

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Troutman offered the following:

2  
3 **Amendment to Senate Amendment (679288) (with title**  
4 **amendment)**

5 Remove lines 7-2570 and insert:

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

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

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

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

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

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

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

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

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

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

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

44 482.071 Licenses.--

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

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

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

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

60 482.072 Pest control service centers.--

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

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

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

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

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

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

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

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

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

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128 Section 5. Section 482.152, Florida Statutes, is amended  
129 to 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,  
137 and participation in, the pest control activities of at the  
138 business location of the licensee. This chapter does not prevent  
139 a 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.

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

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

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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  
187 accompanied by proof that:

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

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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  
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), ~~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.--

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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.

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  
257 information 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.~~

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

268 (f)-(g) A statement of all criminal convictions, findings  
269 of 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  
274 adjudicated 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  
289 department to show that the individual signing the application  
290 is of good moral character and qualified by experience and  
291 training to satisfy the requirements of this chapter.

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

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

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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.~~

332 ~~3.4.~~ A firearms instructor's training certificate issued  
333 by any branch of the United States Armed Forces, from a federal  
334 law 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  
339 by the department which shall be based upon, but is not  
340 necessarily limited to, a firearms instruction manual provided  
341 by the 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.

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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  
354 of a corporation, the names and titles of its principal  
355 officers.

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

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

370 493.6106 License requirements; posting.--

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

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

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

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

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

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

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

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

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

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

418       493.6107 Fees.--

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

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

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

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

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

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

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

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

463 493.6111 License; contents; identification card.--

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

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486 Section 14. Subsection (2) and paragraph (a) of subsection  
487 (3) of section 493.6113, Florida Statutes, are amended to read:  
488 493.6113 Renewal application for licensure.--

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

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

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

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

505 493.6115 Weapons and firearms.--

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

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

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

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

535 493.6118 Grounds for disciplinary action.--

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

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

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

548 493.6121 Enforcement; investigation.--

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

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

560 493.6202 Fees.--

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

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569 Section 19. Subsections (2), (4), and (6) of section  
570 493.6203, Florida Statutes, are amended to read:

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

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

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

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

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

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

584 (e) No more than 1 year using:

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

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

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

592

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

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

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

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

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

607

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

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

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

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

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

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

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

650 (c) An individual who submits an application for a Class  
651 "CC" license on or after September 1, 2008, through June 30,  
652 2009, who has not completed the 16-hour course must submit proof

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

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

665 493.6302 Fees.--

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

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

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

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

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

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

705           2. ~~Successful completion of 24 hours of training before~~  
706 ~~initial application for a Class "D" license and successful~~  
707 ~~completion of the remaining 16 hours of training within 180 days~~  
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708 ~~after the date that the application is submitted. If~~  
709 ~~documentation of completion of the required training is not~~  
710 ~~submitted within the specified timeframe, the individual's~~  
711 ~~license is automatically suspended until such time as proof of~~  
712 ~~the required training is provided to the department.~~

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

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

733 493.6304 Security officer school or training facility.--

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

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

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

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

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

746 493.6401 Classes of licenses.--

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

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

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

757 493.6402 Fees.--

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

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

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

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

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

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

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

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

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

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

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

794 Section 26. Paragraph (a) of subsection (2) of section  
795 501.605, Florida Statutes, is amended to read:

796 501.605 Licensure of commercial telephone sellers.--

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

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

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

813 Section 27. Paragraph (a) of subsection (1) of section  
814 501.607, Florida Statutes, is amended to read:

815 501.607 Licensure of salespersons.--

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

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

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

824 501.913 Registration.--

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

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

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

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

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

833 525.01 Gasoline and oil to be inspected.--

834 (2) All petroleum fuels are ~~shall be~~ subject to inspection  
835 and analysis by the department. Before selling or offering for  
836 sale in this state any petroleum fuel, all manufacturers,  
837 terminal suppliers, wholesalers, and importers as defined in s.  
838 206.01 ~~jobbers~~ shall file with the department:

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

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

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

846 525.09 Inspection fee.--

847 (1) For the purpose of defraying the expenses incident to  
848 inspecting, testing, and analyzing petroleum fuels in this  
849 state, there shall be paid to the department a charge of one-  
850 eighth cent per gallon on all gasoline, alternative fuel  
851 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,  
852 kerosene (except when used as aviation turbine fuel), and #1  
853 fuel oil for sale or use in this state. This inspection fee  
854 shall be imposed in the same manner as the motor fuel tax  
855 pursuant to s. 206.41. Payment shall be made on or before the  
856 25th day of each month.

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

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

865 526.50 Definition of terms.--As used in this part:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

961 Section 33. Paragraph (a) of subsection (3) of section  
962 526.52, Florida Statutes, is amended to read:

963 526.52 Specifications; adulteration and misbranding.--

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

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

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

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

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

990 (b) In addition to being subject to the stop-sale  
991 procedures above, unregistered brake fluid shall be held by the  
992 department or its representative, at a place to be designated in  
993 the stop-sale order, until properly registered and released in  
994 writing by the department or its representative. If application  
995 is has not been made for registration of the such product within  
996 30 days after issue of the stop-sale order, such product shall  
997 be disposed of by the department, or, with the department's  
998 consent, by the business, to any tax-supported institution or  
999 agency of the state if the brake fluid meets legal  
1000 specifications or by other disposal authorized by rule of the  
1001 department if it fails to meet legal specifications.

1002 Section 35. Subsections (2) and (5) of section 527.02,  
1003 Florida Statutes, are amended to read:

1004 527.02 License; penalty; fees.--

1005 (2) Each business location of a person having multiple  
1006 locations shall be separately licensed and must meet the  
1007 requirements of this section. Such license shall be granted to  
1008 any applicant determined by the department to be competent,  
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1009 qualified, and trustworthy who files with the department a  
1010 surety bond, insurance affidavit, or other proof of insurance,  
1011 as hereinafter specified, and pays for such license the  
1012 following original application fee for new licenses and annual  
1013 renewal fees for existing licenses:

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

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	LP gas		
1021	installer . . . . .	<u>400</u> <del>300</del>	<u>300</u> <del>200</del>
1022	Specialty installer . . . . .	300	<u>250</u> <del>200</del>
1023	Dealer in appliances and equipment for use of liquefied petroleum gas . . . . .	50	45
1024	Manufacturer of liquefied petroleum gas appliances and equipment . . . . .	525	<u>425</u> <del>375</del>
1025	Requalifier of cylinders . . . . .	525	<u>425</u> <del>375</del>
1026	Fabricator, repairer, and tester of vehicles and cargo tanks . . . . .	525	<u>425</u> <del>375</del>
1027	(5) The license fee for a pipeline system operator shall		
1028	be <u>\$350</u> <del>\$100 per system owned or operated by the person, not to</del>		
1029	<del>exceed \$400 per license year.</del> Such license fee applies only to a		
1030	pipeline system operator who owns or operates a liquefied		
1031	petroleum gas pipeline system that is used to transmit liquefied		
1032	petroleum gas from a common source to the ultimate customer and		

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1033 that serves 10 or more customers. The license shall be renewed  
1034 each year at a fee of \$275 per year.

1035 Section 36. Subsections (1) and (3) and paragraphs (a) and  
1036 (c) of subsection (5) of section 527.0201, Florida Statutes, are  
1037 amended to read:

1038 527.0201 Qualifiers; master qualifiers; examinations.--

1039 (1) In addition to the requirements of s. 527.02, any  
1040 person applying for a license to engage in the activities of a  
1041 pipeline system operator, category I liquefied petroleum gas  
1042 dealer, category II liquefied petroleum gas dispenser, category  
1043 IV liquefied petroleum gas dispenser and recreational vehicle  
1044 servicer, category V liquefied petroleum gases dealer for  
1045 industrial uses only, LP gas installer, specialty installer,  
1046 requalifier ~~requalification~~ of cylinders, or fabricator,  
1047 repairer, and tester of vehicles and cargo tanks must prove  
1048 competency by passing a written examination administered by the  
1049 department or its agent with a grade of at least 75 percent in  
1050 each area tested ~~or above~~. Each applicant for examination shall  
1051 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule  
1052 specify the general areas of competency to be covered by each  
1053 examination and the relative weight to be assigned in grading  
1054 each area tested.

1055 (3) Qualifier cards issued to category I liquefied  
1056 petroleum gas dealers and liquefied petroleum gas installers  
1057 shall expire 3 years after the date of issuance. All category I  
1058 liquefied petroleum gas dealer qualifiers and liquefied  
1059 petroleum gas installer qualifiers holding a valid qualifier  
1060 card upon the effective date of this act shall retain their  
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1061 | qualifier status until July 1, 2003, and may sit for the master  
1062 | qualifier examination at any time during that time period. All  
1063 | such category I liquefied petroleum gas dealer qualifiers and  
1064 | liquefied petroleum gas installer qualifiers may renew their  
1065 | qualification on or before July 1, 2003, upon application to the  
1066 | department, payment of a \$20 renewal fee, and documentation of  
1067 | the completion of a minimum of 16 ~~12~~ hours of approved  
1068 | continuing education courses, as defined by department rule,  
1069 | during the previous 3-year period. Applications for renewal must  
1070 | be made 30 calendar days prior to expiration. Persons failing to  
1071 | renew prior to the expiration date must reapply and take a  
1072 | qualifier competency examination in order to reestablish  
1073 | category I liquefied petroleum gas dealer qualifier and  
1074 | liquefied petroleum gas installer qualifier status. If a  
1075 | category I liquefied petroleum gas qualifier or liquefied  
1076 | petroleum gas installer qualifier becomes a master qualifier at  
1077 | any time during the effective date of the qualifier card, the  
1078 | card shall remain in effect until expiration of the master  
1079 | qualifier certification.

1080 |         (5) In addition to all other licensing requirements, each  
1081 | category I liquefied petroleum gas dealer and liquefied  
1082 | petroleum gas installer must, at the time of application for  
1083 | licensure, identify to the department one master qualifier who  
1084 | is a full-time employee at the licensed location. This person  
1085 | shall be a manager, owner, or otherwise primarily responsible  
1086 | for overseeing the operations of the licensed location and must  
1087 | provide documentation to the department as provided by rule. The

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1088 master qualifier requirement shall be in addition to the  
1089 requirements of subsection (1).

1090 (a) In order to apply for certification as a master  
1091 qualifier, each applicant must be a category I liquefied  
1092 petroleum gas dealer qualifier or liquefied petroleum gas  
1093 installer qualifier, must be employed by a licensed category I  
1094 liquefied petroleum gas dealer, liquefied petroleum gas  
1095 installer, or applicant for such license, must provide  
1096 documentation of a minimum of 1 year's work experience in the  
1097 gas industry, and must pass a master qualifier competency  
1098 examination. Master qualifier examinations shall be based on  
1099 Florida's laws, rules, and adopted codes governing liquefied  
1100 petroleum gas safety, general industry safety standards, and  
1101 administrative procedures. The examination must be successfully  
1102 passed ~~completed~~ by the applicant with a grade of at least 75  
1103 percent ~~or more~~. Each applicant for master qualifier status  
1104 shall submit to the department a nonrefundable \$50 ~~\$30~~  
1105 examination fee prior to the examination.

1106 (c) Master qualifier status shall expire 3 years after the  
1107 date of issuance of the certificate and may be renewed by  
1108 submission to the department of documentation of completion of  
1109 at least 16 ~~12~~ hours of approved continuing education courses  
1110 during the 3-year period; proof of employment with a licensed  
1111 category I liquefied petroleum gas dealer, liquefied petroleum  
1112 gas installer, or applicant; and a \$30 certificate renewal fee.  
1113 The department shall define, by rule, approved courses of  
1114 continuing education.

