period of 12 months
902 commencing July 1 and ending on the next succeeding June 30.

903 (8)-(7) "Registrant" means any manufacturer, packer,
904 distributor, seller, or other person who has registered a brake
905 fluid with the department.

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906 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
907 trade, keep for sale, offer for sale or expose for sale, in any
908 of their variant forms.

909 Section 33. Section 526.51, Florida Statutes, is amended
910 to read:

911 526.51 Registration;~~renewal and fees~~; departmental
912 expenses; cancellation or refusal to issue or renew.--

913 (1) (a) Application for registration of each brand of brake
914 fluid shall be made on forms to be supplied by the department.
915 The applicant shall give his or her name and address and the
916 brand name of the brake fluid, state that he or she owns the
917 brand name and has complete control over the product sold
918 thereunder in Florida, and provide the name and address of the
919 resident agent in Florida. If the applicant does not own the
920 brand name but wishes to register the product with the
921 department, a notarized affidavit that gives the applicant full
922 authorization to register the brand name and that is signed by
923 the owner of the brand name must accompany the application for
924 registration. The affidavit must include all affected brand
925 names, the owner's company or corporate name and address, the
926 applicant's company or corporate name and address, and a
927 statement from the owner authorizing the applicant to register
928 the product with the department. The owner of the brand name
929 shall maintain complete control over each product sold under
930 that brand name in this state. All first-time brand-formula
931 combination ~~new product~~ applications must be accompanied by a
932 certified report from an independent testing laboratory, setting
933 forth the analysis of the brake fluid which shall show its

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934 quality to be not less than the specifications established by
935 the department for brake fluids. A sample of not less than 24
936 fluid ounces of brake fluid shall be submitted, in a container
937 or containers, with labels representing exactly how the
938 containers of brake fluid will be labeled when sold, and the
939 sample and container shall be analyzed and inspected by the
940 Division of Standards in order that compliance with the
941 department's specifications and labeling requirements may be
942 verified. Upon approval of the application, the department shall
943 register the brand name of the brake fluid and issue to the
944 applicant a permit authorizing the registrant to sell the brake
945 fluid in this state during the permit year specified in the
946 permit.

947 (b) Each applicant shall pay a fee of \$100 with each
948 application. An applicant seeking reregistration of a previously
949 registered brand-formula combination must submit a completed
950 application and all materials required under this subsection to
951 the department before the first day of the permit year. A brand-
952 formula combination for which a completed application and all
953 materials required under this subsection are not received before
954 the first day of the permit year ceases to be registered with
955 the department until a completed application and all materials
956 required under this subsection are received and approved. Any
957 fee, application, or materials received after the first day of
958 the permit year, if the brand-formula combination was previously
959 registered with the department, A permit may be renewed by
960 application to the department, accompanied by a renewal fee of
961 \$50 on or before the last day of the permit year immediately

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962 ~~preceding the permit year for which application is made for~~
963 ~~renewal of registration. To any fee not paid when due, there~~
964 shall accrue a penalty of \$25, which shall be added to the
965 renewal fee. ~~Renewals will be accepted only on brake fluids that~~
966 ~~have no change in formula, composition, or brand name.~~ Any
967 change in formula, composition, or brand name of any brake fluid
968 constitutes a new product that must be registered in accordance
969 with this part.

970 (2) All fees collected under the provisions of this
971 section shall be credited to the General Inspection Trust Fund
972 of the department and all expenses incurred in the enforcement
973 of this part shall be paid from said fund.

974 (3) The department may cancel ~~or~~ refuse to issue ~~or~~
975 ~~refuse to renew~~ any registration and permit after due notice and
976 opportunity to be heard if it finds that the brake fluid is
977 adulterated or misbranded or that the registrant has failed to
978 comply with the provisions of this part or the rules and
979 regulations promulgated thereunder.

980 Section 34. Paragraph (a) of subsection (3) of section
981 526.52, Florida Statutes, is amended to read:

982 526.52 Specifications; adulteration and misbranding.--

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

984 (a) If its container does not bear on its side or top a
985 label on which is printed the name and place of business of the
986 registrant of the product, the words "brake fluid," and a
987 statement that the product therein equals or exceeds the minimum
988 specification of the Society of Automotive Engineers for heavy-
989 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
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990 Safety Standard No. 116 adopted by the United States Department
991 of Transportation, heavy-duty type. By regulation the department
992 may require that the duty-type classification appear on the
993 label.

994 Section 35. Subsection (2) of section 526.53, Florida
995 Statutes, is amended to read:

996 526.53 Enforcement; inspection and analysis, stop-sale and
997 disposition, regulations.--

998 (2) (a) When any brake fluid is sold in violation of any of
999 the provisions of this part, all such affected brake fluid of
1000 the same brand name ~~on the same premises on which the violation~~
1001 ~~occurred~~ shall be placed under a stop-sale order by the
1002 department by serving the owner of the brand name, distributor,
1003 or other entity responsible for selling or distributing the
1004 product in the state with the stop-sale order. The department
1005 shall withdraw its stop-sale order upon the removal of the
1006 violation or upon voluntary destruction of the product, or other
1007 disposal approved by the department, under the supervision of
1008 the department.

1009 (b) In addition to being subject to the stop-sale
1010 procedures above, unregistered brake fluid shall be held by the
1011 department or its representative, at a place to be designated in
1012 the stop-sale order, until properly registered and released in
1013 writing by the department or its representative. If application
1014 is has not been made for registration of the such product within
1015 30 days after issue of the stop-sale order, such product shall
1016 be disposed of by the department, or, with the department's
1017 consent, by the business, to any tax-supported institution or

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1018 agency of the state if the brake fluid meets legal
1019 specifications or by other disposal authorized by rule of the
1020 department if it fails to meet legal specifications.

1021 Section 36. Subsections (2) and (5) of section 527.02,
1022 Florida Statutes, are amended to read:

1023 527.02 License; penalty; fees.--

1024 (2) Each business location of a person having multiple
1025 locations shall be separately licensed and must meet the
1026 requirements of this section. Such license shall be granted to
1027 any applicant determined by the department to be competent,
1028 qualified, and trustworthy who files with the department a
1029 surety bond, insurance affidavit, or other proof of insurance,
1030 as hereinafter specified, and pays for such license the
1031 following original application fee for new licenses and annual
1032 renewal fees for existing licenses:

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	<u>125</u> 100	<u>75</u> 65

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HOUSE AMENDMENT
Bill No. CS/CS/HB 1241

Amendment No.			
1037	gas cylinder exchange unit operator		
1038	Category IV liquefied petroleum gas dispenser and recreational vehicle servicer	525	<u>425</u> 400
1039	Category V liquefied petroleum petroleum gases dealer for industrial uses only	<u>350</u> 300	<u>275</u> 200
1040	LP gas installer	<u>400</u> 300	<u>300</u> 200
1041	Specialty installer	300	<u>250</u> 200
1042	Dealer in appliances and equipment for use of liquefied petroleum gas	50	45
1043	Manufacturer of liquefied petroleum gas appliances and equipment	525	<u>425</u> 375
1044	Requalifier of cylinders	525	<u>425</u> 375

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Fabricator, repairer, and
tester of vehicles and cargo

tanks 525 425 ~~375~~

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(5) The license fee for a pipeline system operator shall be \$350 ~~\$100 per system owned or operated by the person, not to exceed \$400 per license year.~~ Such license fee applies only to a pipeline system operator who owns or operates a liquefied petroleum gas pipeline system that is used to transmit liquefied petroleum gas from a common source to the ultimate customer and that serves 10 or more customers. The license shall be renewed each year at a fee of \$275 per year.

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Section 37. Subsections (1) and (3) and paragraphs (a) and (c) of subsection (5) of section 527.0201, Florida Statutes, are amended to read:

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527.0201 Qualifiers; master qualifiers; examinations.--
(1) In addition to the requirements of s. 527.02, any person applying for a license to engage in the activities of a pipeline system operator, category I liquefied petroleum gas dealer, category II liquefied petroleum gas dispenser, category IV liquefied petroleum gas dispenser and recreational vehicle servicer, category V liquefied petroleum gases dealer for industrial uses only, LP gas installer, specialty installer, requalifier ~~requalification~~ of cylinders, or fabricator, repairer, and tester of vehicles and cargo tanks must prove competency by passing a written examination administered by the department or its agent with a grade of at least 75 percent in each area tested ~~or above~~. Each applicant for examination shall

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1070 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule
1071 specify the general areas of competency to be covered by each
1072 examination and the relative weight to be assigned in grading
1073 each area tested.

