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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/3R	.	Floor: C
05/01/2009 02:53 PM	.	05/01/2009 06:56 PM
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Senator Haridopolos moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

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

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



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13 (a) Whose primary occupation is the pest control business;
14 (b) Who is employed full time by a licensee; and
15 (c) Whose principal duty is the ~~personal~~ supervision of the
16 licensee's operation in a category or categories of pest control
17 in which the operator is certified.

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

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

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

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



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42 contracts issued.

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

45 482.071 Licenses.—

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

53 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and
54 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000
55 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;
56 or

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

59 Section 4. Section 482.072, Florida Statutes, is created to
60 read:

61 482.072 Pest control service centers.—

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

68 (2) (a) Before operating a pest control service center, and
69 biennially thereafter, on or before an anniversary date set by
70 the department for the licensed pest control service center



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71 location, the pest control business must apply to the department
72 for a license under this chapter, or a renewal thereof, for each
73 pest control service center location. An application must be
74 submitted in the format prescribed by the department.

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

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

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

97 (e) The department may not issue or renew a license to
98 operate a centralized pest control service center unless the
99 pest control business licensees for whom the centralized service



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100 center solicits business have one or more common owners.

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

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

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

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

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

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

128 Section 5. Section 482.152, Florida Statutes, is amended to



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129 read:

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

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

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

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

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

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

150 (3)-(2) The Safe and proper use of the pesticides used.

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

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

155 (6)-(5) The Control measures and procedures used.

156 (7)-(6) The Notification of the department of any accidental
157 human poisoning or death connected with pest control work



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158 performed on a job she or he is supervising, within 24 hours
159 after she or he has knowledge of the poisoning or death.

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

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

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

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

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



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187 accompanied by proof that:

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

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

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

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

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

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

209 (b) Operation of a pest control business.

210 (c) Supervision of a certified person.

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

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

215 (6) Any licensee that performs wood-destroying organism



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

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

228 493.6102 Inapplicability of this chapter.—This chapter
229 shall not apply to:

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

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

238 493.6105 Initial application for license.—

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



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

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

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

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

258 (a) Name and any aliases.

259 (b) Age and date of birth.

260 (c) Place of birth.

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

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

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

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

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

273 (h) A statement whether he or she has ever been adjudicated



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274 incompetent under chapter 744.

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

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

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

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

292 ~~(4) In addition to the application requirements outlined in~~
293 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
294 ~~"E," Class "EE," or Class "G" license shall submit two color~~
295 ~~photographs taken within the 6 months immediately preceding the~~
296 ~~submission of the application, which meet specifications~~
297 ~~prescribed by rule of the department. All other applicants shall~~
298 ~~submit one photograph taken within the 6 months immediately~~
299 ~~preceding the submission of the application.~~

300 (4)~~(5)~~ In addition to the application requirements outlined
301 under subsection (3), the applicant for a Class "C," Class "E,"
302 Class "M," Class "MA," Class "MB," or Class "MR" license shall



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303 include a statement on a form provided by the department of the
304 experience which he or she believes will qualify him or her for
305 such license.

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

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

323 (a) Submit one of the following certificates:

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

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

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



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

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

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

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

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

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

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

355 (8)~~(9)~~ Upon submission of a complete application, a Class
356 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
357 Class "MA," Class "MB," or Class "MR" applicant may commence
358 employment or appropriate duties for a licensed agency or branch
359 office. However, the Class "C" or Class "E" applicant must work
360 under the direction and control of a sponsoring licensee while



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361 his or her application is being processed. If the department
362 denies application for licensure, the employment of the
363 applicant must be terminated immediately, unless he or she
364 performs only unregulated duties.

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

369 493.6106 License requirements; posting.—

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

371 (f) Be a citizen or permanent legal resident alien of the
372 United States or have appropriate ~~been granted~~ authorization
373 issued to seek employment in this country by the United States
374 Bureau of Citizenship and Immigration Services of the United
375 States Department of Homeland Security.

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

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



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390 90 consecutive days before the date that the application is
391 submitted.

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

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

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

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

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

417 493.6107 Fees.—

418 (3) The fees set forth in this section must be paid by



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

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

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

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

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

441 2. If a legible set of fingerprints, as determined by the
442 Department of Law Enforcement or the Federal Bureau of
443 Investigation, cannot be obtained after two attempts, the
444 Department of Agriculture and Consumer Services may determine
445 the applicant's eligibility based upon a criminal history record
446 check under the applicant's name conducted by the Department of
447 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~



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448 ~~A set of fingerprints are taken by a law enforcement agency or~~
449 ~~the department and the applicant submits~~ a written statement
450 signed by the fingerprint technician or a licensed physician
451 stating that there is a physical condition that precludes
452 obtaining a legible set of fingerprints or that the fingerprints
453 taken are the best that can be obtained ~~is sufficient to meet~~
454 ~~this requirement.~~

455 (3) The department shall also investigate the mental
456 history and current mental and emotional fitness of any Class
457 "G" or Class "K" applicant, and may deny a Class "G" or Class
458 "K" license to anyone who has a history of mental illness or
459 drug or alcohol abuse.

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

462 493.6111 License; contents; identification card.—

463 (4) Notwithstanding the existence of a valid Florida
464 corporate registration, an ~~no~~ agency or school licensee may not
465 conduct activities regulated under this chapter under any
466 fictitious name without prior written authorization from the
467 department to use that name in the conduct of activities
468 regulated under this chapter. The department may not authorize
469 the use of a name which is so similar to that of a public
470 officer or agency, or of that used by another licensee, that the
471 public may be confused or misled thereby. The authorization for
472 the use of a fictitious name shall require, as a condition
473 precedent to the use of such name, the filing of a certificate
474 of engaging in business under a fictitious name under s. 865.09.
475 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
476 under more than one fictitious name except as separately



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477 licensed nor shall the license be valid to protect any licensee
478 who is engaged in ~~the~~ business under any name other than that
479 specified in the license. An agency desiring to change its
480 licensed name shall notify the department and, except upon
481 renewal, pay a fee not to exceed \$30 for each license requiring
482 revision including those of all licensed employees except Class
483 "D" or Class "G" licensees. Upon the return of such licenses to
484 the department, revised licenses shall be provided.

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

487 493.6113 Renewal application for licensure.—

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

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

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

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

504 493.6115 Weapons and firearms.—

505 (8) A Class "G" applicant must satisfy the minimum training



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506 criteria as set forth in s. 493.6105 ~~(5)-(6)~~ and as established by
507 rule of the department.

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

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

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

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

534 493.6118 Grounds for disciplinary action.—



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

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

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

547 493.6121 Enforcement; investigation.-

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

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

559 493.6202 Fees.-

560 (3) The fees set forth in this section must be paid by
561 certified check or money order ~~or, at the discretion of the~~
562 ~~department, by agency check~~ at the time the application is
563 approved, except that the applicant for a Class "G," Class "C,"



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564 Class "CC," Class "M," or Class "MA" license must pay the
565 license fee at the time the application is made. If a license is
566 revoked or denied or if the application is withdrawn, the
567 license fee shall not be refunded.

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

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

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

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

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

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

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

583 (e) No more than 1 year using:

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

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

588 or

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

591
592 However, experience in performing bodyguard services is not



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593 creditable toward the requirements of this subsection.

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

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

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

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

606
607 However, experience in performing bodyguard services is not
608 creditable toward the requirements of this subsection.

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

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



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622 satisfactory completion of the 40 ~~at least 24~~ hours of
623 professional training ~~a 40-hour course~~ must be submitted with
624 the application for a Class "CC" license. ~~The remaining 16 hours~~
625 ~~must be completed and an examination passed within 180 days. If~~
626 ~~documentation of completion of the required training is not~~
627 ~~submitted within the specified timeframe, the individual's~~
628 ~~license is automatically suspended or his or her authority to~~
629 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
630 ~~until such time as proof of certificate of completion is~~
631 ~~provided to the department.~~ The training ~~course~~ specified in
632 this paragraph may be provided by face-to-face presentation,
633 online technology, or a home study course in accordance with
634 rules and procedures of the Department of Education. The
635 administrator of the examination must verify the identity of
636 each applicant taking the examination.

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

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

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

649 (c) An individual who submits an application for a Class
650 "CC" license on or after September 1, 2008, through June 30,



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651 2009, who has not completed the 16-hour course must submit proof
652 of successful completion of the course within 180 days after the
653 date the application is submitted. If documentation of
654 completion of the required training is not submitted by that
655 date, the individual's license is automatically suspended until
656 proof of the required training is submitted to the department.
657 An individual licensed on or before August 31, 2008, is not
658 required to complete additional training hours in order to renew
659 an active license beyond the required total amount of training,
660 and within the timeframe, in effect at the time he or she was
661 licensed.

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

664 493.6302 Fees.—

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

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

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

679 (4) (a) Effective July 1, 2009, an applicant for a Class "D"



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680 license must submit proof of successful completion of complete a
681 minimum of 40 hours of professional training at a school or
682 training facility licensed by the department. The training must
683 be provided in two parts, one 24-hour course and one 16-hour
684 course. The department shall by rule establish the general
685 content and number of hours of each subject area to be taught.

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

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

703 2. Successful completion of 24 hours of training before
704 initial application for a Class "D" license and successful
705 completion of the remaining 16 hours of training within 180 days
706 after the date that the application is submitted. If
707 documentation of completion of the required training is not
708 submitted within the specified timeframe, the individual's



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709 ~~license is automatically suspended until such time as proof of~~
710 ~~the required training is provided to the department.~~

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

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

731 493.6304 Security officer school or training facility.—

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

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



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

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

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

744 493.6401 Classes of licenses.—

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

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

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

755 493.6402 Fees.—

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

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

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

762 (3) The fees set forth in this section must be paid by
763 ~~certified check or money order, or, at the discretion of the~~
764 ~~department, by agency check~~ at the time the application is
765 approved, except that the applicant for a Class "E," Class "EE,"
766 or Class "MR" license must pay the license fee at the time the



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767 application is made. If a license is revoked or denied, or if an
768 application is withdrawn, the license fee shall not be refunded.

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

771 493.6406 Recovery agent ~~Repossession services~~ school or
772 training facility.—

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

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

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

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

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

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

794 501.605 Licensure of commercial telephone sellers.—

795 (2) An applicant for a license as a commercial telephone



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796 seller must submit to the department, in such form as it
797 prescribes, a written application for the license. The
798 application must set forth the following information:

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

803
804 The application shall be accompanied by a copy of any: Script,
805 outline, or presentation the applicant will require or suggest a
806 salesperson to use when soliciting, or, if no such document is
807 used, a statement to that effect; sales information or
808 literature to be provided by the applicant to a salesperson; and
809 sales information or literature to be provided by the applicant
810 to a purchaser in connection with any solicitation.

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

813 501.607 Licensure of salespersons.—

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

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

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

822 501.913 Registration.—

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

824 (a) Specimens or facsimiles of the label for each brand of



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825 antifreeze;

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

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

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

831 525.01 Gasoline and oil to be inspected.-

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

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

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

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

844 525.09 Inspection fee.-

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



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854 25th day of each month.

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

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

863 526.50 Definition of terms.—As used in this part:

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

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

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

873 (4) ~~(2)~~ "Department" means the Department of Agriculture and
874 Consumer Services.

875 ~~(3) "Sell" includes give, distribute, barter, exchange,~~
876 ~~trade, keep for sale, offer for sale or expose for sale, in any~~
877 ~~of their variant forms.~~

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

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



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

887 (7)~~(6)~~ "Permit year" means a period of 12 months commencing
888 July 1 and ending on the next succeeding June 30.

889 (8)~~(7)~~ "Registrant" means any manufacturer, packer,
890 distributor, seller, or other person who has registered a brake
891 fluid with the department.

892 (9) "Sell" includes give, distribute, barter, exchange,
893 trade, keep for sale, offer for sale or expose for sale, in any
894 of their variant forms.

895 Section 32. Section 526.51, Florida Statutes, is amended to
896 read:

897 526.51 Registration;~~renewal and fees~~; departmental
898 expenses; cancellation or refusal to issue or renew.-

899 (1) (a) Application for registration of each brand of brake
900 fluid shall be made on forms to be supplied by the department.
901 The applicant shall give his or her name and address and the
902 brand name of the brake fluid, state that he or she owns the
903 brand name and has complete control over the product sold
904 thereunder in Florida, and provide the name and address of the
905 resident agent in Florida. If the applicant does not own the
906 brand name but wishes to register the product with the
907 department, a notarized affidavit that gives the applicant full
908 authorization to register the brand name and that is signed by
909 the owner of the brand name must accompany the application for
910 registration. The affidavit must include all affected brand
911 names, the owner's company or corporate name and address, the



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912 applicant's company or corporate name and address, and a
913 statement from the owner authorizing the applicant to register
914 the product with the department. The owner of the brand name
915 shall maintain complete control over each product sold under
916 that brand name in this state. All first-time brand-formula
917 combination ~~new product~~ applications must be accompanied by a
918 certified report from an independent testing laboratory, setting
919 forth the analysis of the brake fluid which shall show its
920 quality to be not less than the specifications established by
921 the department for brake fluids. A sample of not less than 24
922 fluid ounces of brake fluid shall be submitted, in a container
923 or containers, with labels representing exactly how the
924 containers of brake fluid will be labeled when sold, and the
925 sample and container shall be analyzed and inspected by the
926 Division of Standards in order that compliance with the
927 department's specifications and labeling requirements may be
928 verified. Upon approval of the application, the department shall
929 register the brand name of the brake fluid and issue to the
930 applicant a permit authorizing the registrant to sell the brake
931 fluid in this state during the permit year specified in the
932 permit.