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1115 Section 37. Subsection (4) of section 527.021, Florida  
1116 Statutes, is amended to read:

1117 527.021 Registration of transport vehicles.--

1118 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for  
1119 each registered vehicle inspected by the department pursuant to  
1120 s. 527.061. Registered vehicles shall be inspected annually. All  
1121 inspection fees collected in connection with this section shall  
1122 be deposited in the General Inspection Trust Fund for the  
1123 purpose of administering the provisions of this chapter.

1124 Section 38. Section 527.12, Florida Statutes, is amended  
1125 to read:

1126 527.12 Cease and desist orders; stop-use orders; stop-  
1127 operation orders; stop-sale orders; administrative fines.--

1128 (1) Whenever the department has ~~shall have~~ reason to  
1129 believe that any person is violating or has violated ~~been~~  
1130 ~~violating provisions of~~ this chapter or any rules adopted under  
1131 this chapter pursuant thereto, the department ~~it~~ may issue a  
1132 cease and desist order, ~~or~~ impose a civil penalty, or do both  
1133 ~~may issue such cease and desist order and impose a civil~~  
1134 ~~penalty.~~

1135 (2) Whenever a person or liquefied petroleum gas system or  
1136 storage facility, or any part or component thereof, fails to  
1137 comply with this chapter or any rules adopted under this  
1138 chapter, the department may issue a stop-use order, stop-  
1139 operation order, or stop-sale order.

1140 Section 39. Subsection (1) of section 559.801, Florida  
1141 Statutes, is amended to read:

1142 559.801 Definitions.--For the purpose of ss. 559.80-  
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1143 559.815, the term:

1144 (1) (a) "Business opportunity" means the sale or lease of  
1145 any products, equipment, supplies, or services which are sold or  
1146 leased to a purchaser to enable the purchaser to start a  
1147 business for which the purchaser is required to pay an initial  
1148 fee or sum of money which exceeds \$500 to the seller, and in  
1149 which the seller represents:

1150 1. That the seller or person or entity affiliated with or  
1151 referred by the seller will provide locations or assist the  
1152 purchaser in finding locations for the use or operation of  
1153 vending machines, racks, display cases, currency or card  
1154 operated equipment, or other similar devices or currency-  
1155 operated amusement machines or devices on premises neither owned  
1156 nor leased by the purchaser or seller;

1157 2. That the seller will purchase any or all products made,  
1158 produced, fabricated, grown, bred, or modified by the purchaser  
1159 using in whole or in part the supplies, services, or chattels  
1160 sold to the purchaser;

1161 3. That the seller guarantees that the purchaser will  
1162 derive income from the business opportunity which exceeds the  
1163 price paid or rent charged for the business opportunity or that  
1164 the seller will refund all or part of the price paid or rent  
1165 charged for the business opportunity, or will repurchase any of  
1166 the products, equipment, supplies, or chattels supplied by the  
1167 seller, if the purchaser is unsatisfied with the business  
1168 opportunity; or

1169 4. That the seller will provide a sales program or  
1170 marketing program that will enable the purchaser to derive

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1171 income from the business opportunity, except that this paragraph  
1172 does not apply to the sale of a sales program or marketing  
1173 program made in conjunction with the licensing of a trademark or  
1174 service mark that is registered under the laws of any state or  
1175 of the United States if the seller requires use of the trademark  
1176 or service mark in the sales agreement.

1177  
1178 For the purpose of subparagraph 1., the term "assist the  
1179 purchaser in finding locations" means, but is not limited to,  
1180 supplying the purchaser with names of locator companies,  
1181 contracting with the purchaser to provide assistance or supply  
1182 names, or collecting a fee on behalf of or for a locator  
1183 company.

1184 (b) "Business opportunity" does not include:

1185 1. The sale of ongoing businesses when the owner of those  
1186 businesses sells and intends to sell only those business  
1187 opportunities so long as those business opportunities to be sold  
1188 are no more than five in number; or

1189 2. The not-for-profit sale of sales demonstration  
1190 equipment, materials, or samples for a price that does not  
1191 exceed \$500 or any sales training course offered by the seller  
1192 the cost of which does not exceed \$500. ~~;~~ ~~or~~

1193 ~~3. The sale or lease of laundry and drycleaning equipment.~~

1194 Section 40. Subsection (1) of section 559.805, Florida  
1195 Statutes, is amended to read:

1196 559.805 Filings with the department; disclosure of  
1197 advertisement identification number.--

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1198 (1) Every seller of a business opportunity shall annually  
1199 file with the department a copy of the disclosure statement  
1200 required by s. 559.803 before ~~prior to~~ placing an advertisement  
1201 or making any other representation designed to offer to, sell  
1202 to, or solicit an offer to buy a business opportunity from a  
1203 prospective purchaser in this state and shall update this filing  
1204 by reporting any material change in the required information  
1205 within 30 days after the material change occurs. An  
1206 advertisement is not placed in the state merely because the  
1207 publisher circulates, or there is circulated on his or her  
1208 behalf in the state, any bona fide newspaper or other  
1209 publication of general, regular, and paid circulation which has  
1210 had more than two-thirds of its circulation during the past 12  
1211 months outside the state or because a radio or television  
1212 program originating outside the state is received in the state.  
1213 If the seller is required by s. 559.807 to provide a bond or  
1214 establish a trust account or guaranteed letter of credit, he or  
1215 she shall contemporaneously file with the department a copy of  
1216 the bond, a copy of the formal notification by the depository  
1217 that the trust account is established, or a copy of the  
1218 guaranteed letter of credit. Every seller of a business  
1219 opportunity shall file with the department a list of independent  
1220 agents who will engage in the offer or sale of business  
1221 opportunities on behalf of the seller in this state. This list  
1222 must be kept current and shall include the following  
1223 information: name, home and business address, telephone number,  
1224 present employer, ~~social security number,~~ and birth date. A No  
1225 person may not ~~shall be allowed to~~ offer or sell business

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1226 opportunities unless the required information is ~~has been~~  
1227 provided to the department.

1228 Section 41. Subsection (3) of section 559.928, Florida  
1229 Statutes, is amended to read:

1230 559.928 Registration.--

1231 (3) Each independent agent shall annually file an  
1232 affidavit with the department before ~~prior to~~ engaging in  
1233 business in this state. This affidavit must include the  
1234 independent agent's full name, legal business or trade name,  
1235 mailing address, business address, telephone number, ~~social~~  
1236 ~~security number~~, and the name or names and addresses of each  
1237 seller of travel represented by the independent agent. A letter  
1238 evidencing proof of filing must be issued by the department and  
1239 must be prominently displayed in the independent agent's primary  
1240 place of business. Each independent agent must also submit an  
1241 annual registration fee of \$50. All moneys collected pursuant to  
1242 the imposition of the fee shall be deposited by the Chief  
1243 Financial Officer into the General Inspection Trust Fund of the  
1244 Department of Agriculture and Consumer Services for the sole  
1245 purpose of administrating this part. As used in this subsection,  
1246 the term "independent agent" means a person who represents a  
1247 seller of travel by soliciting persons on its behalf; who has a  
1248 written contract with a seller of travel which is operating in  
1249 compliance with this part and any rules adopted thereunder; who  
1250 does not receive a fee, commission, or other valuable  
1251 consideration directly from the purchaser for the seller of  
1252 travel; who does not at any time have any unissued ticket stock  
1253 or travel documents in his or her possession; and who does not

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1254 have the ability to issue tickets, vacation certificates, or any  
1255 other travel document. The term "independent agent" does not  
1256 include an affiliate of the seller of travel, as that term is  
1257 used in s. 559.935(3), or the employees of the seller of travel  
1258 or of such affiliates.

1259 Section 42. Subsection (7) of section 570.0725, Florida  
1260 Statutes, is amended to read:

1261 570.0725 Food recovery; legislative intent; department  
1262 functions.--

1263 (7) For public information purposes, the department may  
1264 ~~shall~~ develop and provide a public information brochure  
1265 detailing the need for food banks and similar ~~of~~ food recovery  
1266 programs, the benefit of such ~~food recovery~~ programs, the manner  
1267 in which ~~such~~ organizations may become involved in such ~~food~~  
1268 ~~recovery~~ programs, and the protection afforded to such programs  
1269 under s. 768.136, ~~and the food recovery entities or food banks~~  
1270 ~~that exist in the state. This brochure must be updated annually.~~  
1271 A food bank or similar food recovery organization seeking to be  
1272 included on a list of such organizations must notify the  
1273 department and provide the information required by rule of the  
1274 department. Such organizations are responsible for updating the  
1275 information and providing the updated information to the  
1276 department. The department may adopt rules to implement this  
1277 section.

1278 Section 43. Paragraph (e) of subsection (6) of section  
1279 570.53, Florida Statutes, is amended to read:

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1280           570.53 Division of Marketing and Development; powers and  
1281 duties.--The powers and duties of the Division of Marketing and  
1282 Development include, but are not limited to:

1283           (6)

1284           (e) Extending in every practicable way the distribution  
1285 and sale of Florida agricultural products throughout the markets  
1286 of the world as required of the department by s. ss. 570.07(7),  
1287 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1288           Section 44. Subsection (2) of section 570.54, Florida  
1289 Statutes, is amended to read:

1290           570.54 Director; duties.--

1291           (2) It shall be the duty of the director of this division  
1292 to supervise, direct, and coordinate the activities authorized  
1293 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and  
1294 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and  
1295 chapters 504, 571, 573, and 574 and to exercise other powers and  
1296 authority as authorized by the department.

1297           Section 45. Subsection (4) of section 570.55, Florida  
1298 Statutes, is amended to read:

1299           570.55 Identification of sellers or handlers of tropical  
1300 or subtropical fruit and vegetables; containers specified;  
1301 penalties.--

1302           (4) IDENTIFICATION OF HANDLER.--At the time of each  
1303 transaction involving the handling or sale of 55 pounds or more  
1304 of tropical or subtropical fruit or vegetables in the primary  
1305 channel of trade, the buyer or receiver of the tropical or  
1306 subtropical fruit or vegetables shall demand a bill of sale,  
1307 invoice, sales memorandum, or other document listing the date of  
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1308 the transaction, the quantity of the tropical or subtropical  
1309 fruit or vegetables involved in the transaction, and the  
1310 identification of the seller or handler as it appears on the  
1311 driver's license of the seller or handler, including the  
1312 driver's license number. If the seller or handler does not  
1313 possess a driver's license, the buyer or receiver shall use any  
1314 other acceptable means of identification, which may include, but  
1315 is not limited to, i.e., voter's registration card and number,  
1316 draft card, ~~social security card,~~ or other identification.  
1317 However, no less than two identification documents shall be  
1318 used. The identification of the seller or handler shall be  
1319 recorded on the bill of sale, sales memorandum, invoice, or  
1320 voucher, which shall be retained by the buyer or receiver for a  
1321 period of not less than 1 year from the date of the transaction.

1322 Section 46. Subsection (3) of section 570.902, Florida  
1323 Statutes, is amended to read:

1324 570.902 Definitions; ss. 570.902 and 570.903.--For the  
1325 purpose of ss. 570.902 and 570.903:

1326 ~~(3) "Museum" means the Florida Agricultural Museum which~~  
1327 ~~is designated as the museum for agriculture and rural history of~~  
1328 ~~the State of Florida.~~

1329 Section 47. Section 570.903, Florida Statutes, is amended  
1330 to read:

1331 570.903 Direct-support organization.--

1332 (1) When the Legislature authorizes the establishment of a  
1333 direct-support organization to provide assistance for the  
1334 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~  
1335 ~~Florida State Collection of Arthropods,~~ the Friends of the

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1336 Florida State Forests Program of the Division of Forestry, and  
1337 the Forestry Arson Alert Program, and other programs of the  
1338 department, the following provisions shall govern the creation,  
1339 use, powers, and duties of the direct-support organization.