1074 (3) Qualifier cards issued to category I liquefied
1075 petroleum gas dealers and liquefied petroleum gas installers
1076 shall expire 3 years after the date of issuance. All category I
1077 liquefied petroleum gas dealer qualifiers and liquefied
1078 petroleum gas installer qualifiers holding a valid qualifier
1079 card upon the effective date of this act shall retain their
1080 qualifier status until July 1, 2003, and may sit for the master
1081 qualifier examination at any time during that time period. All
1082 such category I liquefied petroleum gas dealer qualifiers and
1083 liquefied petroleum gas installer qualifiers may renew their
1084 qualification on or before July 1, 2003, upon application to the
1085 department, payment of a \$20 renewal fee, and documentation of
1086 the completion of a minimum of 16 ~~12~~ hours of approved
1087 continuing education courses, as defined by department rule,
1088 during the previous 3-year period. Applications for renewal must
1089 be made 30 calendar days prior to expiration. Persons failing to
1090 renew prior to the expiration date must reapply and take a
1091 qualifier competency examination in order to reestablish
1092 category I liquefied petroleum gas dealer qualifier and
1093 liquefied petroleum gas installer qualifier status. If a
1094 category I liquefied petroleum gas qualifier or liquefied
1095 petroleum gas installer qualifier becomes a master qualifier at
1096 any time during the effective date of the qualifier card, the

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1097 card shall remain in effect until expiration of the master
1098 qualifier certification.

1099 (5) In addition to all other licensing requirements, each
1100 category I liquefied petroleum gas dealer and liquefied
1101 petroleum gas installer must, at the time of application for
1102 licensure, identify to the department one master qualifier who
1103 is a full-time employee at the licensed location. This person
1104 shall be a manager, owner, or otherwise primarily responsible
1105 for overseeing the operations of the licensed location and must
1106 provide documentation to the department as provided by rule. The
1107 master qualifier requirement shall be in addition to the
1108 requirements of subsection (1).

1109 (a) In order to apply for certification as a master
1110 qualifier, each applicant must be a category I liquefied
1111 petroleum gas dealer qualifier or liquefied petroleum gas
1112 installer qualifier, must be employed by a licensed category I
1113 liquefied petroleum gas dealer, liquefied petroleum gas
1114 installer, or applicant for such license, must provide
1115 documentation of a minimum of 1 year's work experience in the
1116 gas industry, and must pass a master qualifier competency
1117 examination. Master qualifier examinations shall be based on
1118 Florida's laws, rules, and adopted codes governing liquefied
1119 petroleum gas safety, general industry safety standards, and
1120 administrative procedures. The examination must be successfully
1121 passed ~~completed~~ by the applicant with a grade of at least 75
1122 percent ~~or more~~. Each applicant for master qualifier status
1123 shall submit to the department a nonrefundable \$50 ~~\$30~~
1124 examination fee prior to the examination.

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1125 (c) Master qualifier status shall expire 3 years after the
1126 date of issuance of the certificate and may be renewed by
1127 submission to the department of documentation of completion of
1128 at least 16 ~~12~~ hours of approved continuing education courses
1129 during the 3-year period; proof of employment with a licensed
1130 category I liquefied petroleum gas dealer, liquefied petroleum
1131 gas installer, or applicant; and a \$30 certificate renewal fee.
1132 The department shall define, by rule, approved courses of
1133 continuing education.

1134 Section 38. Subsection (4) of section 527.021, Florida
1135 Statutes, is amended to read:

1136 527.021 Registration of transport vehicles.--

1137 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for
1138 each registered vehicle inspected by the department pursuant to
1139 s. 527.061. Registered vehicles shall be inspected annually. All
1140 inspection fees collected in connection with this section shall
1141 be deposited in the General Inspection Trust Fund for the
1142 purpose of administering the provisions of this chapter.

1143 Section 39. Section 527.12, Florida Statutes, is amended
1144 to read:

1145 527.12 Cease and desist orders; stop-use orders; stop-
1146 operation orders; stop-sale orders; administrative fines.--

1147 (1) Whenever the department has ~~shall have~~ reason to
1148 believe that any person is violating or has violated ~~been~~
1149 ~~violating provisions of~~ this chapter or any rules adopted under
1150 this chapter pursuant thereto, the department ~~it~~ may issue a
1151 cease and desist order, ~~or~~ impose a civil penalty, or do both

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1152 ~~may issue such cease and desist order and impose a civil~~
1153 ~~penalty.~~

1154 (2) Whenever a person or liquefied petroleum gas system or
1155 storage facility, or any part or component thereof, fails to
1156 comply with this chapter or any rules adopted under this
1157 chapter, the department may issue a stop-use order, stop-
1158 operation order, or stop-sale order.

1159 Section 40. Subsection (1) of section 559.805, Florida
1160 Statutes, is amended to read:

1161 559.805 Filings with the department; disclosure of
1162 advertisement identification number.--

1163 (1) Every seller of a business opportunity shall annually
1164 file with the department a copy of the disclosure statement
1165 required by s. 559.803 before ~~prior to~~ placing an advertisement
1166 or making any other representation designed to offer to, sell
1167 to, or solicit an offer to buy a business opportunity from a
1168 prospective purchaser in this state and shall update this filing
1169 by reporting any material change in the required information
1170 within 30 days after the material change occurs. An
1171 advertisement is not placed in the state merely because the
1172 publisher circulates, or there is circulated on his or her
1173 behalf in the state, any bona fide newspaper or other
1174 publication of general, regular, and paid circulation which has
1175 had more than two-thirds of its circulation during the past 12
1176 months outside the state or because a radio or television
1177 program originating outside the state is received in the state.
1178 If the seller is required by s. 559.807 to provide a bond or
1179 establish a trust account or guaranteed letter of credit, he or
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1180 she shall contemporaneously file with the department a copy of
1181 the bond, a copy of the formal notification by the depository
1182 that the trust account is established, or a copy of the
1183 guaranteed letter of credit. Every seller of a business
1184 opportunity shall file with the department a list of independent
1185 agents who will engage in the offer or sale of business
1186 opportunities on behalf of the seller in this state. This list
1187 must be kept current and shall include the following
1188 information: name, home and business address, telephone number,
1189 present employer, ~~social security number,~~ and birth date. A ~~No~~
1190 person may not ~~shall be allowed to~~ offer or sell business
1191 opportunities unless the required information is ~~has been~~
1192 provided to the department.

1193 Section 41. Subsection (3) of section 559.928, Florida
1194 Statutes, is amended to read:

1195 559.928 Registration.--

1196 (3) Each independent agent shall annually file an
1197 affidavit with the department before ~~prior to~~ engaging in
1198 business in this state. This affidavit must include the
1199 independent agent's full name, legal business or trade name,
1200 mailing address, business address, telephone number, ~~social~~
1201 ~~security number,~~ and the name or names and addresses of each
1202 seller of travel represented by the independent agent. A letter
1203 evidencing proof of filing must be issued by the department and
1204 must be prominently displayed in the independent agent's primary
1205 place of business. Each independent agent must also submit an
1206 annual registration fee of \$50. All moneys collected pursuant to
1207 the imposition of the fee shall be deposited by the Chief

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1208 Financial Officer into the General Inspection Trust Fund of the
1209 Department of Agriculture and Consumer Services for the sole
1210 purpose of administrating this part. As used in this subsection,
1211 the term "independent agent" means a person who represents a
1212 seller of travel by soliciting persons on its behalf; who has a
1213 written contract with a seller of travel which is operating in
1214 compliance with this part and any rules adopted thereunder; who
1215 does not receive a fee, commission, or other valuable
1216 consideration directly from the purchaser for the seller of
1217 travel; who does not at any time have any unissued ticket stock
1218 or travel documents in his or her possession; and who does not
1219 have the ability to issue tickets, vacation certificates, or any
1220 other travel document. The term "independent agent" does not
1221 include an affiliate of the seller of travel, as that term is
1222 used in s. 559.935(3), or the employees of the seller of travel
1223 or of such affiliates.