933 (b) Each applicant shall pay a fee of \$100 with each
934 application. An applicant seeking reregistration of a previously
935 registered brand-formula combination must submit a completed
936 application and all materials required under this subsection to
937 the department before the first day of the permit year. A brand-
938 formula combination for which a completed application and all
939 materials required under this subsection are not received before
940 the first day of the permit year ceases to be registered with



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941 the department until a completed application and all materials
942 required under this subsection are received and approved. Any
943 fee, application, or materials received after the first day of
944 the permit year, if the brand-formula combination was previously
945 registered with the department, ~~A permit may be renewed by~~
946 application to the department, accompanied by a renewal fee of
947 \$50 on or before the last day of the permit year immediately
948 preceding the permit year for which application is made for
949 renewal of registration. To any fee not paid when due, there
950 shall accrue a penalty of \$25, which shall be added to the
951 renewal fee. Renewals will be accepted only on brake fluids that
952 have no change in formula, composition, or brand name. Any
953 change in formula, composition, or brand name of any brake fluid
954 constitutes a new product that must be registered in accordance
955 with this part.

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

960 (3) The department may cancel or, refuse to issue ~~or refuse~~
961 ~~to renew~~ any registration and permit after due notice and
962 opportunity to be heard if it finds that the brake fluid is
963 adulterated or misbranded or that the registrant has failed to
964 comply with the provisions of this part or the rules and
965 regulations promulgated thereunder.

966 Section 33. Paragraph (a) of subsection (3) of section
967 526.52, Florida Statutes, is amended to read:

968 526.52 Specifications; adulteration and misbranding.-

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



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

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

982 526.53 Enforcement; inspection and analysis, stop-sale and
983 disposition, regulations.-

984 (2) (a) When any brake fluid is sold in violation of any of
985 the provisions of this part, all such affected brake fluid of
986 the same brand name ~~on the same premises on which the violation~~
987 ~~occurred~~ shall be placed under a stop-sale order by the
988 department by serving the owner of the brand name, distributor,
989 or other entity responsible for selling or distributing the
990 product in the state with the stop-sale order. The department
991 shall withdraw its stop-sale order upon the removal of the
992 violation or upon voluntary destruction of the product, or other
993 disposal approved by the department, under the supervision of
994 the department.

995 (b) In addition to being subject to the stop-sale
996 procedures above, unregistered brake fluid shall be held by the
997 department or its representative, at a place to be designated in
998 the stop-sale order, until properly registered and released in



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999 writing by the department or its representative. If application
1000 is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within
1001 30 days after issue of the stop-sale order, such product shall
1002 be disposed of by the department, or, with the department's
1003 consent, by the business, to any tax-supported institution or
1004 agency of the state if the brake fluid meets legal
1005 specifications or by other disposal authorized by rule of the
1006 department if it fails to meet legal specifications.

1007 Section 35. Subsections (2) and (5) of section 527.02,
1008 Florida Statutes, are amended to read:

1009 527.02 License; penalty; fees.—

1010 (2) Each business location of a person having multiple
1011 locations shall be separately licensed and must meet the
1012 requirements of this section. Such license shall be granted to
1013 any applicant determined by the department to be competent,
1014 qualified, and trustworthy who files with the department a
1015 surety bond, insurance affidavit, or other proof of insurance,
1016 as hereinafter specified, and pays for such license the
1017 following original application fee for new licenses and annual
1018 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	525	<u>425</u> 375



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1022	petroleum gas dispenser		
	Category III liquefied petroleum gas cylinder exchange unit operator	<u>125</u> 100	<u>75</u> 65
1023	Category IV liquefied petroleum gas dispenser and recreational vehicle servicer	525	<u>425</u> 400
1024	Category V liquefied petroleum petroleum gases dealer for industrial uses only	<u>350</u> 300	<u>275</u> 200
1025	LP gas installer	<u>400</u> 300	<u>300</u> 200
1026	Specialty installer	300	<u>250</u> 200
1027	Dealer in appliances and equipment for use of liquefied petroleum gas	50	45



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1028	Manufacturer of liquefied petroleum gas appliances and equipment	525	<u>425</u> 375
1029	Requalifier of cylinders	525	<u>425</u> 375
1030	Fabricator, repairer, and tester of vehicles and cargo tanks	525	<u>425</u> 375

1031
1032 (5) The license fee for a pipeline system operator shall be
1033 ~~\$350 \$100 per system owned or operated by the person, not to~~
1034 ~~exceed \$400 per license year.~~ Such license fee applies only to a
1035 pipeline system operator who owns or operates a liquefied
1036 petroleum gas pipeline system that is used to transmit liquefied
1037 petroleum gas from a common source to the ultimate customer and
1038 that serves 10 or more customers. The license shall be renewed
1039 each year at a fee of \$275 per year.

1040 Section 36. Subsections (1) and (3) and paragraphs (a) and
1041 (c) of subsection (5) of section 527.0201, Florida Statutes, are
1042 amended to read:

1043 527.0201 Qualifiers; master qualifiers; examinations.—

1044 (1) In addition to the requirements of s. 527.02, any
1045 person applying for a license to engage in the activities of a
1046 pipeline system operator, category I liquefied petroleum gas



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1047 dealer, category II liquefied petroleum gas dispenser, category
1048 IV liquefied petroleum gas dispenser and recreational vehicle
1049 servicer, category V liquefied petroleum gases dealer for
1050 industrial uses only, LP gas installer, specialty installer,
1051 requalifier ~~requalification~~ of cylinders, or fabricator,
1052 repairer, and tester of vehicles and cargo tanks must prove
1053 competency by passing a written examination administered by the
1054 department or its agent with a grade of at least 75 percent in
1055 each area tested ~~or above~~. Each applicant for examination shall
1056 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule
1057 specify the general areas of competency to be covered by each
1058 examination and the relative weight to be assigned in grading
1059 each area tested.

1060 (3) Qualifier cards issued to category I liquefied
1061 petroleum gas dealers and liquefied petroleum gas installers
1062 shall expire 3 years after the date of issuance. All category I
1063 liquefied petroleum gas dealer qualifiers and liquefied
1064 petroleum gas installer qualifiers holding a valid qualifier
1065 card upon the effective date of this act shall retain their
1066 qualifier status until July 1, 2003, and may sit for the master
1067 qualifier examination at any time during that time period. All
1068 such category I liquefied petroleum gas dealer qualifiers and
1069 liquefied petroleum gas installer qualifiers may renew their
1070 qualification on or before July 1, 2003, upon application to the
1071 department, payment of a \$20 renewal fee, and documentation of
1072 the completion of a minimum of 16 ~~12~~ hours of approved
1073 continuing education courses, as defined by department rule,
1074 during the previous 3-year period. Applications for renewal must
1075 be made 30 calendar days prior to expiration. Persons failing to



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1076 renew prior to the expiration date must reapply and take a
1077 qualifier competency examination in order to reestablish
1078 category I liquefied petroleum gas dealer qualifier and
1079 liquefied petroleum gas installer qualifier status. If a
1080 category I liquefied petroleum gas qualifier or liquefied
1081 petroleum gas installer qualifier becomes a master qualifier at
1082 any time during the effective date of the qualifier card, the
1083 card shall remain in effect until expiration of the master
1084 qualifier certification.

1085 (5) In addition to all other licensing requirements, each
1086 category I liquefied petroleum gas dealer and liquefied
1087 petroleum gas installer must, at the time of application for
1088 licensure, identify to the department one master qualifier who
1089 is a full-time employee at the licensed location. This person
1090 shall be a manager, owner, or otherwise primarily responsible
1091 for overseeing the operations of the licensed location and must
1092 provide documentation to the department as provided by rule. The
1093 master qualifier requirement shall be in addition to the
1094 requirements of subsection (1).

1095 (a) In order to apply for certification as a master
1096 qualifier, each applicant must be a category I liquefied
1097 petroleum gas dealer qualifier or liquefied petroleum gas
1098 installer qualifier, must be employed by a licensed category I
1099 liquefied petroleum gas dealer, liquefied petroleum gas
1100 installer, or applicant for such license, must provide
1101 documentation of a minimum of 1 year's work experience in the
1102 gas industry, and must pass a master qualifier competency
1103 examination. Master qualifier examinations shall be based on
1104 Florida's laws, rules, and adopted codes governing liquefied



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1105 petroleum gas safety, general industry safety standards, and
1106 administrative procedures. The examination must be successfully
1107 passed ~~completed~~ by the applicant with a grade of at least 75
1108 percent ~~or more~~. Each applicant for master qualifier status
1109 shall submit to the department a nonrefundable \$50 ~~\$30~~
1110 examination fee prior to the examination.

1111 (c) Master qualifier status shall expire 3 years after the
1112 date of issuance of the certificate and may be renewed by
1113 submission to the department of documentation of completion of
1114 at least 16 ~~12~~ hours of approved continuing education courses
1115 during the 3-year period; proof of employment with a licensed
1116 category I liquefied petroleum gas dealer, liquefied petroleum
1117 gas installer, or applicant; and a \$30 certificate renewal fee.
1118 The department shall define, by rule, approved courses of
1119 continuing education.

1120 Section 37. Subsection (4) of section 527.021, Florida
1121 Statutes, is amended to read:

1122 527.021 Registration of transport vehicles.—

1123 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for each
1124 registered vehicle inspected by the department pursuant to s.
1125 527.061. Registered vehicles shall be inspected annually. All
1126 inspection fees collected in connection with this section shall
1127 be deposited in the General Inspection Trust Fund for the
1128 purpose of administering the provisions of this chapter.

1129 Section 38. Section 527.12, Florida Statutes, is amended to
1130 read:

1131 527.12 Cease and desist orders; stop-use orders; stop-
1132 operation orders; stop-sale orders; administrative fines.—

1133 (1) Whenever the department has ~~shall have~~ reason to



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1134 believe that any person is violating or has violated ~~been~~
1135 ~~violating provisions of~~ this chapter or any rules adopted under
1136 this chapter pursuant thereto, the department ~~it~~ may issue a
1137 cease and desist order, ~~or~~ impose a civil penalty, or do both
1138 ~~may issue such cease and desist order and impose a civil~~
1139 ~~penalty.~~

1140 (2) Whenever a person or liquefied petroleum gas system or
1141 storage facility, or any part or component thereof, fails to
1142 comply with this chapter or any rules adopted under this
1143 chapter, the department may issue a stop-use order, stop-
1144 operation order, or stop-sale order.

1145 Section 39. Subsection (1) of section 559.805, Florida
1146 Statutes, is amended to read:

1147 559.805 Filings with the department; disclosure of
1148 advertisement identification number.—

1149 (1) Every seller of a business opportunity shall annually
1150 file with the department a copy of the disclosure statement
1151 required by s. 559.803 before ~~prior to~~ placing an advertisement
1152 or making any other representation designed to offer to, sell
1153 to, or solicit an offer to buy a business opportunity from a
1154 prospective purchaser in this state and shall update this filing
1155 by reporting any material change in the required information
1156 within 30 days after the material change occurs. An
1157 advertisement is not placed in the state merely because the
1158 publisher circulates, or there is circulated on his or her
1159 behalf in the state, any bona fide newspaper or other
1160 publication of general, regular, and paid circulation which has
1161 had more than two-thirds of its circulation during the past 12
1162 months outside the state or because a radio or television



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1163 program originating outside the state is received in the state.
1164 If the seller is required by s. 559.807 to provide a bond or
1165 establish a trust account or guaranteed letter of credit, he or
1166 she shall contemporaneously file with the department a copy of
1167 the bond, a copy of the formal notification by the depository
1168 that the trust account is established, or a copy of the
1169 guaranteed letter of credit. Every seller of a business
1170 opportunity shall file with the department a list of independent
1171 agents who will engage in the offer or sale of business
1172 opportunities on behalf of the seller in this state. This list
1173 must be kept current and shall include the following
1174 information: name, home and business address, telephone number,
1175 present employer, ~~social security number~~, and birth date. A No
1176 person may not ~~shall be allowed to~~ offer or sell business
1177 opportunities unless the required information is ~~has been~~
1178 provided to the department.

1179 Section 40. Subsection (3) of section 559.928, Florida
1180 Statutes, is amended to read:

1181 559.928 Registration.—

1182 (3) Each independent agent shall annually file an affidavit
1183 with the department before ~~prior to~~ engaging in business in this
1184 state. This affidavit must include the independent agent's full
1185 name, legal business or trade name, mailing address, business
1186 address, telephone number, ~~social security number~~, and the name
1187 or names and addresses of each seller of travel represented by
1188 the independent agent. A letter evidencing proof of filing must
1189 be issued by the department and must be prominently displayed in
1190 the independent agent's primary place of business. Each
1191 independent agent must also submit an annual registration fee of



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1192 \$50. All moneys collected pursuant to the imposition of the fee
1193 shall be deposited by the Chief Financial Officer into the
1194 General Inspection Trust Fund of the Department of Agriculture
1195 and Consumer Services for the sole purpose of administrating
1196 this part. As used in this subsection, the term "independent
1197 agent" means a person who represents a seller of travel by
1198 soliciting persons on its behalf; who has a written contract
1199 with a seller of travel which is operating in compliance with
1200 this part and any rules adopted thereunder; who does not receive
1201 a fee, commission, or other valuable consideration directly from
1202 the purchaser for the seller of travel; who does not at any time
1203 have any unissued ticket stock or travel documents in his or her
1204 possession; and who does not have the ability to issue tickets,
1205 vacation certificates, or any other travel document. The term
1206 "independent agent" does not include an affiliate of the seller
1207 of travel, as that term is used in s. 559.935(3), or the
1208 employees of the seller of travel or of such affiliates.

1209 Section 41. Subsection (7) of section 570.0725, Florida
1210 Statutes, is amended to read:

1211 570.0725 Food recovery; legislative intent; department
1212 functions.—

1213 (7) For public information purposes, the department may
1214 ~~shall~~ develop and provide a public information ~~brochure~~
1215 detailing the need for food banks and similar ~~of~~ food recovery
1216 programs, the benefit of such ~~food recovery~~ programs, the manner
1217 in which ~~such~~ organizations may become involved in such ~~food~~
1218 ~~recovery~~ programs, and the protection afforded to such programs
1219 under s. 768.136, ~~and the food recovery entities or food banks~~
1220 ~~that exist in the state. This brochure must be updated annually.~~



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1221 A food bank or similar food recovery organization seeking to be
1222 included on a list of such organizations must notify the
1223 department and provide the information required by rule of the
1224 department. Such organizations are responsible for updating the
1225 information and providing the updated information to the
1226 department. The department may adopt rules to implement this
1227 section.