1340 (a) The department shall enter into a memorandum or letter  
1341 of agreement with the direct-support organization, which shall  
1342 specify the approval of the department, the powers and duties of  
1343 the direct-support organization, and rules with which the  
1344 direct-support organization shall comply.

1345 (b) The department may permit, without charge, appropriate  
1346 use of property, facilities, and personnel of the department by  
1347 a direct-support organization, subject to the provisions of ss.  
1348 570.902 and 570.903. The use shall be directly in keeping with  
1349 the approved purposes of the direct-support organization and  
1350 shall not be made at times or places that would unreasonably  
1351 interfere with opportunities for the general public to use  
1352 department facilities for established purposes.

1353 (c) The department shall prescribe by contract or by rule  
1354 conditions with which a direct-support organization shall comply  
1355 in order to use property, facilities, or personnel of the  
1356 department ~~or museum~~. Such rules shall provide for budget and  
1357 audit review and oversight by the department.

1358 (d) The department shall not permit the use of property,  
1359 facilities, or personnel of the ~~museum,~~ department, or  
1360 designated program by a direct-support organization which does  
1361 not provide equal employment opportunities to all persons  
1362 regardless of race, color, religion, sex, age, or national  
1363 origin.

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1364 (2) (a) The direct-support organization shall be empowered  
1365 to conduct programs and activities; raise funds; request and  
1366 receive grants, gifts, and bequests of money; acquire, receive,  
1367 hold, invest, and administer, in its own name, securities,  
1368 funds, objects of value, or other property, real or personal;  
1369 and make expenditures to or for the direct or indirect benefit  
1370 of the ~~museum or~~ designated program.

1371 (b) Notwithstanding the provisions of s. 287.057, the  
1372 direct-support organization may enter into contracts or  
1373 agreements with or without competitive bidding for the  
1374 ~~restoration of objects, historical buildings, and other~~  
1375 ~~historical materials or for the purchase of objects, historical~~  
1376 ~~buildings, and other historical materials which are to be added~~  
1377 ~~to the collections of the museum, or benefit of~~ the designated  
1378 program. However, before the direct-support organization may  
1379 enter into a contract or agreement without competitive bidding,  
1380 the direct-support organization shall file a certification of  
1381 conditions and circumstances with the internal auditor of the  
1382 department justifying each contract or agreement.

1383 (c) Notwithstanding the provisions of s. 287.025(1) (e),  
1384 the direct-support organization may enter into contracts to  
1385 insure property of the ~~museum or~~ designated programs ~~and may~~  
1386 ~~insure objects or collections on loan from others in satisfying~~  
1387 ~~security terms of the lender.~~

1388 (3) The direct-support organization shall provide for an  
1389 annual financial audit in accordance with s. 215.981.

1390 (4) Neither a designated program ~~or a museum~~, nor a  
1391 nonprofit corporation trustee or employee may:

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1392 (a) Receive a commission, fee, or financial benefit in  
1393 connection with the sale or exchange of property ~~historical~~  
1394 ~~objects or properties~~ to the direct-support organization, ~~the~~  
1395 ~~museum,~~ or the designated program; or

1396 (b) Be a business associate of any individual, firm, or  
1397 organization involved in the sale or exchange of property to the  
1398 direct-support organization, ~~the museum,~~ or the designated  
1399 program.

1400 (5) All moneys received by the direct-support organization  
1401 shall be deposited into an account of the direct-support  
1402 organization and shall be used by the organization in a manner  
1403 consistent with the goals of ~~the museum~~ or designated program.

1404 (6) The identity of a donor or prospective donor who  
1405 desires to remain anonymous and all information identifying such  
1406 donor or prospective donor are confidential and exempt from the  
1407 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1408 Constitution.

1409 (7) The Commissioner of Agriculture, or the commissioner's  
1410 designee, may serve on the board of trustees and the executive  
1411 committee of any direct-support organization established to  
1412 benefit the museum or any designated program.

1413 ~~(8) The department shall establish by rule archival~~  
1414 ~~procedures relating to museum artifacts and records. The rules~~  
1415 ~~shall provide procedures which protect the museum's artifacts~~  
1416 ~~and records equivalent to those procedures which have been~~  
1417 ~~established by the Department of State under chapters 257 and~~  
1418 ~~267.~~

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1419 Section 48. Subsection (4) of section 573.118, Florida  
1420 Statutes, is amended to read:

1421 573.118 Assessment; funds; audit; loans.--

1422 (4) In the event of levying and collecting of assessments,  
1423 for each fiscal year in which assessment funds are received by  
1424 the department, the department shall maintain records of  
1425 collections and expenditures for each marketing order separately  
1426 within the state's accounting system. If requested by an  
1427 advisory council, department staff shall cause to be made a  
1428 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~  
1429 ~~public accountant~~, such audit to be completed within 60 days  
1430 after the request is received ~~end of the fiscal year~~. The  
1431 advisory council ~~department and all producers and handlers~~  
1432 ~~covered by the marketing order~~ shall be provided a copy of the  
1433 ~~properly advised of the details of the annual official~~ audit of  
1434 the accounts ~~as shown by the certified public accountant~~ within  
1435 30 days after completion of the audit.

1436 Section 49. Subsections (18) through (30) of section  
1437 581.011, Florida Statutes, are renumbered as subsections (17)  
1438 through (29), respectively, and present subsections (17) and  
1439 (20) of that section are amended to read:

1440 581.011 Definitions.--As used in this chapter:

1441 ~~(17) "Museum" means the Florida State Collection of~~  
1442 ~~Arthropods.~~

1443 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in  
1444 which nursery stock is grown, propagated, or held for sale or  
1445 distribution, including ~~except where~~ aquatic plant species are  
1446 tended for harvest in the natural environment.

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1447 Section 50. Paragraph (d) of subsection (14) of section  
1448 581.031, Florida Statutes, is amended to read:

1449 581.031 Department; powers and duties.--The department has  
1450 the following powers and duties:

1451 (14)

1452 (d) To prescribe a fee for these services, if provided the  
1453 fee does not exceed the cost of the services rendered. Annual  
1454 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per  
1455 tree. If the fee has not been paid within 30 days of billing, a  
1456 penalty of \$10 or 20 percent of the unpaid balance, whichever is  
1457 greater, shall be assessed.

1458 Section 51. Subsection (6) of section 581.131, Florida  
1459 Statutes, is amended to read:

1460 581.131 Certificate of registration.--

1461 (6) Neither the certificate of registration fee nor the  
1462 annual renewal fee shall exceed \$600 ~~\$460~~. The department may  
1463 exempt from the payment of a certificate fee those governmental  
1464 agency nurseries whose nursery stock is used exclusively for  
1465 planting on their own property.

1466 Section 52. Paragraph (a) of subsection (3) of section  
1467 581.211, Florida Statutes, is amended to read:

1468 581.211 Penalties for violations.--

1469 (3) (a) 1. In addition to any other provision of law, the  
1470 department may, after notice and hearing, impose an  
1471 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each  
1472 violation of this chapter, upon any person, nurseryman, stock  
1473 dealer, agent or plant broker. The fine, when paid, shall be  
1474 deposited in the Plant Industry Trust Fund. In addition, the

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1475 department may place the violator on probation for up to 1 year,  
1476 with conditions.

1477 2. The imposition of a fine or probation pursuant to this  
1478 subsection may be in addition to or in lieu of the suspension or  
1479 revocation of a certificate of registration or certificate of  
1480 inspection.

1481 Section 53. Section 583.13, Florida Statutes, is amended  
1482 to read:

1483 583.13 Labeling and advertising requirements for dressed  
1484 poultry; unlawful acts.--

1485 (1) It is unlawful for any dealer or broker to sell, offer  
1486 for sale, or hold for the purpose of sale in the state any  
1487 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry  
1488 is packed in a container clearly bearing a label, not less than  
1489 3 inches by 5 inches, on which shall be plainly and legibly  
1490 printed, in letters of not less than one-fourth inch 1/4 in  
1491 height, ~~the grade and the part name or whole-bird statement of~~  
1492 ~~such poultry. The grade may be expressed in the term "premium,"~~  
1493 ~~"good," or "standard," or as the grade of another state or~~  
1494 ~~federal agency the standards of quality of which, by law, are~~  
1495 ~~equal to the standards of quality provided by this law and rules~~  
1496 ~~promulgated hereunder.~~

1497 (2) It is unlawful to sell unpackaged dressed or ready-to-  
1498 cook poultry at retail unless such poultry is labeled by a  
1499 placard immediately adjacent to the poultry or unless each bird  
1500 is individually labeled to show ~~the grade and the part name or~~  
1501 ~~whole-bird statement.~~ The placard shall be no smaller than 7  
1502 inches by 7 inches in size, and the required labeling

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1503 information shall be legibly and plainly printed on the placard  
1504 in letters not smaller than 1 inch in height.

1505 (3) It is unlawful to sell packaged dressed or ready-to-  
1506 cook poultry at retail unless such poultry is labeled to show  
1507 ~~the grade,~~ the part name or whole-bird statement, the net weight  
1508 of the poultry, and the name and address of the dealer. The size  
1509 of the type on the label must be one-eighth inch or larger. A  
1510 placard immediately adjacent to such poultry may be used to  
1511 indicate ~~the grade and~~ the part name or whole-bird statement,  
1512 but not the net weight of the poultry or the name and address of  
1513 the dealer.

1514 (4) It is unlawful to use dressed or ready-to-cook poultry  
1515 in bulk in the preparation of food served to the public, or to  
1516 hold such poultry for the purpose of such use, unless the  
1517 poultry when received was packed in a container clearly bearing  
1518 a label, not less than 3 inches by 5 inches, on which was  
1519 plainly and legibly printed, in letters not less than one-fourth  
1520 inch in height, ~~the grade and~~ the part name or whole-bird  
1521 statement of such poultry. ~~The grade may be expressed in the~~  
1522 ~~term "premium," "good," or "standard," or as the grade of~~  
1523 ~~another state or federal agency the standards of quality of~~  
1524 ~~which, by law, are equal to the standards of quality provided by~~  
1525 ~~this law and rules promulgated hereunder.~~

1526 (5) It is unlawful to offer dressed or ready-to-cook  
1527 poultry for sale in any advertisement in a newspaper or  
1528 circular, on radio or television, or in any other form of  
1529 advertising without plainly designating in such advertisement

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1530 ~~the grade and~~ the part name or whole-bird statement of such  
1531 poultry.

1532 Section 54. Subsections (4) and (5) of section 590.125,  
1533 Florida Statutes, are renumbered as subsections (5) and (6),  
1534 respectively, subsection (1), paragraph (b) of subsection (3),  
1535 and paragraph (c) of present subsection (4) are amended, and new  
1536 subsections (4) and (7) are added to that section, to read:

1537 590.125 Open burning authorized by the division.--

1538 (1) DEFINITIONS.--As used in this section, the term:

1539 (a) "Certified pile burner" means an individual who  
1540 successfully completes the division's pile burning certification  
1541 program and possesses a valid pile burner certification number.

1542 (b) "Certified prescribed burn manager" means an  
1543 individual who successfully completes the certified prescribed  
1544 burning certification program of the division and possesses a  
1545 valid certification number.