1224 Section 42. Subsection (7) of section 570.0725, Florida
1225 Statutes, is amended to read:

1226 570.0725 Food recovery; legislative intent; department
1227 functions.--

1228 (7) For public information purposes, the department may
1229 ~~shall~~ develop and provide a public information ~~brochure~~
1230 detailing the need for food banks and similar ~~of~~ food recovery
1231 programs, the benefit of such ~~food recovery~~ programs, the manner
1232 in which ~~such~~ organizations may become involved in such ~~food~~
1233 ~~recovery~~ programs, and the protection afforded to such programs
1234 under s. 768.136, ~~and the food recovery entities or food banks~~
1235 ~~that exist in the state. This brochure must be updated annually.~~

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1236 A food bank or similar food recovery organization seeking to be
1237 included on a list of such organizations must notify the
1238 department and provide the information required by rule of the
1239 department. Such organizations are responsible for updating the
1240 information and providing the updated information to the
1241 department. The department may adopt rules to implement this
1242 section.

1243 Section 43. Paragraph (e) of subsection (6) of section
1244 570.53, Florida Statutes, is amended to read:

1245 570.53 Division of Marketing and Development; powers and
1246 duties.--The powers and duties of the Division of Marketing and
1247 Development include, but are not limited to:

1248 (6)

1249 (e) Extending in every practicable way the distribution
1250 and sale of Florida agricultural products throughout the markets
1251 of the world as required of the department by s. ~~ss.~~ 570.07(7),
1252 (8), (10), and (11) and ~~570.071~~ and chapters 571, 573, and 574.

1253 Section 44. Subsection (2) of section 570.54, Florida
1254 Statutes, is amended to read:

1255 570.54 Director; duties.--

1256 (2) It shall be the duty of the director of this division
1257 to supervise, direct, and coordinate the activities authorized
1258 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
1259 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
1260 chapters 504, 571, 573, and 574 and to exercise other powers and
1261 authority as authorized by the department.

1262 Section 45. Subsection (4) of section 570.55, Florida
1263 Statutes, is amended to read:

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1264 570.55 Identification of sellers or handlers of tropical
1265 or subtropical fruit and vegetables; containers specified;
1266 penalties.--

1267 (4) IDENTIFICATION OF HANDLER.--At the time of each
1268 transaction involving the handling or sale of 55 pounds or more
1269 of tropical or subtropical fruit or vegetables in the primary
1270 channel of trade, the buyer or receiver of the tropical or
1271 subtropical fruit or vegetables shall demand a bill of sale,
1272 invoice, sales memorandum, or other document listing the date of
1273 the transaction, the quantity of the tropical or subtropical
1274 fruit or vegetables involved in the transaction, and the
1275 identification of the seller or handler as it appears on the
1276 driver's license of the seller or handler, including the
1277 driver's license number. If the seller or handler does not
1278 possess a driver's license, the buyer or receiver shall use any
1279 other acceptable means of identification, which may include, but
1280 is not limited to, i.e., voter's registration card and number,
1281 draft card, ~~social security card,~~ or other identification.
1282 However, no less than two identification documents shall be
1283 used. The identification of the seller or handler shall be
1284 recorded on the bill of sale, sales memorandum, invoice, or
1285 voucher, which shall be retained by the buyer or receiver for a
1286 period of not less than 1 year from the date of the transaction.

1287 Section 46. Subsection (3) of section 570.902, Florida
1288 Statutes, is amended to read:

1289 570.902 Definitions; ss. 570.902 and 570.903.--For the
1290 purpose of ss. 570.902 and 570.903:

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1291 ~~(3) "Museum" means the Florida Agricultural Museum which~~
1292 ~~is designated as the museum for agriculture and rural history of~~
1293 ~~the State of Florida.~~

1294 Section 47. Section 570.903, Florida Statutes, is amended
1295 to read:

1296 570.903 Direct-support organization.--

1297 (1) When the Legislature authorizes the establishment of a
1298 direct-support organization to provide assistance for the
1299 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
1300 ~~Florida State Collection of Arthropods,~~ the Friends of the
1301 Florida State Forests Program of the Division of Forestry, and
1302 the Forestry Arson Alert Program, and other programs of the
1303 department, the following provisions shall govern the creation,
1304 use, powers, and duties of the direct-support organization.

1305 (a) The department shall enter into a memorandum or letter
1306 of agreement with the direct-support organization, which shall
1307 specify the approval of the department, the powers and duties of
1308 the direct-support organization, and rules with which the
1309 direct-support organization shall comply.

1310 (b) The department may permit, without charge, appropriate
1311 use of property, facilities, and personnel of the department by
1312 a direct-support organization, subject to the provisions of ss.
1313 570.902 and 570.903. The use shall be directly in keeping with
1314 the approved purposes of the direct-support organization and
1315 shall not be made at times or places that would unreasonably
1316 interfere with opportunities for the general public to use
1317 department facilities for established purposes.

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1318 (c) The department shall prescribe by contract or by rule
1319 conditions with which a direct-support organization shall comply
1320 in order to use property, facilities, or personnel of the
1321 department ~~or museum~~. Such rules shall provide for budget and
1322 audit review and oversight by the department.

1323 (d) The department shall not permit the use of property,
1324 facilities, or personnel of the ~~museum, department,~~ or
1325 designated program by a direct-support organization which does
1326 not provide equal employment opportunities to all persons
1327 regardless of race, color, religion, sex, age, or national
1328 origin.

1329 (2) (a) The direct-support organization shall be empowered
1330 to conduct programs and activities; raise funds; request and
1331 receive grants, gifts, and bequests of money; acquire, receive,
1332 hold, invest, and administer, in its own name, securities,
1333 funds, objects of value, or other property, real or personal;
1334 and make expenditures to or for the direct or indirect benefit
1335 of the ~~museum or~~ designated program.

1336 (b) Notwithstanding the provisions of s. 287.057, the
1337 direct-support organization may enter into contracts or
1338 agreements with or without competitive bidding for the
1339 ~~restoration of objects, historical buildings, and other~~
1340 ~~historical materials or for the purchase of objects, historical~~
1341 ~~buildings, and other historical materials which are to be added~~
1342 ~~to the collections of the museum, or benefit of~~ of the designated
1343 program. However, before the direct-support organization may
1344 enter into a contract or agreement without competitive bidding,
1345 the direct-support organization shall file a certification of
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1346 conditions and circumstances with the internal auditor of the
1347 department justifying each contract or agreement.

1348 (c) Notwithstanding the provisions of s. 287.025(1)(e),
1349 the direct-support organization may enter into contracts to
1350 insure property of the ~~museum or~~ designated programs ~~and may~~
1351 ~~insure objects or collections on loan from others in satisfying~~
1352 ~~security terms of the lender.~~

1353 (3) The direct-support organization shall provide for an
1354 annual financial audit in accordance with s. 215.981.

1355 (4) Neither a designated program ~~or a museum~~, nor a
1356 nonprofit corporation trustee or employee may:

1357 (a) Receive a commission, fee, or financial benefit in
1358 connection with the sale or exchange of property historical
1359 ~~objects or properties~~ to the direct-support organization, ~~the~~
1360 ~~museum~~, or the designated program; or

1361 (b) Be a business associate of any individual, firm, or
1362 organization involved in the sale or exchange of property to the
1363 direct-support organization, ~~the museum~~, or the designated
1364 program.

1365 (5) All moneys received by the direct-support organization
1366 shall be deposited into an account of the direct-support
1367 organization and shall be used by the organization in a manner
1368 consistent with the goals of ~~the museum~~ or designated program.

1369 (6) The identity of a donor or prospective donor who
1370 desires to remain anonymous and all information identifying such
1371 donor or prospective donor are confidential and exempt from the
1372 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1373 Constitution.

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1374 (7) The Commissioner of Agriculture, or the commissioner's
1375 designee, may serve on the board of trustees and the executive
1376 committee of any direct-support organization established to
1377 benefit the museum or any designated program.