1228 Section 42. Paragraph (e) of subsection (6) of section
1229 570.53, Florida Statutes, is amended to read:

1230 570.53 Division of Marketing and Development; powers and
1231 duties.—The powers and duties of the Division of Marketing and
1232 Development include, but are not limited to:

1233 (6)

1234 (e) Extending in every practicable way the distribution and
1235 sale of Florida agricultural products throughout the markets of
1236 the world as required of the department by s. ss. 570.07(7),
1237 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1238 Section 43. Subsection (2) of section 570.54, Florida
1239 Statutes, is amended to read:

1240 570.54 Director; duties.—

1241 (2) It shall be the duty of the director of this division
1242 to supervise, direct, and coordinate the activities authorized
1243 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
1244 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
1245 chapters 504, 571, 573, and 574 and to exercise other powers and
1246 authority as authorized by the department.

1247 Section 44. Subsection (4) of section 570.55, Florida
1248 Statutes, is amended to read:

1249 570.55 Identification of sellers or handlers of tropical or



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1250 subtropical fruit and vegetables; containers specified;
1251 penalties.—

1252 (4) IDENTIFICATION OF HANDLER.—At the time of each
1253 transaction involving the handling or sale of 55 pounds or more
1254 of tropical or subtropical fruit or vegetables in the primary
1255 channel of trade, the buyer or receiver of the tropical or
1256 subtropical fruit or vegetables shall demand a bill of sale,
1257 invoice, sales memorandum, or other document listing the date of
1258 the transaction, the quantity of the tropical or subtropical
1259 fruit or vegetables involved in the transaction, and the
1260 identification of the seller or handler as it appears on the
1261 driver's license of the seller or handler, including the
1262 driver's license number. If the seller or handler does not
1263 possess a driver's license, the buyer or receiver shall use any
1264 other acceptable means of identification, which may include, but
1265 is not limited to, i.e., voter's registration card and number,
1266 draft card, ~~social security card,~~ or other identification.
1267 However, no less than two identification documents shall be
1268 used. The identification of the seller or handler shall be
1269 recorded on the bill of sale, sales memorandum, invoice, or
1270 voucher, which shall be retained by the buyer or receiver for a
1271 period of not less than 1 year from the date of the transaction.

1272 Section 45. Subsection (3) of section 570.902, Florida
1273 Statutes, is amended to read:

1274 570.902 Definitions; ss. 570.902 and 570.903.—For the
1275 purpose of ss. 570.902 and 570.903:

1276 ~~(3) "Museum" means the Florida Agricultural Museum which is~~
1277 ~~designated as the museum for agriculture and rural history of~~
1278 ~~the State of Florida.~~



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1279 Section 46. Section 570.903, Florida Statutes, is amended
1280 to read:

1281 570.903 Direct-support organization.—

1282 (1) When the Legislature authorizes the establishment of a
1283 direct-support organization to provide assistance for the
1284 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
1285 ~~Florida State Collection of Arthropods,~~ the Friends of the
1286 Florida State Forests Program of the Division of Forestry, and
1287 the Forestry Arson Alert Program, and other programs of the
1288 department, the following provisions shall govern the creation,
1289 use, powers, and duties of the direct-support organization.

1290 (a) The department shall enter into a memorandum or letter
1291 of agreement with the direct-support organization, which shall
1292 specify the approval of the department, the powers and duties of
1293 the direct-support organization, and rules with which the
1294 direct-support organization shall comply.

1295 (b) The department may permit, without charge, appropriate
1296 use of property, facilities, and personnel of the department by
1297 a direct-support organization, subject to the provisions of ss.
1298 570.902 and 570.903. The use shall be directly in keeping with
1299 the approved purposes of the direct-support organization and
1300 shall not be made at times or places that would unreasonably
1301 interfere with opportunities for the general public to use
1302 department facilities for established purposes.

1303 (c) The department shall prescribe by contract or by rule
1304 conditions with which a direct-support organization shall comply
1305 in order to use property, facilities, or personnel of the
1306 department ~~or museum~~. Such rules shall provide for budget and
1307 audit review and oversight by the department.



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1308 (d) The department shall not permit the use of property,
1309 facilities, or personnel of the ~~museum~~, department, or
1310 designated program by a direct-support organization which does
1311 not provide equal employment opportunities to all persons
1312 regardless of race, color, religion, sex, age, or national
1313 origin.

1314 (2) (a) The direct-support organization shall be empowered
1315 to conduct programs and activities; raise funds; request and
1316 receive grants, gifts, and bequests of money; acquire, receive,
1317 hold, invest, and administer, in its own name, securities,
1318 funds, objects of value, or other property, real or personal;
1319 and make expenditures to or for the direct or indirect benefit
1320 of the ~~museum or~~ designated program.

1321 (b) Notwithstanding the provisions of s. 287.057, the
1322 direct-support organization may enter into contracts or
1323 agreements with or without competitive bidding for the
1324 ~~restoration of objects, historical buildings, and other~~
1325 ~~historical materials or for the purchase of objects, historical~~
1326 ~~buildings, and other historical materials which are to be added~~
1327 ~~to the collections of the museum, or benefit of~~ of the designated
1328 program. However, before the direct-support organization may
1329 enter into a contract or agreement without competitive bidding,
1330 the direct-support organization shall file a certification of
1331 conditions and circumstances with the internal auditor of the
1332 department justifying each contract or agreement.

1333 (c) Notwithstanding the provisions of s. 287.025(1)(e), the
1334 direct-support organization may enter into contracts to insure
1335 property of the ~~museum or~~ designated programs and ~~may insure~~
1336 ~~objects or collections on loan from others in satisfying~~



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1337 ~~security terms of the lender.~~

1338 (3) The direct-support organization shall provide for an
1339 annual financial audit in accordance with s. 215.981.

1340 (4) Neither a designated program ~~or a museum~~, nor a
1341 nonprofit corporation trustee or employee may:

1342 (a) Receive a commission, fee, or financial benefit in
1343 connection with the sale or exchange of property ~~historical~~
1344 ~~objects or properties~~ to the direct-support organization, ~~the~~
1345 ~~museum~~, or the designated program; or

1346 (b) Be a business associate of any individual, firm, or
1347 organization involved in the sale or exchange of property to the
1348 direct-support organization, ~~the museum~~, or the designated
1349 program.

1350 (5) All moneys received by the direct-support organization
1351 shall be deposited into an account of the direct-support
1352 organization and shall be used by the organization in a manner
1353 consistent with the goals of ~~the museum~~ or designated program.

1354 (6) The identity of a donor or prospective donor who
1355 desires to remain anonymous and all information identifying such
1356 donor or prospective donor are confidential and exempt from the
1357 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1358 Constitution.

1359 (7) The Commissioner of Agriculture, or the commissioner's
1360 designee, may serve on the board of trustees and the executive
1361 committee of any direct-support organization established to
1362 benefit the museum or any designated program.

1363 ~~(8) The department shall establish by rule archival~~
1364 ~~procedures relating to museum artifacts and records. The rules~~
1365 ~~shall provide procedures which protect the museum's artifacts~~



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1366 ~~and records equivalent to those procedures which have been~~
1367 ~~established by the Department of State under chapters 257 and~~
1368 ~~267.~~

1369 Section 47. Subsection (4) of section 573.118, Florida
1370 Statutes, is amended to read:

1371 573.118 Assessment; funds; audit; loans.—

1372 (4) In the event of levying and collecting of assessments,
1373 for each fiscal year in which assessment funds are received by
1374 the department, the department shall maintain records of
1375 collections and expenditures for each marketing order separately
1376 within the state's accounting system. If requested by an
1377 advisory council, department staff shall cause to be made a
1378 thorough annual audit of the books and accounts by a certified
1379 public accountant, such audit to be completed within 60 days
1380 after the request is received end of the fiscal year. The
1381 advisory council department and all producers and handlers
1382 covered by the marketing order shall be provided a copy of the
1383 properly advised of the details of the annual official audit of
1384 the accounts as shown by the certified public accountant within
1385 30 days after completion of the audit.

1386 Section 48. Subsections (18) through (30) of section
1387 581.011, Florida Statutes, are renumbered as subsections (17)
1388 through (29), respectively, and present subsections (17) and
1389 (20) of that section are amended to read:

1390 581.011 Definitions.—As used in this chapter:

1391 ~~(17) "Museum" means the Florida State Collection of~~
1392 ~~Arthropods.~~

1393 (19)-(20) "Nursery" means any grounds or premises on or in
1394 which nursery stock is grown, propagated, or held for sale or



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1395 distribution, including ~~except where~~ aquatic plant species ~~are~~
1396 tended for harvest in the natural environment.

1397 Section 49. Paragraph (d) of subsection (14) of section
1398 581.031, Florida Statutes, is amended to read:

1399 581.031 Department; powers and duties.—The department has
1400 the following powers and duties:

1401 (14)

1402 (d) To prescribe a fee for these services, if provided the
1403 fee does not exceed the cost of the services rendered. Annual
1404 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per
1405 tree. If the fee has not been paid within 30 days of billing, a
1406 penalty of \$10 or 20 percent of the unpaid balance, whichever is
1407 greater, shall be assessed.

1408 Section 50. Subsection (6) of section 581.131, Florida
1409 Statutes, is amended to read:

1410 581.131 Certificate of registration.—

1411 (6) Neither the certificate of registration fee nor the
1412 annual renewal fee shall exceed \$600 ~~\$460~~. The department may
1413 exempt from the payment of a certificate fee those governmental
1414 agency nurseries whose nursery stock is used exclusively for
1415 planting on their own property.

1416 Section 51. Paragraph (a) of subsection (3) of section
1417 581.211, Florida Statutes, is amended to read:

1418 581.211 Penalties for violations.—

1419 (3) (a) 1. In addition to any other provision of law, the
1420 department may, after notice and hearing, impose an
1421 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1422 violation of this chapter, upon any person, nurseryman, stock
1423 dealer, agent or plant broker. The fine, when paid, shall be



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1424 deposited in the Plant Industry Trust Fund. In addition, the
1425 department may place the violator on probation for up to 1 year,
1426 with conditions.

1427 2. The imposition of a fine or probation pursuant to this
1428 subsection may be in addition to or in lieu of the suspension or
1429 revocation of a certificate of registration or certificate of
1430 inspection.

1431 Section 52. Section 583.13, Florida Statutes, is amended to
1432 read:

1433 583.13 Labeling and advertising requirements for dressed
1434 poultry; unlawful acts.-

1435 (1) It is unlawful for any dealer or broker to sell, offer
1436 for sale, or hold for the purpose of sale in the state any
1437 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1438 is packed in a container clearly bearing a label, not less than
1439 3 inches by 5 inches, on which shall be plainly and legibly
1440 printed, in letters of not less than one-fourth inch ~~1/4~~ in
1441 height, ~~the grade and the part name or whole-bird statement of~~
1442 ~~such poultry. The grade may be expressed in the term "premium,"~~
1443 ~~"good," or "standard," or as the grade of another state or~~
1444 ~~federal agency the standards of quality of which, by law, are~~
1445 ~~equal to the standards of quality provided by this law and rules~~
1446 ~~promulgated hereunder.~~

1447 (2) It is unlawful to sell unpackaged dressed or ready-to-
1448 cook poultry at retail unless such poultry is labeled by a
1449 placard immediately adjacent to the poultry or unless each bird
1450 is individually labeled to show ~~the grade and the part name or~~
1451 ~~whole-bird statement.~~ The placard shall be no smaller than 7
1452 inches by 7 inches in size, and the required labeling



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1453 information shall be legibly and plainly printed on the placard
1454 in letters not smaller than 1 inch in height.

1455 (3) It is unlawful to sell packaged dressed or ready-to-
1456 cook poultry at retail unless such poultry is labeled to show
1457 ~~the grade,~~ the part name or whole-bird statement, the net weight
1458 of the poultry, and the name and address of the dealer. The size
1459 of the type on the label must be one-eighth inch or larger. A
1460 placard immediately adjacent to such poultry may be used to
1461 indicate ~~the grade and~~ the part name or whole-bird statement,
1462 but not the net weight of the poultry or the name and address of
1463 the dealer.

1464 (4) It is unlawful to use dressed or ready-to-cook poultry
1465 in bulk in the preparation of food served to the public, or to
1466 hold such poultry for the purpose of such use, unless the
1467 poultry when received was packed in a container clearly bearing
1468 a label, not less than 3 inches by 5 inches, on which was
1469 plainly and legibly printed, in letters not less than one-fourth
1470 inch in height, ~~the grade and~~ the part name or whole-bird
1471 statement of such poultry. ~~The grade may be expressed in the~~
1472 ~~term "premium," "good," or "standard," or as the grade of~~
1473 ~~another state or federal agency the standards of quality of~~
1474 ~~which, by law, are equal to the standards of quality provided by~~
1475 ~~this law and rules promulgated hereunder.~~

1476 (5) It is unlawful to offer dressed or ready-to-cook
1477 poultry for sale in any advertisement in a newspaper or
1478 circular, on radio or television, or in any other form of
1479 advertising without plainly designating in such advertisement
1480 ~~the grade and~~ the part name or whole-bird statement of such
1481 poultry.