1546 (c)~~(d)~~ "Extinguished" means:

1547 1. that no spreading flame For wild land burning or  
1548 certified prescribed burning, that no spreading flames exist.

1549 2. and no visible flame, smoke, or emissions For  
1550 vegetative land-clearing debris burning or pile burning, that no  
1551 visible flames exist.

1552 3. For vegetative land-clearing debris burning or pile  
1553 burning in an area designated as smoke sensitive by the  
1554 division, that no visible flames, smoke, or emissions exist.

1555 (d) "Land-clearing operation" means the uprooting or  
1556 clearing of vegetation in connection with the construction of  
1557 buildings and rights-of-way, land development, and mineral

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1558 operations. The term does not include the clearing of yard  
1559 trash.

1560 (e) "Pile burning" means the burning of silvicultural,  
1561 agricultural, or land-clearing and tree-cutting debris  
1562 originating onsite, which is stacked together in a round or  
1563 linear fashion, including, but not limited to, a windrow.

1564 (f)-(a) "Prescribed burning" means the controlled  
1565 application of fire in accordance with a written prescription  
1566 for vegetative fuels under specified environmental conditions  
1567 while following appropriate precautionary measures that ensure  
1568 that the fire is confined to a predetermined area to accomplish  
1569 the planned fire or land-management objectives.

1570 (g)-(e) "Prescription" means a written plan establishing  
1571 the criteria necessary for starting, controlling, and  
1572 extinguishing a prescribed burn.

1573 (h) "Yard trash" means vegetative matter resulting from  
1574 landscaping and yard maintenance operations and other such  
1575 routine property cleanup activities. The term includes materials  
1576 such as leaves, shrub trimmings, grass clippings, brush, and  
1577 palm fronds.

1578 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1579 PURPOSE.--

1580 (b) Certified prescribed burning pertains only to  
1581 broadcast burning for purposes of silviculture, wildlife  
1582 management, ecological maintenance and restoration, and range  
1583 and pasture management. It must be conducted in accordance with  
1584 this subsection and:

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1585 1. May be accomplished only when a certified prescribed  
1586 burn manager is present on site with a copy of the prescription  
1587 from ignition of the burn to its completion.

1588 2. Requires that a written prescription be prepared before  
1589 receiving authorization to burn from the division.

1590 3. Requires that the specific consent of the landowner or  
1591 his or her designee be obtained before requesting an  
1592 authorization.

1593 4. Requires that an authorization to burn be obtained from  
1594 the division before igniting the burn.

1595 5. Requires that there be adequate firebreaks at the burn  
1596 site and sufficient personnel and firefighting equipment for the  
1597 control of the fire.

1598 6. Is considered to be in the public interest and does not  
1599 constitute a public or private nuisance when conducted under  
1600 applicable state air pollution statutes and rules.

1601 7. Is considered to be a property right of the property  
1602 owner if vegetative fuels are burned as required in this  
1603 subsection.

1604 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
1605 PURPOSE.--

1606 (a) Pile burning is a tool that benefits current and  
1607 future generations in Florida by disposing of naturally  
1608 occurring vegetative debris through burning rather than  
1609 disposing of the debris in landfills.

1610 (b) Certified pile burning pertains to the disposal of  
1611 piled, naturally occurring debris from an agricultural,  
1612 silvicultural, or temporary land-clearing operation. A land-

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1613 clearing operation is temporary if it operates for 6 months or  
1614 less. Certified pile burning must be conducted in accordance  
1615 with this subsection, and:

1616 1. A certified pile burner must ensure, before ignition,  
1617 that the piles are properly placed and that the content of the  
1618 piles is conducive to efficient burning.

1619 2. A certified pile burner must ensure that the piles are  
1620 properly extinguished no later than 1 hour after sunset. If the  
1621 burn is conducted in an area designated by the division as smoke  
1622 sensitive, a certified pile burner must ensure that the piles  
1623 are properly extinguished at least 1 hour before sunset.

1624 3. A written pile burn plan must be prepared before  
1625 receiving authorization from the division to burn.

1626 4. The specific consent of the landowner or his or her  
1627 agent must be obtained before requesting authorization to burn.

1628 5. An authorization to burn must be obtained from the  
1629 division or its designated agent before igniting the burn.

1630 6. There must be adequate firebreaks and sufficient  
1631 personnel and firefighting equipment at the burn site to control  
1632 the fire.

1633 (c) If a burn is conducted in accordance with this  
1634 subsection, the property owner and his or her agent are not  
1635 liable under s. 590.13 for damage or injury caused by the fire  
1636 or resulting smoke, and are not in violation of subsection (2),  
1637 unless gross negligence is proven.

1638 (d) A certified pile burner who violates this section  
1639 commits a misdemeanor of the second degree, punishable as  
1640 provided in s. 775.082 or s. 775.083.

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1641 (e) The division shall adopt rules regulating certified  
1642 pile burning. The rules shall include procedures and criteria  
1643 for certifying and decertifying certified pile burn managers  
1644 based on past experience, training, and record of compliance  
1645 with this section.

1646 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
1647 DIVISION.--The division may conduct fuel reduction initiatives,  
1648 including, but not limited to, burning and mechanical and  
1649 chemical treatment, on any area of wild land within the state  
1650 which is reasonably determined to be in danger of wildfire in  
1651 accordance with the following procedures:

1652 (c) ~~Prepare, and send the county tax collector shall~~  
1653 ~~include with the annual tax statement, a notice to be sent to~~  
1654 ~~all landowners in each area township designated by the division~~  
1655 ~~as a wildfire hazard area. The notice must describe particularly~~  
1656 ~~the area to be treated and the tentative date or dates of the~~  
1657 ~~treatment and must list the reasons for and the expected~~  
1658 ~~benefits from the wildfire hazard reduction.~~

1659 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
1660 AUTHORIZATION PROGRAMS.--

1661 (a) A county or municipality may exercise the division's  
1662 authority, if delegated by the division under this subsection,  
1663 to issue authorizations for the burning of yard trash or debris  
1664 from land-clearing operations. A county's or municipality's  
1665 existing or proposed open burning authorization program must:

1666 1. Be approved by the division. The division shall not  
1667 approve a program if it fails to meet the requirements of

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1668 subsections (2) and (4) and any rules adopted under those  
1669 subsections.

1670 2. Provide by ordinance or local law the requirements for  
1671 obtaining and performing a burn authorization that comply with  
1672 subsections (2) and (4) and any rules adopted under those  
1673 subsections.

1674 3. Provide for the enforcement of the program's  
1675 requirements.

1676 4. Provide financial, personnel, and other resources  
1677 needed to carry out the program.

1678 (b) If the division determines that a county's or  
1679 municipality's open burning authorization program does not  
1680 comply with subsections (2) and (4) and any rules adopted under  
1681 those subsections, the division shall require the county or  
1682 municipality to take necessary corrective actions within a  
1683 reasonable period, not to exceed 90 days.

1684 1. If the county or municipality fails to take the  
1685 necessary corrective actions within the required period, the  
1686 division shall resume administration of the open burning  
1687 authorization program in the county or municipality and the  
1688 county or municipality shall cease administration of its  
1689 program.

1690 2. Each county and municipality administering an open  
1691 burning authorization program must cooperate with and assist the  
1692 division in carrying out the division's powers, duties, and  
1693 functions.

1694 3. A person who violates the requirements of a county's or  
1695 municipality's open burning authorization program, as provided

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1696 by ordinance or local law enacted pursuant to this section,  
1697 commits a violation of this chapter, punishable as provided in  
1698 s. 590.14.

1699 Section 55. Subsection (4) of section 590.14, Florida  
1700 Statutes, is renumbered as subsection (7), subsections (1) and  
1701 (3) are amended, and new subsections (4), (5), and (6) are added  
1702 to that section, to read:

1703 590.14 Notice of violation; penalties.--

1704 (1) If a division employee determines that a person has  
1705 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
1706 the division to administer provisions of law conferring duties  
1707 upon the division, the division employee ~~he or she~~ may issue a  
1708 notice of violation indicating the statute violated. This notice  
1709 will be filed with the division and a copy forwarded to the  
1710 appropriate law enforcement entity for further action if  
1711 necessary.

1712 (3) The department may also impose an administrative fine,  
1713 not to exceed \$1,000 per violation of any section of chapter 589  
1714 or this chapter or violation of any rule adopted by the division  
1715 to administer provisions of law conferring duties upon the  
1716 division. The fine shall be based upon the degree of damage, the  
1717 prior violation record of the person, and whether the person  
1718 knowingly provided false information to obtain an authorization.  
1719 The fines shall be deposited in the Incidental Trust Fund of the  
1720 division.

1721 (4) A person may not:

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1722 (a) Fail to comply with any rule or order adopted by the  
1723 division to administer provisions of law conferring duties upon  
1724 the division; or

1725 (b) Knowingly make any false statement or representation  
1726 in any application, record, plan, or other document required by  
1727 this chapter or any rules adopted under this chapter.

1728 (5) A person who violates paragraph (4) (a) or paragraph  
1729 (4) (b) commits a misdemeanor of the second degree, punishable as  
1730 provided in s. 775.082 or s. 775.083.

1731 (6) It is the intent of the Legislature that a penalty  
1732 imposed by a court under subsection (5) be of a severity that  
1733 ensures immediate and continued compliance with this section.

1734 Section 56. Paragraph (a) of subsection (1) of section  
1735 599.004, Florida Statutes, is amended to read:

1736 599.004 Florida Farm Winery Program; registration; logo;  
1737 fees.--

1738 (1) The Florida Farm Winery Program is established within  
1739 the Department of Agriculture and Consumer Services. Under this  
1740 program, a winery may qualify as a tourist attraction only if it  
1741 is registered with and certified by the department as a Florida  
1742 Farm Winery. A winery may not claim to be certified unless it  
1743 has received written approval from the department.

1744 (a) To qualify as a certified Florida Farm Winery, a  
1745 winery shall meet the following standards:

1746 1. Produce or sell less than 250,000 gallons of wine  
1747 annually.

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1748 2. Maintain a minimum of 10 acres of owned or managed land  
1749 ~~vineyards~~ in Florida which produces commodities used in the  
1750 production of wine.

1751 3. Be open to the public for tours, tastings, and sales at  
1752 least 30 hours each week.

1753 4. Make annual application to the department for  
1754 recognition as a Florida Farm Winery, on forms provided by the  
1755 department.

1756 5. Pay an annual application and registration fee of \$100.  
1757 Section 57. Subsection (11) is added to section 604.15,  
1758 Florida Statutes, to read:

1759 604.15 Dealers in agricultural products; definitions.--For  
1760 the purpose of ss. 604.15-604.34, the following words and terms,  
1761 when used, shall be construed to mean:

1762 (11) "Responsible position" means a position within the  
1763 business of a dealer in agricultural products that has the  
1764 authority to negotiate or make the purchase of agricultural  
1765 products on behalf of the dealer's business or has principal  
1766 active management authority over the business decisions,  
1767 actions, and activities of the dealer's business in this state.

