

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 482.021, F.S.; revising
4 terminology to modify requirements for supervision
5 provided by certified operators in charge of pest control
6 businesses; amending s. 482.051, F.S.; requiring pest
7 control licensees to perform inspections before issuing
8 certain contracts; amending s. 482.071, F.S.; increasing
9 the financial responsibility requirements for pest control
10 licensees; creating s. 482.072, F.S.; requiring pest
11 control service center licenses; providing license
12 application requirements and procedures; providing for
13 expiration and renewal of licenses; establishing license
14 fees; exempting pest control service center employees from
15 identification card requirements except under certain
16 circumstances; requiring recordkeeping and monitoring of
17 service center operations; authorizing disciplinary action
18 against pest control licensees for violations committed by
19 service center employees; amending s. 482.152, F.S.;
20 revising duties and supervisory requirements of certified
21 operators in charge of pest control businesses; creating
22 s. 482.157, F.S.; providing for pest control certification
23 of commercial wildlife management personnel; providing
24 application procedures and requirements; requiring a
25 certification examination; establishing certification
26 fees; amending s. 482.226, F.S.; increasing the financial
27 responsibility requirements for certain pest control
28 licensees; amending s. 493.6102, F.S.; specifying that

29 provisions regulating security officers do not apply to
30 certain officers performing off-duty activities; amending
31 s. 493.6105, F.S.; revising application requirements and
32 procedures for private investigator, security officer, or
33 recovery agent licenses; specifying application
34 requirements for firearms instructor license; amending s.
35 493.6106, F.S.; revising citizenship requirements and
36 documentation for private investigator, security officer,
37 and recovery agent licenses; prohibiting the licensure of
38 applicants for a statewide firearm license or firearms
39 instructor license who are prohibited from purchasing or
40 possessing firearms; requiring notice of changes to branch
41 office locations for private investigative, security, or
42 recovery agencies; amending s. 493.6107, F.S.; requiring
43 the department to accept certain methods of payment for
44 certain fees; amending s. 493.6108, F.S.; revising
45 requirements for criminal history checks of license
46 applicants whose fingerprints are not legible; requiring
47 investigation of the mental and emotional fitness of
48 applicants for firearms instructor licenses; amending s.
49 493.6111, F.S.; requiring a security officer school or
50 recovery agent school to obtain the department's approval
51 for use of a fictitious name; amending s. 493.6113, F.S.;
52 revising application renewal procedures and requirements;
53 amending s. 493.6115, F.S.; conforming cross-references;
54 amending s. 493.6118, F.S.; authorizing disciplinary
55 action against statewide firearm licensees and firearms
56 instructor licensees who are prohibited from purchasing or

57 | possessing firearms; amending s. 493.6121, F.S.; deleting
58 | provisions for the department's access to certain criminal
59 | history records provided to licensed gun dealers,
60 | manufactures, and exporters; amending s. 493.6202, F.S.;
61 | requiring the department to accept certain methods of
62 | payment for certain fees; amending s. 493.6203, F.S.;
63 | prohibiting bodyguard services from being credited toward
64 | certain license requirements; revising training
65 | requirements for private investigator intern license
66 | applicants; amending s. 493.6302, F.S.; requiring the
67 | department to accept certain methods of payment for
68 | certain fees; amending s. 493.6303, F.S.; revising the
69 | training requirements for security officer license
70 | applicants; amending s. 493.6304, F.S.; revising
71 | application requirements and procedures for security
72 | officer school licenses; amending s. 493.6401, F.S.;
73 | revising terminology for recovery agent schools and
74 | training facilities; amending s. 493.6402, F.S.; revising
75 | terminology for recovery agent schools and training
76 | facilities; requiring the department to accept certain
77 | methods of payment for certain fees; amending s. 493.6406,
78 | F.S.; requiring recovery agent school and instructor
79 | licenses; providing license application requirements and
80 | procedures; amending ss. 501.605 and 501.607, F.S.;
81 | revising application requirements for commercial telephone
82 | seller and salesperson licenses; amending s. 501.913,
83 | F.S.; specifying the sample size required for antifreeze
84 | registration application; amending s. 525.01, F.S.;

85 | revising requirements for petroleum fuel affidavits;
86 | amending s. 525.09, F.S.; imposing an inspection fee on
87 | certain alternative fuels containing alcohol; amending s.
88 | 526.50, F.S.; defining terms applicable to regulation of
89 | the sale of brake fluid; amending s. 526.51, F.S.;
90 | revising brake fluid permit application requirements;
91 | deleting permit renewal requirements; providing for
92 | reregistration of brake fluid and establishing fees;
93 | amending s. 526.52, F.S.; revising requirements for
94 | printed statements on brake fluid containers; amending s.
95 | 526.53, F.S.; revising requirements and procedures for
96 | brake fluid stop-sale orders; authorizing businesses to
97 | dispose of unregistered brake fluid under certain
98 | circumstances; amending s. 527.02, F.S.; increasing fees
99 | for liquefied petroleum gas licenses; revising fees for
100 | pipeline system operators; amending s. 527.0201, F.S.;
101 | revising requirements for liquefied petroleum gas
102 | qualifying examinations; increasing examination fees;
103 | increasing continuing education requirements for certain
104 | liquefied petroleum gas qualifiers; amending s. 527.021,
105 | F.S.; requiring the annual inspection of liquefied
106 | petroleum gas transport vehicles; increasing the
107 | inspection fee; amending s. 527.12, F.S.; providing for
108 | the issuance of certain stop orders; amending ss. 559.805
109 | and 559.928, F.S.; deleting requirements that lists of
110 | independent agents of sellers of business opportunities
111 | and the agents' registration affidavits include the
112 | agents' social security numbers; amending s. 570.0725,

113 F.S.; revising provisions for public information about
114 food banks and similar food recovery programs; authorizing
115 the department to adopt rules; amending ss. 570.53 and
116 570.54, F.S.; conforming cross-references; amending s.
117 570.55, F.S.; revising requirements for identifying
118 sellers or handlers of tropical or subtropical fruit or
119 vegetables; amending s. 570.902, F.S.; conforming
120 terminology to the repeal by the act of provisions
121 establishing the Florida Agricultural Museum; amending s.
122 570.903, F.S.; revising provisions for direct-support
123 organizations for certain agricultural programs to conform
124 to the repeal by the act of provisions establishing the
125 Florida Agricultural Museum; deleting provisions for a
126 direct-support organization for the Florida State
127 Collection of Arthropods; amending s. 573.118, F.S.;
128 requiring the department to maintain records of marketing
129 orders; requiring an audit at the request of an advisory
130 council; requiring that the advisory council receive a
131 copy of the audit within a specified time; amending s.
132 581.011, F.S.; deleting terminology relating to the
133 Florida State Collection of Arthropods; revising the term
134 "nursery" for purposes of plant industry regulations;
135 amending s. 581.031, F.S.; increasing citrus source tree
136 registration fees; amending s. 581.131, F.S.; increasing
137 registration fees for a nurseryman, stock dealer, agent,
138 or plant broker certificate; amending s. 581.211, F.S.;
139 increasing the maximum fine for violations of plant
140 industry regulations; amending s. 583.13, F.S.; deleting a

141 prohibition on the sale of poultry without displaying the
142 poultry grade; amending s. 590.125, F.S.; revising
143 terminology for open burning authorizations; specifying
144 purposes of certified prescribed burning; requiring the
145 authorization of the Division of Forestry for certified
146 pile burning; providing pile burning requirements;
147 limiting the liability of property owners or agents
148 engaged in pile burning; providing for the certification
149 of pile burners; providing penalties for violations by
150 certified pile burners; requiring rules; revising notice
151 requirements for wildfire hazard reduction treatments;
152 providing for approval of local government open burning
153 authorization programs; providing program requirements;
154 authorizing the division to close local government
155 programs under certain circumstances; providing penalties
156 for violations of local government open burning
157 requirements; amending s. 590.14, F.S.; authorizing fines
158 for violations of any division rule; providing penalties
159 for certain violations; providing legislative intent;
160 amending s. 599.004, F.S.; revising standards that a
161 winery must meet to qualify as a certified Florida Farm
162 Winery; amending s. 604.15, F.S.; defining the term
163 "responsible position" for purposes of provisions
164 regulating dealers in agricultural products; amending s.
165 604.19, F.S.; revising requirements for late fees on
166 agricultural products dealer applications; amending s.
167 604.20, F.S.; revising the minimum amount of the surety
168 bond or certificate of deposit required for agricultural

169 products dealer licenses; providing conditions for the
170 payment of bond or certificate of deposit proceeds;
171 requiring additional documentation for issuance of a
172 conditional license; amending s. 604.25, F.S.; revising
173 conditions under which the department may deny, refuse to
174 renew, suspend, or revoke agricultural products dealer
175 licenses; deleting a provision prohibiting certain persons
176 from holding a responsible position with a licensee;
177 amending s. 616.242, F.S.; amending s. 686.201, F.S.;
178 exempting contracts involving a seller of travel from the
179 requirements of that section; authorizing the issuance of
180 stop-operation orders for amusement rides under certain
181 circumstances; amending s. 790.06, F.S.; authorizing a
182 concealed firearm license applicant to submit fingerprints
183 administered by the Division of Licensing; repealing ss.
184 570.071 and 570.901, F.S., relating to the Florida
185 Agricultural Exposition and the Florida Agricultural
186 Museum; amending s. 205.064, F.S.; authorizing a person
187 selling certain agricultural products who is not a natural
188 person to qualify for an exemption from obtaining a local
189 business tax receipt; amending s. 322.01, F.S.; revising
190 the term "farm tractor" for purposes of drivers' licenses;
191 amending s. 500.03, F.S.; revising the term "food
192 establishment" to include tomato repackers for purposes of
193 the Florida Food Safety Act; creating s. 500.70, F.S.;
194 defining the terms "field packing," "packing" or
195 "repacking," and "producing"; requiring the Department of
196 Agriculture and Consumer Services to adopt minimum food

197 safety standards for the producing, harvesting, packing,
198 and repacking of tomatoes; authorizing the department to
199 inspect tomato farms, greenhouses, and packinghouses or
200 repackers for compliance with the standards and certain
201 provisions of the Florida Food Safety Act; providing
202 penalties; authorizing the department to establish good
203 agricultural practices and best management practices for
204 the state's tomato industry; providing a presumption that
205 tomatoes introduced into commerce are safe for human
206 consumption under certain circumstances; providing
207 exemptions; authorizing the department to adopt rules;
208 amending s. 570.07, F.S.; authorizing the department to
209 adopt best management practices for agricultural
210 production and food safety; amending s. 570.48, F.S.;
211 revising duties of the Division of Fruit and Vegetables
212 for tomato food safety inspections; amending s. 604.15,
213 F.S.; revising the term "agricultural products" to make
214 tropical foliage exempt from regulation under provisions
215 relating to dealers in agricultural products; amending s.
216 624.4095, F.S.; requiring that gross written premiums for
217 certain crop insurance not be included when calculating
218 the insurer's gross ratio; requiring that liabilities for
219 ceded reinsurance premiums be netted against the asset for
220 amounts recoverable from reinsurers; requiring that
221 insurers who write other insurance products to disclose a
222 breakout of the gross written premiums for crop insurance;
223 amending s. 823.145, F.S.; expanding the materials used in
224 agricultural operations that may be disposed of by open

225 burning; providing certain limitations on open burning;
226 amending s. 163.3162, F.S.; prohibiting a county from
227 enforcing certain limits on the activity of a bona fide
228 farm operation on agricultural land under certain
229 circumstances; prohibiting a county from charging
230 agricultural lands for stormwater management assessments
231 and fees under certain circumstances; allowing an
232 assessment to be collected if credits against the
233 assessment are provided for implementation of best-
234 management practices; providing exemptions from certain
235 restrictions on a county's powers over the activity on
236 agricultural land; providing a definition; providing for
237 application; creating s. 163.3163, F.S.; creating the
238 "Agricultural Land Acknowledgement Act"; providing
239 legislative findings and intent; providing definitions;
240 requiring an applicant for certain development permits to
241 sign and submit an acknowledgement of contiguous
242 agricultural land as a condition of the political
243 subdivision issuing the permits; specifying information to
244 be included in the acknowledgement; requiring that the
245 acknowledgement be recorded in the official county
246 records; amending s. 604.50, F.S.; exempting farm fences
247 from the Florida Building Code; exempting nonresidential
248 farm buildings and farm fences from county and municipal
249 codes and fees; specifying that the exemptions do not
250 apply to code provisions implementing certain floodplain
251 regulations; providing an effective date.

252

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

254

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

257 482.021 Definitions.--For the purposes of this chapter,
258 and unless otherwise required by the context, the term:

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

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

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

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

266 (7) "Employee" means a person who is employed by a
267 licensee that provides that person with necessary training,
268 supervision, pesticides, equipment, and insurance and who
269 receives compensation from and is under the ~~personal~~ supervision
270 ~~and direct control~~ of the licensee's certified operator in
271 charge and from whose compensation the licensee regularly
272 deducts and matches federal insurance contributions and federal
273 income and Social Security taxes.

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

276 482.051 Rules.--The department has authority to adopt
277 rules pursuant to ss. 120.536(1) and 120.54 to implement the
278 provisions of this chapter. Prior to proposing the adoption of a
279 rule, the department shall counsel with members of the pest
280 control industry concerning the proposed rule. The department

281 shall adopt rules for the protection of the health, safety, and
 282 welfare of pest control employees and the general public which
 283 require:

284 (3) That written contracts be required for providing
 285 termites and other wood-destroying organisms pest control, that
 286 provisions necessary to assure consumer protection as specified
 287 by the department be included in such contracts, that licensees
 288 perform an inspection before issuing a contract on an existing
 289 structure, and that ~~require~~ licensees ~~to~~ comply with the
 290 contracts issued.