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1482 Section 53. Subsections (4) and (5) of section 590.125,
1483 Florida Statutes, are renumbered as subsections (5) and (6),
1484 respectively, subsection (1), paragraph (b) of subsection (3),
1485 and paragraph (c) of present subsection (4) are amended, and new
1486 subsections (4) and (7) are added to that section, to read:

1487 590.125 Open burning authorized by the division.—

1488 (1) DEFINITIONS.—As used in this section, the term:

1489 (a) “Certified pile burner” means an individual who
1490 successfully completes the division’s pile burning certification
1491 program and possesses a valid pile burner certification number.

1492 ~~Prescribed burning” means the controlled application of~~
1493 ~~fire in accordance with a written prescription for vegetative~~
1494 ~~fuels under specified environmental conditions while following~~
1495 ~~appropriate precautionary measures that ensure that the fire is~~
1496 ~~confined to a predetermined area to accomplish the planned fire~~
1497 ~~or land-management objectives.~~

1498 (b) “Certified prescribed burn manager” means an individual
1499 who successfully completes the certified prescribed burning
1500 ~~certification~~ program of the division and possesses a valid
1501 certification number.

1502 (c)~~(d)~~ “Extinguished” means:

1503 1. that no spreading flame For wild land burning or
1504 certified prescribed burning, that no spreading flames exist.

1505 2. and no visible flame, smoke, or emissions For vegetative
1506 land-clearing debris burning or pile burning, that no visible
1507 flames exist.

1508 3. For vegetative land-clearing debris burning or pile
1509 burning in an area designated as smoke sensitive by the
1510 division, that no visible flames, smoke, or emissions exist.



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1511 (d) "Land-clearing operation" means the uprooting or
1512 clearing of vegetation in connection with the construction of
1513 buildings and rights-of-way, land development, and mineral
1514 operations. The term does not include the clearing of yard
1515 trash.

1516 (e) "Pile burning" means the burning of silvicultural,
1517 agricultural, or land-clearing and tree-cutting debris
1518 originating onsite, which is stacked together in a round or
1519 linear fashion, including, but not limited to, a windrow.

1520 (f) "Prescribed burning" means the controlled application
1521 of fire in accordance with a written prescription for vegetative
1522 fuels under specified environmental conditions while following
1523 appropriate precautionary measures that ensure that the fire is
1524 confined to a predetermined area to accomplish the planned fire
1525 or land-management objectives.

1526 (g)~~(e)~~ "Prescription" means a written plan establishing the
1527 criteria necessary for starting, controlling, and extinguishing
1528 a prescribed burn.

1529 (h) "Yard trash" means vegetative matter resulting from
1530 landscaping and yard maintenance operations and other such
1531 routine property cleanup activities. The term includes materials
1532 such as leaves, shrub trimmings, grass clippings, brush, and
1533 palm fronds.

1534 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1535 PURPOSE.—

1536 (b) Certified prescribed burning pertains only to broadcast
1537 burning for purposes of silviculture, wildlife management,
1538 ecological maintenance and restoration, and range and pasture
1539 management. It must be conducted in accordance with this



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1540 subsection and:

1541 1. May be accomplished only when a certified prescribed
1542 burn manager is present on site with a copy of the prescription
1543 from ignition of the burn to its completion.

1544 2. Requires that a written prescription be prepared before
1545 receiving authorization to burn from the division.

1546 3. Requires that the specific consent of the landowner or
1547 his or her designee be obtained before requesting an
1548 authorization.

1549 4. Requires that an authorization to burn be obtained from
1550 the division before igniting the burn.

1551 5. Requires that there be adequate firebreaks at the burn
1552 site and sufficient personnel and firefighting equipment for the
1553 control of the fire.

1554 6. Is considered to be in the public interest and does not
1555 constitute a public or private nuisance when conducted under
1556 applicable state air pollution statutes and rules.

1557 7. Is considered to be a property right of the property
1558 owner if vegetative fuels are burned as required in this
1559 subsection.

1560 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1561 PURPOSE.—

1562 (a) Pile burning is a tool that benefits current and future
1563 generations in Florida by disposing of naturally occurring
1564 vegetative debris through burning rather than disposing of the
1565 debris in landfills.

1566 (b) Certified pile burning pertains to the disposal of
1567 piled, naturally occurring debris from an agricultural,
1568 silvicultural, or temporary land-clearing operation. A land-



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1569 clearing operation is temporary if it operates for 6 months or
1570 less. Certified pile burning must be conducted in accordance
1571 with this subsection, and:

1572 1. A certified pile burner must ensure, before ignition,
1573 that the piles are properly placed and that the content of the
1574 piles is conducive to efficient burning.

1575 2. A certified pile burner must ensure that the piles are
1576 properly extinguished no later than 1 hour after sunset. If the
1577 burn is conducted in an area designated by the division as smoke
1578 sensitive, a certified pile burner must ensure that the piles
1579 are properly extinguished at least 1 hour before sunset.

1580 3. A written pile burn plan must be prepared before
1581 receiving authorization from the division to burn.

1582 4. The specific consent of the landowner or his or her
1583 agent must be obtained before requesting authorization to burn.

1584 5. An authorization to burn must be obtained from the
1585 division or its designated agent before igniting the burn.

1586 6. There must be adequate firebreaks and sufficient
1587 personnel and firefighting equipment at the burn site to control
1588 the fire.

1589 (c) If a burn is conducted in accordance with this
1590 subsection, the property owner and his or her agent are not
1591 liable under s. 590.13 for damage or injury caused by the fire
1592 or resulting smoke, and are not in violation of subsection (2),
1593 unless gross negligence is proven.

1594 (d) A certified pile burner who violates this section
1595 commits a misdemeanor of the second degree, punishable as
1596 provided in s. 775.082 or s. 775.083.

1597 (e) The division shall adopt rules regulating certified



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1598 pile burning. The rules shall include procedures and criteria
1599 for certifying and decertifying certified pile burn managers
1600 based on past experience, training, and record of compliance
1601 with this section.

1602 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1603 DIVISION.—The division may conduct fuel reduction initiatives,
1604 including, but not limited to, burning and mechanical and
1605 chemical treatment, on any area of wild land within the state
1606 which is reasonably determined to be in danger of wildfire in
1607 accordance with the following procedures:

1608 (c) Prepare, and send the county tax collector shall
1609 include with the annual tax statement, a notice to be sent to
1610 all landowners in each area township designated by the division
1611 as a wildfire hazard area. The notice must describe particularly
1612 the area to be treated and the tentative date or dates of the
1613 treatment and must list the reasons for and the expected
1614 benefits from the wildfire hazard reduction.

1615 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1616 AUTHORIZATION PROGRAMS.—

1617 (a) A county or municipality may exercise the division's
1618 authority, if delegated by the division under this subsection,
1619 to issue authorizations for the burning of yard trash or debris
1620 from land-clearing operations. A county's or municipality's
1621 existing or proposed open burning authorization program must:

1622 1. Be approved by the division. The division shall not
1623 approve a program if it fails to meet the requirements of
1624 subsections (2) and (4) and any rules adopted under those
1625 subsections.

1626 2. Provide by ordinance or local law the requirements for



1627 obtaining and performing a burn authorization that comply with
1628 subsections (2) and (4) and any rules adopted under those
1629 subsections.

1630 3. Provide for the enforcement of the program's
1631 requirements.

1632 4. Provide financial, personnel, and other resources needed
1633 to carry out the program.

1634 (b) If the division determines that a county's or
1635 municipality's open burning authorization program does not
1636 comply with subsections (2) and (4) and any rules adopted under
1637 those subsections, the division shall require the county or
1638 municipality to take necessary corrective actions within a
1639 reasonable period, not to exceed 90 days.

1640 1. If the county or municipality fails to take the
1641 necessary corrective actions within the required period, the
1642 division shall resume administration of the open burning
1643 authorization program in the county or municipality and the
1644 county or municipality shall cease administration of its
1645 program.

1646 2. Each county and municipality administering an open
1647 burning authorization program must cooperate with and assist the
1648 division in carrying out the division's powers, duties, and
1649 functions.

1650 3. A person who violates the requirements of a county's or
1651 municipality's open burning authorization program, as provided
1652 by ordinance or local law enacted pursuant to this section,
1653 commits a violation of this chapter, punishable as provided in
1654 s. 590.14.

1655 Section 54. Subsection (4) of section 590.14, Florida



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1656 Statutes, is renumbered as subsection (7), subsections (1) and
1657 (3) are amended, and new subsections (4), (5), and (6) are added
1658 to that section, to read:

1659 590.14 Notice of violation; penalties.-

1660 (1) If a division employee determines that a person has
1661 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1662 the division to administer provisions of law conferring duties
1663 upon the division, the division employee ~~he or she~~ may issue a
1664 notice of violation indicating the statute violated. This notice
1665 will be filed with the division and a copy forwarded to the
1666 appropriate law enforcement entity for further action if
1667 necessary.

1668 (3) The department may also impose an administrative fine,
1669 not to exceed \$1,000 per violation of any section of chapter 589
1670 or this chapter or violation of any rule adopted by the division
1671 to administer provisions of law conferring duties upon the
1672 division. The fine shall be based upon the degree of damage, the
1673 prior violation record of the person, and whether the person
1674 knowingly provided false information to obtain an authorization.
1675 The fines shall be deposited in the Incidental Trust Fund of the
1676 division.

1677 (4) A person may not:

1678 (a) Fail to comply with any rule or order adopted by the
1679 division to administer provisions of law conferring duties upon
1680 the division; or

1681 (b) Knowingly make any false statement or representation in
1682 any application, record, plan, or other document required by
1683 this chapter or any rules adopted under this chapter.

1684 (5) A person who violates paragraph (4) (a) or paragraph



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1685 (4) (b) commits a misdemeanor of the second degree, punishable as
1686 provided in s. 775.082 or s. 775.083.

1687 (6) It is the intent of the Legislature that a penalty
1688 imposed by a court under subsection (5) be of a severity that
1689 ensures immediate and continued compliance with this section.

1690 Section 55. Paragraph (a) of subsection (1) of section
1691 599.004, Florida Statutes, is amended to read:

1692 599.004 Florida Farm Winery Program; registration; logo;
1693 fees.—

1694 (1) The Florida Farm Winery Program is established within
1695 the Department of Agriculture and Consumer Services. Under this
1696 program, a winery may qualify as a tourist attraction only if it
1697 is registered with and certified by the department as a Florida
1698 Farm Winery. A winery may not claim to be certified unless it
1699 has received written approval from the department.

1700 (a) To qualify as a certified Florida Farm Winery, a winery
1701 shall meet the following standards:

1702 1. Produce or sell less than 250,000 gallons of wine
1703 annually.

1704 2. Maintain a minimum of 10 acres of owned or managed land
1705 vineyards in Florida which produces commodities used in the
1706 production of wine.

1707 3. Be open to the public for tours, tastings, and sales at
1708 least 30 hours each week.

1709 4. Make annual application to the department for
1710 recognition as a Florida Farm Winery, on forms provided by the
1711 department.

1712 5. Pay an annual application and registration fee of \$100.

1713 Section 56. Subsection (11) is added to section 604.15,



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1714 Florida Statutes, to read:

1715 604.15 Dealers in agricultural products; definitions.—For
1716 the purpose of ss. 604.15-604.34, the following words and terms,
1717 when used, shall be construed to mean:

1718 (11) "Responsible position" means a position within the
1719 business of a dealer in agricultural products that has the
1720 authority to negotiate or make the purchase of agricultural
1721 products on behalf of the dealer's business or has principal
1722 active management authority over the business decisions,
1723 actions, and activities of the dealer's business in this state.

1724 Section 57. Section 604.19, Florida Statutes, is amended to
1725 read:

1726 604.19 License; fee; bond; certificate of deposit;
1727 penalty.—Unless the department refuses the application on one or
1728 more of the grounds provided in this section, it shall issue to
1729 an applicant, upon the payment of required fees and the
1730 execution and delivery of a bond or certificate of deposit as
1731 provided in this section, a state license entitling the
1732 applicant to conduct business as a dealer in agricultural
1733 products for a 1-year period to coincide with the effective
1734 period of the bond or certificate of deposit furnished by the
1735 applicant. During the 1-year period covered by a license, if the
1736 supporting surety bond or certificate of deposit is canceled for
1737 any reason, the license shall automatically expire on the date
1738 the surety bond or certificate of deposit terminates, unless an
1739 acceptable replacement is in effect before the date of
1740 termination so that continual coverage occurs for the remaining
1741 period of the license. A surety company shall give the
1742 department a 30-day written notice of cancellation by certified



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1743 mail in order to cancel a bond. Cancellation of a bond or
1744 certificate of deposit does ~~shall~~ not relieve a surety company
1745 or financial institution of liability for purchases or sales
1746 occurring while the bond or certificate of deposit was in
1747 effect. The license fee, which must be paid for the principal
1748 place of business for a dealer in agricultural products, shall
1749 be based upon the amount of the dealer's surety bond or
1750 certificate of deposit furnished by each dealer under the
1751 provisions of s. 604.20 and may not exceed \$500. For each
1752 additional place in which the applicant desires to conduct
1753 business and which the applicant names in the application, the
1754 additional license fee must be paid but may not exceed \$100
1755 annually. If a ~~Should any~~ dealer in agricultural products fails,
1756 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
1757 qualify for the renewal of a license on or before its ~~the date~~
1758 ~~of expiration~~ date ~~thereof~~, a penalty not to exceed \$100 shall
1759 apply to and be added to the ~~original~~ license fee for the
1760 principal place of business and to the license fee for each
1761 additional place of business named in the application and shall
1762 be paid by the applicant before the renewal license may be
1763 issued. The department by rule shall prescribe fee amounts
1764 sufficient to fund ss. 604.15-604.34.