1378 ~~(8) The department shall establish by rule archival~~
1379 ~~procedures relating to museum artifacts and records. The rules~~
1380 ~~shall provide procedures which protect the museum's artifacts~~
1381 ~~and records equivalent to those procedures which have been~~
1382 ~~established by the Department of State under chapters 257 and~~
1383 ~~267.~~

1384 Section 48. Subsection (4) of section 573.118, Florida
1385 Statutes, is amended to read:

1386 573.118 Assessment; funds; audit; loans.--

1387 (4) In the event of levying and collecting of assessments,
1388 for each fiscal year in which assessment funds are received by
1389 the department, the department shall maintain records of
1390 collections and expenditures for each marketing order separately
1391 within the state's accounting system. If requested by an
1392 advisory council, department staff shall cause to be made a
1393 thorough annual audit of the books and accounts by a certified
1394 public accountant, such audit to be completed within 60 days
1395 after the request is received end of the fiscal year. The
1396 advisory council department and all producers and handlers
1397 covered by the marketing order shall be provided a copy of the
1398 properly advised of the details of the annual official audit of
1399 the accounts as shown by the certified public accountant within
1400 30 days after completion of the audit.

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1401 Section 49. Subsections (18) through (30) of section
1402 581.011, Florida Statutes, are renumbered as subsections (17)
1403 through (29), respectively, and present subsections (17) and
1404 (20) of that section are amended to read:

1405 581.011 Definitions.--As used in this chapter:

1406 ~~(17) "Museum" means the Florida State Collection of~~
1407 ~~Arthropods.~~

1408 ~~(19)(20)~~ "Nursery" means any grounds or premises on or in
1409 which nursery stock is grown, propagated, or held for sale or
1410 distribution, including ~~except where~~ aquatic plant species ~~are~~
1411 tended for harvest in the natural environment.

1412 Section 50. Paragraph (d) of subsection (14) of section
1413 581.031, Florida Statutes, is amended to read:

1414 581.031 Department; powers and duties.--The department has
1415 the following powers and duties:

1416 (14)

1417 (d) To prescribe a fee for these services, if provided the
1418 fee does not exceed the cost of the services rendered. Annual
1419 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per
1420 tree. If the fee has not been paid within 30 days of billing, a
1421 penalty of \$10 or 20 percent of the unpaid balance, whichever is
1422 greater, shall be assessed.

1423 Section 51. Subsection (6) of section 581.131, Florida
1424 Statutes, is amended to read:

1425 581.131 Certificate of registration.--

1426 (6) Neither the certificate of registration fee nor the
1427 annual renewal fee shall exceed \$600 ~~\$460~~. The department may
1428 exempt from the payment of a certificate fee those governmental
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1429 agency nurseries whose nursery stock is used exclusively for
1430 planting on their own property.

1431 Section 52. Paragraph (a) of subsection (3) of section
1432 581.211, Florida Statutes, is amended to read:

1433 581.211 Penalties for violations.--

1434 (3) (a) 1. In addition to any other provision of law, the
1435 department may, after notice and hearing, impose an
1436 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1437 violation of this chapter, upon any person, nurseryman, stock
1438 dealer, agent or plant broker. The fine, when paid, shall be
1439 deposited in the Plant Industry Trust Fund. In addition, the
1440 department may place the violator on probation for up to 1 year,
1441 with conditions.

1442 2. The imposition of a fine or probation pursuant to this
1443 subsection may be in addition to or in lieu of the suspension or
1444 revocation of a certificate of registration or certificate of
1445 inspection.

1446 Section 53. Section 583.13, Florida Statutes, is amended
1447 to read:

1448 583.13 Labeling and advertising requirements for dressed
1449 poultry; unlawful acts.--

1450 (1) It is unlawful for any dealer or broker to sell, offer
1451 for sale, or hold for the purpose of sale in the state any
1452 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1453 is packed in a container clearly bearing a label, not less than
1454 3 inches by 5 inches, on which shall be plainly and legibly
1455 printed, in letters of not less than one-fourth inch ~~1/4~~ in
1456 height, ~~the grade and~~ the part name or whole-bird statement of
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1457 such poultry. ~~The grade may be expressed in the term "premium,"~~
1458 ~~"good," or "standard," or as the grade of another state or~~
1459 ~~federal agency the standards of quality of which, by law, are~~
1460 ~~equal to the standards of quality provided by this law and rules~~
1461 ~~promulgated hereunder.~~

1462 (2) It is unlawful to sell unpackaged dressed or ready-to-
1463 cook poultry at retail unless such poultry is labeled by a
1464 placard immediately adjacent to the poultry or unless each bird
1465 is individually labeled to show ~~the grade and~~ the part name or
1466 whole-bird statement. The placard shall be no smaller than 7
1467 inches by 7 inches in size, and the required labeling
1468 information shall be legibly and plainly printed on the placard
1469 in letters not smaller than 1 inch in height.

1470 (3) It is unlawful to sell packaged dressed or ready-to-
1471 cook poultry at retail unless such poultry is labeled to show
1472 ~~the grade,~~ the part name or whole-bird statement, the net weight
1473 of the poultry, and the name and address of the dealer. The size
1474 of the type on the label must be one-eighth inch or larger. A
1475 placard immediately adjacent to such poultry may be used to
1476 indicate ~~the grade and~~ the part name or whole-bird statement,
1477 but not the net weight of the poultry or the name and address of
1478 the dealer.

1479 (4) It is unlawful to use dressed or ready-to-cook poultry
1480 in bulk in the preparation of food served to the public, or to
1481 hold such poultry for the purpose of such use, unless the
1482 poultry when received was packed in a container clearly bearing
1483 a label, not less than 3 inches by 5 inches, on which was
1484 plainly and legibly printed, in letters not less than one-fourth
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1485 inch in height, ~~the grade and the part name or whole-bird~~
1486 statement of such poultry. ~~The grade may be expressed in the~~
1487 term "premium," "good," or "standard," or as the grade of
1488 another state or federal agency the standards of quality of
1489 which, by law, are equal to the standards of quality provided by
1490 this law and rules promulgated hereunder.

1491 (5) It is unlawful to offer dressed or ready-to-cook
1492 poultry for sale in any advertisement in a newspaper or
1493 circular, on radio or television, or in any other form of
1494 advertising without plainly designating in such advertisement
1495 ~~the grade and the part name or whole-bird statement of such~~
1496 poultry.

1497 Section 54. Subsections (4) and (5) of section 590.125,
1498 Florida Statutes, are renumbered as subsections (5) and (6),
1499 respectively, subsection (1), paragraph (b) of subsection (3),
1500 and paragraph (c) of present subsection (4) are amended, and new
1501 subsections (4) and (7) are added to that section, to read:

1502 590.125 Open burning authorized by the division.--

1503 (1) DEFINITIONS.--As used in this section, the term:

1504 (a) "Certified pile burner" means an individual who
1505 successfully completes the division's pile burning certification
1506 program and possesses a valid pile burner certification number.

1507 (b) "Certified prescribed burn manager" means an
1508 individual who successfully completes the certified prescribed
1509 burning certification program of the division and possesses a
1510 valid certification number.

1511 (c) (d) "Extinguished" means:

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1512 1. ~~that no spreading flame~~ For wild land burning or
1513 certified prescribed burning, ~~that no spreading flames exist.~~

1514 2. ~~and no visible flame, smoke, or emissions~~ For
1515 vegetative land-clearing debris burning ~~or pile burning,~~ that no
1516 visible flames exist.

1517 3. For vegetative land-clearing debris burning or pile
1518 burning in an area designated as smoke sensitive by the
1519 division, that no visible flames, smoke, or emissions exist.

1520 (d) "Land-clearing operation" means the uprooting or
1521 clearing of vegetation in connection with the construction of
1522 buildings and rights-of-way, land development, and mineral
1523 operations. The term does not include the clearing of yard
1524 trash.

1525 (e) "Pile burning" means the burning of silvicultural,
1526 agricultural, or land-clearing and tree-cutting debris
1527 originating onsite, which is stacked together in a round or
1528 linear fashion, including, but not limited to, a windrow.

1529 (f) ~~(a)~~ "Prescribed burning" means the controlled
1530 application of fire in accordance with a written prescription
1531 for vegetative fuels under specified environmental conditions
1532 while following appropriate precautionary measures that ensure
1533 that the fire is confined to a predetermined area to accomplish
1534 the planned fire or land-management objectives.