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

293 482.071 Licenses.--

294 (4) A licensee may not operate a pest control business
 295 without carrying the required insurance coverage. Each person
 296 making application for a pest control business license or
 297 renewal thereof must furnish to the department a certificate of
 298 insurance that meets the requirements for minimum financial
 299 responsibility for bodily injury and property damage consisting
 300 of:

301 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and
 302 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000
 303 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;
 304 or

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

307 Section 4. Section 482.072, Florida Statutes, is created
 308 to read:

309 482.072 Pest control service centers.--

310 (1) The department may issue a license to a qualified
 311 business to operate a pest control service center, to solicit
 312 pest control business, or to provide services to customers for
 313 one or more business locations licensed under s. 482.071. A
 314 person may not operate a centralized service center for a pest
 315 control business that is not licensed by the department.

316 (2) (a) Before operating a pest control service center, and
 317 biennially thereafter, on or before an anniversary date set by
 318 the department for the licensed pest control service center
 319 location, the pest control business must apply to the department
 320 for a license under this chapter, or a renewal thereof, for each
 321 pest control service center location. An application must be
 322 submitted in the format prescribed by the department.

323 (b) The department shall establish a fee for the issuance
 324 of a pest control service center license of at least \$500, but
 325 not more than \$1,000, and a fee for the renewal of a license of
 326 at least \$500, but not more than \$1,000; however, until rules
 327 setting the fees are adopted by the department, the initial
 328 license and renewal fees are each set at \$500. The department
 329 shall establish a grace period, not to exceed 30 calendar days
 330 after a license's anniversary renewal date. The department shall
 331 assess a late renewal fee of \$150, in addition to the renewal
 332 fee, to a business that renews its license after the grace
 333 period.

334 (c) A license automatically expires 60 calendar days after
 335 the anniversary renewal date unless the license is renewed
 336 before that date. Once a license expires, it may be reinstated

337 only upon reapplication and payment of the license fee and late
338 renewal fee.

339 (d) A license automatically expires when a licensee
340 changes its pest control service center business location
341 address. The department shall issue a new license upon payment
342 of a \$250 fee. The new license automatically expires 60 calendar
343 days after the anniversary renewal date of the former license
344 unless the license is renewed before that date.

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

349 (f) The department may deny the issuance of a pest control
350 service center license, or refuse to renew a license, if the
351 department finds that the applicant or licensee, or any of its
352 directors, officers, owners, or general partners, are or were
353 directors, officers, owners, or general partners of a pest
354 control business described in s. 482.071(2)(g) or violated a
355 rule adopted under s. 482.071(2)(f).

356 (g) Section 482.091 does not apply to a person who
357 solicits pest control services or provides customer service in a
358 licensed pest control service center unless the person performs
359 the pest control work described in s. 482.021(21)(a)-(d),
360 executes a pest control contract, or accepts remuneration for
361 such work.

362 (3)(a) The department shall adopt rules establishing
363 requirements and procedures for recordkeeping and monitoring of

364 pest control service center operations to ensure compliance with
 365 this chapter and rules adopted under this chapter.

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

369 1. A pest control service center licensee may be subject
 370 to disciplinary action under s. 482.161 for a violation of this
 371 chapter or a rule adopted under this chapter committed by an
 372 employee of the service center.

373 2. A pest control business licensee may be subject to
 374 disciplinary action under s. 482.161 for a violation committed
 375 by an employee of the service center if the business licensee
 376 benefits from the violation.

377 Section 5. Section 482.152, Florida Statutes, is amended
 378 to read:

379 482.152 Duties of certified operator in charge of pest
 380 control activities of licensee.--A certified operator in charge
 381 of the pest control activities of a licensee shall have her or
 382 his primary occupation with the licensee and shall be a full-
 383 time employee of the licensee. The, and her or his principal
 384 duties of the certified operator in charge ~~duty~~ shall include:

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

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

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

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

397 (2)-(1) The Selection of proper and correct chemicals for
 398 the particular pest control work performed.

399 (3)-(2) The Safe and proper use of the pesticides used.

400 (4)-(3) The Correct concentration and formulation of
 401 pesticides used in all pest control work performed.

402 (5)-(4) The Training of personnel in the proper and
 403 acceptable methods of pest control.

404 (6)-(5) The Control measures and procedures used.

405 (7)-(6) The Notification of the department of any
 406 accidental human poisoning or death connected with pest control
 407 work performed on a job she or he is supervising, within 24
 408 hours after she or he has knowledge of the poisoning or death.

409 Section 6. Section 482.157, Florida Statutes, is created
 410 to read:

411 482.157 Limited certification for commercial wildlife
 412 management personnel.--

413 (1) The department shall establish a limited certification
 414 category for individual commercial wildlife management personnel
 415 which authorizes the personnel to use nonchemical methods for
 416 controlling pest birds or rodents, including, but not limited

417 to, the use of traps, glue boards, mechanical or electronic
418 devices, or exclusionary techniques.

419 (2) A person seeking limited certification under this
420 section must pass an examination administered by the department.
421 An application for examination must be accompanied by an
422 examination fee set by rule of the department of at least \$150
423 but not to exceed \$300. The department shall provide the
424 appropriate reference materials for the examination and make the
425 examination readily available to applicants at least quarterly
426 or as often as necessary in each county. Before the department
427 issues a limited certification under this section, the person
428 applying for certification must furnish proof that he or she
429 holds a certificate of insurance stating that his or her
430 employer meets the requirements for minimum financial
431 responsibility in s. 482.071(4).

432 (3) An application for recertification under this section
433 must be submitted biennially and must be accompanied by a
434 recertification fee set by rule of the department of at least
435 \$150 but not to exceed \$300. The application must also be
436 accompanied by proof that:

437 (a) The applicant completed 4 classroom hours of
438 acceptable continuing education.

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

442 (4) The department shall establish a grace period, not to
443 exceed 30 calendar days after a biennial date established by the
444 department on which recertification is due. The department shall

445 assess a late charge of \$50, in addition to the recertification
 446 fee, to commercial wildlife management personnel who are
 447 recertified after the grace period.

448 (5) A limited certification automatically expires 180
 449 calendar days after the biennial date on which recertification
 450 is due unless the commercial wildlife personnel are recertified
 451 before the certification expires. Once a certification expires,
 452 certification may be issued only upon successful reexamination
 453 and payment of the examination fees.

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

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

458 (b) Operation of a pest control business.

459 (c) Supervision of a certified person.

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

462 482.226 Wood-destroying organism inspection report; notice
 463 of inspection or treatment; financial responsibility.--

464 (6) Any licensee that performs wood-destroying organism
 465 inspections in accordance with subsection (1) must meet minimum
 466 financial responsibility in the form of errors and omissions
 467 (professional liability) insurance coverage or bond in an amount
 468 no less than \$250,000 ~~\$50,000~~ in the aggregate ~~and \$25,000 per~~
 469 ~~occurrence,~~ or demonstrate that the licensee has equity or net
 470 worth of no less than \$500,000 ~~\$100,000~~ as determined by
 471 generally accepted accounting principles substantiated by a
 472 certified public accountant's review or certified audit. The

473 licensee must show proof of meeting this requirement at the time
 474 of license application or renewal thereof.

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

477 493.6102 Inapplicability of this chapter.--This chapter
 478 shall not apply to:

479 (1) Any individual who is an "officer" as defined in s.
 480 943.10(14), or is a law enforcement officer of the United States
 481 Government, while the ~~such~~ local, state, or federal officer is
 482 engaged in her or his official duties or, if approved by the
 483 officer's supervisors, when performing off-duty activities as a
 484 security officer ~~activities approved by her or his superiors.~~

485 Section 9. Section 493.6105, Florida Statutes, is amended
 486 to read:

487 493.6105 Initial application for license.--

488 (1) Each individual, partner, or principal officer in a
 489 corporation, shall file with the department a complete
 490 application accompanied by an application fee not to exceed \$60,
 491 except that the applicant for a Class "D" or Class "G" license
 492 shall not be required to submit an application fee. The
 493 application fee shall not be refundable.

494 (a) The application submitted by any individual, partner,
 495 or corporate officer shall be approved by the department prior
 496 to that individual, partner, or corporate officer assuming his
 497 or her duties.

498 (b) Individuals who invest in the ownership of a licensed
 499 agency, but do not participate in, direct, or control the

500 operations of the agency shall not be required to file an
 501 application.

502 (2) Each application shall be signed and verified by the
 503 individual under oath as provided in s. 92.525 ~~and shall be~~
 504 ~~notarized~~.

505 (3) The application shall contain the following
 506 information concerning the individual signing same:

507 (a) Name and any aliases.

508 (b) Age and date of birth.

509 (c) Place of birth.

510 (d) Social security number or alien registration number,
 511 whichever is applicable.

512 (e) Present residence address ~~and his or her residence~~
 513 ~~addresses within the 5 years immediately preceding the~~
 514 ~~submission of the application.~~

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

517 (f)(g) A statement of all criminal convictions, findings
 518 of guilt, and pleas of guilty or nolo contendere, regardless of
 519 adjudication of guilt.

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

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

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

526 (j) A full set of fingerprints on a card provided by the
 527 department and a fingerprint fee to be established by rule of

528 the department based upon costs determined by state and federal
529 agency charges and department processing costs. An applicant who
530 has, within the immediately preceding 6 months, submitted a
531 fingerprint card and fee for licensing purposes under this
532 chapter shall not be required to submit another fingerprint card
533 or fee.

534 (k) A personal inquiry waiver which allows the department
535 to conduct necessary investigations to satisfy the requirements
536 of this chapter.

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

541 ~~(4) In addition to the application requirements outlined~~
542 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~
543 ~~Class "E," Class "EE," or Class "G" license shall submit two~~
544 ~~color photographs taken within the 6 months immediately~~
545 ~~preceding the submission of the application, which meet~~
546 ~~specifications prescribed by rule of the department. All other~~
547 ~~applicants shall submit one photograph taken within the 6 months~~
548 ~~immediately preceding the submission of the application.~~

549 (4)~~(5)~~ In addition to the application requirements
550 outlined under subsection (3), the applicant for a Class "C,"
551 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"
552 license shall include a statement on a form provided by the
553 department of the experience which he or she believes will
554 qualify him or her for such license.

555 ~~(5)-(6)~~ In addition to the requirements outlined in
 556 subsection (3), an applicant for a Class "G" license shall
 557 satisfy minimum training criteria for firearms established by
 558 rule of the department, which training criteria shall include,
 559 but is not limited to, 28 hours of range and classroom training
 560 taught and administered by a Class "K" licensee; however, no
 561 more than 8 hours of such training shall consist of range
 562 training. If the applicant can show proof that he or she is an
 563 active law enforcement officer currently certified under the
 564 Criminal Justice Standards and Training Commission or has
 565 completed the training required for that certification within
 566 the last 12 months, or if the applicant submits one of the
 567 certificates specified in paragraph (6)(a) ~~(7)(a)~~, the
 568 department may waive the foregoing firearms training
 569 requirement.

570 ~~(6)-(7)~~ In addition to the requirements under subsection
 571 (3), an applicant for a Class "K" license shall:

572 (a) Submit one of the following certificates:

573 1. The Florida Criminal Justice Standards and Training
 574 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
 575 the commission that the applicant is authorized to provide
 576 firearms instruction.

577 2. The National Rifle Association Law Enforcement ~~Police~~
 578 Firearms Instructor's Certificate.

579 ~~3. The National Rifle Association Security Firearms~~
 580 ~~Instructor's Certificate.~~

581 ~~3.4.~~ A firearms instructor's training certificate issued
 582 by any branch of the United States Armed Forces, from a federal

583 law enforcement academy or agency, state, county, or municipal
584 ~~police~~ academy in this state recognized as such by the Criminal
585 Justice Standards and Training Commission ~~or by the Department~~
586 ~~of Education.~~

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

591 (7)~~(8)~~ In addition to the application requirements for
592 individuals, partners, or officers outlined under subsection
593 (3), the application for an agency license shall contain the
594 following information:

595 (a) The proposed name under which the agency intends to
596 operate.

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

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

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

605 (8)~~(9)~~ Upon submission of a complete application, a Class
606 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
607 Class "MA," Class "MB," or Class "MR" applicant may commence
608 employment or appropriate duties for a licensed agency or branch
609 office. However, the Class "C" or Class "E" applicant must work
610 under the direction and control of a sponsoring licensee while

611 his or her application is being processed. If the department
612 denies application for licensure, the employment of the
613 applicant must be terminated immediately, unless he or she
614 performs only unregulated duties.

615 Section 10. Paragraph (f) of subsection (1) and paragraph
616 (a) of subsection (2) of section 493.6106, Florida Statutes, are
617 amended, and paragraph (g) is added to subsection (1) of that
618 section, to read:

619 493.6106 License requirements; posting.--

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

621 (f) Be a citizen or permanent legal resident alien of the
622 United States or have appropriate ~~been granted~~ authorization
623 issued to seek employment in this country by the United States
624 Bureau of Citizenship and Immigration Services of the United
625 States Department of Homeland Security.

626 1. An applicant for a Class "C," Class "CC," Class "D,"
627 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
628 "MB," Class "MR," or Class "RI" license who is not a United
629 States citizen must submit proof of current employment
630 authorization issued by the United States Bureau of Citizenship
631 and Immigration Services or proof that she or he is deemed a
632 permanent legal resident alien by the United States Bureau of
633 Citizenship and Immigration Services.