1765 Section 58. Subsections (1) and (4) of section 604.20,
1766 Florida Statutes, are amended to read:

1767 604.20 Bond or certificate of deposit prerequisite; amount;
1768 form.—

1769 (1) Before any license is issued, the applicant therefor
1770 shall make and deliver to the department a surety bond or
1771 certificate of deposit in the amount of at least \$5,000 or in



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1772 such greater amount as the department may determine. No bond or
1773 certificate of deposit may be in an amount less than \$5,000. The
1774 penal sum of the bond or certificate of deposit to be furnished
1775 to the department by an applicant for license as a dealer in
1776 agricultural products shall be in an amount equal to twice the
1777 average of the monthly dollar amounts ~~amount~~ of agricultural
1778 products handled for a Florida producer or a producer's agent or
1779 representative, by purchase or otherwise, ~~during the month of~~
1780 ~~maximum transaction in such products~~ during the preceding 12-
1781 month period. Only those months in which the applicant handled,
1782 by purchase or otherwise, amounts equal to or greater than
1783 \$1,000 shall be used to calculate the penal sum of the required
1784 bond or certificate of deposit. An applicant for license who has
1785 not handled agricultural products for a Florida producer or a
1786 producer's agent or representative, by purchase or otherwise,
1787 during the preceding 12-month period shall furnish a bond or
1788 certificate of deposit in an amount equal to twice the estimated
1789 average of the monthly dollar amounts ~~amount~~ of such
1790 agricultural products to be handled, by purchase or otherwise,
1791 ~~during the month of maximum transaction~~ during the next
1792 immediate 12 months. Only those months in which the applicant
1793 anticipates handling, by purchase or otherwise, amounts equal to
1794 or greater than \$1,000 shall be used to calculate the penal sum
1795 of the required bond or certificate of deposit. Such bond or
1796 certificate of deposit shall be provided or assigned in the
1797 exact name in which the dealer will conduct business subject to
1798 the provisions of ss. 604.15-604.34. Such bond must be executed
1799 by a surety company authorized to transact business in the
1800 state. For the purposes of ss. 604.19-604.21, the term



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1801 "certificate of deposit" means a certificate of deposit at any
1802 recognized financial institution doing business in the United
1803 States. No certificate of deposit may be accepted in connection
1804 with an application for a dealer's license unless the issuing
1805 institution is properly insured by either the Federal Deposit
1806 Insurance Corporation or the Federal Savings and Loan Insurance
1807 Corporation. Such bond or any certificate of deposit assignment
1808 or agreement shall be upon a form prescribed or approved by the
1809 department and shall be conditioned to secure the faithful
1810 accounting for and payment, in the manner prescribed by s.
1811 604.21(9), to producers or their agents or representatives of
1812 the proceeds of all agricultural products handled or purchased
1813 by such dealer, ~~and~~ to secure payment to dealers who sell
1814 agricultural products to such dealer, and to pay any claims or
1815 costs ordered under s. 604.21 as the result of a complaint. Such
1816 bond or certificate of deposit assignment or agreement shall
1817 include terms binding the instrument to the Commissioner of
1818 Agriculture. A certificate of deposit shall be presented with an
1819 assignment of applicant's rights in the certificate in favor of
1820 the Commissioner of Agriculture on a form prescribed by the
1821 department and with a letter from the issuing institution
1822 acknowledging that the assignment has been properly recorded on
1823 the books of the issuing institution and will be honored by the
1824 issuing institution. Such assignment shall be irrevocable while
1825 the dealer's license is in effect and for an additional period
1826 of 6 months after the termination or expiration of the dealer's
1827 license, provided no complaint is pending against the licensee.
1828 If a complaint is pending, the assignment shall remain in effect
1829 until all actions on the complaint have been finalized. The



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1830 certificate of deposit may be released by the assignee of the
1831 financial institution to the licensee or the licensee's
1832 successors, assignee, or heirs if no claims are pending against
1833 the licensee before the department at the conclusion of 6 months
1834 after the last effective date of the license. No certificate of
1835 deposit shall be accepted that contains any provision that would
1836 give the issuing institution any prior rights or claim on the
1837 proceeds or principal of such certificate of deposit. The
1838 department shall determine by rule the maximum amount of bond or
1839 certificate of deposit required of a dealer and whether an
1840 annual bond or certificate of deposit will be required.

1841 (4) The department may issue a conditional license to an
1842 applicant who is unable to provide a single bond or certificate
1843 of deposit in the full amount required by the calculation in
1844 subsection (1). The conditional license shall remain in effect
1845 for a 1-year period to coincide with the effective period of the
1846 bond or certificate of deposit furnished by the applicant. The
1847 applicant must provide at least the minimum \$5,000 bond or
1848 certificate of deposit as provided in subsection (1) together
1849 with documentation from each of three separate bonding companies
1850 denying the applicants request for a surety bond in the full
1851 amount required in subsection (1) and one of the following:

1852 (a) A notarized affidavit limiting the handling of
1853 agricultural products, by purchase or otherwise, during their
1854 largest month to a minimum of one-half the amount of the bond or
1855 certificate of deposit provided by the applicant;

1856 (b) A notarized affidavit stating that any subject
1857 agricultural products, handled by purchase or otherwise,
1858 exceeding one-half of the amount of the bond or certificate of



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1859 deposit will be handled under the exemption provisions set forth
1860 in s. 604.16(2); or

1861 (c) A second bond or certificate of deposit in such an
1862 amount that, when the penal sum of the second bond or
1863 certificate of deposit is added to the penal sum of the first
1864 bond or certificate of deposit, the combined penal sum will
1865 equal twice the dollar amount of agricultural products handled
1866 for a Florida producer or a producer's agent or representative,
1867 by purchase or otherwise, during the month of maximum
1868 transaction in such products during the preceding 12-month
1869 period.

1870
1871 The department or its agents may require from any licensee who
1872 is issued a conditional license verified statements of the
1873 volume of the licensee's business or may review the licensee's
1874 records at the licensee's place of business during normal
1875 business hours to determine the licensee's adherence to the
1876 conditions of the license. The failure of a licensee to furnish
1877 such statement or to make such records available shall be cause
1878 for suspension of the licensee's conditional license. If the
1879 department finds such failure to be willful, the conditional
1880 license may be revoked.

1881 Section 59. Section 604.25, Florida Statutes, is amended to
1882 read:

1883 604.25 Denial of, refusal to renew ~~grant~~, or suspension or
1884 revocation of, license.-

1885 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
1886 ~~grant a license~~ or may suspend or revoke a license ~~already~~
1887 ~~granted~~ if the applicant or licensee has:



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1888 (1) ~~(a)~~ Suffered a monetary judgment entered against the
1889 applicant or licensee upon which is ~~execution has been returned~~
1890 unsatisfied;

1891 (2) ~~(b)~~ Made false charges for handling or services
1892 rendered;

1893 (3) ~~(c)~~ Failed to account promptly and properly or to make
1894 settlements with any producer;

1895 (4) ~~(d)~~ Made any false statement or statements as to
1896 condition, quality, or quantity of goods received or held for
1897 sale when the true condition, quality, or quantity could have
1898 been ascertained by reasonable inspection;

1899 (5) ~~(e)~~ Made any false or misleading statement or statements
1900 as to market conditions or service rendered;

1901 (6) ~~(f)~~ Been guilty of a fraud in the attempt to procure, or
1902 the procurement of, a license;

1903 (7) ~~(g)~~ Directly or indirectly sold agricultural products
1904 received on consignment or on a net return basis for her or his
1905 own account, without prior authority from the producer
1906 consigning the same, or without notifying such producer;

1907 (8) ~~(h)~~ Failed to prevent a person from holding a position
1908 as the applicant's or licensee's owner, officer, director,
1909 general or managing partner, or employee ~~Employed~~ in a
1910 responsible position ~~a person~~, or holding any other similarly
1911 situated position, if the person holds or has held a similar
1912 position with any entity that an officer of a corporation, who
1913 has failed to fully comply with an order of the department, has
1914 not satisfied a civil judgment held by the department, has
1915 pending any administrative or civil enforcement action by the
1916 department, or has pending any criminal charges pursuant to s.



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1917 ~~604.30 at any time within 1 year after issuance;~~

1918 ~~(9)(i) Violated any statute or rule relating to the~~
1919 ~~purchase or sale of any agricultural product, whether or not~~
1920 ~~such transaction is subject to the provisions of this chapter;~~
1921 ~~or~~

1922 ~~(10)(j) Failed to submit to the department an application,~~
1923 ~~appropriate license fees, and an acceptable surety bond or~~
1924 ~~certificate of deposit; or-~~

1925 ~~(11)(2) Failed If a licensee fails or refused refuses to~~
1926 ~~comply in full with an order of the department or failed to~~
1927 ~~satisfy a civil judgment owed to the department, her or his~~
1928 ~~license may be suspended or revoked, in which case she or he~~
1929 ~~shall not be eligible for license for a period of 1 year or~~
1930 ~~until she or he has fully complied with the order of the~~
1931 ~~department.~~

1932 ~~(3) No person, or officer of a corporation, whose license~~
1933 ~~has been suspended or revoked for failure to comply with an~~
1934 ~~order of the department may hold a responsible position with a~~
1935 ~~licensee for a period of 1 year or until the order of the~~
1936 ~~department has been fully complied with.~~

1937 Section 60. Subsections (18) and (19) of section 616.242,
1938 Florida Statutes, are renumbered as subsections (19) and (20),
1939 respectively, and a new subsection (18) is added to that section
1940 to read:

1941 616.242 Safety standards for amusement rides.-

1942 (18) STOP-OPERATION ORDERS.-If an owner or amusement ride
1943 fails to comply with this chapter or any rule adopted under this
1944 chapter, the department may issue a stop-operation order.

1945 Section 61. Subsection (4) of section 686.201, Florida



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1946 Statutes, is amended to read:

1947 686.201 Sales representative contracts involving
1948 commissions; requirements; termination of agreement; civil
1949 remedies.—

1950 (4) This section does not apply to persons licensed
1951 pursuant to chapter 475 who are performing services within the
1952 scope of their license or to contracts to which a seller of
1953 travel as defined in s. 559.927 is a party.

1954 Section 62. Paragraph (c) of subsection (5) of section
1955 790.06, Florida Statutes, is amended to read:

1956 790.06 License to carry concealed weapon or firearm.—

1957 (5) The applicant shall submit to the Department of
1958 Agriculture and Consumer Services:

1959 (c) A full set of fingerprints of the applicant
1960 administered by a law enforcement agency or the Division of
1961 Licensing of the Department of Agriculture and Consumer
1962 Services.

1963 Section 63. Sections 570.071 and 570.901, Florida Statutes,
1964 are repealed.

1965 Section 64. Subsection (1) of section 205.064, Florida
1966 Statutes, is amended to read:

1967 205.064 Farm, aquacultural, grove, horticultural,
1968 floricultural, tropical piscicultural, and tropical fish farm
1969 products; certain exemptions.—

1970 (1) A local business tax receipt is not required of any
1971 ~~natural~~ person for the privilege of engaging in the selling of
1972 farm, aquacultural, grove, horticultural, floricultural,
1973 tropical piscicultural, or tropical fish farm products, or
1974 products manufactured therefrom, except intoxicating liquors,



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1975 wine, or beer, when such products were grown or produced by such
1976 ~~natural~~ person in the state.

1977 Section 65. Subsection (20) of section 322.01, Florida
1978 Statutes, is amended to read:

1979 322.01 Definitions.—As used in this chapter:

1980 (20) "Farm tractor" means a motor vehicle that is:

1981 (a) Operated principally on a farm, grove, or orchard in
1982 agricultural or horticultural pursuits and that is operated on
1983 the roads of this state only incidentally to transportation
1984 between the owner's or operator's headquarters and the farm,
1985 grove, or orchard or between one farm, grove, or orchard and
1986 another; or

1987 (b) Designed and used primarily as a farm implement for
1988 drawing plows, mowing machines, and other implements of
1989 husbandry.

1990 Section 66. Paragraph (n) of subsection (1) of section
1991 500.03, Florida Statutes, is amended to read:

1992 500.03 Definitions; construction; applicability.—

1993 (1) For the purpose of this chapter, the term:

1994 (n) "Food establishment" means any factory, food outlet, or
1995 any other facility manufacturing, processing, packing, holding,
1996 or preparing food, or selling food at wholesale or retail. The
1997 term does not include any business or activity that is regulated
1998 under chapter 509 or chapter 601. The term includes tomato
1999 packinghouses and repackers but does not include any other
2000 establishments that pack fruits and vegetables in their raw or
2001 natural states, including those fruits or vegetables that are
2002 washed, colored, or otherwise treated in their unpeeled, natural
2003 form before they are marketed.



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2004 Section 67. Section 500.70, Florida Statutes, is created to
2005 read:

2006 500.70 Tomato food safety standards; inspections;
2007 penalties; tomato good agricultural practices; tomato best
2008 management practices.-

2009 (1) As used in this section, the term:

2010 (a) "Field packing" means the packing of tomatoes on a
2011 tomato farm or in a tomato greenhouse into containers for sale
2012 for human consumption without transporting the tomatoes to a
2013 packinghouse.

2014 (b) "Packing" or "repacking" means the packing of tomatoes
2015 into containers for sale for human consumption. The term
2016 includes the sorting or separating of tomatoes into grades and
2017 sizes. The term also includes field packing.

2018 (c) "Producing" means the planting, growing, or cultivating
2019 of tomatoes on a tomato farm or in a tomato greenhouse for sale
2020 for human consumption.

2021 (2) The department may adopt rules establishing food safety
2022 standards to safeguard the public health and promote the public
2023 welfare by protecting the consuming public from injury caused by
2024 the adulteration or the microbiological, chemical, or
2025 radiological contamination of tomatoes. The rules must be based
2026 on federal requirements, available scientific research,
2027 generally accepted industry practices, and recommendations of
2028 food safety professionals. The rules shall apply to the
2029 producing, harvesting, packing, and repacking of tomatoes for
2030 sale for human consumption by a tomato farm, tomato greenhouse,
2031 or tomato packinghouse or repacker in this state. The rules may
2032 include, but are not limited to, standards for:



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2033 (a) Registration with the department of a person who
2034 produces, harvests, packs, or repacks tomatoes in this state who
2035 does not hold a food permit issued under s. 500.12.