1535 (g) ~~(e)~~ "Prescription" means a written plan establishing
1536 the criteria necessary for starting, controlling, and
1537 extinguishing a prescribed burn.

1538 (h) "Yard trash" means vegetative matter resulting from
1539 landscaping and yard maintenance operations and other such

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1540 routine property cleanup activities. The term includes materials
1541 such as leaves, shrub trimmings, grass clippings, brush, and
1542 palm fronds.

1543 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1544 PURPOSE.--

1545 (b) Certified prescribed burning pertains only to
1546 broadcast burning for purposes of silviculture, wildlife
1547 management, ecological maintenance and restoration, and range
1548 and pasture management. It must be conducted in accordance with
1549 this subsection and:

1550 1. May be accomplished only when a certified prescribed
1551 burn manager is present on site with a copy of the prescription
1552 from ignition of the burn to its completion.

1553 2. Requires that a written prescription be prepared before
1554 receiving authorization to burn from the division.

1555 3. Requires that the specific consent of the landowner or
1556 his or her designee be obtained before requesting an
1557 authorization.

1558 4. Requires that an authorization to burn be obtained from
1559 the division before igniting the burn.

1560 5. Requires that there be adequate firebreaks at the burn
1561 site and sufficient personnel and firefighting equipment for the
1562 control of the fire.

1563 6. Is considered to be in the public interest and does not
1564 constitute a public or private nuisance when conducted under
1565 applicable state air pollution statutes and rules.

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1566 7. Is considered to be a property right of the property
1567 owner if vegetative fuels are burned as required in this
1568 subsection.

1569 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1570 PURPOSE.--

1571 (a) Pile burning is a tool that benefits current and
1572 future generations in Florida by disposing of naturally
1573 occurring vegetative debris through burning rather than
1574 disposing of the debris in landfills.

1575 (b) Certified pile burning pertains to the disposal of
1576 piled, naturally occurring debris from an agricultural,
1577 silvicultural, or temporary land-clearing operation. A land-
1578 clearing operation is temporary if it operates for 6 months or
1579 less. Certified pile burning must be conducted in accordance
1580 with this subsection, and:

1581 1. A certified pile burner must ensure, before ignition,
1582 that the piles are properly placed and that the content of the
1583 piles is conducive to efficient burning.

1584 2. A certified pile burner must ensure that the piles are
1585 properly extinguished no later than 1 hour after sunset. If the
1586 burn is conducted in an area designated by the division as smoke
1587 sensitive, a certified pile burner must ensure that the piles
1588 are properly extinguished at least 1 hour before sunset.

1589 3. A written pile burn plan must be prepared before
1590 receiving authorization from the division to burn.

1591 4. The specific consent of the landowner or his or her
1592 agent must be obtained before requesting authorization to burn.

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1593 5. An authorization to burn must be obtained from the
1594 division or its designated agent before igniting the burn.

1595 6. There must be adequate firebreaks and sufficient
1596 personnel and firefighting equipment at the burn site to control
1597 the fire.

1598 (c) If a burn is conducted in accordance with this
1599 subsection, the property owner and his or her agent are not
1600 liable under s. 590.13 for damage or injury caused by the fire
1601 or resulting smoke, and are not in violation of subsection (2),
1602 unless gross negligence is proven.

1603 (d) A certified pile burner who violates this section
1604 commits a misdemeanor of the second degree, punishable as
1605 provided in s. 775.082 or s. 775.083.

1606 (e) The division shall adopt rules regulating certified
1607 pile burning. The rules shall include procedures and criteria
1608 for certifying and decertifying certified pile burn managers
1609 based on past experience, training, and record of compliance
1610 with this section.

1611 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1612 DIVISION.--The division may conduct fuel reduction initiatives,
1613 including, but not limited to, burning and mechanical and
1614 chemical treatment, on any area of wild land within the state
1615 which is reasonably determined to be in danger of wildfire in
1616 accordance with the following procedures:

1617 (c) Prepare, and send the county tax collector shall
1618 include with the annual tax statement, a notice to be sent to
1619 all landowners in each area township designated by the division
1620 as a wildfire hazard area. The notice must describe particularly
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1621 the area to be treated and the tentative date or dates of the
1622 treatment and must list the reasons for and the expected
1623 benefits from the wildfire hazard reduction.

1624 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1625 AUTHORIZATION PROGRAMS.--

1626 (a) A county or municipality may exercise the division's
1627 authority, if delegated by the division under this subsection,
1628 to issue authorizations for the burning of yard trash or debris
1629 from land-clearing operations. A county's or municipality's
1630 existing or proposed open burning authorization program must:

1631 1. Be approved by the division. The division shall not
1632 approve a program if it fails to meet the requirements of
1633 subsections (2) and (4) and any rules adopted under those
1634 subsections.

1635 2. Provide by ordinance or local law the requirements for
1636 obtaining and performing a burn authorization that comply with
1637 subsections (2) and (4) and any rules adopted under those
1638 subsections.

1639 3. Provide for the enforcement of the program's
1640 requirements.

1641 4. Provide financial, personnel, and other resources
1642 needed to carry out the program.

1643 (b) If the division determines that a county's or
1644 municipality's open burning authorization program does not
1645 comply with subsections (2) and (4) and any rules adopted under
1646 those subsections, the division shall require the county or
1647 municipality to take necessary corrective actions within a
1648 reasonable period, not to exceed 90 days.

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1649 1. If the county or municipality fails to take the
1650 necessary corrective actions within the required period, the
1651 division shall resume administration of the open burning
1652 authorization program in the county or municipality and the
1653 county or municipality shall cease administration of its
1654 program.

1655 2. Each county and municipality administering an open
1656 burning authorization program must cooperate with and assist the
1657 division in carrying out the division's powers, duties, and
1658 functions.

1659 3. A person who violates the requirements of a county's or
1660 municipality's open burning authorization program, as provided
1661 by ordinance or local law enacted pursuant to this section,
1662 commits a violation of this chapter, punishable as provided in
1663 s. 590.14.

1664 Section 55. Subsection (4) of section 590.14, Florida
1665 Statutes, is renumbered as subsection (7), subsections (1) and
1666 (3) are amended, and new subsections (4), (5), and (6) are added
1667 to that section, to read:

1668 590.14 Notice of violation; penalties.--

1669 (1) If a division employee determines that a person has
1670 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1671 the division to administer provisions of law conferring duties
1672 upon the division, the division employee ~~he or she~~ may issue a
1673 notice of violation indicating the statute violated. This notice
1674 will be filed with the division and a copy forwarded to the
1675 appropriate law enforcement entity for further action if
1676 necessary.

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1677 (3) The department may also impose an administrative fine,
1678 not to exceed \$1,000 per violation of any section of chapter 589
1679 or this chapter or violation of any rule adopted by the division
1680 to administer provisions of law conferring duties upon the
1681 division. The fine shall be based upon the degree of damage, the
1682 prior violation record of the person, and whether the person
1683 knowingly provided false information to obtain an authorization.
1684 The fines shall be deposited in the Incidental Trust Fund of the
1685 division.

1686 (4) A person may not:

1687 (a) Fail to comply with any rule or order adopted by the
1688 division to administer provisions of law conferring duties upon
1689 the division; or

1690 (b) Knowingly make any false statement or representation
1691 in any application, record, plan, or other document required by
1692 this chapter or any rules adopted under this chapter.

1693 (5) A person who violates paragraph (4) (a) or paragraph
1694 (4) (b) commits a misdemeanor of the second degree, punishable as
1695 provided in s. 775.082 or s. 775.083.

1696 (6) It is the intent of the Legislature that a penalty
1697 imposed by a court under subsection (5) be of a severity that
1698 ensures immediate and continued compliance with this section.

1699 Section 56. Paragraph (a) of subsection (1) of section
1700 599.004, Florida Statutes, is amended to read:

1701 599.004 Florida Farm Winery Program; registration; logo;
1702 fees.--

1703 (1) The Florida Farm Winery Program is established within
1704 the Department of Agriculture and Consumer Services. Under this
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1705 program, a winery may qualify as a tourist attraction only if it
1706 is registered with and certified by the department as a Florida
1707 Farm Winery. A winery may not claim to be certified unless it
1708 has received written approval from the department.