634 2. An applicant for a Class "G" or Class "K" license who
635 is not a United States citizen must submit proof that she or he
636 is deemed a permanent legal resident alien by the United States
637 Bureau of Citizenship and Immigration Services, together with
638 additional documentation establishing that she or he has resided

639 in the state of residence shown on the application for at least
640 90 consecutive days before the date that the application is
641 submitted.

642 3. An applicant for an agency or school license who is not
643 a United States citizen or permanent legal resident alien must
644 submit documentation issued by the United States Bureau of
645 Citizenship and Immigration Services stating that she or he is
646 lawfully in the United States and is authorized to own and
647 operate the type of agency or school for which she or he is
648 applying. An employment authorization card issued by the United
649 States Bureau of Citizenship and Immigration Services is not
650 sufficient documentation.

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

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

658 (a) If an agency or branch office desires to change the
659 physical location of the business, as it appears on the ~~agency~~
660 license, the department must be notified within 10 days of the
661 change, and, except upon renewal, the fee prescribed in s.
662 493.6107 must be submitted for each license requiring revision.
663 Each license requiring revision must be returned with such
664 notification.

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

667 493.6107 Fees.--

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

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

677 493.6108 Investigation of applicants by Department of
 678 Agriculture and Consumer Services.--

679 (1) Except as otherwise provided, prior to the issuance of
 680 a license under this chapter, the department shall make an
 681 investigation of the applicant for a license. The investigation
 682 shall include:

683 (a)1. An examination of fingerprint records and police
 684 records. When a criminal history analysis of any applicant under
 685 this chapter is performed by means of fingerprint card
 686 identification, the time limitations prescribed by s. 120.60(1)
 687 shall be tolled during the time the applicant's fingerprint card
 688 is under review by the Department of Law Enforcement or the
 689 United States Department of Justice, Federal Bureau of
 690 Investigation.

691 2. If a legible set of fingerprints, as determined by the
 692 Department of Law Enforcement or the Federal Bureau of
 693 Investigation, cannot be obtained after two attempts, the
 694 Department of Agriculture and Consumer Services may determine

695 the applicant's eligibility based upon a criminal history record
 696 check under the applicant's name conducted by the Department of
 697 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
 698 ~~A set of~~ fingerprints are taken by a law enforcement agency or
 699 the department and the applicant submits a written statement
 700 signed by the fingerprint technician or a licensed physician
 701 stating that there is a physical condition that precludes
 702 obtaining a legible set of fingerprints or that the fingerprints
 703 taken are the best that can be obtained ~~is sufficient to meet~~
 704 ~~this requirement.~~

705 (3) The department shall also investigate the mental
 706 history and current mental and emotional fitness of any Class
 707 "G" or Class "K" applicant, and may deny a Class "G" or Class
 708 "K" license to anyone who has a history of mental illness or
 709 drug or alcohol abuse.

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

712 493.6111 License; contents; identification card.--

713 (4) Notwithstanding the existence of a valid Florida
 714 corporate registration, an ~~no~~ agency or school licensee may not
 715 conduct activities regulated under this chapter under any
 716 fictitious name without prior written authorization from the
 717 department to use that name in the conduct of activities
 718 regulated under this chapter. The department may not authorize
 719 the use of a name which is so similar to that of a public
 720 officer or agency, or of that used by another licensee, that the
 721 public may be confused or misled thereby. The authorization for
 722 the use of a fictitious name shall require, as a condition

723 precedent to the use of such name, the filing of a certificate
 724 of engaging in business under a fictitious name under s. 865.09.
 725 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
 726 under more than one fictitious name except as separately
 727 licensed nor shall the license be valid to protect any licensee
 728 who is engaged in ~~the~~ business under any name other than that
 729 specified in the license. An agency desiring to change its
 730 licensed name shall notify the department and, except upon
 731 renewal, pay a fee not to exceed \$30 for each license requiring
 732 revision including those of all licensed employees except Class
 733 "D" or Class "G" licensees. Upon the return of such licenses to
 734 the department, revised licenses shall be provided.

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

737 493.6113 Renewal application for licensure.--

738 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
 739 expiration date of the license, the department shall mail a
 740 written notice to the last known mailing ~~residence~~ address of
 741 the licensee ~~for individual licensees and to the last known~~
 742 ~~agency address for agencies.~~

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

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

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

754 493.6115 Weapons and firearms.--

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

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

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

763 (16) If the criminal history record check program
764 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
765 department may issue a temporary "G" license on a case-by-case
766 basis, provided that the applicant has met all statutory
767 requirements for the issuance of a temporary "G" license as
768 specified in subsection (12), excepting the criminal history
769 record check stipulated there; provided, that the department
770 requires that the licensed employer of the applicant conduct a
771 criminal history record check of the applicant pursuant to
772 standards set forth in rule by the department, and provide to
773 the department an affidavit containing such information and
774 statements as required by the department, including a statement
775 that the criminal history record check did not indicate the
776 existence of any criminal history that would prohibit licensure.
777 Failure to properly conduct such a check, or knowingly providing
778 incorrect or misleading information or statements in the

779 affidavit shall constitute grounds for disciplinary action
780 against the licensed agency, including revocation of license.

781 Section 16. Paragraph (u) of subsection (1) of section
782 493.6118, Florida Statutes, is redesignated as paragraph (v),
783 and a new paragraph (u) is added to that subsection to read:

784 493.6118 Grounds for disciplinary action.--

785 (1) The following constitute grounds for which
786 disciplinary action specified in subsection (2) may be taken by
787 the department against any licensee, agency, or applicant
788 regulated by this chapter, or any unlicensed person engaged in
789 activities regulated under this chapter.

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

793 Section 17. Subsections (7) and (8) of section 493.6121,
794 Florida Statutes, are renumbered as subsections (6) and (7),
795 respectively, and present subsection (6) of that section is
796 amended, to read:

797 493.6121 Enforcement; investigation.--

798 ~~(6) The department shall be provided access to the program~~
799 ~~that is operated by the Department of Law Enforcement, pursuant~~
800 ~~to s. 790.065, for providing criminal history record information~~
801 ~~to licensed gun dealers, manufacturers, and exporters. The~~
802 ~~department may make inquiries, and shall receive responses in~~
803 ~~the same fashion as provided under s. 790.065. The department~~
804 ~~shall be responsible for payment to the Department of Law~~
805 ~~Enforcement of the same fees as charged to others afforded~~
806 ~~access to the program.~~

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

809 493.6202 Fees.--

810 (3) The fees set forth in this section must be paid by
 811 ~~certified check or money order or, at the discretion of the~~
 812 ~~department, by agency check~~ at the time the application is
 813 approved, except that the applicant for a Class "G," Class "C,"
 814 Class "CC," Class "M," or Class "MA" license must pay the
 815 license fee at the time the application is made. If a license is
 816 revoked or denied or if the application is withdrawn, the
 817 license fee shall not be refunded.

818 Section 19. Subsections (2), (4), and (6) of section
 819 493.6203, Florida Statutes, are amended to read:

820 493.6203 License requirements.--In addition to the license
 821 requirements set forth elsewhere in this chapter, each
 822 individual or agency shall comply with the following additional
 823 requirements:

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

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

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

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

831 (d) Experience described in paragraph (a) for 1 year and
 832 experience described in paragraph (e) for 1 year;

833 (e) No more than 1 year using:

- 834 1. College coursework related to criminal justice,
 835 criminology, or law enforcement administration; or
 836 2. Successfully completed law enforcement-related training
 837 received from any federal, state, county, or municipal agency;
 838 or
 839 (f) Experience described in paragraph (a) for 1 year and
 840 work in a managerial or supervisory capacity for 1 year.

841
 842 However, experience in performing bodyguard services is not
 843 creditable toward the requirements of this subsection.

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

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

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

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

856
 857 However, experience in performing bodyguard services is not
 858 creditable toward the requirements of this subsection.

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

862 (b) Effective July 1, 2009 ~~September 1, 2008~~, before
863 submission of an application to the department, the an applicant
864 for a Class "CC" license must have completed a minimum of 40 at
865 ~~least 24~~ hours of professional training ~~a 40-hour course~~
866 pertaining to general investigative techniques and this chapter,
867 which course is offered by a state university or by a school,
868 community college, college, or university under the purview of
869 the Department of Education, and the applicant must pass an
870 examination. The training must be provided in two parts, one 24-
871 hour course and one 16-hour course. The certificate evidencing
872 satisfactory completion of the 40 at least 24 hours of
873 professional training ~~a 40-hour course~~ must be submitted with
874 the application for a Class "CC" license. ~~The remaining 16 hours~~
875 ~~must be completed and an examination passed within 180 days. If~~
876 ~~documentation of completion of the required training is not~~
877 ~~submitted within the specified timeframe, the individual's~~
878 ~~license is automatically suspended or his or her authority to~~
879 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
880 ~~until such time as proof of certificate of completion is~~
881 ~~provided to the department.~~ The training course specified in
882 this paragraph may be provided by face-to-face presentation,
883 online technology, or a home study course in accordance with
884 rules and procedures of the Department of Education. The
885 administrator of the examination must verify the identity of
886 each applicant taking the examination.

887 1. Upon an applicant's successful completion of each part
888 of the approved training ~~course~~ and passage of any required
889 examination, the school, community college, college, or

890 university shall issue a certificate of completion to the
 891 applicant. The certificates must be on a form established by
 892 rule of the department.

893 2. The department shall establish by rule the general
 894 content of the professional training course and the examination
 895 criteria.

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

899 (c) An individual who submits an application for a Class
 900 "CC" license on or after September 1, 2008, through June 30,
 901 2009, who has not completed the 16-hour course must submit proof
 902 of successful completion of the course within 180 days after the
 903 date the application is submitted. If documentation of
 904 completion of the required training is not submitted by that
 905 date, the individual's license is automatically suspended until
 906 proof of the required training is submitted to the department.
 907 An individual licensed on or before August 31, 2008, is not
 908 required to complete additional training hours in order to renew
 909 an active license beyond the required total amount of training,
 910 and within the timeframe, in effect at the time he or she was
 911 licensed.

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

914 493.6302 Fees.--

915 (3) The fees set forth in this section must be paid by
 916 ~~certified check or money order or, at the discretion of the~~
 917 ~~department, by agency check~~ at the time the application is

918 approved, except that the applicant for a Class "D," Class "G,"
 919 Class "M," or Class "MB" license must pay the license fee at the
 920 time the application is made. If a license is revoked or denied
 921 or if the application is withdrawn, the license fee shall not be
 922 refunded.

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

925 493.6303 License requirements.--In addition to the license
 926 requirements set forth elsewhere in this chapter, each
 927 individual or agency shall comply with the following additional
 928 requirements:

929 (4) (a) Effective July 1, 2009, an applicant for a Class
 930 "D" license must submit proof of successful completion of
 931 ~~complete~~ a minimum of 40 hours of professional training at a
 932 school or training facility licensed by the department. The
 933 training must be provided in two parts, one 24-hour course and
 934 one 16-hour course. The department shall by rule establish the
 935 general content and number of hours of each subject area to be
 936 taught.

937 (b) An individual who submits an application for a Class
 938 "D" license on or after January 1, 2007, through June 30, 2009,
 939 who has not completed the 16-hour course must submit proof of
 940 successful completion of the course within 180 days after the
 941 date the application is submitted. If documentation of
 942 completion of the required training is not submitted by that
 943 date, the individual's license is automatically suspended until
 944 proof of the required training is submitted to the department.
 945 This section does not require a person licensed before January

946 1, 2007, to complete additional training hours in order to renew
 947 an active license beyond the required total amount of training
 948 within the timeframe prescribed by law at the time he or she was
 949 licensed. ~~An applicant may fulfill the training requirement~~
 950 ~~prescribed in paragraph (a) by submitting proof of:~~

951 ~~1. Successful completion of the total number of required~~
 952 ~~hours of training before initial application for a Class "D"~~
 953 ~~license; or~~

954 ~~2. Successful completion of 24 hours of training before~~
 955 ~~initial application for a Class "D" license and successful~~
 956 ~~completion of the remaining 16 hours of training within 180 days~~
 957 ~~after the date that the application is submitted. If~~
 958 ~~documentation of completion of the required training is not~~
 959 ~~submitted within the specified timeframe, the individual's~~
 960 ~~license is automatically suspended until such time as proof of~~
 961 ~~the required training is provided to the department.~~

962 (c) An individual ~~However, any person whose license is~~
 963 suspended or has been revoked, ~~suspended pursuant to paragraph~~
 964 (b) subparagraph 2., or is expired for at least 1 year, or
 965 ~~longer is considered, upon reapplication for a license, an~~
 966 ~~initial applicant and must submit proof of successful completion~~
 967 ~~of 40 hours of professional training at a school or training~~
 968 ~~facility licensed by the department as provided ~~prescribed~~ in~~
 969 ~~paragraph (a) before a license is ~~will be~~ issued. Any person~~
 970 ~~whose license was issued before January 1, 2007, and whose~~
 971 ~~license has been expired for less than 1 year must, upon~~
 972 ~~reapplication for a license, submit documentation of completion~~
 973 ~~of the total number of hours of training prescribed by law at~~

974 ~~the time her or his initial license was issued before another~~
 975 ~~license will be issued. This subsection does not require an~~
 976 ~~individual licensed before January 1, 2007, to complete~~
 977 ~~additional training hours in order to renew an active license,~~
 978 ~~beyond the required total amount of training within the~~
 979 ~~timeframe prescribed by law at the time she or he was licensed.~~

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

982 493.6304 Security officer school or training facility.--

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

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

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

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

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

995 493.6401 Classes of licenses.--

996 (7) Any person who operates a recovery agent ~~repossessor~~
 997 school or training facility or who conducts an Internet-based
 998 training course or a correspondence training course must have a
 999 Class "RS" license.