1768 Section 58. Section 604.19, Florida Statutes, is amended  
1769 to read:

1770 604.19 License; fee; bond; certificate of deposit;  
1771 penalty.--Unless the department refuses the application on one  
1772 or more of the grounds provided in this section, it shall issue  
1773 to an applicant, upon the payment of required fees and the  
1774 execution and delivery of a bond or certificate of deposit as  
1775 provided in this section, a state license entitling the  
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1776 applicant to conduct business as a dealer in agricultural  
1777 products for a 1-year period to coincide with the effective  
1778 period of the bond or certificate of deposit furnished by the  
1779 applicant. During the 1-year period covered by a license, if the  
1780 supporting surety bond or certificate of deposit is canceled for  
1781 any reason, the license shall automatically expire on the date  
1782 the surety bond or certificate of deposit terminates, unless an  
1783 acceptable replacement is in effect before the date of  
1784 termination so that continual coverage occurs for the remaining  
1785 period of the license. A surety company shall give the  
1786 department a 30-day written notice of cancellation by certified  
1787 mail in order to cancel a bond. Cancellation of a bond or  
1788 certificate of deposit does shall not relieve a surety company  
1789 or financial institution of liability for purchases or sales  
1790 occurring while the bond or certificate of deposit was in  
1791 effect. The license fee, which must be paid for the principal  
1792 place of business for a dealer in agricultural products, shall  
1793 be based upon the amount of the dealer's surety bond or  
1794 certificate of deposit furnished by each dealer under the  
1795 provisions of s. 604.20 and may not exceed \$500. For each  
1796 additional place in which the applicant desires to conduct  
1797 business and which the applicant names in the application, the  
1798 additional license fee must be paid but may not exceed \$100  
1799 annually. If a ~~Should any~~ dealer in agricultural products fails,  
1800 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and  
1801 qualify for the renewal of a license on or before its ~~the date~~  
1802 ~~of expiration~~ date ~~thereof~~, a penalty not to exceed \$100 shall  
1803 apply to and be added to the ~~original~~ license fee for the  
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1804 principal place of business and to the license fee for each  
1805 additional place of business named in the application and shall  
1806 be paid by the applicant before the renewal license may be  
1807 issued. The department by rule shall prescribe fee amounts  
1808 sufficient to fund ss. 604.15-604.34.

1809 Section 59. Subsections (1) and (4) of section 604.20,  
1810 Florida Statutes, are amended to read:

1811 604.20 Bond or certificate of deposit prerequisite;  
1812 amount; form.--

1813 (1) Before any license is issued, the applicant therefor  
1814 shall make and deliver to the department a surety bond or  
1815 certificate of deposit in the amount of at least \$5,000 or in  
1816 such greater amount as the department may determine. No bond or  
1817 certificate of deposit may be in an amount less than \$5,000. The  
1818 penal sum of the bond or certificate of deposit to be furnished  
1819 to the department by an applicant for license as a dealer in  
1820 agricultural products shall be in an amount equal to twice the  
1821 average of the monthly dollar amounts ~~amount~~ of agricultural  
1822 products handled for a Florida producer or a producer's agent or  
1823 representative, by purchase or otherwise, ~~during the month of~~  
1824 ~~maximum transaction in such products~~ during the preceding 12-  
1825 month period. Only those months in which the applicant handled,  
1826 by purchase or otherwise, amounts equal to or greater than  
1827 \$1,000 shall be used to calculate the penal sum of the required  
1828 bond or certificate of deposit. An applicant for license who has  
1829 not handled agricultural products for a Florida producer or a  
1830 producer's agent or representative, by purchase or otherwise,  
1831 during the preceding 12-month period shall furnish a bond or  
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1832 certificate of deposit in an amount equal to twice the estimated  
1833 average of the monthly dollar amounts ~~amount~~ of such  
1834 agricultural products to be handled, by purchase or otherwise,  
1835 ~~during the month of maximum transaction~~ during the next  
1836 immediate 12 months. Only those months in which the applicant  
1837 anticipates handling, by purchase or otherwise, amounts equal to  
1838 or greater than \$1,000 shall be used to calculate the penal sum  
1839 of the required bond or certificate of deposit. Such bond or  
1840 certificate of deposit shall be provided or assigned in the  
1841 exact name in which the dealer will conduct business subject to  
1842 the provisions of ss. 604.15-604.34. Such bond must be executed  
1843 by a surety company authorized to transact business in the  
1844 state. For the purposes of ss. 604.19-604.21, the term  
1845 "certificate of deposit" means a certificate of deposit at any  
1846 recognized financial institution doing business in the United  
1847 States. No certificate of deposit may be accepted in connection  
1848 with an application for a dealer's license unless the issuing  
1849 institution is properly insured by either the Federal Deposit  
1850 Insurance Corporation or the Federal Savings and Loan Insurance  
1851 Corporation. Such bond or any certificate of deposit assignment  
1852 or agreement shall be upon a form prescribed or approved by the  
1853 department and shall be conditioned to secure the faithful  
1854 accounting for and payment, in the manner prescribed by s.  
1855 604.21(9), to producers or their agents or representatives of  
1856 the proceeds of all agricultural products handled or purchased  
1857 by such dealer, ~~and~~ to secure payment to dealers who sell  
1858 agricultural products to such dealer, and to pay any claims or  
1859 costs ordered under s. 604.21 as the result of a complaint. Such

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1860 bond or certificate of deposit assignment or agreement shall  
1861 include terms binding the instrument to the Commissioner of  
1862 Agriculture. A certificate of deposit shall be presented with an  
1863 assignment of applicant's rights in the certificate in favor of  
1864 the Commissioner of Agriculture on a form prescribed by the  
1865 department and with a letter from the issuing institution  
1866 acknowledging that the assignment has been properly recorded on  
1867 the books of the issuing institution and will be honored by the  
1868 issuing institution. Such assignment shall be irrevocable while  
1869 the dealer's license is in effect and for an additional period  
1870 of 6 months after the termination or expiration of the dealer's  
1871 license, provided no complaint is pending against the licensee.  
1872 If a complaint is pending, the assignment shall remain in effect  
1873 until all actions on the complaint have been finalized. The  
1874 certificate of deposit may be released by the assignee of the  
1875 financial institution to the licensee or the licensee's  
1876 successors, assignee, or heirs if no claims are pending against  
1877 the licensee before the department at the conclusion of 6 months  
1878 after the last effective date of the license. No certificate of  
1879 deposit shall be accepted that contains any provision that would  
1880 give the issuing institution any prior rights or claim on the  
1881 proceeds or principal of such certificate of deposit. The  
1882 department shall determine by rule the maximum amount of bond or  
1883 certificate of deposit required of a dealer and whether an  
1884 annual bond or certificate of deposit will be required.

1885 (4) The department may issue a conditional license to an  
1886 applicant who is unable to provide a single bond or certificate  
1887 of deposit in the full amount required by the calculation in  
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1888 subsection (1). The conditional license shall remain in effect  
1889 for a 1-year period to coincide with the effective period of the  
1890 bond or certificate of deposit furnished by the applicant. The  
1891 applicant must provide at least the minimum \$5,000 bond or  
1892 certificate of deposit as provided in subsection (1) together  
1893 with documentation from each of three separate bonding companies  
1894 denying the applicants request for a surety bond in the full  
1895 amount required in subsection (1) and one of the following:

1896 (a) A notarized affidavit limiting the handling of  
1897 agricultural products, by purchase or otherwise, during their  
1898 largest month to a minimum of one-half the amount of the bond or  
1899 certificate of deposit provided by the applicant;

1900 (b) A notarized affidavit stating that any subject  
1901 agricultural products, handled by purchase or otherwise,  
1902 exceeding one-half of the amount of the bond or certificate of  
1903 deposit will be handled under the exemption provisions set forth  
1904 in s. 604.16(2); or

1905 (c) A second bond or certificate of deposit in such an  
1906 amount that, when the penal sum of the second bond or  
1907 certificate of deposit is added to the penal sum of the first  
1908 bond or certificate of deposit, the combined penal sum will  
1909 equal twice the dollar amount of agricultural products handled  
1910 for a Florida producer or a producer's agent or representative,  
1911 by purchase or otherwise, during the month of maximum  
1912 transaction in such products during the preceding 12-month  
1913 period.

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1915 The department or its agents may require from any licensee who  
1916 is issued a conditional license verified statements of the  
1917 volume of the licensee's business or may review the licensee's  
1918 records at the licensee's place of business during normal  
1919 business hours to determine the licensee's adherence to the  
1920 conditions of the license. The failure of a licensee to furnish  
1921 such statement or to make such records available shall be cause  
1922 for suspension of the licensee's conditional license. If the  
1923 department finds such failure to be willful, the conditional  
1924 license may be revoked.

1925 Section 60. Section 604.25, Florida Statutes, is amended  
1926 to read:

1927 604.25 Denial of, refusal to renew ~~grant~~, or suspension or  
1928 revocation of, license.--

1929 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~  
1930 ~~grant a license~~ or may suspend or revoke a license already  
1931 ~~granted~~ if the applicant or licensee has:

1932 (1)(a) Suffered a monetary judgment entered against the  
1933 applicant or licensee ~~upon which is execution has been returned~~  
1934 ~~unsatisfied;~~

1935 (2)(b) Made false charges for handling or services  
1936 rendered;

1937 (3)(e) Failed to account promptly and properly or to make  
1938 settlements with any producer;

1939 (4)(d) Made any false statement or statements as to  
1940 condition, quality, or quantity of goods received or held for  
1941 sale when the true condition, quality, or quantity could have  
1942 been ascertained by reasonable inspection;

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- 1943        (5)~~(e)~~ Made any false or misleading statement or  
1944 statements as to market conditions or service rendered;
- 1945        (6)~~(f)~~ Been guilty of a fraud in the attempt to procure,  
1946 or the procurement of, a license;
- 1947        (7)~~(g)~~ Directly or indirectly sold agricultural products  
1948 received on consignment or on a net return basis for her or his  
1949 own account, without prior authority from the producer  
1950 consigning the same, or without notifying such producer;
- 1951        (8)~~(h)~~ Failed to prevent a person from holding a position  
1952 as the applicant's or licensee's owner, officer, director,  
1953 general or managing partner, or employee ~~Employed~~ in a  
1954 responsible position ~~a person~~, or holding any other similarly  
1955 situated position, if the person holds or has held a similar  
1956 position with any entity that ~~an officer of a corporation, who~~  
1957 ~~has failed to fully comply with an order of the department,~~ has  
1958 not satisfied a civil judgment held by the department, has  
1959 pending any administrative or civil enforcement action by the  
1960 department, or has pending any criminal charges pursuant to s.  
1961 604.30 at any time within 1 year after issuance;
- 1962        (9)~~(i)~~ Violated any statute or rule relating to the  
1963 purchase or sale of any agricultural product, whether or not  
1964 such transaction is subject to the provisions of this chapter;  
1965 ~~or~~
- 1966        (10)~~(j)~~ Failed to submit to the department an application,  
1967 appropriate license fees, and an acceptable surety bond or  
1968 certificate of deposit; ~~or-~~
- 1969        (11)~~(2)~~ Failed ~~If a licensee fails or refused~~ refuses to  
1970 comply in full with an order of the department or failed to  
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1971 ~~satisfy a civil judgment owed to the department, her or his~~  
1972 ~~license may be suspended or revoked, in which case she or he~~  
1973 ~~shall not be eligible for license for a period of 1 year or~~  
1974 ~~until she or he has fully complied with the order of the~~  
1975 ~~department.~~

1976 ~~(3) No person, or officer of a corporation, whose license~~  
1977 ~~has been suspended or revoked for failure to comply with an~~  
1978 ~~order of the department may hold a responsible position with a~~  
1979 ~~licensee for a period of 1 year or until the order of the~~  
1980 ~~department has been fully complied with.~~

1981 Section 61. Subsections (18) and (19) of section 616.242,  
1982 Florida Statutes, are renumbered as subsections (19) and (20),  
1983 respectively, and a new subsection (18) is added to that section  
1984 to read:

1985 616.242 Safety standards for amusement rides.--

1986 (18) STOP-OPERATION ORDERS.--If an owner or amusement ride  
1987 fails to comply with this chapter or any rule adopted under this  
1988 chapter, the department may issue a stop-operation order.