1709 (a) To qualify as a certified Florida Farm Winery, a
1710 winery shall meet the following standards:

1711 1. Produce or sell less than 250,000 gallons of wine
1712 annually.

1713 2. Maintain a minimum of 10 acres of owned or managed land
1714 ~~vineyards~~ in Florida which produces commodities used in the
1715 production of wine.

1716 3. Be open to the public for tours, tastings, and sales at
1717 least 30 hours each week.

1718 4. Make annual application to the department for
1719 recognition as a Florida Farm Winery, on forms provided by the
1720 department.

1721 5. Pay an annual application and registration fee of \$100.

1722 Section 57. Subsection (11) is added to section 604.15,
1723 Florida Statutes, to read:

1724 604.15 Dealers in agricultural products; definitions.--For
1725 the purpose of ss. 604.15-604.34, the following words and terms,
1726 when used, shall be construed to mean:

1727 (11) "Responsible position" means a position within the
1728 business of a dealer in agricultural products that has the
1729 authority to negotiate or make the purchase of agricultural
1730 products on behalf of the dealer's business or has principal
1731 active management authority over the business decisions,
1732 actions, and activities of the dealer's business in this state.

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1733 Section 58. Section 604.19, Florida Statutes, is amended
1734 to read:

1735 604.19 License; fee; bond; certificate of deposit;
1736 penalty.--Unless the department refuses the application on one
1737 or more of the grounds provided in this section, it shall issue
1738 to an applicant, upon the payment of required fees and the
1739 execution and delivery of a bond or certificate of deposit as
1740 provided in this section, a state license entitling the
1741 applicant to conduct business as a dealer in agricultural
1742 products for a 1-year period to coincide with the effective
1743 period of the bond or certificate of deposit furnished by the
1744 applicant. During the 1-year period covered by a license, if the
1745 supporting surety bond or certificate of deposit is canceled for
1746 any reason, the license shall automatically expire on the date
1747 the surety bond or certificate of deposit terminates, unless an
1748 acceptable replacement is in effect before the date of
1749 termination so that continual coverage occurs for the remaining
1750 period of the license. A surety company shall give the
1751 department a 30-day written notice of cancellation by certified
1752 mail in order to cancel a bond. Cancellation of a bond or
1753 certificate of deposit does ~~shall~~ not relieve a surety company
1754 or financial institution of liability for purchases or sales
1755 occurring while the bond or certificate of deposit was in
1756 effect. The license fee, which must be paid for the principal
1757 place of business for a dealer in agricultural products, shall
1758 be based upon the amount of the dealer's surety bond or
1759 certificate of deposit furnished by each dealer under the
1760 provisions of s. 604.20 and may not exceed \$500. For each
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1761 additional place in which the applicant desires to conduct
1762 business and which the applicant names in the application, the
1763 additional license fee must be paid but may not exceed \$100
1764 annually. If a ~~Should any~~ dealer in agricultural products ~~fails,~~
1765 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
1766 qualify for the renewal of a license on or before ~~its the date~~
1767 of expiration ~~date thereof,~~ a penalty not to exceed \$100 shall
1768 apply to and be added to the ~~original~~ license fee ~~for the~~
1769 principal place of business and to the license fee for each
1770 additional place of business named in the application and shall
1771 be paid by the applicant before the renewal license may be
1772 issued. The department by rule shall prescribe fee amounts
1773 sufficient to fund ss. 604.15-604.34.

1774 Section 59. Subsections (1) and (4) of section 604.20,
1775 Florida Statutes, are amended to read:

1776 604.20 Bond or certificate of deposit prerequisite;
1777 amount; form.--

1778 (1) Before any license is issued, the applicant therefor
1779 shall make and deliver to the department a surety bond or
1780 certificate of deposit in the amount of at least \$5,000 or in
1781 such greater amount as the department may determine. No bond or
1782 certificate of deposit may be in an amount less than \$5,000. The
1783 penal sum of the bond or certificate of deposit to be furnished
1784 to the department by an applicant for license as a dealer in
1785 agricultural products shall be in an amount equal to twice the
1786 average of the monthly dollar amounts ~~amount~~ of agricultural
1787 products handled for a Florida producer or a producer's agent or
1788 representative, by purchase or otherwise, ~~during the month of~~

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1789 ~~maximum transaction in such products~~ during the preceding 12-
1790 month period. Only those months in which the applicant handled,
1791 by purchase or otherwise, amounts equal to or greater than
1792 \$1,000 shall be used to calculate the penal sum of the required
1793 bond or certificate of deposit. An applicant for license who has
1794 not handled agricultural products for a Florida producer or a
1795 producer's agent or representative, by purchase or otherwise,
1796 during the preceding 12-month period shall furnish a bond or
1797 certificate of deposit in an amount equal to twice the estimated
1798 average of the monthly dollar amounts ~~amount~~ of such
1799 agricultural products to be handled, by purchase or otherwise,
1800 ~~during the month of maximum transaction~~ during the next
1801 immediate 12 months. Only those months in which the applicant
1802 anticipates handling, by purchase or otherwise, amounts equal to
1803 or greater than \$1,000 shall be used to calculate the penal sum
1804 of the required bond or certificate of deposit. Such bond or
1805 certificate of deposit shall be provided or assigned in the
1806 exact name in which the dealer will conduct business subject to
1807 the provisions of ss. 604.15-604.34. Such bond must be executed
1808 by a surety company authorized to transact business in the
1809 state. For the purposes of ss. 604.19-604.21, the term
1810 "certificate of deposit" means a certificate of deposit at any
1811 recognized financial institution doing business in the United
1812 States. No certificate of deposit may be accepted in connection
1813 with an application for a dealer's license unless the issuing
1814 institution is properly insured by either the Federal Deposit
1815 Insurance Corporation or the Federal Savings and Loan Insurance
1816 Corporation. Such bond or any certificate of deposit assignment
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1817 or agreement shall be upon a form prescribed or approved by the
1818 department and shall be conditioned to secure the faithful
1819 accounting for and payment, in the manner prescribed by s.
1820 604.21(9), to producers or their agents or representatives of
1821 the proceeds of all agricultural products handled or purchased
1822 by such dealer, ~~and~~ to secure payment to dealers who sell
1823 agricultural products to such dealer, and to pay any claims or
1824 costs ordered under s. 604.21 as the result of a complaint. Such
1825 bond or certificate of deposit assignment or agreement shall
1826 include terms binding the instrument to the Commissioner of
1827 Agriculture. A certificate of deposit shall be presented with an
1828 assignment of applicant's rights in the certificate in favor of
1829 the Commissioner of Agriculture on a form prescribed by the
1830 department and with a letter from the issuing institution
1831 acknowledging that the assignment has been properly recorded on
1832 the books of the issuing institution and will be honored by the
1833 issuing institution. Such assignment shall be irrevocable while
1834 the dealer's license is in effect and for an additional period
1835 of 6 months after the termination or expiration of the dealer's
1836 license, provided no complaint is pending against the licensee.
1837 If a complaint is pending, the assignment shall remain in effect
1838 until all actions on the complaint have been finalized. The
1839 certificate of deposit may be released by the assignee of the
1840 financial institution to the licensee or the licensee's
1841 successors, assignee, or heirs if no claims are pending against
1842 the licensee before the department at the conclusion of 6 months
1843 after the last effective date of the license. No certificate of
1844 deposit shall be accepted that contains any provision that would

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1845 give the issuing institution any prior rights or claim on the
1846 proceeds or principal of such certificate of deposit. The
1847 department shall determine by rule the maximum amount of bond or
1848 certificate of deposit required of a dealer and whether an
1849 annual bond or certificate of deposit will be required.