1000 (8) Any individual who teaches or instructs at a Class
 1001 "RS" recovery agent ~~repossessor~~ school or training facility
 1002 shall have a Class "RI" license.

1003 Section 24. Paragraphs (f) and (g) of subsection (1) and
 1004 subsection (3) of section 493.6402, Florida Statutes, are
 1005 amended to read:

1006 493.6402 Fees.--

1007 (1) The department shall establish by rule biennial
 1008 license fees which shall not exceed the following:

1009 (f) Class "RS" license--recovery agent ~~repossessor~~ school
 1010 or training facility: \$60.

1011 (g) Class "RI" license--recovery agent ~~repossessor~~ school
 1012 or training facility instructor: \$60.

1013 (3) The fees set forth in this section must be paid by
 1014 ~~certified check or money order, or, at the discretion of the~~
 1015 ~~department, by agency check~~ at the time the application is
 1016 approved, except that the applicant for a Class "E," Class "EE,"
 1017 or Class "MR" license must pay the license fee at the time the
 1018 application is made. If a license is revoked or denied, or if an
 1019 application is withdrawn, the license fee shall not be refunded.

1020 Section 25. Subsections (1) and (2) of section 493.6406,
 1021 Florida Statutes, are amended to read:

1022 493.6406 Recovery agent ~~Repossession services~~ school or
 1023 training facility.--

1024 (1) Any school, training facility, or instructor who
 1025 offers the training outlined in s. 493.6403(2) for Class "E" or
 1026 Class "EE" applicants shall, before licensure of such school,
 1027 training facility, or instructor, file with the department an

1028 application accompanied by an application fee in an amount to be
 1029 determined by rule, not to exceed \$60. The fee shall not be
 1030 refundable. This training may be offered as face-to-face
 1031 training, Internet-based training, or correspondence training.

1032 (2) The application shall be signed and verified by the
 1033 applicant under oath as provided in s. 92.525 ~~notarized~~ and
 1034 shall contain, at a minimum, the following information:

1035 (a) The name and address of the school or training
 1036 facility and, if the applicant is an individual, his or her
 1037 name, address, and social security or alien registration number.

1038 (b) The street address of the place at which the training
 1039 is to be conducted or the street address of the Class "RS"
 1040 school offering Internet-based or correspondence training.

1041 (c) A copy of the training curriculum and final
 1042 examination to be administered.

1043 Section 26. Paragraph (a) of subsection (2) of section
 1044 501.605, Florida Statutes, is amended to read:

1045 501.605 Licensure of commercial telephone sellers.--

1046 (2) An applicant for a license as a commercial telephone
 1047 seller must submit to the department, in such form as it
 1048 prescribes, a written application for the license. The
 1049 application must set forth the following information:

1050 (a) The true name, date of birth, driver's license number,
 1051 ~~social security number,~~ and home address of the applicant,
 1052 including each name under which he or she intends to do
 1053 business.

1054

1055 The application shall be accompanied by a copy of any: Script,
 1056 outline, or presentation the applicant will require or suggest a
 1057 salesperson to use when soliciting, or, if no such document is
 1058 used, a statement to that effect; sales information or
 1059 literature to be provided by the applicant to a salesperson; and
 1060 sales information or literature to be provided by the applicant
 1061 to a purchaser in connection with any solicitation.

1062 Section 27. Paragraph (a) of subsection (1) of section
 1063 501.607, Florida Statutes, is amended to read:

1064 501.607 Licensure of salespersons.--

1065 (1) An applicant for a license as a salesperson must
 1066 submit to the department, in such form as it prescribes, a
 1067 written application for a license. The application must set
 1068 forth the following information:

1069 (a) The true name, date of birth, driver's license number,
 1070 ~~social security number,~~ and home address of the applicant.

1071 Section 28. Subsection (2) of section 501.913, Florida
 1072 Statutes, is amended to read:

1073 501.913 Registration.--

1074 (2) The completed application shall be accompanied by:

1075 (a) Specimens or facsimiles of the label for each brand of
 1076 antifreeze;

1077 (b) An application fee of \$200 for each brand; and

1078 (c) A properly labeled sample of at least 1 gallon, but
 1079 not more than 2 gallons, of each brand of antifreeze.

1080 Section 29. Subsection (2) of section 525.01, Florida
 1081 Statutes, is amended to read:

1082 525.01 Gasoline and oil to be inspected.--

1083 (2) All petroleum fuels are ~~shall be~~ subject to inspection
 1084 and analysis by the department. Before selling or offering for
 1085 sale in this state any petroleum fuel, all manufacturers,
 1086 terminal suppliers, wholesalers, and importers as defined in s.
 1087 206.01 ~~jobbers~~ shall file with the department:

1088 (a) An affidavit that they desire to do business in this
 1089 state, and the name and address of the manufacturer of the
 1090 petroleum fuel.

1091 (b) An affidavit stating that the petroleum fuel is in
 1092 conformity with the standards prescribed by department rule.

1093 Section 30. Subsections (1) and (3) of section 525.09,
 1094 Florida Statutes, are amended to read:

1095 525.09 Inspection fee.--

1096 (1) For the purpose of defraying the expenses incident to
 1097 inspecting, testing, and analyzing petroleum fuels in this
 1098 state, there shall be paid to the department a charge of one-
 1099 eighth cent per gallon on all gasoline, alternative fuel
 1100 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
 1101 kerosene (except when used as aviation turbine fuel), and #1
 1102 fuel oil for sale or use in this state. This inspection fee
 1103 shall be imposed in the same manner as the motor fuel tax
 1104 pursuant to s. 206.41. Payment shall be made on or before the
 1105 25th day of each month.

1106 (3) All remittances to the department for the inspection
 1107 tax herein provided shall be accompanied by a detailed report
 1108 under oath showing the number of gallons of gasoline,
 1109 alternative fuel containing alcohol as defined in s.

1110 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
 1111 in each county.

1112 Section 31. Section 526.50, Florida Statutes, is amended
 1113 to read:

1114 526.50 Definition of terms.--As used in this part:

1115 (1) "Brake fluid" means the fluid intended for use as the
 1116 liquid medium through which force is transmitted in the
 1117 hydraulic brake system of a vehicle operated upon the highways.

1118 (2) "Brand" means the product name appearing on the label
 1119 of a container of brake fluid.

1120 (3)~~(5)~~ "Container" means any receptacle in which brake
 1121 fluid is immediately contained when sold, but does not mean a
 1122 carton or wrapping in which a number of such receptacles are
 1123 shipped or stored or a tank car or truck.

1124 (4)~~(2)~~ "Department" means the Department of Agriculture
 1125 and Consumer Services.

1126 (5) "Formula" means the name of the chemical mixture or
 1127 composition of the brake fluid product.

1128 (6)~~(4)~~ "Labeling" includes all written, printed or graphic
 1129 representations, in any form whatsoever, imprinted upon or
 1130 affixed to any container of brake fluid.

1131 (7)~~(6)~~ "Permit year" means a period of 12 months
 1132 commencing July 1 and ending on the next succeeding June 30.

1133 (8)~~(7)~~ "Registrant" means any manufacturer, packer,
 1134 distributor, seller, or other person who has registered a brake
 1135 fluid with the department.

1136 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
1137 trade, keep for sale, offer for sale or expose for sale, in any
1138 of their variant forms.

1139 Section 32. Section 526.51, Florida Statutes, is amended
1140 to read:

1141 526.51 Registration;~~renewal and fees~~; departmental
1142 expenses; cancellation or refusal to issue or renew.--

1143 (1) (a) Application for registration of each brand of brake
1144 fluid shall be made on forms to be supplied by the department.
1145 The applicant shall give his or her name and address and the
1146 brand name of the brake fluid, state that he or she owns the
1147 brand name and has complete control over the product sold
1148 thereunder in Florida, and provide the name and address of the
1149 resident agent in Florida. If the applicant does not own the
1150 brand name but wishes to register the product with the
1151 department, a notarized affidavit that gives the applicant full
1152 authorization to register the brand name and that is signed by
1153 the owner of the brand name must accompany the application for
1154 registration. The affidavit must include all affected brand
1155 names, the owner's company or corporate name and address, the
1156 applicant's company or corporate name and address, and a
1157 statement from the owner authorizing the applicant to register
1158 the product with the department. The owner of the brand name
1159 shall maintain complete control over each product sold under
1160 that brand name in this state. All first-time brand-formula
1161 combination ~~new product~~ applications must be accompanied by a
1162 certified report from an independent testing laboratory, setting
1163 forth the analysis of the brake fluid which shall show its

1164 quality to be not less than the specifications established by
1165 the department for brake fluids. A sample of not less than 24
1166 fluid ounces of brake fluid shall be submitted, in a container
1167 or containers, with labels representing exactly how the
1168 containers of brake fluid will be labeled when sold, and the
1169 sample and container shall be analyzed and inspected by the
1170 Division of Standards in order that compliance with the
1171 department's specifications and labeling requirements may be
1172 verified. Upon approval of the application, the department shall
1173 register the brand name of the brake fluid and issue to the
1174 applicant a permit authorizing the registrant to sell the brake
1175 fluid in this state during the permit year specified in the
1176 permit.

1177 (b) Each applicant shall pay a fee of \$100 with each
1178 application. An applicant seeking reregistration of a previously
1179 registered brand-formula combination must submit a completed
1180 application and all materials required under this subsection to
1181 the department before the first day of the permit year. A brand-
1182 formula combination for which a completed application and all
1183 materials required under this subsection are not received before
1184 the first day of the permit year ceases to be registered with
1185 the department until a completed application and all materials
1186 required under this subsection are received and approved. Any
1187 fee, application, or materials received after the first day of
1188 the permit year, if the brand-formula combination was previously
1189 registered with the department, A permit may be renewed by
1190 application to the department, accompanied by a renewal fee of
1191 \$50 on or before the last day of the permit year immediately

1192 ~~preceding the permit year for which application is made for~~
 1193 ~~renewal of registration. To any fee not paid when due, there~~
 1194 shall accrue a penalty of \$25, which shall be added to the
 1195 ~~renewal fee. Renewals will be accepted only on brake fluids that~~
 1196 ~~have no change in formula, composition, or brand name.~~ Any
 1197 change in formula, composition, or brand name of any brake fluid
 1198 constitutes a new product that must be registered in accordance
 1199 with this part.

1200 (2) All fees collected under the provisions of this
 1201 section shall be credited to the General Inspection Trust Fund
 1202 of the department and all expenses incurred in the enforcement
 1203 of this part shall be paid from said fund.

1204 (3) The department may cancel or ~~refuse~~ to issue ~~or~~
 1205 ~~refuse to renew~~ any registration and permit after due notice and
 1206 opportunity to be heard if it finds that the brake fluid is
 1207 adulterated or misbranded or that the registrant has failed to
 1208 comply with the provisions of this part or the rules and
 1209 regulations promulgated thereunder.

1210 Section 33. Paragraph (a) of subsection (3) of section
 1211 526.52, Florida Statutes, is amended to read:

1212 526.52 Specifications; adulteration and misbranding.--

1213 (3) Brake fluid is deemed to be misbranded:

1214 (a) If its container does not bear on its side or top a
 1215 label on which is printed the name and place of business of the
 1216 registrant of the product, the words "brake fluid," and a
 1217 statement that the product therein equals or exceeds the minimum
 1218 specification of the Society of Automotive Engineers for heavy-
 1219 duty-type brake fluid or equals or exceeds Federal Motor Vehicle

1220 Safety Standard No. 116 adopted by the United States Department
 1221 of Transportation, ~~heavy-duty-type~~. By regulation the department
 1222 may require that the duty-type classification appear on the
 1223 label.

1224 Section 34. Subsection (2) of section 526.53, Florida
 1225 Statutes, is amended to read:

1226 526.53 Enforcement; inspection and analysis, stop-sale and
 1227 disposition, regulations.--

1228 (2) (a) When any brake fluid is sold in violation of any of
 1229 the provisions of this part, all such affected brake fluid of
 1230 the same brand name ~~on the same premises on which the violation~~
 1231 ~~occurred~~ shall be placed under a stop-sale order by the
 1232 department by serving the owner of the brand name, distributor,
 1233 or other entity responsible for selling or distributing the
 1234 product in the state with the stop-sale order. The department
 1235 shall withdraw its stop-sale order upon the removal of the
 1236 violation or upon voluntary destruction of the product, or other
 1237 disposal approved by the department, under the supervision of
 1238 the department.

1239 (b) In addition to being subject to the stop-sale
 1240 procedures above, unregistered brake fluid shall be held by the
 1241 department or its representative, at a place to be designated in
 1242 the stop-sale order, until properly registered and released in
 1243 writing by the department or its representative. If application
 1244 is ~~has not been~~ made for registration of the ~~such~~ product within
 1245 30 days after issue of the stop-sale order, such product shall
 1246 be disposed of by the department, or, with the department's
 1247 consent, by the business, to any tax-supported institution or

1248 agency of the state if the brake fluid meets legal
 1249 specifications or by other disposal authorized by rule of the
 1250 department if it fails to meet legal specifications.