1989 Section 62. Subsection (4) of section 686.201, Florida  
1990 Statutes, is amended to read:

1991 686.201 Sales representative contracts involving  
1992 commissions; requirements; termination of agreement; civil  
1993 remedies.--

1994 (4) This section does not apply to persons licensed  
1995 pursuant to chapter 475 who are performing services within the  
1996 scope of their license or to contracts to which a seller of  
1997 travel as defined in s. 559.927 is a party.

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1998 Section 63. Paragraph (c) of subsection (5) of section  
1999 790.06, Florida Statutes, is amended to read:

2000 790.06 License to carry concealed weapon or firearm.--

2001 (5) The applicant shall submit to the Department of  
2002 Agriculture and Consumer Services:

2003 (c) A full set of fingerprints of the applicant  
2004 administered by a law enforcement agency or the Division of  
2005 Licensing of the Department of Agriculture and Consumer  
2006 Services.

2007 Section 64. Sections 570.071 and 570.901, Florida  
2008 Statutes, are repealed.

2009 Section 65. Subsection (1) of section 205.064, Florida  
2010 Statutes, is amended to read:

2011 205.064 Farm, aquacultural, grove, horticultural,  
2012 floricultural, tropical piscicultural, and tropical fish farm  
2013 products; certain exemptions.--

2014 (1) A local business tax receipt is not required of any  
2015 ~~natural~~ person for the privilege of engaging in the selling of  
2016 farm, aquacultural, grove, horticultural, floricultural,  
2017 tropical piscicultural, or tropical fish farm products, or  
2018 products manufactured therefrom, except intoxicating liquors,  
2019 wine, or beer, when such products were grown or produced by such  
2020 ~~natural~~ person in the state.

2021 Section 66. Subsection (20) of section 322.01, Florida  
2022 Statutes, is amended to read:

2023 322.01 Definitions.--As used in this chapter:

2024 (20) "Farm tractor" means a motor vehicle that is:

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2025        (a) Operated principally on a farm, grove, or orchard in  
2026 agricultural or horticultural pursuits and that is operated on  
2027 the roads of this state only incidentally to transportation  
2028 between the owner's or operator's headquarters and the farm,  
2029 grove, or orchard or between one farm, grove, or orchard and  
2030 another; or

2031        (b) Designed and used primarily as a farm implement for  
2032 drawing plows, mowing machines, and other implements of  
2033 husbandry.

2034        Section 67. Paragraph (n) of subsection (1) of section  
2035 500.03, Florida Statutes, is amended to read:

2036        500.03 Definitions; construction; applicability.--

2037        (1) For the purpose of this chapter, the term:

2038        (n) "Food establishment" means any factory, food outlet,  
2039 or any other facility manufacturing, processing, packing,  
2040 holding, or preparing food, or selling food at wholesale or  
2041 retail. The term does not include any business or activity that  
2042 is regulated under chapter 509 or chapter 601. The term includes  
2043 tomato packinghouses and repackers but does not include any  
2044 other establishments that pack fruits and vegetables in their  
2045 raw or natural states, including those fruits or vegetables that  
2046 are washed, colored, or otherwise treated in their unpeeled,  
2047 natural form before they are marketed.

2048        Section 68. Section 500.70, Florida Statutes, is created  
2049 to read:

2050        500.70 Tomato food safety standards; inspections;  
2051 penalties; tomato good agricultural practices; tomato best  
2052 management practices.--

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2053 (1) As used in this section, the term:

2054 (a) "Field packing" means the packing of tomatoes on a  
2055 tomato farm or in a tomato greenhouse into containers for sale  
2056 for human consumption without transporting the tomatoes to a  
2057 packinghouse.

2058 (b) "Packing" or "repacking" means the packing of tomatoes  
2059 into containers for sale for human consumption. The term  
2060 includes the sorting or separating of tomatoes into grades and  
2061 sizes. The term also includes field packing.

2062 (c) "Producing" means the planting, growing, or  
2063 cultivating of tomatoes on a tomato farm or in a tomato  
2064 greenhouse for sale for human consumption.

2065 (2) The department may adopt rules establishing food  
2066 safety standards to safeguard the public health and promote the  
2067 public welfare by protecting the consuming public from injury  
2068 caused by the adulteration or the microbiological, chemical, or  
2069 radiological contamination of tomatoes. The rules must be based  
2070 on federal requirements, available scientific research,  
2071 generally accepted industry practices, and recommendations of  
2072 food safety professionals. The rules shall apply to the  
2073 producing, harvesting, packing, and repacking of tomatoes for  
2074 sale for human consumption by a tomato farm, tomato greenhouse,  
2075 or tomato packinghouse or repacker in this state. The rules may  
2076 include, but are not limited to, standards for:

2077 (a) Registration with the department of a person who  
2078 produces, harvests, packs, or repacks tomatoes in this state who  
2079 does not hold a food permit issued under s. 500.12.

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2080 (b) Proximity of domestic animals and livestock to the  
2081 production areas for tomatoes.

2082 (c) Food safety related use of water for irrigation during  
2083 production and washing of tomatoes after harvest.

2084 (d) Use of fertilizers.

2085 (e) Cleaning and sanitation of containers, materials,  
2086 equipment, vehicles, and facilities, including storage and  
2087 ripening areas.

2088 (f) Health, hygiene, and sanitation of employees who  
2089 handle tomatoes.

2090 (g) Training and continuing education of a person who  
2091 produces, harvests, packs, or repacks tomatoes in this state,  
2092 and the person's employees who handle tomatoes.

2093 (h) Labeling and recordkeeping, including standards for  
2094 identifying and tracing tomatoes for sale for human consumption.

2095 (3) (a) The department may inspect tomato farms, tomato  
2096 greenhouses, tomato packinghouses, repacking locations, or any  
2097 vehicle being used to transport or hold tomatoes to ensure  
2098 compliance with the applicable provisions of this chapter, and  
2099 the rules adopted under this chapter.

2100 (b) The department may impose an administrative fine not  
2101 to exceed \$5,000 per violation, or issue a written notice or  
2102 warning under s. 500.179, against a person who violates any  
2103 applicable provision of this section, or any rule adopted under  
2104 this section.

2105 (4) (a) The department may adopt rules establishing tomato  
2106 good agricultural practices and tomato best management practices  
2107 for the state's tomato industry based on applicable federal

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2108 requirements, available scientific research, generally accepted  
2109 industry practices, and recommendations of food safety  
2110 professionals.

2111 (b) A person who documents compliance with the  
2112 department's rules, tomato good agricultural practices, and  
2113 tomato best management practices is presumed to introduce  
2114 tomatoes into the stream of commerce that are safe for human  
2115 consumption, unless the department identifies noncompliance  
2116 through inspections.

2117 (5) Subsections (2) and (4) do not apply to tomatoes sold  
2118 by the grower on the premises at which the tomatoes are grown or  
2119 at a local farmers' market, if the quantity of tomatoes sold  
2120 does not exceed two 25-pound boxes per customer.

2121 (6) The department may adopt rules pursuant to ss.  
2122 120.536(1) and 120.54 to administer this section.

2123 Section 69. Subsection (10) of section 570.07, Florida  
2124 Statutes, is amended to read:

2125 570.07 Department of Agriculture and Consumer Services;  
2126 functions, powers, and duties.--The department shall have and  
2127 exercise the following functions, powers, and duties:

2128 (10) To act as adviser to producers and distributors, when  
2129 requested, ~~and~~ to assist them in the economical and efficient  
2130 distribution of their agricultural products, ~~and~~ to encourage  
2131 cooperative effort among producers to gain economical and  
2132 efficient production of agricultural products, and to adopt  
2133 rules establishing comprehensive best management practices for  
2134 agricultural production and food safety.

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2135 Section 70. Paragraph (e) of subsection (2) of section  
2136 570.48, Florida Statutes, is amended to read:

2137 570.48 Division of Fruit and Vegetables; powers and  
2138 duties; records.--The duties of the Division of Fruit and  
2139 Vegetables include, but are not limited to:

2140 (2)

2141 (e) Performing tomato food safety inspections under s.  
2142 500.70 on tomato farms, in tomato greenhouses, and in tomato  
2143 packinghouses and repackers.

2144 Section 71. Subsection (1) of section 604.15, Florida  
2145 Statutes, is amended to read:

2146 604.15 Dealers in agricultural products; definitions.--For  
2147 the purpose of ss. 604.15-604.34, the following words and terms,  
2148 when used, shall be construed to mean:

2149 (1) "Agricultural products" means the natural products of  
2150 the farm, nursery, grove, orchard, vineyard, garden, and apiary  
2151 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
2152 livestock; milk and milk products; poultry and poultry products;  
2153 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*  
2154 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety  
2155 Persian, Tahiti, Bearss, or Florida Key limes); and any other  
2156 nonexempt agricultural products produced in the state, except  
2157 tobacco, sugarcane, tropical foliage, timber and timber  
2158 byproducts, forest products as defined in s. 591.17, and citrus  
2159 other than limes.

2160 Section 72. Subsection (7) is added to section 624.4095,  
2161 Florida Statutes, to read:

2162 624.4095 Premiums written; restrictions.--

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2163       (7) For purposes of this section and s. 624.407, with  
2164 regard to capital and surplus required, gross written premiums  
2165 for federal multi-peril crop insurance that is ceded to the  
2166 Federal Crop Insurance Corporation and authorized reinsurers  
2167 shall not be included when calculating the insurer's gross  
2168 writing ratio. The liabilities for ceded reinsurance premiums  
2169 payable for federal multi-peril crop insurance ceded to the  
2170 Federal Crop Insurance Corporation and authorized reinsurers  
2171 shall be netted against the asset for amounts recoverable from  
2172 reinsurers. Each insurer that writes other insurance products  
2173 together with federal multi-peril crop insurance shall disclose  
2174 in the notes to the annual and quarterly financial statement, or  
2175 file a supplement to the financial statement that discloses, a  
2176 breakout of the gross written premiums for federal multi-peril  
2177 crop insurance.

2178       Section 73. Section 823.145, Florida Statutes, is amended  
2179 to read:

2180       823.145 Disposal by open burning of certain materials  
2181 ~~mulch plastic~~ used in agricultural operations.--Polyethylene  
2182 agricultural mulch plastic; damaged, nonsalvageable, untreated  
2183 wood pallets; and packing material that cannot be feasibly  
2184 recycled, which are used in connection with agricultural  
2185 operations related to the growing, harvesting, or maintenance of  
2186 crops, may be disposed of by open burning provided that no  
2187 public nuisance or any condition adversely affecting the  
2188 environment or the public health is created thereby and that  
2189 state or federal national ambient air quality standards are not  
2190 violated.