1850 (4) The department may issue a conditional license to an
1851 applicant who is unable to provide a single bond or certificate
1852 of deposit in the full amount required by the calculation in
1853 subsection (1). The conditional license shall remain in effect
1854 for a 1-year period to coincide with the effective period of the
1855 bond or certificate of deposit furnished by the applicant. The
1856 applicant must provide at least the minimum \$5,000 bond or
1857 certificate of deposit as provided in subsection (1) together
1858 with documentation from each of three separate bonding companies
1859 denying the applicants request for a surety bond in the full
1860 amount required in subsection (1) and one of the following:

1861 (a) A notarized affidavit limiting the handling of
1862 agricultural products, by purchase or otherwise, during their
1863 largest month to a minimum of one-half the amount of the bond or
1864 certificate of deposit provided by the applicant;

1865 (b) A notarized affidavit stating that any subject
1866 agricultural products, handled by purchase or otherwise,
1867 exceeding one-half of the amount of the bond or certificate of
1868 deposit will be handled under the exemption provisions set forth
1869 in s. 604.16(2); or

1870 (c) A second bond or certificate of deposit in such an
1871 amount that, when the penal sum of the second bond or
1872 certificate of deposit is added to the penal sum of the first
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1873 bond or certificate of deposit, the combined penal sum will
1874 equal twice the dollar amount of agricultural products handled
1875 for a Florida producer or a producer's agent or representative,
1876 by purchase or otherwise, during the month of maximum
1877 transaction in such products during the preceding 12-month
1878 period.

1879
1880 The department or its agents may require from any licensee who
1881 is issued a conditional license verified statements of the
1882 volume of the licensee's business or may review the licensee's
1883 records at the licensee's place of business during normal
1884 business hours to determine the licensee's adherence to the
1885 conditions of the license. The failure of a licensee to furnish
1886 such statement or to make such records available shall be cause
1887 for suspension of the licensee's conditional license. If the
1888 department finds such failure to be willful, the conditional
1889 license may be revoked.

1890 Section 60. Section 604.25, Florida Statutes, is amended
1891 to read:

1892 604.25 Denial of, refusal to renew grant, or suspension or
1893 revocation of, license.--

1894 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
1895 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
1896 ~~granted~~ if the applicant or licensee has:

1897 (1) ~~(a)~~ Suffered a monetary judgment entered against the
1898 applicant or licensee ~~upon which is execution has been returned~~
1899 unsatisfied;

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- 1900 (2)~~(b)~~ Made false charges for handling or services
1901 rendered;
- 1902 (3)~~(e)~~ Failed to account promptly and properly or to make
1903 settlements with any producer;
- 1904 (4)~~(d)~~ Made any false statement or statements as to
1905 condition, quality, or quantity of goods received or held for
1906 sale when the true condition, quality, or quantity could have
1907 been ascertained by reasonable inspection;
- 1908 (5)~~(e)~~ Made any false or misleading statement or
1909 statements as to market conditions or service rendered;
- 1910 (6)~~(f)~~ Been guilty of a fraud in the attempt to procure,
1911 or the procurement of, a license;
- 1912 (7)~~(g)~~ Directly or indirectly sold agricultural products
1913 received on consignment or on a net return basis for her or his
1914 own account, without prior authority from the producer
1915 consigning the same, or without notifying such producer;
- 1916 (8)~~(h)~~ Failed to prevent a person from holding a position
1917 as the applicant's or licensee's owner, officer, director,
1918 general or managing partner, or employee Employed in a
1919 responsible position ~~a person~~, or holding any other similarly
1920 situated position, if the person holds or has held a similar
1921 position with any entity that an officer of a corporation, who
1922 has failed to fully comply with an order of the department, has
1923 not satisfied a civil judgment held by the department, has
1924 pending any administrative or civil enforcement action by the
1925 department, or has pending any criminal charges pursuant to s.
1926 604.30 at any time within 1 year after issuance;

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1927 (9)~~(i)~~ Violated any statute or rule relating to the
1928 purchase or sale of any agricultural product, whether or not
1929 such transaction is subject to the provisions of this chapter;
1930 ~~or~~

1931 (10)~~(j)~~ Failed to submit to the department an application,
1932 appropriate license fees, and an acceptable surety bond or
1933 certificate of deposit; or.

1934 (11)~~(2)~~ Failed ~~If a licensee fails or refused~~ refuses to
1935 comply ~~in full~~ with an order of the department or failed to
1936 satisfy a civil judgment owed to the department, ~~her or his~~
1937 ~~license may be suspended or revoked, in which case she or he~~
1938 ~~shall not be eligible for license for a period of 1 year or~~
1939 ~~until she or he has fully complied with the order of the~~
1940 ~~department.~~

1941 ~~(3) No person, or officer of a corporation, whose license~~
1942 ~~has been suspended or revoked for failure to comply with an~~
1943 ~~order of the department may hold a responsible position with a~~
1944 ~~licensee for a period of 1 year or until the order of the~~
1945 ~~department has been fully complied with.~~

1946 Section 61. Subsections (18) and (19) of section 616.242,
1947 Florida Statutes, are renumbered as subsections (19) and (20),
1948 respectively, and a new subsection (18) is added to that section
1949 to read:

1950 616.242 Safety standards for amusement rides.--

1951 (18) STOP-OPERATION ORDERS.--If an owner or amusement ride
1952 fails to comply with this chapter or any rule adopted under this
1953 chapter, the department may issue a stop-operation order.

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1954 Section 62. Subsection (4) of section 686.201, Florida
1955 Statutes, is amended to read:

1956 686.201 Sales representative contracts involving
1957 commissions; requirements; termination of agreement; civil
1958 remedies.--

1959 (4) This section does not apply to persons licensed
1960 pursuant to chapter 475 who are performing services within the
1961 scope of their license or to contracts to which a seller of
1962 travel as defined in s. 559.927 is a party.

1963 Section 63. Paragraph (c) of subsection (5) of section
1964 790.06, Florida Statutes, is amended to read:

1965 790.06 License to carry concealed weapon or firearm.--

1966 (5) The applicant shall submit to the Department of
1967 Agriculture and Consumer Services:

1968 (c) A full set of fingerprints of the applicant
1969 administered by a law enforcement agency or the Division of
1970 Licensing of the Department of Agriculture and Consumer
1971 Services.

1972 Section 64. Sections 570.071 and 570.901, Florida
1973 Statutes, are repealed.

1974
1975
1976
1977
1978 -----
1979 **T I T L E A M E N D M E N T**

1980 Remove line 2 and insert:

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1981 An act relating to the Department of Agriculture and
1982 Consumer Services; amending s. 482.021, F.S.; revising
1983 terminology to modify requirements for supervision
1984 provided by certified operators in charge of pest control
1985 businesses; amending s. 482.051, F.S.; requiring pest
1986 control licensees to perform inspections before issuing
1987 certain contracts; amending s. 482.071, F.S.; increasing
1988 the financial responsibility requirements for pest control
1989 licensees; creating s. 482.072, F.S.; requiring pest
1990 control service center licenses; providing license
1991 application requirements and procedures; providing for
1992 expiration and renewal of licenses; establishing license
1993 fees; exempting pest control service center employees from
1994 identification card requirements except under certain
1995 circumstances; requiring recordkeeping and monitoring of
1996 service center operations; authorizing disciplinary action
1997 against pest control licensees for violations committed by
1998 service center employees; amending s. 482.152, F.S.;
1999 revising duties and supervisory requirements of certified
2000 operators in charge of pest control businesses; creating
2001 s. 482.157, F.S.; providing for pest control certification
2002 of commercial wildlife management personnel; providing
2003 application procedures and requirements; requiring a
2004 certification examination; establishing certification
2005 fees; amending s. 482.163, F.S.; authorizing disciplinary
2006 action against pest control licensees for violations by
2007 employees under certain circumstances; limiting the
2008 grounds for disciplinary action against a certified

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2009 operator in charge; requiring notices of administrative
2010 actions taken against pest control employees; amending s.
2011 482.226, F.S.; increasing the financial responsibility
2012 requirements for certain pest control licensees; amending
2013 s. 493.6102, F.S.; specifying that provisions regulating
2014 security officers do not apply to certain officers
2015 performing off-duty activities; amending s. 493.6105,
2016 F.S.; revising application requirements and procedures for
2017 private investigator, security officer, or recovery agent
2018 licenses; specifying application requirements for firearms
2019 instructor license; amending s. 493.6106, F.S.; revising
2020 citizenship requirements and documentation for private
2021 investigator, security officer, and recovery agent
2022 licenses; prohibiting the licensure of applicants for a
2023 statewide firearm license or firearms instructor license
2024 who are prohibited from purchasing or possessing firearms;
2025 requiring notice of changes to branch office locations for
2026 private investigative, security, or recovery agencies;
2027 amending s. 493.6107, F.S.; requiring the department to
2028 accept certain methods of payment for certain fees;
2029 amending s. 493.6108, F.S.; revising requirements for
2030 criminal history checks of license applicants whose
2031 fingerprints are not legible; requiring investigation of
2032 the mental and emotional fitness of applicants for
2033 firearms instructor licenses; amending s. 493.6111, F.S.;;
2034 requiring a security officer school or recovery agent
2035 school to obtain the department's approval for use of a
2036 fictitious name; amending s. 493.6113, F.S.; revising

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Amendment No.