1251 Section 35. Subsections (2) and (5) of section 527.02,
 1252 Florida Statutes, are amended to read:

1253 527.02 License; penalty; fees.--

1254 (2) Each business location of a person having multiple
 1255 locations shall be separately licensed and must meet the
 1256 requirements of this section. Such license shall be granted to
 1257 any applicant determined by the department to be competent,
 1258 qualified, and trustworthy who files with the department a
 1259 surety bond, insurance affidavit, or other proof of insurance,
 1260 as hereinafter specified, and pays for such license the
 1261 following original application fee for new licenses and annual
 1262 renewal fees for existing licenses:

License Category	Original Application Fee	Renewal Fee
Category I liquefied petroleum gas dealer	<u>\$600</u> \$525	<u>\$500</u> \$425
Category II liquefied petroleum gas dispenser	525	<u>425</u> 375
Category III liquefied petroleum	<u>125</u> 100	<u>75</u> 65

1267	gas cylinder exchange unit operator			
1268	Category IV liquefied petroleum gas dispenser and recreational vehicle servicer	525	<u>425</u>	400
1269	Category V liquefied petroleum petroleum gases dealer for industrial uses only	<u>350</u>	300	<u>275</u> 200
1270	LP gas installer	<u>400</u>	300	<u>300</u> 200
1271	Specialty installer	300	<u>250</u>	200
1272	Dealer in appliances and equipment for use of liquefied petroleum gas	50		45
1273	Manufacturer of liquefied petroleum gas appliances and equipment	525	<u>425</u>	375
1274	Requalifier of cylinders	525	<u>425</u>	375

Fabricator, repairer, and
 tester of vehicles and cargo
 tanks 525 425 ~~375~~

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

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

527.0201 Qualifiers; master qualifiers; examinations.--

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

1300 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule
1301 specify the general areas of competency to be covered by each
1302 examination and the relative weight to be assigned in grading
1303 each area tested.

1304 (3) Qualifier cards issued to category I liquefied
1305 petroleum gas dealers and liquefied petroleum gas installers
1306 shall expire 3 years after the date of issuance. All category I
1307 liquefied petroleum gas dealer qualifiers and liquefied
1308 petroleum gas installer qualifiers holding a valid qualifier
1309 card upon the effective date of this act shall retain their
1310 qualifier status until July 1, 2003, and may sit for the master
1311 qualifier examination at any time during that time period. All
1312 such category I liquefied petroleum gas dealer qualifiers and
1313 liquefied petroleum gas installer qualifiers may renew their
1314 qualification on or before July 1, 2003, upon application to the
1315 department, payment of a \$20 renewal fee, and documentation of
1316 the completion of a minimum of 16 ~~12~~ hours of approved
1317 continuing education courses, as defined by department rule,
1318 during the previous 3-year period. Applications for renewal must
1319 be made 30 calendar days prior to expiration. Persons failing to
1320 renew prior to the expiration date must reapply and take a
1321 qualifier competency examination in order to reestablish
1322 category I liquefied petroleum gas dealer qualifier and
1323 liquefied petroleum gas installer qualifier status. If a
1324 category I liquefied petroleum gas qualifier or liquefied
1325 petroleum gas installer qualifier becomes a master qualifier at
1326 any time during the effective date of the qualifier card, the

1327 card shall remain in effect until expiration of the master
 1328 qualifier certification.

1329 (5) In addition to all other licensing requirements, each
 1330 category I liquefied petroleum gas dealer and liquefied
 1331 petroleum gas installer must, at the time of application for
 1332 licensure, identify to the department one master qualifier who
 1333 is a full-time employee at the licensed location. This person
 1334 shall be a manager, owner, or otherwise primarily responsible
 1335 for overseeing the operations of the licensed location and must
 1336 provide documentation to the department as provided by rule. The
 1337 master qualifier requirement shall be in addition to the
 1338 requirements of subsection (1).

1339 (a) In order to apply for certification as a master
 1340 qualifier, each applicant must be a category I liquefied
 1341 petroleum gas dealer qualifier or liquefied petroleum gas
 1342 installer qualifier, must be employed by a licensed category I
 1343 liquefied petroleum gas dealer, liquefied petroleum gas
 1344 installer, or applicant for such license, must provide
 1345 documentation of a minimum of 1 year's work experience in the
 1346 gas industry, and must pass a master qualifier competency
 1347 examination. Master qualifier examinations shall be based on
 1348 Florida's laws, rules, and adopted codes governing liquefied
 1349 petroleum gas safety, general industry safety standards, and
 1350 administrative procedures. The examination must be successfully
 1351 passed ~~completed~~ by the applicant with a grade of at least 75
 1352 percent ~~or more~~. Each applicant for master qualifier status
 1353 shall submit to the department a nonrefundable \$50 ~~\$30~~
 1354 examination fee prior to the examination.

1355 (c) Master qualifier status shall expire 3 years after the
 1356 date of issuance of the certificate and may be renewed by
 1357 submission to the department of documentation of completion of
 1358 at least 16 ~~12~~ hours of approved continuing education courses
 1359 during the 3-year period; proof of employment with a licensed
 1360 category I liquefied petroleum gas dealer, liquefied petroleum
 1361 gas installer, or applicant; and a \$30 certificate renewal fee.
 1362 The department shall define, by rule, approved courses of
 1363 continuing education.

1364 Section 37. Subsection (4) of section 527.021, Florida
 1365 Statutes, is amended to read:

1366 527.021 Registration of transport vehicles.--

1367 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for
 1368 each registered vehicle inspected by the department pursuant to
 1369 s. 527.061. Registered vehicles shall be inspected annually. All
 1370 inspection fees collected in connection with this section shall
 1371 be deposited in the General Inspection Trust Fund for the
 1372 purpose of administering the provisions of this chapter.

1373 Section 38. Section 527.12, Florida Statutes, is amended
 1374 to read:

1375 527.12 Cease and desist orders; stop-use orders; stop-
 1376 operation orders; stop-sale orders; administrative fines.--

1377 (1) Whenever the department has ~~shall have~~ reason to
 1378 believe that any person is violating or has violated ~~been~~
 1379 ~~violating provisions of this chapter or any rules adopted under~~
 1380 this chapter pursuant thereto, the department ~~it~~ may issue a
 1381 cease and desist order, or impose a civil penalty, or do both

1382 ~~may issue such cease and desist order and impose a civil~~
 1383 ~~penalty.~~

1384 (2) Whenever a person or liquefied petroleum gas system or
 1385 storage facility, or any part or component thereof, fails to
 1386 comply with this chapter or any rules adopted under this
 1387 chapter, the department may issue a stop-use order, stop-
 1388 operation order, or stop-sale order.

1389 Section 39. Subsection (1) of section 559.805, Florida
 1390 Statutes, is amended to read:

1391 559.805 Filings with the department; disclosure of
 1392 advertisement identification number.--

1393 (1) Every seller of a business opportunity shall annually
 1394 file with the department a copy of the disclosure statement
 1395 required by s. 559.803 before ~~prior to~~ placing an advertisement
 1396 or making any other representation designed to offer to, sell
 1397 to, or solicit an offer to buy a business opportunity from a
 1398 prospective purchaser in this state and shall update this filing
 1399 by reporting any material change in the required information
 1400 within 30 days after the material change occurs. An
 1401 advertisement is not placed in the state merely because the
 1402 publisher circulates, or there is circulated on his or her
 1403 behalf in the state, any bona fide newspaper or other
 1404 publication of general, regular, and paid circulation which has
 1405 had more than two-thirds of its circulation during the past 12
 1406 months outside the state or because a radio or television
 1407 program originating outside the state is received in the state.
 1408 If the seller is required by s. 559.807 to provide a bond or
 1409 establish a trust account or guaranteed letter of credit, he or

1410 she shall contemporaneously file with the department a copy of
 1411 the bond, a copy of the formal notification by the depository
 1412 that the trust account is established, or a copy of the
 1413 guaranteed letter of credit. Every seller of a business
 1414 opportunity shall file with the department a list of independent
 1415 agents who will engage in the offer or sale of business
 1416 opportunities on behalf of the seller in this state. This list
 1417 must be kept current and shall include the following
 1418 information: name, home and business address, telephone number,
 1419 present employer, ~~social security number~~, and birth date. A ~~No~~
 1420 person may not ~~shall be allowed to~~ offer or sell business
 1421 opportunities unless the required information is ~~has been~~
 1422 provided to the department.

1423 Section 40. Subsection (3) of section 559.928, Florida
 1424 Statutes, is amended to read:

1425 559.928 Registration.--

1426 (3) Each independent agent shall annually file an
 1427 affidavit with the department before ~~prior to~~ engaging in
 1428 business in this state. This affidavit must include the
 1429 independent agent's full name, legal business or trade name,
 1430 mailing address, business address, telephone number, ~~social~~
 1431 ~~security number~~, and the name or names and addresses of each
 1432 seller of travel represented by the independent agent. A letter
 1433 evidencing proof of filing must be issued by the department and
 1434 must be prominently displayed in the independent agent's primary
 1435 place of business. Each independent agent must also submit an
 1436 annual registration fee of \$50. All moneys collected pursuant to
 1437 the imposition of the fee shall be deposited by the Chief

1438 Financial Officer into the General Inspection Trust Fund of the
 1439 Department of Agriculture and Consumer Services for the sole
 1440 purpose of administrating this part. As used in this subsection,
 1441 the term "independent agent" means a person who represents a
 1442 seller of travel by soliciting persons on its behalf; who has a
 1443 written contract with a seller of travel which is operating in
 1444 compliance with this part and any rules adopted thereunder; who
 1445 does not receive a fee, commission, or other valuable
 1446 consideration directly from the purchaser for the seller of
 1447 travel; who does not at any time have any unissued ticket stock
 1448 or travel documents in his or her possession; and who does not
 1449 have the ability to issue tickets, vacation certificates, or any
 1450 other travel document. The term "independent agent" does not
 1451 include an affiliate of the seller of travel, as that term is
 1452 used in s. 559.935(3), or the employees of the seller of travel
 1453 or of such affiliates.

1454 Section 41. Subsection (7) of section 570.0725, Florida
 1455 Statutes, is amended to read:

1456 570.0725 Food recovery; legislative intent; department
 1457 functions.--

1458 (7) For public information purposes, the department may
 1459 ~~shall~~ develop and provide a public information ~~brochure~~
 1460 detailing the need for food banks and similar ~~of~~ food recovery
 1461 programs, the benefit of such ~~food recovery~~ programs, the manner
 1462 in which ~~such~~ organizations may become involved in such ~~food~~
 1463 ~~recovery~~ programs, and the protection afforded to such programs
 1464 under s. 768.136, ~~and the food recovery entities or food banks~~
 1465 ~~that exist in the state. This brochure must be updated annually.~~

1466 A food bank or similar food recovery organization seeking to be
 1467 included on a list of such organizations must notify the
 1468 department and provide the information required by rule of the
 1469 department. Such organizations are responsible for updating the
 1470 information and providing the updated information to the
 1471 department. The department may adopt rules to implement this
 1472 section.

1473 Section 42. Paragraph (e) of subsection (6) of section
 1474 570.53, Florida Statutes, is amended to read:

1475 570.53 Division of Marketing and Development; powers and
 1476 duties.--The powers and duties of the Division of Marketing and
 1477 Development include, but are not limited to:

1478 (6)

1479 (e) Extending in every practicable way the distribution
 1480 and sale of Florida agricultural products throughout the markets
 1481 of the world as required of the department by s. ss. 570.07(7),
 1482 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1483 Section 43. Subsection (2) of section 570.54, Florida
 1484 Statutes, is amended to read:

1485 570.54 Director; duties.--

1486 (2) It shall be the duty of the director of this division
 1487 to supervise, direct, and coordinate the activities authorized
 1488 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
 1489 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
 1490 chapters 504, 571, 573, and 574 and to exercise other powers and
 1491 authority as authorized by the department.

1492 Section 44. Subsection (4) of section 570.55, Florida
 1493 Statutes, is amended to read:

1494 570.55 Identification of sellers or handlers of tropical
 1495 or subtropical fruit and vegetables; containers specified;
 1496 penalties.--

1497 (4) IDENTIFICATION OF HANDLER.--At the time of each
 1498 transaction involving the handling or sale of 55 pounds or more
 1499 of tropical or subtropical fruit or vegetables in the primary
 1500 channel of trade, the buyer or receiver of the tropical or
 1501 subtropical fruit or vegetables shall demand a bill of sale,
 1502 invoice, sales memorandum, or other document listing the date of
 1503 the transaction, the quantity of the tropical or subtropical
 1504 fruit or vegetables involved in the transaction, and the
 1505 identification of the seller or handler as it appears on the
 1506 driver's license of the seller or handler, including the
 1507 driver's license number. If the seller or handler does not
 1508 possess a driver's license, the buyer or receiver shall use any
 1509 other acceptable means of identification, which may include, but
 1510 is not limited to, i.e., voter's registration card and number,
 1511 draft card, ~~social security card,~~ or other identification.
 1512 However, no less than two identification documents shall be
 1513 used. The identification of the seller or handler shall be
 1514 recorded on the bill of sale, sales memorandum, invoice, or
 1515 voucher, which shall be retained by the buyer or receiver for a
 1516 period of not less than 1 year from the date of the transaction.

1517 Section 45. Subsection (3) of section 570.902, Florida
 1518 Statutes, is amended to read:

1519 570.902 Definitions; ss. 570.902 and 570.903.--For the
 1520 purpose of ss. 570.902 and 570.903:

1521 ~~(3) "Museum" means the Florida Agricultural Museum which~~
 1522 ~~is designated as the museum for agriculture and rural history of~~
 1523 ~~the State of Florida.~~

1524 Section 46. Section 570.903, Florida Statutes, is amended
 1525 to read:

1526 570.903 Direct-support organization.--

1527 (1) When the Legislature authorizes the establishment of a
 1528 direct-support organization to provide assistance for the
 1529 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
 1530 ~~Florida State Collection of Arthropods,~~ the Friends of the
 1531 Florida State Forests Program of the Division of Forestry, and
 1532 the Forestry Arson Alert Program, and other programs of the
 1533 department, the following provisions shall govern the creation,
 1534 use, powers, and duties of the direct-support organization.