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2191 Section 74. Subsection (4) of section 163.3162, Florida  
2192 Statutes, is amended to read:

2193 163.3162 Agricultural Lands and Practices Act.--

2194 (4) DUPLICATION OF REGULATION.--Except as otherwise  
2195 provided in this section and s. 487.051(2), and notwithstanding  
2196 any other law, including any provision of chapter 125 or this  
2197 chapter, a county may not exercise any of its powers to adopt or  
2198 enforce any ordinance, resolution, regulation, rule, or policy  
2199 to prohibit, restrict, regulate, or otherwise limit an activity  
2200 of a bona fide farm operation on land classified as agricultural  
2201 land pursuant to s. 193.461, if such activity is regulated  
2202 through implemented best management practices, interim measures,  
2203 or regulations adopted as rules under chapter 120 ~~developed by~~  
2204 the Department of Environmental Protection, the Department of  
2205 Agriculture and Consumer Services, or a water management  
2206 district ~~and adopted under chapter 120~~ as part of a statewide or  
2207 regional program; or if such activity is expressly regulated by  
2208 the United States Department of Agriculture, the United States  
2209 Army Corps of Engineers, or the United States Environmental  
2210 Protection Agency. A county may not charge an assessment or fee  
2211 for stormwater management on a bona fide farm operation on land  
2212 classified as agricultural land pursuant to s. 193.461, if the  
2213 farm operation has a National Pollutant Discharge Elimination  
2214 System permit, environmental resource permit, or works-of-the-  
2215 district permit or implements best management practices adopted  
2216 as rules under chapter 120 by the Department of Environmental  
2217 Protection, the Department of Agriculture and Consumer Services,  
2218 or a water management district as part of a statewide or

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2219 regional program. However, this subsection does not prohibit a  
2220 county from charging an assessment or fee for stormwater  
2221 management on a bona fide farm operation that does not have a  
2222 National Pollutant Discharge Elimination System permit,  
2223 environmental resource permit, or works-of-the-district permit,  
2224 or has not implemented water quality and quantity best-  
2225 management practices as described in this subsection. For those  
2226 counties that, before March 1, 2009, adopted a stormwater  
2227 utility ordinance, resolution, or municipal services benefit  
2228 unit or, before March 1, 2009, adopted a resolution stating its  
2229 intent to use the uniform method of collection pursuant to s.  
2230 197.3632 for such stormwater ordinances, the county may continue  
2231 to charge an assessment or fee for stormwater management on a  
2232 bona fide farm operation on land classified as agricultural  
2233 pursuant to s. 193.461 if the ordinance provides credits against  
2234 the assessment or fee on a bona fide farm operation for the  
2235 implementation of best-management practices adopted as rules  
2236 under chapter 120 by the Department of Environmental Protection,  
2237 the Department of Agriculture and Consumer Services, or a water  
2238 management district as part of a statewide or regional program,  
2239 or stormwater quality and quantity measures required as part of  
2240 a National Pollutant Discharge Elimination System permit,  
2241 environmental resource permit, or works-of-the-district permit  
2242 or implementation of best-management practices or alternative  
2243 measures which the landowner demonstrates to the county to be of  
2244 equivalent or greater stormwater benefit than those provided by  
2245 implementation of best-management practices adopted as rules  
2246 under chapter 120 by the Department of Environmental Protection,  
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2247 the Department of Agriculture and Consumer Services, or a water  
2248 management district as part of a statewide or regional program,  
2249 or stormwater quality and quantity measures required as part of  
2250 a National Pollutant Discharge Elimination System permit,  
2251 environmental resource permit, or works-of-the-district permit.

2252 (a) When an activity of a farm operation takes place  
2253 within a wellfield protection area as defined in any wellfield  
2254 protection ordinance adopted by a county, and the implemented  
2255 best management practice, regulation, or interim measure does  
2256 not specifically address wellfield protection, a county may  
2257 regulate that activity pursuant to such ordinance. This  
2258 subsection does not limit the powers and duties provided for in  
2259 s. 373.4592 or limit the powers and duties of any county to  
2260 address an emergency as provided for in chapter 252.

2261 (b) This subsection may not be construed to permit an  
2262 existing farm operation to change to a more excessive farm  
2263 operation with regard to traffic, noise, odor, dust, or fumes  
2264 where the existing farm operation is adjacent to an established  
2265 homestead or business on March 15, 1982.

2266 (c) This subsection does not limit the powers of a  
2267 predominantly urbanized county with a population greater than  
2268 1,500,000 and more than 25 municipalities, not operating under a  
2269 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
2270 VIII of the Constitution of 1885, as preserved by s. 6(e), Art.  
2271 VIII of the Constitution of 1968, which has a delegated  
2272 pollution control program under s. 403.182 and includes drainage  
2273 basins that are part of the Everglades Stormwater Program, to  
2274 enact ordinances, regulations, or other measures to comply with  
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2275 the provisions of s. 373.4592, or which are necessary to  
2276 carrying out a county's duties pursuant to the terms and  
2277 conditions of any environmental program delegated to the county  
2278 by agreement with a state agency.

2279 (d) For purposes of this subsection, a county ordinance  
2280 that regulates the transportation or land application of  
2281 domestic wastewater residuals or other forms of sewage sludge  
2282 shall not be deemed to be duplication of regulation.

2283 (e) This subsection does not limit a county's powers to:

2284 1. Enforce wetlands, springs protection, or stormwater  
2285 ordinances, regulations, or rules adopted before January 15,  
2286 2009.

2287 2. Enforce wetlands, springs protection, or stormwater  
2288 ordinances, regulations, or rules pertaining to the Wekiva River  
2289 Protection Area.

2290 3. Enforce ordinances, regulations, or rules as directed  
2291 by law or implemented consistent with the requirements of a  
2292 program operated under a delegation agreement from a state  
2293 agency or water management district.

2294  
2295 As used in this paragraph, the term "wetlands" has the same  
2296 meaning as defined in s. 373.019.

2297 (f) The provisions of this subsection that limit a  
2298 county's authority to adopt or enforce any ordinance,  
2299 regulation, rule, or policy, or to charge any assessment or fee  
2300 for stormwater management, apply only to a bona fide farm  
2301 operation as described in this subsection.

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2302 Section 75. Section 163.3163, Florida Statutes, is created  
2303 to read:

2304 163.3163 Applications for development permits; disclosure  
2305 and acknowledgement of neighboring agricultural land.--

2306 (1) This section may be cited as the "Agricultural Land  
2307 Acknowledgement Act."

2308 (2) The Legislature finds that nonagricultural land which  
2309 neighbors agricultural land may adversely affect agricultural  
2310 production and farm operations on the agricultural land and may  
2311 lead to the agricultural land's conversion to urban, suburban,  
2312 or other nonagricultural uses. The Legislature intends to  
2313 preserve and encourage agricultural land use and to reduce the  
2314 occurrence of conflicts between agricultural and nonagricultural  
2315 land uses. The purpose of this section is to ensure that  
2316 generally accepted agricultural practices will not be subject to  
2317 interference by residential use of land contiguous to  
2318 agricultural land.

2319 (3) As used in this section, the term:

2320 (a) "Agricultural land" means land classified as  
2321 agricultural land pursuant to s. 193.461.

2322 (b) "Contiguous" means touching, bordering, or adjoining  
2323 along a boundary. For purposes of this section, properties that  
2324 would be contiguous if not separated by a roadway, railroad, or  
2325 other public easement are considered contiguous.

2326 (c) "Farm operation" has the same meaning as defined in s.  
2327 823.14.

2328 (4) (a) Before a political subdivision issues a local land  
2329 use permit, building permit, or certificate of occupancy for  
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2330 nonagricultural land contiguous to agricultural land, the  
2331 political subdivision shall require that, as a condition of  
2332 issuing the permit or certificate, the applicant for the permit  
2333 or certificate sign and submit to the political subdivision, in  
2334 a format that is recordable in the official records of the  
2335 county in which the political subdivision is located, a written  
2336 acknowledgement of contiguous agricultural land in the following  
2337 form:

2338  
2339 ACKNOWLEDGEMENT OF CONTIGUOUS AGRICULTURAL LAND

2340  
2341 I, ...(name of applicant)..., understand that my property  
2342 located at ...(address of nonagricultural land)..., as  
2343 further described in the attached legal description, is  
2344 contiguous to agricultural land located at ...(address of  
2345 agricultural land)..., as further described in the  
2346 attached legal description.

2347 I acknowledge and understand that the farm operation  
2348 on the contiguous agricultural land identified herein will  
2349 be conducted according to generally accepted agricultural  
2350 practices as provided in the Florida Right to Farm Act, s.  
2351 823.14, Florida Statutes.

2352 Signature: ...(signature of applicant)....

2353 Date: ...(date)....

2354  
2355 (b) An acknowledgement submitted to a political  
2356 subdivision under paragraph (a) shall be recorded in the

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2357 official records of the county in which the political  
2358 subdivision is located.

2359 Section 76. Section 604.50, Florida Statutes, is amended  
2360 to read:

2361 604.50 Nonresidential farm buildings and farm  
2362 fences.--Notwithstanding any other law to the contrary, any  
2363 nonresidential farm building or farm fence is exempt from the  
2364 Florida Building Code and any county or municipal ~~building~~ code  
2365 or fee, except for code provisions implementing local, state, or  
2366 federal floodplain management regulations. For purposes of this  
2367 section, the term "nonresidential farm building" means any  
2368 building or support structure that is used for agricultural  
2369 purposes, is located on a farm that is not used as a residential  
2370 dwelling, and is located on land that is an integral part of a  
2371 farm operation or is classified as agricultural land under s.  
2372 193.461. The term "farm" is as defined in s. 823.14.

2373 Section 77. This act shall take effect July 1, 2009.

2374

2375

2376

2377

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

2378

Remove lines 2576-2868 and insert:

2379

An act relating to the Department of Agriculture and

2380

Consumer Services; amending s. 482.021, F.S.; revising

2381

terminology to modify requirements for supervision

2382

provided by certified operators in charge of pest control

2383

businesses; amending s. 482.051, F.S.; requiring pest

2384

control licensees to perform inspections before issuing

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2385 certain contracts; amending s. 482.071, F.S.; increasing  
2386 the financial responsibility requirements for pest control  
2387 licensees; creating s. 482.072, F.S.; requiring pest  
2388 control service center licenses; providing license  
2389 application requirements and procedures; providing for  
2390 expiration and renewal of licenses; establishing license  
2391 fees; exempting pest control service center employees from  
2392 identification card requirements except under certain  
2393 circumstances; requiring recordkeeping and monitoring of  
2394 service center operations; authorizing disciplinary action  
2395 against pest control licensees for violations committed by  
2396 service center employees; amending s. 482.152, F.S.;  
2397 revising duties and supervisory requirements of certified  
2398 operators in charge of pest control businesses; creating  
2399 s. 482.157, F.S.; providing for pest control certification  
2400 of commercial wildlife management personnel; providing  
2401 application procedures and requirements; requiring a  
2402 certification examination; establishing certification  
2403 fees; amending s. 482.226, F.S.; increasing the financial  
2404 responsibility requirements for certain pest control  
2405 licensees; amending s. 493.6102, F.S.; specifying that  
2406 provisions regulating security officers do not apply to  
2407 certain officers performing off-duty activities; amending  
2408 s. 493.6105, F.S.; revising application requirements and  
2409 procedures for private investigator, security officer, or  
2410 recovery agent licenses; specifying application  
2411 requirements for firearms instructor license; amending s.  
2412 493.6106, F.S.; revising citizenship requirements and

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2413 documentation for private investigator, security officer,  
2414 and recovery agent licenses; prohibiting the licensure of  
2415 applicants for a statewide firearm license or firearms  
2416 instructor license who are prohibited from purchasing or  
2417 possessing firearms; requiring notice of changes to branch  
2418 office locations for private investigative, security, or  
2419 recovery agencies; amending s. 493.6107, F.S.; requiring  
2420 the department to accept certain methods of payment for  
2421 certain fees; amending s. 493.6108, F.S.; revising  
2422 requirements for criminal history checks of license  
2423 applicants whose fingerprints are not legible; requiring  
2424 investigation of the mental and emotional fitness of  
2425 applicants for firearms instructor licenses; amending s.  
2426 493.6111, F.S.; requiring a security officer school or  
2427 recovery agent school to obtain the department's approval  
2428 for use of a fictitious name; amending s. 493.6113, F.S.;  
2429 revising application renewal procedures and requirements;  
2430 amending s. 493.6115, F.S.; conforming cross-references;  
2431 amending s. 493.6118, F.S.; authorizing disciplinary  
2432 action against statewide firearm licensees and firearms  
2433 instructor licensees who are prohibited from purchasing or  
2434 possessing firearms; amending s. 493.6121, F.S.; deleting  
2435 provisions for the department's access to certain criminal  
2436 history records provided to licensed gun dealers,  
2437 manufactures, and exporters; amending s. 493.6202, F.S.;  
2438 requiring the department to accept certain methods of  
2439 payment for certain fees; amending s. 493.6203, F.S.;