2037 application renewal procedures and requirements; amending
2038 s. 493.6115, F.S.; conforming cross-references; amending
2039 s. 493.6118, F.S.; authorizing disciplinary action against
2040 statewide firearm licensees and firearms instructor
2041 licensees who are prohibited from purchasing or possessing
2042 firearms; amending s. 493.6121, F.S.; deleting provisions
2043 for the department's access to certain criminal history
2044 records provided to licensed gun dealers, manufactures,
2045 and exporters; amending s. 493.6202, F.S.; requiring the
2046 department to accept certain methods of payment for
2047 certain fees; amending s. 493.6203, F.S.; prohibiting
2048 bodyguard services from being credited toward certain
2049 license requirements; revising training requirements for
2050 private investigator intern license applicants; amending
2051 s. 493.6302, F.S.; requiring the department to accept
2052 certain methods of payment for certain fees; amending s.
2053 493.6303, F.S.; revising the training requirements for
2054 security officer license applicants; amending s. 493.6304,
2055 F.S.; revising application requirements and procedures for
2056 security officer school licenses; amending s. 493.6401,
2057 F.S.; revising terminology for recovery agent schools and
2058 training facilities; amending s. 493.6402, F.S.; revising
2059 terminology for recovery agent schools and training
2060 facilities; requiring the department to accept certain
2061 methods of payment for certain fees; amending s. 493.6406,
2062 F.S.; requiring recovery agent school and instructor
2063 licenses; providing license application requirements and
2064 procedures; amending ss. 501.605 and 501.607, F.S.;

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Amendment No.

2065 revising application requirements for commercial telephone
2066 seller and salesperson licenses; amending s. 501.913,
2067 F.S.; specifying the sample size required for antifreeze
2068 registration application; amending s. 525.01, F.S.;
2069 revising requirements for petroleum fuel affidavits;
2070 amending s. 525.09, F.S.; imposing an inspection fee on
2071 certain alternative fuels containing alcohol; amending s.
2072 526.50, F.S.; defining terms applicable to regulation of
2073 the sale of brake fluid; amending s. 526.51, F.S.;
2074 revising brake fluid permit application requirements;
2075 deleting permit renewal requirements; providing for
2076 reregistration of brake fluid and establishing fees;
2077 amending s. 526.52, F.S.; revising requirements for
2078 printed statements on brake fluid containers; amending s.
2079 526.53, F.S.; revising requirements and procedures for
2080 brake fluid stop-sale orders; authorizing businesses to
2081 dispose of unregistered brake fluid under certain
2082 circumstances; amending s. 527.02, F.S.; increasing fees
2083 for liquefied petroleum gas licenses; revising fees for
2084 pipeline system operators; amending s. 527.0201, F.S.;
2085 revising requirements for liquefied petroleum gas
2086 qualifying examinations; increasing examination fees;
2087 increasing continuing education requirements for certain
2088 liquefied petroleum gas qualifiers; amending s. 527.021,
2089 F.S.; requiring the annual inspection of liquefied
2090 petroleum gas transport vehicles; increasing the
2091 inspection fee; amending s. 527.12, F.S.; providing for
2092 the issuance of certain stop orders; amending ss. 559.805

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Amendment No.

2093 and 559.928, F.S.; deleting requirements that lists of
2094 independent agents of sellers of business opportunities
2095 and the agents' registration affidavits include the
2096 agents' social security numbers; amending s. 570.0725,
2097 F.S.; revising provisions for public information about
2098 food banks and similar food recovery programs; authorizing
2099 the department to adopt rules; amending ss. 570.53 and
2100 570.54, F.S.; conforming cross-references; amending s.
2101 570.55, F.S.; revising requirements for identifying
2102 sellers or handlers of tropical or subtropical fruit or
2103 vegetables; amending s. 570.902, F.S.; conforming
2104 terminology to the repeal by the act of provisions
2105 establishing the Florida Agricultural Museum; amending s.
2106 570.903, F.S.; revising provisions for direct-support
2107 organizations for certain agricultural programs to conform
2108 to the repeal by the act of provisions establishing the
2109 Florida Agricultural Museum; deleting provisions for a
2110 direct-support organization for the Florida State
2111 Collection of Arthropods; amending s. 573.118, F.S.;
2112 requiring the department to maintain records of marketing
2113 orders; requiring an audit at the request of an advisory
2114 council; requiring that the advisory council receive a
2115 copy of the audit within a specified time; amending s.
2116 581.011, F.S.; deleting terminology relating to the
2117 Florida State Collection of Arthropods; revising the term
2118 "nursery" for purposes of plant industry regulations;
2119 amending s. 581.031, F.S.; increasing citrus source tree
2120 registration fees; amending s. 581.131, F.S.; increasing

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HOUSE AMENDMENT

Bill No. CS/CS/HB 1241

Amendment No.

2121 registration fees for a nurseryman, stock dealer, agent,
2122 or plant broker certificate; amending s. 581.211, F.S.;
2123 increasing the maximum fine for violations of plant
2124 industry regulations; amending s. 583.13, F.S.; deleting a
2125 prohibition on the sale of poultry without displaying the
2126 poultry grade; amending s. 590.125, F.S.; revising
2127 terminology for open burning authorizations; specifying
2128 purposes of certified prescribed burning; requiring the
2129 authorization of the Division of Forestry for certified
2130 pile burning; providing pile burning requirements;
2131 limiting the liability of property owners or agents
2132 engaged in pile burning; providing for the certification
2133 of pile burners; providing penalties for violations by
2134 certified pile burners; requiring rules; revising notice
2135 requirements for wildfire hazard reduction treatments;
2136 providing for approval of local government open burning
2137 authorization programs; providing program requirements;
2138 authorizing the division to close local government
2139 programs under certain circumstances; providing penalties
2140 for violations of local government open burning
2141 requirements; amending s. 590.14, F.S.; authorizing fines
2142 for violations of any division rule; providing penalties
2143 for certain violations; providing legislative intent;
2144 amending s. 599.004, F.S.; revising standards that a
2145 winery must meet to qualify as a certified Florida Farm
2146 Winery; amending s. 604.15, F.S.; defining the term
2147 "responsible position" for purposes of provisions
2148 regulating dealers in agricultural products; amending s.

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Amendment No.

2149 604.19, F.S.; revising requirements for late fees on
2150 agricultural products dealer applications; amending s.
2151 604.20, F.S.; revising the minimum amount of the surety
2152 bond or certificate of deposit required for agricultural
2153 products dealer licenses; providing conditions for the
2154 payment of bond or certificate of deposit proceeds;
2155 requiring additional documentation for issuance of a
2156 conditional license; amending s. 604.25, F.S.; revising
2157 conditions under which the department may deny, refuse to
2158 renew, suspend, or revoke agricultural products dealer
2159 licenses; deleting a provision prohibiting certain persons
2160 from holding a responsible position with a licensee;
2161 amending s. 616.242, F.S.; amending s. 686.201, F.S.;
2162 exempting contracts involving a seller of travel from the
2163 requirements of that section; authorizing the issuance of
2164 stop-operation orders for amusement rides under certain
2165 circumstances; amending s. 790.06, F.S.; authorizing a
2166 concealed firearm license applicant to submit fingerprints
2167 administered by the Division of Licensing; repealing ss.
2168 570.071 and 570.901, F.S., relating to the Florida
2169 Agricultural Exposition and the Florida Agricultural
2170 Museum; amending s. 205.064, F.S.;

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