1535 (a) The department shall enter into a memorandum or letter
 1536 of agreement with the direct-support organization, which shall
 1537 specify the approval of the department, the powers and duties of
 1538 the direct-support organization, and rules with which the
 1539 direct-support organization shall comply.

1540 (b) The department may permit, without charge, appropriate
 1541 use of property, facilities, and personnel of the department by
 1542 a direct-support organization, subject to the provisions of ss.
 1543 570.902 and 570.903. The use shall be directly in keeping with
 1544 the approved purposes of the direct-support organization and
 1545 shall not be made at times or places that would unreasonably
 1546 interfere with opportunities for the general public to use
 1547 department facilities for established purposes.

1548 (c) The department shall prescribe by contract or by rule
 1549 conditions with which a direct-support organization shall comply
 1550 in order to use property, facilities, or personnel of the
 1551 department ~~or museum~~. Such rules shall provide for budget and
 1552 audit review and oversight by the department.

1553 (d) The department shall not permit the use of property,
 1554 facilities, or personnel of the ~~museum,~~ department, or
 1555 designated program by a direct-support organization which does
 1556 not provide equal employment opportunities to all persons
 1557 regardless of race, color, religion, sex, age, or national
 1558 origin.

1559 (2) (a) The direct-support organization shall be empowered
 1560 to conduct programs and activities; raise funds; request and
 1561 receive grants, gifts, and bequests of money; acquire, receive,
 1562 hold, invest, and administer, in its own name, securities,
 1563 funds, objects of value, or other property, real or personal;
 1564 and make expenditures to or for the direct or indirect benefit
 1565 of the ~~museum or~~ designated program.

1566 (b) Notwithstanding the provisions of s. 287.057, the
 1567 direct-support organization may enter into contracts or
 1568 agreements with or without competitive bidding for the
 1569 ~~restoration of objects, historical buildings, and other~~
 1570 ~~historical materials or for the purchase of objects, historical~~
 1571 ~~buildings, and other historical materials which are to be added~~
 1572 ~~to the collections of the museum,~~ or benefit of the designated
 1573 program. However, before the direct-support organization may
 1574 enter into a contract or agreement without competitive bidding,
 1575 the direct-support organization shall file a certification of

1576 conditions and circumstances with the internal auditor of the
 1577 department justifying each contract or agreement.

1578 (c) Notwithstanding the provisions of s. 287.025(1)(e),
 1579 the direct-support organization may enter into contracts to
 1580 insure property of the ~~museum or~~ designated programs and may
 1581 ~~insure objects or collections on loan from others in satisfying~~
 1582 ~~security terms of the lender.~~

1583 (3) The direct-support organization shall provide for an
 1584 annual financial audit in accordance with s. 215.981.

1585 (4) Neither a designated program ~~or a museum~~, nor a
 1586 nonprofit corporation trustee or employee may:

1587 (a) Receive a commission, fee, or financial benefit in
 1588 connection with the sale or exchange of property historical
 1589 ~~objects or properties~~ to the direct-support organization, ~~the~~
 1590 ~~museum~~, or the designated program; or

1591 (b) Be a business associate of any individual, firm, or
 1592 organization involved in the sale or exchange of property to the
 1593 direct-support organization, ~~the museum~~, or the designated
 1594 program.

1595 (5) All moneys received by the direct-support organization
 1596 shall be deposited into an account of the direct-support
 1597 organization and shall be used by the organization in a manner
 1598 consistent with the goals of ~~the museum~~ or designated program.

1599 (6) The identity of a donor or prospective donor who
 1600 desires to remain anonymous and all information identifying such
 1601 donor or prospective donor are confidential and exempt from the
 1602 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1603 Constitution.

1604 (7) The Commissioner of Agriculture, or the commissioner's
 1605 designee, may serve on the board of trustees and the executive
 1606 committee of any direct-support organization established to
 1607 benefit the museum or any designated program.

1608 ~~(8) The department shall establish by rule archival~~
 1609 ~~procedures relating to museum artifacts and records. The rules~~
 1610 ~~shall provide procedures which protect the museum's artifacts~~
 1611 ~~and records equivalent to those procedures which have been~~
 1612 ~~established by the Department of State under chapters 257 and~~
 1613 ~~267.~~

1614 Section 47. Subsection (4) of section 573.118, Florida
 1615 Statutes, is amended to read:

1616 573.118 Assessment; funds; audit; loans.--

1617 (4) In the event of levying and collecting of assessments,
 1618 for each fiscal year in which assessment funds are received by
 1619 the department, the department shall maintain records of
 1620 collections and expenditures for each marketing order separately
 1621 within the state's accounting system. If requested by an
 1622 advisory council, department staff shall cause to be made a
 1623 thorough annual audit of the books and accounts by a certified
 1624 public accountant, such audit to be completed within 60 days
 1625 after the request is received end of the fiscal year. The
 1626 advisory council department and all producers and handlers
 1627 covered by the marketing order shall be provided a copy of the
 1628 properly advised of the details of the annual official audit of
 1629 the accounts as shown by the certified public accountant within
 1630 30 days after completion of the audit.

1631 Section 48. Subsections (18) through (30) of section
 1632 581.011, Florida Statutes, are renumbered as subsections (17)
 1633 through (29), respectively, and present subsections (17) and
 1634 (20) of that section are amended to read:

1635 581.011 Definitions.--As used in this chapter:

1636 ~~(17) "Museum" means the Florida State Collection of~~
 1637 ~~Arthropods.~~

1638 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in
 1639 which nursery stock is grown, propagated, or held for sale or
 1640 distribution, including ~~except where~~ aquatic plant species are
 1641 tended for harvest in the natural environment.

1642 Section 49. Paragraph (d) of subsection (14) of section
 1643 581.031, Florida Statutes, is amended to read:

1644 581.031 Department; powers and duties.--The department has
 1645 the following powers and duties:

1646 (14)

1647 (d) To prescribe a fee for these services, if ~~provided~~ the
 1648 fee does not exceed the cost of the services rendered. Annual
 1649 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per
 1650 tree. If the fee has not been paid within 30 days of billing, a
 1651 penalty of \$10 or 20 percent of the unpaid balance, whichever is
 1652 greater, shall be assessed.

1653 Section 50. Subsection (6) of section 581.131, Florida
 1654 Statutes, is amended to read:

1655 581.131 Certificate of registration.--

1656 (6) Neither the certificate of registration fee nor the
 1657 annual renewal fee shall exceed \$600 ~~\$460~~. The department may
 1658 exempt from the payment of a certificate fee those governmental

1659 agency nurseries whose nursery stock is used exclusively for
 1660 planting on their own property.

1661 Section 51. Paragraph (a) of subsection (3) of section
 1662 581.211, Florida Statutes, is amended to read:

1663 581.211 Penalties for violations.--

1664 (3) (a) 1. In addition to any other provision of law, the
 1665 department may, after notice and hearing, impose an
 1666 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
 1667 violation of this chapter, upon any person, nurseryman, stock
 1668 dealer, agent or plant broker. The fine, when paid, shall be
 1669 deposited in the Plant Industry Trust Fund. In addition, the
 1670 department may place the violator on probation for up to 1 year,
 1671 with conditions.

1672 2. The imposition of a fine or probation pursuant to this
 1673 subsection may be in addition to or in lieu of the suspension or
 1674 revocation of a certificate of registration or certificate of
 1675 inspection.

1676 Section 52. Section 583.13, Florida Statutes, is amended
 1677 to read:

1678 583.13 Labeling and advertising requirements for dressed
 1679 poultry; unlawful acts.--

1680 (1) It is unlawful for any dealer or broker to sell, offer
 1681 for sale, or hold for the purpose of sale in the state any
 1682 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
 1683 is packed in a container clearly bearing a label, not less than
 1684 3 inches by 5 inches, on which shall be plainly and legibly
 1685 printed, in letters of not less than one-fourth inch ~~1/4~~ in
 1686 height, ~~the grade and~~ the part name or whole-bird statement of

1687 such poultry. ~~The grade may be expressed in the term "premium,"~~
1688 ~~"good," or "standard," or as the grade of another state or~~
1689 ~~federal agency the standards of quality of which, by law, are~~
1690 ~~equal to the standards of quality provided by this law and rules~~
1691 ~~promulgated hereunder.~~

1692 (2) It is unlawful to sell unpackaged dressed or ready-to-
1693 cook poultry at retail unless such poultry is labeled by a
1694 placard immediately adjacent to the poultry or unless each bird
1695 is individually labeled to show ~~the grade and~~ the part name or
1696 whole-bird statement. The placard shall be no smaller than 7
1697 inches by 7 inches in size, and the required labeling
1698 information shall be legibly and plainly printed on the placard
1699 in letters not smaller than 1 inch in height.

1700 (3) It is unlawful to sell packaged dressed or ready-to-
1701 cook poultry at retail unless such poultry is labeled to show
1702 ~~the grade,~~ the part name or whole-bird statement, the net weight
1703 of the poultry, and the name and address of the dealer. The size
1704 of the type on the label must be one-eighth inch or larger. A
1705 placard immediately adjacent to such poultry may be used to
1706 indicate ~~the grade and~~ the part name or whole-bird statement,
1707 but not the net weight of the poultry or the name and address of
1708 the dealer.

1709 (4) It is unlawful to use dressed or ready-to-cook poultry
1710 in bulk in the preparation of food served to the public, or to
1711 hold such poultry for the purpose of such use, unless the
1712 poultry when received was packed in a container clearly bearing
1713 a label, not less than 3 inches by 5 inches, on which was
1714 plainly and legibly printed, in letters not less than one-fourth

1715 inch in height, ~~the grade and the part name or whole-bird~~
1716 ~~statement of such poultry. The grade may be expressed in the~~
1717 ~~term "premium," "good," or "standard," or as the grade of~~
1718 ~~another state or federal agency the standards of quality of~~
1719 ~~which, by law, are equal to the standards of quality provided by~~
1720 ~~this law and rules promulgated hereunder.~~

1721 (5) It is unlawful to offer dressed or ready-to-cook
1722 poultry for sale in any advertisement in a newspaper or
1723 circular, on radio or television, or in any other form of
1724 advertising without plainly designating in such advertisement
1725 ~~the grade and the part name or whole-bird statement of such~~
1726 ~~poultry.~~

1727 Section 53. Subsections (4) and (5) of section 590.125,
1728 Florida Statutes, are renumbered as subsections (5) and (6),
1729 respectively, subsection (1), paragraph (b) of subsection (3),
1730 and paragraph (c) of present subsection (4) are amended, and new
1731 subsections (4) and (7) are added to that section, to read:

1732 590.125 Open burning authorized by the division.--

1733 (1) DEFINITIONS.--As used in this section, the term:

1734 (a) "Certified pile burner" means an individual who
1735 successfully completes the division's pile burning certification
1736 program and possesses a valid pile burner certification number.

1737 (b) "Certified prescribed burn manager" means an
1738 individual who successfully completes the certified prescribed
1739 burning ~~certification~~ program of the division and possesses a
1740 valid certification number.

1741 (c) ~~(d)~~ "Extinguished" means:

1742 1. that no spreading flame For wild land burning or
1743 certified prescribed burning, that no spreading flames exist.

1744 2. and no visible flame, smoke, or emissions For
1745 vegetative land-clearing debris burning or pile burning, that no
1746 visible flames exist.

1747 3. For vegetative land-clearing debris burning or pile
1748 burning in an area designated as smoke sensitive by the
1749 division, that no visible flames, smoke, or emissions exist.

1750 (d) "Land-clearing operation" means the uprooting or
1751 clearing of vegetation in connection with the construction of
1752 buildings and rights-of-way, land development, and mineral
1753 operations. The term does not include the clearing of yard
1754 trash.

1755 (e) "Pile burning" means the burning of silvicultural,
1756 agricultural, or land-clearing and tree-cutting debris
1757 originating onsite, which is stacked together in a round or
1758 linear fashion, including, but not limited to, a windrow.

1759 (f) ~~(e)~~ "Prescribed burning" means the controlled
1760 application of fire in accordance with a written prescription
1761 for vegetative fuels under specified environmental conditions
1762 while following appropriate precautionary measures that ensure
1763 that the fire is confined to a predetermined area to accomplish
1764 the planned fire or land-management objectives.

1765 (g) ~~(e)~~ "Prescription" means a written plan establishing
1766 the criteria necessary for starting, controlling, and
1767 extinguishing a prescribed burn.

1768 (h) "Yard trash" means vegetative matter resulting from
1769 landscaping and yard maintenance operations and other such

1770 routine property cleanup activities. The term includes materials
 1771 such as leaves, shrub trimmings, grass clippings, brush, and
 1772 palm fronds.

1773 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 1774 PURPOSE.--

1775 (b) Certified prescribed burning pertains only to
 1776 broadcast burning for purposes of silviculture, wildlife
 1777 management, ecological maintenance and restoration, and range
 1778 and pasture management. It must be conducted in accordance with
 1779 this subsection and:

1780 1. May be accomplished only when a certified prescribed
 1781 burn manager is present on site with a copy of the prescription
 1782 from ignition of the burn to its completion.

1783 2. Requires that a written prescription be prepared before
 1784 receiving authorization to burn from the division.

1785 3. Requires that the specific consent of the landowner or
 1786 his or her designee be obtained before requesting an
 1787 authorization.

1788 4. Requires that an authorization to burn be obtained from
 1789 the division before igniting the burn.