2440 prohibiting bodyguard services from being credited toward

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2441 certain license requirements; revising training  
2442 requirements for private investigator intern license  
2443 applicants; amending s. 493.6302, F.S.; requiring the  
2444 department to accept certain methods of payment for  
2445 certain fees; amending s. 493.6303, F.S.; revising the  
2446 training requirements for security officer license  
2447 applicants; amending s. 493.6304, F.S.; revising  
2448 application requirements and procedures for security  
2449 officer school licenses; amending s. 493.6401, F.S.;  
2450 revising terminology for recovery agent schools and  
2451 training facilities; amending s. 493.6402, F.S.; revising  
2452 terminology for recovery agent schools and training  
2453 facilities; requiring the department to accept certain  
2454 methods of payment for certain fees; amending s. 493.6406,  
2455 F.S.; requiring recovery agent school and instructor  
2456 licenses; providing license application requirements and  
2457 procedures; amending ss. 501.605 and 501.607, F.S.;  
2458 revising application requirements for commercial telephone  
2459 seller and salesperson licenses; amending s. 501.913,  
2460 F.S.; specifying the sample size required for antifreeze  
2461 registration application; amending s. 525.01, F.S.;  
2462 revising requirements for petroleum fuel affidavits;  
2463 amending s. 525.09, F.S.; imposing an inspection fee on  
2464 certain alternative fuels containing alcohol; amending s.  
2465 526.50, F.S.; defining terms applicable to regulation of  
2466 the sale of brake fluid; amending s. 526.51, F.S.;  
2467 revising brake fluid permit application requirements;  
2468 deleting permit renewal requirements; providing for

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2469 reregistration of brake fluid and establishing fees;  
2470 amending s. 526.52, F.S.; revising requirements for  
2471 printed statements on brake fluid containers; amending s.  
2472 526.53, F.S.; revising requirements and procedures for  
2473 brake fluid stop-sale orders; authorizing businesses to  
2474 dispose of unregistered brake fluid under certain  
2475 circumstances; amending s. 527.02, F.S.; increasing fees  
2476 for liquefied petroleum gas licenses; revising fees for  
2477 pipeline system operators; amending s. 527.0201, F.S.;  
2478 revising requirements for liquefied petroleum gas  
2479 qualifying examinations; increasing examination fees;  
2480 increasing continuing education requirements for certain  
2481 liquefied petroleum gas qualifiers; amending s. 527.021,  
2482 F.S.; requiring the annual inspection of liquefied  
2483 petroleum gas transport vehicles; increasing the  
2484 inspection fee; amending s. 527.12, F.S.; providing for  
2485 the issuance of certain stop orders; amending s. 559.801,  
2486 F.S.; deleting the sale or lease of laundry and  
2487 drycleaning equipment from exclusions to the definition of  
2488 the term "business opportunity" for purposes of the Sale  
2489 of Business Opportunities Act; amending ss. 559.805 and  
2490 559.928, F.S.; deleting requirements that lists of  
2491 independent agents of sellers of business opportunities  
2492 and the agents' registration affidavits include the  
2493 agents' social security numbers; amending s. 570.0725,  
2494 F.S.; revising provisions for public information about  
2495 food banks and similar food recovery programs; authorizing  
2496 the department to adopt rules; amending ss. 570.53 and

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2497 570.54, F.S.; conforming cross-references; amending s.  
2498 570.55, F.S.; revising requirements for identifying  
2499 sellers or handlers of tropical or subtropical fruit or  
2500 vegetables; amending s. 570.902, F.S.; conforming  
2501 terminology to the repeal by the act of provisions  
2502 establishing the Florida Agricultural Museum; amending s.  
2503 570.903, F.S.; revising provisions for direct-support  
2504 organizations for certain agricultural programs to conform  
2505 to the repeal by the act of provisions establishing the  
2506 Florida Agricultural Museum; deleting provisions for a  
2507 direct-support organization for the Florida State  
2508 Collection of Arthropods; amending s. 573.118, F.S.;  
2509 requiring the department to maintain records of marketing  
2510 orders; requiring an audit at the request of an advisory  
2511 council; requiring that the advisory council receive a  
2512 copy of the audit within a specified time; amending s.  
2513 581.011, F.S.; deleting terminology relating to the  
2514 Florida State Collection of Arthropods; revising the term  
2515 "nursery" for purposes of plant industry regulations;  
2516 amending s. 581.031, F.S.; increasing citrus source tree  
2517 registration fees; amending s. 581.131, F.S.; increasing  
2518 registration fees for a nurseryman, stock dealer, agent,  
2519 or plant broker certificate; amending s. 581.211, F.S.;  
2520 increasing the maximum fine for violations of plant  
2521 industry regulations; amending s. 583.13, F.S.; deleting a  
2522 prohibition on the sale of poultry without displaying the  
2523 poultry grade; amending s. 590.125, F.S.; revising  
2524 terminology for open burning authorizations; specifying

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2525 | purposes of certified prescribed burning; requiring the  
2526 | authorization of the Division of Forestry for certified  
2527 | pile burning; providing pile burning requirements;  
2528 | limiting the liability of property owners or agents  
2529 | engaged in pile burning; providing for the certification  
2530 | of pile burners; providing penalties for violations by  
2531 | certified pile burners; requiring rules; revising notice  
2532 | requirements for wildfire hazard reduction treatments;  
2533 | providing for approval of local government open burning  
2534 | authorization programs; providing program requirements;  
2535 | authorizing the division to close local government  
2536 | programs under certain circumstances; providing penalties  
2537 | for violations of local government open burning  
2538 | requirements; amending s. 590.14, F.S.; authorizing fines  
2539 | for violations of any division rule; providing penalties  
2540 | for certain violations; providing legislative intent;  
2541 | amending s. 599.004, F.S.; revising standards that a  
2542 | winery must meet to qualify as a certified Florida Farm  
2543 | Winery; amending s. 604.15, F.S.; defining the term  
2544 | "responsible position" for purposes of provisions  
2545 | regulating dealers in agricultural products; amending s.  
2546 | 604.19, F.S.; revising requirements for late fees on  
2547 | agricultural products dealer applications; amending s.  
2548 | 604.20, F.S.; revising the minimum amount of the surety  
2549 | bond or certificate of deposit required for agricultural  
2550 | products dealer licenses; providing conditions for the  
2551 | payment of bond or certificate of deposit proceeds;  
2552 | requiring additional documentation for issuance of a

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HOUSE AMENDMENT  
Bill No. CS/CS/HB 1241

Amendment No.

2553 conditional license; amending s. 604.25, F.S.; revising  
2554 conditions under which the department may deny, refuse to  
2555 renew, suspend, or revoke agricultural products dealer  
2556 licenses; deleting a provision prohibiting certain persons  
2557 from holding a responsible position with a licensee;  
2558 amending s. 616.242, F.S.; amending s. 686.201, F.S.;  
2559 exempting contracts involving a seller of travel from the  
2560 requirements of that section; authorizing the issuance of  
2561 stop-operation orders for amusement rides under certain  
2562 circumstances; amending s. 790.06, F.S.; authorizing a  
2563 concealed firearm license applicant to submit fingerprints  
2564 administered by the Division of Licensing; repealing ss.  
2565 570.071 and 570.901, F.S., relating to the Florida  
2566 Agricultural Exposition and the Florida Agricultural  
2567 Museum; amending s. 205.064, F.S.; authorizing a person  
2568 selling certain agricultural products who is not a natural  
2569 person to qualify for an exemption from obtaining a local  
2570 business tax receipt; amending s. 322.01, F.S.; revising  
2571 the term "farm tractor" for purposes of drivers' licenses;  
2572 amending s. 500.03, F.S.; revising the term "food  
2573 establishment" to include tomato repackers for purposes of  
2574 the Florida Food Safety Act; creating s. 500.70, F.S.;  
2575 defining the terms "field packing," "packing" or  
2576 "repacking," and "producing"; requiring the Department of  
2577 Agriculture and Consumer Services to adopt minimum food  
2578 safety standards for the producing, harvesting, packing,  
2579 and repacking of tomatoes; authorizing the department to  
2580 inspect tomato farms, greenhouses, and packinghouses or

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2581 repackers for compliance with the standards and certain  
2582 provisions of the Florida Food Safety Act; providing  
2583 penalties; authorizing the department to establish good  
2584 agricultural practices and best management practices for  
2585 the state's tomato industry; providing a presumption that  
2586 tomatoes introduced into commerce are safe for human  
2587 consumption under certain circumstances; providing  
2588 exemptions; authorizing the department to adopt rules;  
2589 amending s. 570.07, F.S.; authorizing the department to  
2590 adopt best management practices for agricultural  
2591 production and food safety; amending s. 570.48, F.S.;  
2592 revising duties of the Division of Fruit and Vegetables  
2593 for tomato food safety inspections; amending s. 604.15,  
2594 F.S.; revising the term "agricultural products" to make  
2595 tropical foliage exempt from regulation under provisions  
2596 relating to dealers in agricultural products; amending s.  
2597 624.4095, F.S.; requiring that gross written premiums for  
2598 certain crop insurance not be included when calculating  
2599 the insurer's gross ratio; requiring that liabilities for  
2600 ceded reinsurance premiums be netted against the asset for  
2601 amounts recoverable from reinsurers; requiring that  
2602 insurers who write other insurance products to disclose a  
2603 breakout of the gross written premiums for crop insurance;  
2604 amending s. 823.145, F.S.; expanding the materials used in  
2605 agricultural operations that may be disposed of by open  
2606 burning; providing certain limitations on open burning;  
2607 amending s. 163.3162, F.S.; prohibiting a county from  
2608 enforcing certain limits on the activity of a bona fide

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Amendment No.

2609 farm operation on agricultural land under certain  
2610 circumstances; prohibiting a county from charging  
2611 agricultural lands for stormwater management assessments  
2612 and fees under certain circumstances; allowing an  
2613 assessment to be collected if credits against the  
2614 assessment are provided for implementation of best-  
2615 management practices; providing exemptions from certain  
2616 restrictions on a county's powers over the activity on  
2617 agricultural land; providing a definition; providing for  
2618 application; creating s. 163.3163, F.S.; creating the  
2619 "Agricultural Land Acknowledgement Act"; providing  
2620 legislative findings and intent; providing definitions;  
2621 requiring an applicant for certain development permits to  
2622 sign and submit an acknowledgement of contiguous  
2623 agricultural land as a condition of the political  
2624 subdivision issuing the permits; specifying information to  
2625 be included in the acknowledgement; requiring that the  
2626 acknowledgement be recorded in the official county  
2627 records; amending s. 604.50, F.S.; exempting farm fences  
2628 from the Florida Building Code; exempting nonresidential  
2629 farm buildings and farm fences from county and municipal  
2630 codes and fees; specifying that the exemptions do not  
2631 apply to code provisions implementing certain floodplain  
2632 regulations; providing an effective date.

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