2036 (b) Proximity of domestic animals and livestock to the
2037 production areas for tomatoes.

2038 (c) Food safety related use of water for irrigation during
2039 production and washing of tomatoes after harvest.

2040 (d) Use of fertilizers.

2041 (e) Cleaning and sanitation of containers, materials,
2042 equipment, vehicles, and facilities, including storage and
2043 ripening areas.

2044 (f) Health, hygiene, and sanitation of employees who handle
2045 tomatoes.

2046 (g) Training and continuing education of a person who
2047 produces, harvests, packs, or repacks tomatoes in this state,
2048 and the person's employees who handle tomatoes.

2049 (h) Labeling and recordkeeping, including standards for
2050 identifying and tracing tomatoes for sale for human consumption.

2051 (3) (a) The department may inspect tomato farms, tomato
2052 greenhouses, tomato packinghouses, repacking locations, or any
2053 vehicle being used to transport or hold tomatoes to ensure
2054 compliance with the applicable provisions of this chapter, and
2055 the rules adopted under this chapter.

2056 (b) The department may impose an administrative fine not to
2057 exceed \$5,000 per violation, or issue a written notice or
2058 warning under s. 500.179, against a person who violates any
2059 applicable provision of this section, or any rule adopted under
2060 this section.

2061 (4) (a) The department may adopt rules establishing tomato



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2062 good agricultural practices and tomato best management practices
2063 for the state's tomato industry based on applicable federal
2064 requirements, available scientific research, generally accepted
2065 industry practices, and recommendations of food safety
2066 professionals.

2067 (b) A person who documents compliance with the department's
2068 rules, tomato good agricultural practices, and tomato best
2069 management practices is presumed to introduce tomatoes into the
2070 stream of commerce that are safe for human consumption, unless
2071 the department identifies noncompliance through inspections.

2072 (5) Subsections (2) and (4) do not apply to tomatoes sold
2073 by the grower on the premises at which the tomatoes are grown or
2074 at a local farmers' market, if the quantity of tomatoes sold
2075 does not exceed two 25-pound boxes per customer.

2076 (6) The department may adopt rules pursuant to ss.
2077 120.536(1) and 120.54 to administer this section.

2078 Section 68. Subsection (10) of section 570.07, Florida
2079 Statutes, is amended to read:

2080 570.07 Department of Agriculture and Consumer Services;
2081 functions, powers, and duties.—The department shall have and
2082 exercise the following functions, powers, and duties:

2083 (10) To act as adviser to producers and distributors, when
2084 requested, ~~and~~ to assist them in the economical and efficient
2085 distribution of their agricultural products, ~~and~~ to encourage
2086 cooperative effort among producers to gain economical and
2087 efficient production of agricultural products, and to adopt
2088 rules establishing comprehensive best management practices for
2089 agricultural production and food safety.

2090 Section 69. Paragraph (e) of subsection (2) of section



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2091 570.48, Florida Statutes, is amended to read:

2092 570.48 Division of Fruit and Vegetables; powers and duties;
2093 records.—The duties of the Division of Fruit and Vegetables
2094 include, but are not limited to:

2095 (2)

2096 (e) Performing tomato food safety inspections under s.
2097 500.70 on tomato farms, in tomato greenhouses, and in tomato
2098 packinghouses and repackers.

2099 Section 70. Subsection (1) of section 604.15, Florida
2100 Statutes, is amended to read:

2101 604.15 Dealers in agricultural products; definitions.—For
2102 the purpose of ss. 604.15-604.34, the following words and terms,
2103 when used, shall be construed to mean:

2104 (1) "Agricultural products" means the natural products of
2105 the farm, nursery, grove, orchard, vineyard, garden, and apiary
2106 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
2107 livestock; milk and milk products; poultry and poultry products;
2108 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
2109 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
2110 Persian, Tahiti, Bearss, or Florida Key limes); and any other
2111 nonexempt agricultural products produced in the state, except
2112 tobacco, sugarcane, tropical foliage, timber and timber
2113 byproducts, forest products as defined in s. 591.17, and citrus
2114 other than limes.

2115 Section 71. Subsection (7) is added to section 624.4095,
2116 Florida Statutes, to read:

2117 624.4095 Premiums written; restrictions.—

2118 (7) For purposes of this section and s. 624.407, with
2119 regard to capital and surplus required, gross written premiums



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2120 for federal multi-peril crop insurance that is ceded to the
2121 Federal Crop Insurance Corporation and authorized reinsurers
2122 shall not be included when calculating the insurer's gross
2123 writing ratio. The liabilities for ceded reinsurance premiums
2124 payable for federal multi-peril crop insurance ceded to the
2125 Federal Crop Insurance Corporation and authorized reinsurers
2126 shall be netted against the asset for amounts recoverable from
2127 reinsurers. Each insurer that writes other insurance products
2128 together with federal multi-peril crop insurance shall disclose
2129 in the notes to the annual and quarterly financial statement, or
2130 file a supplement to the financial statement that discloses, a
2131 breakout of the gross written premiums for federal multi-peril
2132 crop insurance.

2133 Section 72. Section 823.145, Florida Statutes, is amended
2134 to read:

2135 823.145 Disposal by open burning of certain materials ~~mulch~~
2136 ~~plastic~~ used in agricultural operations.—Polyethylene
2137 agricultural ~~mulch~~ plastic; damaged, nonsalvageable, untreated
2138 wood pallets; and packing material that cannot be feasibly
2139 recycled, which are used in connection with agricultural
2140 operations related to the growing, harvesting, or maintenance of
2141 crops, may be disposed of by open burning provided that no
2142 public nuisance or any condition adversely affecting the
2143 environment or the public health is created thereby and that
2144 state or federal national ambient air quality standards are not
2145 violated.

2146 Section 73. Subsection (4) of section 163.3162, Florida
2147 Statutes, is amended to read:

2148 163.3162 Agricultural Lands and Practices Act.—



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2149 (4) DUPLICATION OF REGULATION.—Except as otherwise provided
2150 in this section and s. 487.051(2), and notwithstanding any other
2151 law, including any provision of chapter 125 or this chapter, a
2152 county may not exercise any of its powers to adopt or enforce
2153 any ordinance, resolution, regulation, rule, or policy to
2154 prohibit, restrict, regulate, or otherwise limit an activity of
2155 a bona fide farm operation on land classified as agricultural
2156 land pursuant to s. 193.461, if such activity is regulated
2157 through implemented best management practices, interim measures,
2158 or regulations adopted as rules under chapter 120 ~~developed~~ by
2159 the Department of Environmental Protection, the Department of
2160 Agriculture and Consumer Services, or a water management
2161 district ~~and adopted under chapter 120~~ as part of a statewide or
2162 regional program; or if such activity is expressly regulated by
2163 the United States Department of Agriculture, the United States
2164 Army Corps of Engineers, or the United States Environmental
2165 Protection Agency. A county may not charge an assessment or fee
2166 for stormwater management on a bona fide farm operation on land
2167 classified as agricultural land pursuant to s. 193.461, if the
2168 farm operation has a National Pollutant Discharge Elimination
2169 System permit, environmental resource permit, or works-of-the-
2170 district permit or implements best management practices adopted
2171 as rules under chapter 120 by the Department of Environmental
2172 Protection, the Department of Agriculture and Consumer Services,
2173 or a water management district as part of a statewide or
2174 regional program. However, this subsection does not prohibit a
2175 county from charging an assessment or fee for stormwater
2176 management on a bona fide farm operation that does not have a
2177 National Pollutant Discharge Elimination System permit,



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2178 environmental resource permit, or works-of-the-district permit,
2179 or has not implemented water quality and quantity best-
2180 management practices as described in this subsection. For those
2181 counties that, before March 1, 2009, adopted a stormwater
2182 utility ordinance, resolution, or municipal services benefit
2183 unit or, before March 1, 2009, adopted a resolution stating its
2184 intent to use the uniform method of collection pursuant to s.
2185 197.3632 for such stormwater ordinances, the county may continue
2186 to charge an assessment or fee for stormwater management on a
2187 bona fide farm operation on land classified as agricultural
2188 pursuant to s. 193.461 if the ordinance provides credits against
2189 the assessment or fee on a bona fide farm operation for the
2190 implementation of best-management practices adopted as rules
2191 under chapter 120 by the Department of Environmental Protection,
2192 the Department of Agriculture and Consumer Services, or a water
2193 management district as part of a statewide or regional program,
2194 or stormwater quality and quantity measures required as part of
2195 a National Pollutant Discharge Elimination System permit,
2196 environmental resource permit, or works-of-the-district permit
2197 or implementation of best-management practices or alternative
2198 measures which the landowner demonstrates to the county to be of
2199 equivalent or greater stormwater benefit than those provided by
2200 implementation of best-management practices adopted as rules
2201 under chapter 120 by the Department of Environmental Protection,
2202 the Department of Agriculture and Consumer Services, or a water
2203 management district as part of a statewide or regional program,
2204 or stormwater quality and quantity measures required as part of
2205 a National Pollutant Discharge Elimination System permit,
2206 environmental resource permit, or works-of-the-district permit.



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2207 (a) When an activity of a farm operation takes place within
2208 a wellfield protection area as defined in any wellfield
2209 protection ordinance adopted by a county, and the implemented
2210 best management practice, regulation, or interim measure does
2211 not specifically address wellfield protection, a county may
2212 regulate that activity pursuant to such ordinance. This
2213 subsection does not limit the powers and duties provided for in
2214 s. 373.4592 or limit the powers and duties of any county to
2215 address an emergency as provided for in chapter 252.

2216 (b) This subsection may not be construed to permit an
2217 existing farm operation to change to a more excessive farm
2218 operation with regard to traffic, noise, odor, dust, or fumes
2219 where the existing farm operation is adjacent to an established
2220 homestead or business on March 15, 1982.

2221 (c) This subsection does not limit the powers of a
2222 predominantly urbanized county with a population greater than
2223 1,500,000 and more than 25 municipalities, not operating under a
2224 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
2225 VIII of the Constitution of 1885, as preserved by s. 6(e), Art.
2226 VIII of the Constitution of 1968, which has a delegated
2227 pollution control program under s. 403.182 and includes drainage
2228 basins that are part of the Everglades Stormwater Program, to
2229 enact ordinances, regulations, or other measures to comply with
2230 the provisions of s. 373.4592, or which are necessary to
2231 carrying out a county's duties pursuant to the terms and
2232 conditions of any environmental program delegated to the county
2233 by agreement with a state agency.

2234 (d) For purposes of this subsection, a county ordinance
2235 that regulates the transportation or land application of



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2236 domestic wastewater residuals or other forms of sewage sludge
2237 shall not be deemed to be duplication of regulation.

2238 (e) This subsection does not limit a county's powers to:

2239 1. Enforce wetlands, springs protection, or stormwater
2240 ordinances, regulations, or rules adopted before January 15,
2241 2009.

2242 2. Enforce wetlands, springs protection, or stormwater
2243 ordinances, regulations, or rules pertaining to the Wekiva River
2244 Protection Area.

2245 3. Enforce ordinances, regulations, or rules as directed by
2246 law or implemented consistent with the requirements of a program
2247 operated under a delegation agreement from a state agency or
2248 water management district.

2249
2250 As used in this paragraph, the term "wetlands" has the same
2251 meaning as defined in s. 373.019.

2252 (f) The provisions of this subsection that limit a county's
2253 authority to adopt or enforce any ordinance, regulation, rule,
2254 or policy, or to charge any assessment or fee for stormwater
2255 management, apply only to a bona fide farm operation as
2256 described in this subsection.

2257 Section 74. Section 163.3163, Florida Statutes, is created
2258 to read:

2259 163.3163 Applications for development permits; disclosure
2260 and acknowledgement of neighboring agricultural land.—

2261 (1) This section may be cited as the "Agricultural Land
2262 Acknowledgement Act."

2263 (2) The Legislature finds that nonagricultural land which
2264 neighbors agricultural land may adversely affect agricultural



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2265 production and farm operations on the agricultural land and may
2266 lead to the agricultural land's conversion to urban, suburban,
2267 or other nonagricultural uses. The Legislature intends to
2268 preserve and encourage agricultural land use and to reduce the
2269 occurrence of conflicts between agricultural and nonagricultural
2270 land uses. The purpose of this section is to ensure that
2271 generally accepted agricultural practices will not be subject to
2272 interference by residential use of land contiguous to
2273 agricultural land.

2274 (3) As used in this section, the term:

2275 (a) "Agricultural land" means land classified as
2276 agricultural land pursuant to s. 193.461.

2277 (b) "Contiguous" means touching, bordering, or adjoining
2278 along a boundary. For purposes of this section, properties that
2279 would be contiguous if not separated by a roadway, railroad, or
2280 other public easement are considered contiguous.

2281 (c) "Farm operation" has the same meaning as defined in s.
2282 823.14.

2283 (4) (a) Before a political subdivision issues a local land
2284 use permit, building permit, or certificate of occupancy for
2285 nonagricultural land contiguous to agricultural land, the
2286 political subdivision shall require that, as a condition of
2287 issuing the permit or certificate, the applicant for the permit
2288 or certificate sign and submit to the political subdivision, in
2289 a format that is recordable in the official records of the
2290 county in which the political subdivision is located, a written
2291 acknowledgement of contiguous agricultural land in the following
2292 form:
2293



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2294 ACKNOWLEDGEMENT OF CONTIGUOUS AGRICULTURAL LAND

2295
2296 I, ...(name of applicant)..., understand that my property
2297 located at ...(address of nonagricultural land)..., as further
2298 described in the attached legal description, is contiguous to
2299 agricultural land located at ...(address of agricultural
2300 land)..., as further described in the attached legal
2301 description.

2302 I acknowledge and understand that the farm operation on the
2303 contiguous agricultural land identified herein will be conducted
2304 according to generally accepted agricultural practices as
2305 provided in the Florida Right to Farm Act, s. 823.14, Florida
2306 Statutes.