1790 5. Requires that there be adequate firebreaks at the burn
 1791 site and sufficient personnel and firefighting equipment for the
 1792 control of the fire.

1793 6. Is considered to be in the public interest and does not
 1794 constitute a public or private nuisance when conducted under
 1795 applicable state air pollution statutes and rules.

1796 7. Is considered to be a property right of the property
1797 owner if vegetative fuels are burned as required in this
1798 subsection.

1799 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1800 PURPOSE.--

1801 (a) Pile burning is a tool that benefits current and
1802 future generations in Florida by disposing of naturally
1803 occurring vegetative debris through burning rather than
1804 disposing of the debris in landfills.

1805 (b) Certified pile burning pertains to the disposal of
1806 piled, naturally occurring debris from an agricultural,
1807 silvicultural, or temporary land-clearing operation. A land-
1808 clearing operation is temporary if it operates for 6 months or
1809 less. Certified pile burning must be conducted in accordance
1810 with this subsection, and:

1811 1. A certified pile burner must ensure, before ignition,
1812 that the piles are properly placed and that the content of the
1813 piles is conducive to efficient burning.

1814 2. A certified pile burner must ensure that the piles are
1815 properly extinguished no later than 1 hour after sunset. If the
1816 burn is conducted in an area designated by the division as smoke
1817 sensitive, a certified pile burner must ensure that the piles
1818 are properly extinguished at least 1 hour before sunset.

1819 3. A written pile burn plan must be prepared before
1820 receiving authorization from the division to burn.

1821 4. The specific consent of the landowner or his or her
1822 agent must be obtained before requesting authorization to burn.

1823 5. An authorization to burn must be obtained from the
 1824 division or its designated agent before igniting the burn.

1825 6. There must be adequate firebreaks and sufficient
 1826 personnel and firefighting equipment at the burn site to control
 1827 the fire.

1828 (c) If a burn is conducted in accordance with this
 1829 subsection, the property owner and his or her agent are not
 1830 liable under s. 590.13 for damage or injury caused by the fire
 1831 or resulting smoke, and are not in violation of subsection (2),
 1832 unless gross negligence is proven.

1833 (d) A certified pile burner who violates this section
 1834 commits a misdemeanor of the second degree, punishable as
 1835 provided in s. 775.082 or s. 775.083.

1836 (e) The division shall adopt rules regulating certified
 1837 pile burning. The rules shall include procedures and criteria
 1838 for certifying and decertifying certified pile burn managers
 1839 based on past experience, training, and record of compliance
 1840 with this section.

1841 ~~(5)-(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE
 1842 DIVISION.--The division may conduct fuel reduction initiatives,
 1843 including, but not limited to, burning and mechanical and
 1844 chemical treatment, on any area of wild land within the state
 1845 which is reasonably determined to be in danger of wildfire in
 1846 accordance with the following procedures:

1847 (c) Prepare, and send the county tax collector shall
 1848 ~~include with the annual tax statement,~~ a notice to be sent to
 1849 all landowners in each area ~~township~~ designated by the division
 1850 as a wildfire hazard area. The notice must describe particularly

1851 the area to be treated and the tentative date or dates of the
 1852 treatment and must list the reasons for and the expected
 1853 benefits from the wildfire hazard reduction.

1854 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
 1855 AUTHORIZATION PROGRAMS.--

1856 (a) A county or municipality may exercise the division's
 1857 authority, if delegated by the division under this subsection,
 1858 to issue authorizations for the burning of yard trash or debris
 1859 from land-clearing operations. A county's or municipality's
 1860 existing or proposed open burning authorization program must:

1861 1. Be approved by the division. The division shall not
 1862 approve a program if it fails to meet the requirements of
 1863 subsections (2) and (4) and any rules adopted under those
 1864 subsections.

1865 2. Provide by ordinance or local law the requirements for
 1866 obtaining and performing a burn authorization that comply with
 1867 subsections (2) and (4) and any rules adopted under those
 1868 subsections.

1869 3. Provide for the enforcement of the program's
 1870 requirements.

1871 4. Provide financial, personnel, and other resources
 1872 needed to carry out the program.

1873 (b) If the division determines that a county's or
 1874 municipality's open burning authorization program does not
 1875 comply with subsections (2) and (4) and any rules adopted under
 1876 those subsections, the division shall require the county or
 1877 municipality to take necessary corrective actions within a
 1878 reasonable period, not to exceed 90 days.

1879 1. If the county or municipality fails to take the
 1880 necessary corrective actions within the required period, the
 1881 division shall resume administration of the open burning
 1882 authorization program in the county or municipality and the
 1883 county or municipality shall cease administration of its
 1884 program.

1885 2. Each county and municipality administering an open
 1886 burning authorization program must cooperate with and assist the
 1887 division in carrying out the division's powers, duties, and
 1888 functions.

1889 3. A person who violates the requirements of a county's or
 1890 municipality's open burning authorization program, as provided
 1891 by ordinance or local law enacted pursuant to this section,
 1892 commits a violation of this chapter, punishable as provided in
 1893 s. 590.14.

1894 Section 54. Subsection (4) of section 590.14, Florida
 1895 Statutes, is renumbered as subsection (7), subsections (1) and
 1896 (3) are amended, and new subsections (4), (5), and (6) are added
 1897 to that section, to read:

1898 590.14 Notice of violation; penalties.--

1899 (1) If a division employee determines that a person has
 1900 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
 1901 the division to administer provisions of law conferring duties
 1902 upon the division, the division employee ~~he or she~~ may issue a
 1903 notice of violation indicating the statute violated. This notice
 1904 will be filed with the division and a copy forwarded to the
 1905 appropriate law enforcement entity for further action if
 1906 necessary.

1907 (3) The department may also impose an administrative fine,
 1908 not to exceed \$1,000 per violation of any section of chapter 589
 1909 or this chapter or violation of any rule adopted by the division
 1910 to administer provisions of law conferring duties upon the
 1911 division. The fine shall be based upon the degree of damage, the
 1912 prior violation record of the person, and whether the person
 1913 knowingly provided false information to obtain an authorization.
 1914 The fines shall be deposited in the Incidental Trust Fund of the
 1915 division.

1916 (4) A person may not:

1917 (a) Fail to comply with any rule or order adopted by the
 1918 division to administer provisions of law conferring duties upon
 1919 the division; or

1920 (b) Knowingly make any false statement or representation
 1921 in any application, record, plan, or other document required by
 1922 this chapter or any rules adopted under this chapter.

1923 (5) A person who violates paragraph (4) (a) or paragraph
 1924 (4) (b) commits a misdemeanor of the second degree, punishable as
 1925 provided in s. 775.082 or s. 775.083.

1926 (6) It is the intent of the Legislature that a penalty
 1927 imposed by a court under subsection (5) be of a severity that
 1928 ensures immediate and continued compliance with this section.

1929 Section 55. Paragraph (a) of subsection (1) of section
 1930 599.004, Florida Statutes, is amended to read:

1931 599.004 Florida Farm Winery Program; registration; logo;
 1932 fees.--

1933 (1) The Florida Farm Winery Program is established within
 1934 the Department of Agriculture and Consumer Services. Under this

1935 program, a winery may qualify as a tourist attraction only if it
 1936 is registered with and certified by the department as a Florida
 1937 Farm Winery. A winery may not claim to be certified unless it
 1938 has received written approval from the department.

1939 (a) To qualify as a certified Florida Farm Winery, a
 1940 winery shall meet the following standards:

1941 1. Produce or sell less than 250,000 gallons of wine
 1942 annually.

1943 2. Maintain a minimum of 10 acres of owned or managed land
 1944 ~~vineyards~~ in Florida which produces commodities used in the
 1945 production of wine.

1946 3. Be open to the public for tours, tastings, and sales at
 1947 least 30 hours each week.

1948 4. Make annual application to the department for
 1949 recognition as a Florida Farm Winery, on forms provided by the
 1950 department.

1951 5. Pay an annual application and registration fee of \$100.

1952 Section 56. Subsection (11) is added to section 604.15,
 1953 Florida Statutes, to read:

1954 604.15 Dealers in agricultural products; definitions.--For
 1955 the purpose of ss. 604.15-604.34, the following words and terms,
 1956 when used, shall be construed to mean:

1957 (11) "Responsible position" means a position within the
 1958 business of a dealer in agricultural products that has the
 1959 authority to negotiate or make the purchase of agricultural
 1960 products on behalf of the dealer's business or has principal
 1961 active management authority over the business decisions,
 1962 actions, and activities of the dealer's business in this state.

1963 Section 57. Section 604.19, Florida Statutes, is amended
 1964 to read:
 1965 604.19 License; fee; bond; certificate of deposit;
 1966 penalty.--Unless the department refuses the application on one
 1967 or more of the grounds provided in this section, it shall issue
 1968 to an applicant, upon the payment of required fees and the
 1969 execution and delivery of a bond or certificate of deposit as
 1970 provided in this section, a state license entitling the
 1971 applicant to conduct business as a dealer in agricultural
 1972 products for a 1-year period to coincide with the effective
 1973 period of the bond or certificate of deposit furnished by the
 1974 applicant. During the 1-year period covered by a license, if the
 1975 supporting surety bond or certificate of deposit is canceled for
 1976 any reason, the license shall automatically expire on the date
 1977 the surety bond or certificate of deposit terminates, unless an
 1978 acceptable replacement is in effect before the date of
 1979 termination so that continual coverage occurs for the remaining
 1980 period of the license. A surety company shall give the
 1981 department a 30-day written notice of cancellation by certified
 1982 mail in order to cancel a bond. Cancellation of a bond or
 1983 certificate of deposit does ~~shall~~ not relieve a surety company
 1984 or financial institution of liability for purchases or sales
 1985 occurring while the bond or certificate of deposit was in
 1986 effect. The license fee, which must be paid for the principal
 1987 place of business for a dealer in agricultural products, shall
 1988 be based upon the amount of the dealer's surety bond or
 1989 certificate of deposit furnished by each dealer under the
 1990 provisions of s. 604.20 and may not exceed \$500. For each

1991 additional place in which the applicant desires to conduct
 1992 business and which the applicant names in the application, the
 1993 additional license fee must be paid but may not exceed \$100
 1994 annually. If a ~~Should any~~ dealer in agricultural products fails,
 1995 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
 1996 qualify for the renewal of a license on or before its ~~the date~~
 1997 ~~of expiration~~ date ~~thereof,~~ a penalty not to exceed \$100 shall
 1998 apply to and be added to the ~~original~~ license fee for the
 1999 principal place of business and to the license fee for each
 2000 additional place of business named in the application and shall
 2001 be paid by the applicant before the renewal license may be
 2002 issued. The department by rule shall prescribe fee amounts
 2003 sufficient to fund ss. 604.15-604.34.

2004 Section 58. Subsections (1) and (4) of section 604.20,
 2005 Florida Statutes, are amended to read:

2006 604.20 Bond or certificate of deposit prerequisite;
 2007 amount; form.--

2008 (1) Before any license is issued, the applicant therefor
 2009 shall make and deliver to the department a surety bond or
 2010 certificate of deposit in the amount of at least \$5,000 or in
 2011 such greater amount as the department may determine. No bond or
 2012 certificate of deposit may be in an amount less than \$5,000. The
 2013 penal sum of the bond or certificate of deposit to be furnished
 2014 to the department by an applicant for license as a dealer in
 2015 agricultural products shall be in an amount equal to twice the
 2016 average of the monthly dollar amounts ~~amount~~ of agricultural
 2017 products handled for a Florida producer or a producer's agent or
 2018 representative, by purchase or otherwise, ~~during the month of~~

2019 ~~maximum transaction in such products~~ during the preceding 12-
 2020 month period. Only those months in which the applicant handled,
 2021 by purchase or otherwise, amounts equal to or greater than
 2022 \$1,000 shall be used to calculate the penal sum of the required
 2023 bond or certificate of deposit. An applicant for license who has
 2024 not handled agricultural products for a Florida producer or a
 2025 producer's agent or representative, by purchase or otherwise,
 2026 during the preceding 12-month period shall furnish a bond or
 2027 certificate of deposit in an amount equal to twice the estimated
 2028 average of the monthly dollar amounts ~~amount~~ of such
 2029 agricultural products to be handled, by purchase or otherwise,
 2030 ~~during the month of maximum transaction~~ during the next
 2031 immediate 12 months. Only those months in which the applicant
 2032 anticipates handling, by purchase or otherwise, amounts equal to
 2033 or greater than \$1,000 shall be used to calculate the penal sum
 2034 of the required bond or certificate of deposit. Such bond or
 2035 certificate of deposit shall be provided or assigned in the
 2036 exact name in which the dealer will conduct business subject to
 2037 the provisions of ss. 604.15-604.34. Such bond must be executed
 2038 by a surety company authorized to transact business in the
 2039 state. For the purposes of ss. 604.19-604.21, the term
 2040 "certificate of deposit" means a certificate of deposit at any
 2041 recognized financial institution doing business in the United
 2042 States. No certificate of deposit may be accepted in connection
 2043 with an application for a dealer's license unless the issuing
 2044 institution is properly insured by either the Federal Deposit
 2045 Insurance Corporation or the Federal Savings and Loan Insurance
 2046 Corporation. Such bond or any certificate of deposit assignment

2047 or agreement shall be upon a form prescribed or approved by the
2048 department and shall be conditioned to secure the faithful
2049 accounting for and payment, in the manner prescribed by s.
2050 604.21(9), to producers or their agents or representatives of
2051 the proceeds of all agricultural products handled or purchased
2052 by such dealer, ~~and~~ to secure payment to dealers who sell
2053 agricultural products to such dealer, and to pay any claims or
2054 costs ordered under s. 604.21 as the result of a complaint. Such
2055 bond or certificate of deposit assignment or agreement shall
2056 include terms binding the instrument to the Commissioner of
2057 Agriculture. A certificate of deposit shall be presented with an
2058 assignment of applicant's rights in the certificate in favor of
2059 the Commissioner of Agriculture on a form prescribed by the
2060 department and with a letter from the issuing institution
2061 acknowledging that the assignment has been properly recorded on
2062 the books of the issuing institution and will be honored by the
2063 issuing institution. Such assignment shall be irrevocable while
2064 the dealer's license is in effect and for an additional period
2065 of 6 months after the termination or expiration of the dealer's
2066 license, provided no complaint is pending against the licensee.
2067 If a complaint is pending, the assignment shall remain in effect
2068 until all actions on the complaint have been finalized. The
2069 certificate of deposit may be released by the assignee of the
2070 financial institution to the licensee or the licensee's
2071 successors, assignee, or heirs if no claims are pending against
2072 the licensee before the department at the conclusion of 6 months
2073 after the last effective date of the license. No certificate of
2074 deposit shall be accepted that contains any provision that would

2075 | give the issuing institution any prior rights or claim on the
2076 | proceeds or principal of such certificate of deposit. The
2077 | department shall determine by rule the maximum amount of bond or
2078 | certificate of deposit required of a dealer and whether an
2079 | annual bond or certificate of deposit will be required.