2307 Signature: ...(signature of applicant)....

2308 Date: ...(date)....

2309
2310 (b) An acknowledgement submitted to a political subdivision
2311 under paragraph (a) shall be recorded in the official records of
2312 the county in which the political subdivision is located.

2313 Section 75. Section 604.50, Florida Statutes, is amended to
2314 read:

2315 604.50 Nonresidential farm buildings and farm fences.-
2316 Notwithstanding any other law to the contrary, any
2317 nonresidential farm building or farm fence is exempt from the
2318 Florida Building Code and any county or municipal ~~building~~ code
2319 or fee, except for code provisions implementing local, state, or
2320 federal floodplain management regulations. For purposes of this
2321 section, the term "nonresidential farm building" means any
2322 building or support structure that is used for agricultural



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2323 purposes, is located on a farm that is not used as a residential
2324 dwelling, and is located on land that is an integral part of a
2325 farm operation or is classified as agricultural land under s.
2326 193.461. The term "farm" is as defined in s. 823.14.

2327 Section 76. Chapter 598, Florida Statutes, consisting of
2328 sections 598.001, 598.002, 598.003, 598.004, 598.005, 598.006,
2329 598.007, 598.008, 598.009, 598.011, and 598.012, is created to
2330 read:

2331 CHAPTER 598

2332 ARBORICULTURE

2333 598.001 Short title.—This chapter may be cited as the
2334 "Florida Arborist Licensing Law."

2335 598.002 Purpose.—It is declared to be the public policy of
2336 the state that, in order to safeguard life, health, and
2337 property; the mitigation of property insurance; the cleanup of
2338 damage from hurricanes, tropical storms, and other severe storm
2339 events; and the public well-being of its citizens, any person
2340 practicing or offering to practice arboriculture in this state
2341 as a licensed arborist shall meet the requirements of this
2342 chapter.

2343 598.003 Definitions.—As used in this chapter:

2344 (1) "Arboriculture" or "arboriculture services" means:

2345 (a) Any tree service, including, but not limited to, a
2346 written or oral report, a recommendation, an opinion, or a
2347 consultation done for compensation relating to the improvement
2348 of the condition of shade, ornamental, palm, or fruit trees by
2349 fertilizing, pruning, trimming, bracing, or other methods of
2350 improving, diagnosing, or protecting such trees from tree pests,
2351 excluding activities regulated under chapter 482 and the



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2352 activities of a nursery as defined in s. 581.011(20) and (22),
2353 or diagnosing or protecting such trees from tree diseases and
2354 abiotic agents, or curing or repairing any damage to such trees,
2355 including, but not limited to, pruning, removal, preservation,
2356 repair, cabling and bracing, lightning protection, root pruning,
2357 root excavation, tree assessments, tree maintenance and care,
2358 trimming, cutting, sawing, or removal of trees that have been
2359 damaged to such an extent as to cause or threaten injury to life
2360 or property.

2361 (b) A service performed in connection with post-storm
2362 cleanup of damage from hurricanes, tropical storms, and other
2363 storm events that involves substantial work hours. A post-storm
2364 cleanup service includes, but is not limited to, storm damage
2365 resulting in downed, damaged, or uprooted trees, or parts of
2366 trees, of substantial size and weight in excess of 50 pounds
2367 that threaten the structural integrity of residential or
2368 commercial structures; involve any type of power lines; impede
2369 traffic on streets, driveways, and other vehicular access roads;
2370 require extensive use of compression or chain saws; and involve
2371 any related skilled service.

2372 (c) This chapter does not:

2373 1. Prohibit any person from practicing arboriculture or
2374 providing arboriculture services as defined in this chapter if
2375 such person does not hold himself or herself out as a state-
2376 licensed arborist unless he or she is licensed in compliance
2377 with this chapter.

2378 2. Require any person to be a member of the International
2379 Society of Arboriculture in order to be licensed under this
2380 chapter.



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2381 (d) A landscape architect licensed under part II of chapter
2382 481 is authorized to practice arboriculture; however, as
2383 provided in s. 598.006(4), only a person licensed under this
2384 chapter may hold herself or himself out as a state-licensed
2385 arborist.

2386 (e) To prevent injury to life or property after a disaster,
2387 state emergency response team members designated under the state
2388 comprehensive emergency management plan pursuant to chapter 252
2389 are authorized to provide and conduct charitable arboriculture
2390 services and to train volunteers to provide such services;
2391 however, as provided in s. 598.006(4), only a person licensed
2392 under this chapter may hold herself or himself out as a state-
2393 licensed arborist.

2394 (2) "Arborist of record" means a Florida-licensed arborist
2395 in good standing who is employed by or contracting with a firm,
2396 corporation, partnership, employer, or person; who supervises
2397 employees providing arboriculture services; and who issues
2398 authorization cards to persons performing services under her or
2399 his supervision.

2400 (3) "Department" means the Department of Agriculture and
2401 Consumer Services.

2402 (4) "Landscape tree maintenance" means maintenance
2403 performed when standing on the ground or when performed on trees
2404 less than 4 inches in diameter at breast height as referenced in
2405 the Guide to Plant Appraisal.

2406 (5) "Licensed arborist" means a person who has fulfilled
2407 the International Society of Arboriculture requirements for
2408 arborist certification or for certification as a Board Certified
2409 Master Arborist, whose certification is current, and who meets



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2410 the requirements of s. 598.006.

2411 (6) "Person" means a person as defined in s. 1.01(3).

2412 (7) "Practice of arboriculture" means the performance of,
2413 or offer to perform, an arboriculture service, including, but
2414 not limited to, a written or oral report, consultation,
2415 investigation, evaluation, or planning, relating to
2416 arboriculture, excluding landscape tree maintenance as defined
2417 in this section and as otherwise excluded by this chapter. A
2418 person shall be construed to be engaged in the practice of
2419 arboriculture if she or he:

2420 (a) By verbal claim, sign, advertisement, letterhead, card,
2421 or any other means represents herself or himself to be an
2422 arborist;

2423 (b) Through the use of some title implies that she or he is
2424 an arborist licensed under this chapter; or

2425 (c) Holds herself or himself out as able to perform or does
2426 perform any arboriculture services or work recognized as an
2427 arborist.

2428 598.004 Powers and duties of the Department of Agriculture
2429 and Consumer Services; rulemaking.—The department shall have all
2430 powers and duties necessary to implement the provisions of this
2431 chapter, including, but not limited to, the authority to adopt
2432 rules pursuant to ss. 120.536(1) and 120.54 to implement the
2433 following:

2434 (1) Organizational and operational guidance regarding the
2435 practice of arboriculture, arborists of record, and the
2436 requirements of the law regarding licensed arborists.

2437 (2) Licensure process, including, but not limited to,
2438 requirements and procedures for licensure; insurance



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2439 requirements and standards of the International Society of
2440 Arboriculture for licensed arborists; authorization cards;
2441 annual license renewal; language relating to licensure that may
2442 be used by licensed arborists for public information; duplicate
2443 licenses; lost, destroyed, or mutilated licenses; and inactive
2444 and reactivated licenses.

2445 (3) Setting of fees for licensure and annual renewal and
2446 other license fees as provided in s. 598.005.

2447 (4) Provision of a roster of licensed arborists.

2448 598.005 Fees.—

2449 (1) The department shall by rule set fees as provided in
2450 this section. The amount of the fees shall not exceed the cost
2451 of the implementing, reviewing, or administrative processing of
2452 the particular activity or process. Licensure fees are
2453 nonrefundable and shall not exceed \$300 annually.

2454 (2) Fees collected under this chapter shall be deposited
2455 into the Incidental Trust Fund of the Division of Forestry of
2456 the department and shall be used to defray expenses in the
2457 administration of this chapter.

2458 598.006 Licensure procedures and requirements; issuance of
2459 licenses.—

2460 (1) Each applicant for licensure shall:

2461 (a) Submit to the department an application for licensure
2462 that has been reviewed by the Florida Chapter, Board of
2463 Directors, International Society of Arboriculture, Inc., for
2464 completeness and compliance with this section, together with the
2465 nonrefundable fee set by the department under s. 598.005;

2466 (b) Furnish proof that she or he is at least 18 years of
2467 age;



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2468 (c) Disclose any information related to the provisions of
2469 subsection (2);

2470 (d) Submit evidence of current certification by the
2471 International Society of Arboriculture as a Board Certified
2472 Arborist or as a Board Certified Master Arborist;

2473 (e) Provide proof of liability, required workers'
2474 compensation, and errors and omissions insurance; however, an
2475 applicant employed by a statutorily recognized governmental
2476 entity shall not be required to carry errors and omissions
2477 insurance or liability insurance if the entity is self-insured.
2478 Within 30 days after the termination of the person's employment
2479 with the governmental entity, the person shall fully comply with
2480 the requirements of this subsection; and

2481 (f) Submit a signed statement that the applicant will
2482 comply with arboriculture industry standards, including, but not
2483 limited to, the national standards for tree operations and
2484 safety approved by the American National Standards Institute,
2485 the standards of the International Society of Arboriculture, and
2486 best management practices adopted by rule by the department.

2487 (2) The department may deny or refuse to renew the license
2488 of any applicant or state-licensed arborist upon a determination
2489 that the applicant or state-licensed arborist:

2490 (a) Has failed to meet the requirements for licensure as
2491 provided in this chapter;

2492 (b) Has been convicted of a crime involving fraud,
2493 dishonest dealing, or any other act of moral turpitude;

2494 (c) Has not satisfied a civil fine or penalty arising out
2495 of any administrative or enforcement action brought by any
2496 governmental agency or private person based upon conduct



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2497 involving fraud, dishonest dealing, or any violation of this
2498 act;

2499 (d) Has pending against her or him any criminal,
2500 administrative, or enforcement proceedings in any jurisdiction,
2501 based upon conduct involving fraud, dishonest dealing, or any
2502 other act of moral turpitude; or

2503 (e) Has had a judgment entered against her or him in any
2504 action brought by the department or the Department of Legal
2505 Affairs pursuant to ss. 501.201-501.213 or this chapter.

2506 (3) Any person licensed under this section who fails to
2507 maintain compliance with subsection (1) shall have her or his
2508 license suspended or revoked by the department.

2509 (4) A person may not hold herself or himself out as a
2510 licensed Florida arborist unless the person has been issued a
2511 license pursuant to this chapter.

2512 (5) All final arboriculture papers or documents involving
2513 the practice of the profession of arboriculture under the
2514 supervision of a Florida-licensed arborist of record that have
2515 been prepared or approved for use by a firm, corporation,
2516 partnership, or person, for delivery to any person for public
2517 record within the state, shall be dated and bear the signature
2518 and seal of the Florida-licensed arborist of record who
2519 prepared, supervised, or approved the documents and who was
2520 responsible for the supervision of persons performing
2521 arboricultural services.

2522 598.007 Renewal of licenses; notice of address of primary
2523 place of business.—

2524 (1) The department shall renew a license upon receipt of
2525 satisfactory evidence that the applicant's International Society



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2526 of Arboriculture certification is current and that the applicant
2527 is otherwise in compliance with this chapter and department
2528 rules.

2529 (2) The licensed arborist must have on file with the
2530 department the address of her or his primary place of practice.
2531 Within 30 days after changing the address of her or his primary
2532 place of practice, the licensed arborist must notify the
2533 department of the address of the new primary place of practice.

2534 598.008 Inactive licenses; reactivated licenses; suspended
2535 or revoked licenses.—A licensed arborist whose license has
2536 become inactive, suspended, or revoked shall have her or his
2537 license reactivated only upon written request to the department
2538 and approval by the department to reactivate the license.

2539 598.009 Lost, destroyed, stolen, or mutilated licenses.—A
2540 duplicate license for a licensed arborist may be issued to
2541 replace a license that has been lost, destroyed, stolen, or
2542 mutilated, subject to rules of the department. Licenses issued
2543 under this section shall be marked with the word "DUPLICATE."

2544 598.011 Roster of licensed arborists.—The department shall
2545 maintain a roster showing the names and places of business of
2546 all licensed arborists in the state, based on requests for
2547 licensure.

2548 598.012 The department may enforce the provisions of this
2549 chapter by the use of notices to desist, appropriate judicial
2550 proceedings, or administrative proceedings under chapter 120.

2551 Section 77. Subsection (1) of section 604.15, Florida
2552 Statutes, is amended to read:

2553 604.15 Dealers in agricultural products; definitions.—For
2554 the purpose of ss. 604.15-604.34, the following words and terms,



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2555 when used, shall be construed to mean:

2556 (1) "Agricultural products" means the natural products of
2557 the farm, nursery, grove, orchard, vineyard, garden, and apiary
2558 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
2559 livestock; milk and milk products; poultry and poultry products;
2560 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
2561 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
2562 Persian, Tahiti, Bearss, or Florida Key limes); and any other
2563 nonexempt agricultural products produced in the state, except
2564 tobacco, sugarcane, tropical foliage, timber and timber
2565 byproducts, forest products as defined in s. 591.17, and citrus
2566 other than limes.

2567 Section 78. There is hereby appropriated to the Department
2568 of Agriculture and Consumer Services one position and associated
2569 rate and expenses of \$72,280 from the Incidental Trust Fund in
2570 order to carry out the provisions of section 1 of this act.

2571
2572 ===== T I T L E A M E N D M E N T =====

2573 And the title is amended as follows:

2574 Delete everything before the enacting clause
2575 and insert:

2576 An act relating to arboriculture; amending s. 482.021,
2577 F.S.; revising terminology to modify requirements for
2578 supervision provided by certified operators in charge
2579 of pest control businesses; amending s. 482.051, F.S.;
2580 requiring pest control licensees to perform
2581 inspections before issuing certain contracts; amending
2582 s. 482.071, F.S.; increasing the financial
2583 responsibility requirements for pest control



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2584 licenses; creating s. 482.072, F.S.; requiring pest
2585 control service center licenses; providing license
2586 application requirements and procedures; providing for
2587 expiration and renewal of licenses; establishing
2588 license fees; exempting pest control service center
2589 employees from identification card requirements except
2590 under certain circumstances; requiring recordkeeping
2591 and monitoring of service center operations;
2592 authorizing disciplinary action against pest control
2593 licensees for violations committed by service center
2594 employees; amending s. 482.152, F.S.; revising duties
2595 and supervisory requirements of certified operators in
2596 charge of pest control businesses; creating s.
2597 482.157, F.S.; providing for pest control
2598 certification of commercial wildlife management
2599 personnel; providing application procedures and
2600 requirements; requiring a certification examination;
2601 establishing certification fees; amending s. 482.226,
2602 F.S.; increasing the financial responsibility
2603 requirements for certain pest control licensees;
2604 amending s. 493.6102, F.S.; specifying that provisions
2605 regulating security officers do not apply to certain
2606 officers performing off-duty activities; amending s.
2607 493.6105, F.S.; revising application requirements and
2608 procedures for private investigator, security officer,
2609 or recovery agent licenses; specifying application
2610 requirements for firearms instructor license; amending
2611 s. 493.6106, F.S.; revising citizenship requirements
2612 and documentation for private investigator, security



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2613 officer, and recovery agent licenses; prohibiting the
2614 licensure of applicants for a statewide firearm
2615 license or firearms instructor license who are
2616 prohibited from purchasing or possessing firearms;
2617 requiring notice of changes to branch office locations
2618 for private investigative, security, or recovery
2619 agencies; amending s. 493.6107, F.S.; requiring the
2620 department to accept certain methods of payment for
2621 certain fees; amending s. 493.6108, F.S.; revising
2622 requirements for criminal history checks of license
2623 applicants whose fingerprints are not legible;
2624 requiring investigation of the mental and emotional
2625 fitness of applicants for firearms instructor
2626 licenses; amending s. 493.6111, F.S.; requiring a
2627 security officer school or recovery agent school to
2628 obtain the department's approval for use of a
2629 fictitious name; amending s. 493.6113, F.S.; revising
2630 application renewal procedures and requirements;
2631 amending s. 493.6115, F.S.; conforming cross-
2632 references; amending s. 493.6118, F.S.; authorizing
2633 disciplinary action against statewide firearm
2634 licensees and firearms instructor licensees who are
2635 prohibited from purchasing or possessing firearms;
2636 amending s. 493.6121, F.S.; deleting provisions for
2637 the department's access to certain criminal history
2638 records provided to licensed gun dealers,
2639 manufactures, and exporters; amending s. 493.6202,
2640 F.S.; requiring the department to accept certain
2641 methods of payment for certain fees; amending s.



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2642 493.6203, F.S.; prohibiting bodyguard services from
2643 being credited toward certain license requirements;
2644 revising training requirements for private
2645 investigator intern license applicants; amending s.
2646 493.6302, F.S.; requiring the department to accept
2647 certain methods of payment for certain fees; amending
2648 s. 493.6303, F.S.; revising the training requirements
2649 for security officer license applicants; amending s.
2650 493.6304, F.S.; revising application requirements and
2651 procedures for security officer school licenses;
2652 amending s. 493.6401, F.S.; revising terminology for
2653 recovery agent schools and training facilities;
2654 amending s. 493.6402, F.S.; revising terminology for
2655 recovery agent schools and training facilities;
2656 requiring the department to accept certain methods of
2657 payment for certain fees; amending s. 493.6406, F.S.;
2658 requiring recovery agent school and instructor
2659 licenses; providing license application requirements
2660 and procedures; amending ss. 501.605 and 501.607,
2661 F.S.; revising application requirements for commercial
2662 telephone seller and salesperson licenses; amending s.
2663 501.913, F.S.; specifying the sample size required for
2664 antifreeze registration application; amending s.
2665 525.01, F.S.; revising requirements for petroleum fuel
2666 affidavits; amending s. 525.09, F.S.; imposing an
2667 inspection fee on certain alternative fuels containing
2668 alcohol; amending s. 526.50, F.S.; defining terms
2669 applicable to regulation of the sale of brake fluid;
2670 amending s. 526.51, F.S.; revising brake fluid permit



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2671 application requirements; deleting permit renewal
2672 requirements; providing for reregistration of brake
2673 fluid and establishing fees; amending s. 526.52, F.S.;
2674 revising requirements for printed statements on brake
2675 fluid containers; amending s. 526.53, F.S.; revising
2676 requirements and procedures for brake fluid stop-sale
2677 orders; authorizing businesses to dispose of
2678 unregistered brake fluid under certain circumstances;
2679 amending s. 527.02, F.S.; increasing fees for
2680 liquefied petroleum gas licenses; revising fees for
2681 pipeline system operators; amending s. 527.0201, F.S.;
2682 revising requirements for liquefied petroleum gas
2683 qualifying examinations; increasing examination fees;
2684 increasing continuing education requirements for
2685 certain liquefied petroleum gas qualifiers; amending
2686 s. 527.021, F.S.; requiring the annual inspection of
2687 liquefied petroleum gas transport vehicles; increasing
2688 the inspection fee; amending s. 527.12, F.S.;
2689 providing for the issuance of certain stop orders;
2690 amending ss. 559.805 and 559.928, F.S.; deleting
2691 requirements that lists of independent agents of
2692 sellers of business opportunities and the agents'
2693 registration affidavits include the agents' social
2694 security numbers; providing an appropriation; creating
2695 ch. 598, F.S.; providing a short title; providing a
2696 purpose statement; providing definitions; providing
2697 exceptions; providing powers and duties of the
2698 Department of Agriculture and Consumer Services;
2699 providing rulemaking authority; establishing a maximum



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2700 annual fee for licensure; providing for deposit and
2701 use of fee proceeds; establishing licensure procedures
2702 and requirements to practice arboriculture and provide
2703 arboriculture services; providing for issuance of a
2704 license; providing grounds for denial of a license or
2705 refusal to renew a license; providing for license
2706 suspension or revocation; providing for license
2707 renewal; providing for reactivation of a license under
2708 certain conditions; providing for issuance of a
2709 duplicate license under certain circumstances;
2710 requiring a roster of licensed arborists; authorizing
2711 the department to enforce certain provisions of state
2712 law by specified means;

2713
2714 amending s. 570.0725, F.S.; revising provisions for
2715 public information about food banks and similar food
2716 recovery programs; authorizing the department to adopt
2717 rules; amending ss. 570.53 and 570.54, F.S.;
2718 conforming cross-references; amending s. 570.55, F.S.;
2719 revising requirements for identifying sellers or
2720 handlers of tropical or subtropical fruit or
2721 vegetables; amending s. 570.902, F.S.; conforming
2722 terminology to the repeal by the act of provisions
2723 establishing the Florida Agricultural Museum; amending
2724 s. 570.903, F.S.; revising provisions for direct-
2725 support organizations for certain agricultural
2726 programs to conform to the repeal by the act of
2727 provisions establishing the Florida Agricultural
2728 Museum; deleting provisions for a direct-support



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2729 organization for the Florida State Collection of
2730 Arthropods; amending s. 573.118, F.S.; requiring the
2731 department to maintain records of marketing orders;
2732 requiring an audit at the request of an advisory
2733 council; requiring that the advisory council receive a
2734 copy of the audit within a specified time; amending s.
2735 581.011, F.S.; deleting terminology relating to the
2736 Florida State Collection of Arthropods; revising the
2737 term "nursery" for purposes of plant industry
2738 regulations; amending s. 581.031, F.S.; increasing
2739 citrus source tree registration fees; amending s.
2740 581.131, F.S.; increasing registration fees for a
2741 nurseryman, stock dealer, agent, or plant broker
2742 certificate; amending s. 581.211, F.S.; increasing the
2743 maximum fine for violations of plant industry
2744 regulations; amending s. 583.13, F.S.; deleting a
2745 prohibition on the sale of poultry without displaying
2746 the poultry grade; amending s. 590.125, F.S.; revising
2747 terminology for open burning authorizations;
2748 specifying purposes of certified prescribed burning;
2749 requiring the authorization of the Division of
2750 Forestry for certified pile burning; providing pile
2751 burning requirements; limiting the liability of
2752 property owners or agents engaged in pile burning;
2753 providing for the certification of pile burners;
2754 providing penalties for violations by certified pile
2755 burners; requiring rules; revising notice requirements
2756 for wildfire hazard reduction treatments; providing
2757 for approval of local government open burning



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2758 authorization programs; providing program
2759 requirements; authorizing the division to close local
2760 government programs under certain circumstances;
2761 providing penalties for violations of local government
2762 open burning requirements; amending s. 590.14, F.S.;
2763 authorizing fines for violations of any division rule;
2764 providing penalties for certain violations; providing
2765 legislative intent; amending s. 599.004, F.S.;
2766 revising standards that a winery must meet to qualify
2767 as a certified Florida Farm Winery; amending s.
2768 604.15, F.S.; defining the term "responsible position"
2769 for purposes of provisions regulating dealers in
2770 agricultural products; amending s. 604.19, F.S.;
2771 revising requirements for late fees on agricultural
2772 products dealer applications; amending s. 604.20,
2773 F.S.; revising the minimum amount of the surety bond
2774 or certificate of deposit required for agricultural
2775 products dealer licenses; providing conditions for the
2776 payment of bond or certificate of deposit proceeds;
2777 requiring additional documentation for issuance of a
2778 conditional license; amending s. 604.25, F.S.;
2779 revising conditions under which the department may
2780 deny, refuse to renew, suspend, or revoke agricultural
2781 products dealer licenses; deleting a provision
2782 prohibiting certain persons from holding a responsible
2783 position with a licensee; amending s. 616.242, F.S.;
2784 amending s. 686.201, F.S.; exempting contracts
2785 involving a seller of travel from the requirements of
2786 that section; authorizing the issuance of stop-



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2787 operation orders for amusement rides under certain
2788 circumstances; amending s. 790.06, F.S.; authorizing a
2789 concealed firearm license applicant to submit
2790 fingerprints administered by the Division of
2791 Licensing; repealing ss. 570.071 and 570.901, F.S.,
2792 relating to the Florida Agricultural Exposition and
2793 the Florida Agricultural Museum; amending s. 205.064,
2794 F.S.; authorizing a person selling certain
2795 agricultural products who is not a natural person to
2796 qualify for an exemption from obtaining a local
2797 business tax receipt; amending s. 322.01, F.S.;
2798 revising the term "farm tractor" for purposes of
2799 drivers' licenses; amending s. 500.03, F.S.; revising
2800 the term "food establishment" to include tomato
2801 repackers for purposes of the Florida Food Safety Act;
2802 creating s. 500.70, F.S.; defining the terms "field
2803 packing," "packing" or "repacking," and "producing";
2804 requiring the Department of Agriculture and Consumer
2805 Services to adopt minimum food safety standards for
2806 the producing, harvesting, packing, and repacking of
2807 tomatoes; authorizing the department to inspect tomato
2808 farms, greenhouses, and packinghouses or repackers for
2809 compliance with the standards and certain provisions
2810 of the Florida Food Safety Act; providing penalties;
2811 authorizing the department to establish good
2812 agricultural practices and best management practices
2813 for the state's tomato industry; providing a
2814 presumption that tomatoes introduced into commerce are
2815 safe for human consumption under certain



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2816 circumstances; providing exemptions; authorizing the
2817 department to adopt rules; amending s. 570.07, F.S.;
2818 authorizing the department to adopt best management
2819 practices for agricultural production and food safety;
2820 amending s. 570.48, F.S.; revising duties of the
2821 Division of Fruit and Vegetables for tomato food
2822 safety inspections; amending s. 604.15, F.S.; revising
2823 the term "agricultural products" to make tropical
2824 foliage exempt from regulation under provisions
2825 relating to dealers in agricultural products; amending
2826 s. 624.4095, F.S.; requiring that gross written
2827 premiums for certain crop insurance not be included
2828 when calculating the insurer's gross ratio; requiring
2829 that liabilities for ceded reinsurance premiums be
2830 netted against the asset for amounts recoverable from
2831 reinsurers; requiring that insurers who write other
2832 insurance products to disclose a breakout of the gross
2833 written premiums for crop insurance; amending s.
2834 823.145, F.S.; expanding the materials used in
2835 agricultural operations that may be disposed of by
2836 open burning; providing certain limitations on open
2837 burning; amending s. 163.3162, F.S.; prohibiting a
2838 county from enforcing certain limits on the activity
2839 of a bona fide farm operation on agricultural land
2840 under certain circumstances; prohibiting a county from
2841 charging agricultural lands for stormwater management
2842 assessments and fees under certain circumstances;
2843 allowing an assessment to be collected if credits
2844 against the assessment are provided for implementation



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2845 of best-management practices; providing exemptions
2846 from certain restrictions on a county's powers over
2847 the activity on agricultural land; providing a
2848 definition; providing for application; creating s.
2849 163.3163, F.S.; creating the "Agricultural Land
2850 Acknowledgement Act"; providing legislative findings
2851 and intent; providing definitions; requiring an
2852 applicant for certain development permits to sign and
2853 submit an acknowledgement of contiguous agricultural
2854 land as a condition of the political subdivision
2855 issuing the permits; specifying information to be
2856 included in the acknowledgement; requiring that the
2857 acknowledgement be recorded in the official county
2858 records; amending s. 604.50, F.S.; exempting farm
2859 fences from the Florida Building Code; exempting
2860 nonresidential farm buildings and farm fences from
2861 county and municipal codes and fees; specifying that
2862 the exemptions do not apply to code provisions
2863 implementing certain floodplain regulations; amending
2864 s. 604.15, F.S.; revising a definition to make
2865 tropical foliage exempt from regulation under
2866 provisions relating to dealers in agricultural
2867 products; providing an appropriation; providing an
2868 effective date.