2080 | (4) The department may issue a conditional license to an
2081 | applicant who is unable to provide a single bond or certificate
2082 | of deposit in the full amount required by the calculation in
2083 | subsection (1). The conditional license shall remain in effect
2084 | for a 1-year period to coincide with the effective period of the
2085 | bond or certificate of deposit furnished by the applicant. The
2086 | applicant must provide at least the minimum \$5,000 bond or
2087 | certificate of deposit as provided in subsection (1) together
2088 | with documentation from each of three separate bonding companies
2089 | denying the applicants request for a surety bond in the full
2090 | amount required in subsection (1) and one of the following:

2091 | (a) A notarized affidavit limiting the handling of
2092 | agricultural products, by purchase or otherwise, during their
2093 | largest month to a minimum of one-half the amount of the bond or
2094 | certificate of deposit provided by the applicant;

2095 | (b) A notarized affidavit stating that any subject
2096 | agricultural products, handled by purchase or otherwise,
2097 | exceeding one-half of the amount of the bond or certificate of
2098 | deposit will be handled under the exemption provisions set forth
2099 | in s. 604.16(2); or

2100 | (c) A second bond or certificate of deposit in such an
2101 | amount that, when the penal sum of the second bond or
2102 | certificate of deposit is added to the penal sum of the first

2103 bond or certificate of deposit, the combined penal sum will
 2104 equal twice the dollar amount of agricultural products handled
 2105 for a Florida producer or a producer's agent or representative,
 2106 by purchase or otherwise, during the month of maximum
 2107 transaction in such products during the preceding 12-month
 2108 period.

2109
 2110 The department or its agents may require from any licensee who
 2111 is issued a conditional license verified statements of the
 2112 volume of the licensee's business or may review the licensee's
 2113 records at the licensee's place of business during normal
 2114 business hours to determine the licensee's adherence to the
 2115 conditions of the license. The failure of a licensee to furnish
 2116 such statement or to make such records available shall be cause
 2117 for suspension of the licensee's conditional license. If the
 2118 department finds such failure to be willful, the conditional
 2119 license may be revoked.

2120 Section 59. Section 604.25, Florida Statutes, is amended
 2121 to read:

2122 604.25 Denial of, refusal to renew ~~grant,~~ or suspension or
 2123 revocation of, license.--

2124 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
 2125 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
 2126 ~~granted~~ if the applicant or licensee has:

2127 (1) ~~(a)~~ Suffered a monetary judgment entered against the
 2128 applicant or licensee ~~upon which is execution has been returned~~
 2129 unsatisfied;

2130 (2) ~~(b)~~ Made false charges for handling or services
 2131 rendered;

2132 (3) ~~(c)~~ Failed to account promptly and properly or to make
 2133 settlements with any producer;

2134 (4) ~~(d)~~ Made any false statement or statements as to
 2135 condition, quality, or quantity of goods received or held for
 2136 sale when the true condition, quality, or quantity could have
 2137 been ascertained by reasonable inspection;

2138 (5) ~~(e)~~ Made any false or misleading statement or
 2139 statements as to market conditions or service rendered;

2140 (6) ~~(f)~~ Been guilty of a fraud in the attempt to procure,
 2141 or the procurement of, a license;

2142 (7) ~~(g)~~ Directly or indirectly sold agricultural products
 2143 received on consignment or on a net return basis for her or his
 2144 own account, without prior authority from the producer
 2145 consigning the same, or without notifying such producer;

2146 (8) ~~(h)~~ Failed to prevent a person from holding a position
 2147 as the applicant's or licensee's owner, officer, director,
 2148 general or managing partner, or employee ~~Employed~~ in a
 2149 responsible position ~~a person~~, or holding any other similarly
 2150 situated position, if the person holds or has held a similar
 2151 position with any entity that an officer of a corporation, who
 2152 has failed to fully comply with an order of the department, has
 2153 not satisfied a civil judgment held by the department, has
 2154 pending any administrative or civil enforcement action by the
 2155 department, or has pending any criminal charges pursuant to s.
 2156 604.30 at any time within 1 year after issuance;

2157 (9)~~(i)~~ Violated any statute or rule relating to the
 2158 purchase or sale of any agricultural product, whether or not
 2159 such transaction is subject to the provisions of this chapter;
 2160 ~~or~~

2161 (10)~~(j)~~ Failed to submit to the department an application,
 2162 appropriate license fees, and an acceptable surety bond or
 2163 certificate of deposit; or.

2164 (11)~~(2)~~ Failed ~~If a licensee fails or refused~~ refuses to
 2165 comply ~~in full~~ with an order of the department or failed to
 2166 satisfy a civil judgment owed to the department, ~~her or his~~
 2167 ~~license may be suspended or revoked, in which case she or he~~
 2168 ~~shall not be eligible for license for a period of 1 year or~~
 2169 ~~until she or he has fully complied with the order of the~~
 2170 ~~department.~~

2171 ~~(3) No person, or officer of a corporation, whose license~~
 2172 ~~has been suspended or revoked for failure to comply with an~~
 2173 ~~order of the department may hold a responsible position with a~~
 2174 ~~licensee for a period of 1 year or until the order of the~~
 2175 ~~department has been fully complied with.~~

2176 Section 60. Subsections (18) and (19) of section 616.242,
 2177 Florida Statutes, are renumbered as subsections (19) and (20),
 2178 respectively, and a new subsection (18) is added to that section
 2179 to read:

2180 616.242 Safety standards for amusement rides.--

2181 (18) STOP-OPERATION ORDERS.--If an owner or amusement ride
 2182 fails to comply with this chapter or any rule adopted under this
 2183 chapter, the department may issue a stop-operation order.

2184 Section 61. Subsection (4) of section 686.201, Florida
 2185 Statutes, is amended to read:

2186 686.201 Sales representative contracts involving
 2187 commissions; requirements; termination of agreement; civil
 2188 remedies.--

2189 (4) This section does not apply to persons licensed
 2190 pursuant to chapter 475 who are performing services within the
 2191 scope of their license or to contracts to which a seller of
 2192 travel as defined in s. 559.927 is a party.

2193 Section 62. Paragraph (c) of subsection (5) of section
 2194 790.06, Florida Statutes, is amended to read:

2195 790.06 License to carry concealed weapon or firearm.--

2196 (5) The applicant shall submit to the Department of
 2197 Agriculture and Consumer Services:

2198 (c) A full set of fingerprints of the applicant
 2199 administered by a law enforcement agency or the Division of
 2200 Licensing of the Department of Agriculture and Consumer
 2201 Services.

2202 Section 63. Sections 570.071 and 570.901, Florida
 2203 Statutes, are repealed.

2204 Section 64. Subsection (1) of section 205.064, Florida
 2205 Statutes, is amended to read:

2206 205.064 Farm, aquacultural, grove, horticultural,
 2207 floricultural, tropical piscicultural, and tropical fish farm
 2208 products; certain exemptions.--

2209 (1) A local business tax receipt is not required of any
 2210 ~~natural~~ person for the privilege of engaging in the selling of
 2211 farm, aquacultural, grove, horticultural, floricultural,

2212 tropical piscicultural, or tropical fish farm products, or
 2213 products manufactured therefrom, except intoxicating liquors,
 2214 wine, or beer, when such products were grown or produced by such
 2215 ~~natural~~ person in the state.

2216 Section 65. Subsection (20) of section 322.01, Florida
 2217 Statutes, is amended to read:

2218 322.01 Definitions.--As used in this chapter:

2219 (20) "Farm tractor" means a motor vehicle that is:

2220 (a) Operated principally on a farm, grove, or orchard in
 2221 agricultural or horticultural pursuits and that is operated on
 2222 the roads of this state only incidentally to transportation
 2223 between the owner's or operator's headquarters and the farm,
 2224 grove, or orchard or between one farm, grove, or orchard and
 2225 another; or

2226 (b) Designed and used primarily as a farm implement for
 2227 drawing plows, mowing machines, and other implements of
 2228 husbandry.

2229 Section 66. Paragraph (n) of subsection (1) of section
 2230 500.03, Florida Statutes, is amended to read:

2231 500.03 Definitions; construction; applicability.--

2232 (1) For the purpose of this chapter, the term:

2233 (n) "Food establishment" means any factory, food outlet,
 2234 or any other facility manufacturing, processing, packing,
 2235 holding, or preparing food, or selling food at wholesale or
 2236 retail. The term does not include any business or activity that
 2237 is regulated under chapter 509 or chapter 601. The term includes
 2238 tomato packinghouses and repackers but does not include any
 2239 other establishments that pack fruits and vegetables in their

2240 raw or natural states, including those fruits or vegetables that
 2241 are washed, colored, or otherwise treated in their unpeeled,
 2242 natural form before they are marketed.

2243 Section 67. Section 500.70, Florida Statutes, is created
 2244 to read:

2245 500.70 Tomato food safety standards; inspections;
 2246 penalties; tomato good agricultural practices; tomato best
 2247 management practices.--

2248 (1) As used in this section, the term:

2249 (a) "Field packing" means the packing of tomatoes on a
 2250 tomato farm or in a tomato greenhouse into containers for sale
 2251 for human consumption without transporting the tomatoes to a
 2252 packinghouse.

2253 (b) "Packing" or "repacking" means the packing of tomatoes
 2254 into containers for sale for human consumption. The term
 2255 includes the sorting or separating of tomatoes into grades and
 2256 sizes. The term also includes field packing.

2257 (c) "Producing" means the planting, growing, or
 2258 cultivating of tomatoes on a tomato farm or in a tomato
 2259 greenhouse for sale for human consumption.

2260 (2) The department may adopt rules establishing food
 2261 safety standards to safeguard the public health and promote the
 2262 public welfare by protecting the consuming public from injury
 2263 caused by the adulteration or the microbiological, chemical, or
 2264 radiological contamination of tomatoes. The rules must be based
 2265 on federal requirements, available scientific research,
 2266 generally accepted industry practices, and recommendations of
 2267 food safety professionals. The rules shall apply to the

2268 producing, harvesting, packing, and repacking of tomatoes for
 2269 sale for human consumption by a tomato farm, tomato greenhouse,
 2270 or tomato packinghouse or repacker in this state. The rules may
 2271 include, but are not limited to, standards for:

2272 (a) Registration with the department of a person who
 2273 produces, harvests, packs, or repacks tomatoes in this state who
 2274 does not hold a food permit issued under s. 500.12.

2275 (b) Proximity of domestic animals and livestock to the
 2276 production areas for tomatoes.

2277 (c) Food safety related use of water for irrigation during
 2278 production and washing of tomatoes after harvest.

2279 (d) Use of fertilizers.

2280 (e) Cleaning and sanitation of containers, materials,
 2281 equipment, vehicles, and facilities, including storage and
 2282 ripening areas.

2283 (f) Health, hygiene, and sanitation of employees who
 2284 handle tomatoes.

2285 (g) Training and continuing education of a person who
 2286 produces, harvests, packs, or repacks tomatoes in this state,
 2287 and the person's employees who handle tomatoes.

2288 (h) Labeling and recordkeeping, including standards for
 2289 identifying and tracing tomatoes for sale for human consumption.

2290 (3) (a) The department may inspect tomato farms, tomato
 2291 greenhouses, tomato packinghouses, repacking locations, or any
 2292 vehicle being used to transport or hold tomatoes to ensure
 2293 compliance with the applicable provisions of this chapter, and
 2294 the rules adopted under this chapter.

2295 (b) The department may impose an administrative fine not

2296 to exceed \$5,000 per violation, or issue a written notice or
 2297 warning under s. 500.179, against a person who violates any
 2298 applicable provision of this section, or any rule adopted under
 2299 this section.

2300 (4) (a) The department may adopt rules establishing tomato
 2301 good agricultural practices and tomato best management practices
 2302 for the state's tomato industry based on applicable federal
 2303 requirements, available scientific research, generally accepted
 2304 industry practices, and recommendations of food safety
 2305 professionals.

2306 (b) A person who documents compliance with the
 2307 department's rules, tomato good agricultural practices, and
 2308 tomato best management practices is presumed to introduce
 2309 tomatoes into the stream of commerce that are safe for human
 2310 consumption, unless the department identifies noncompliance
 2311 through inspections.

2312 (5) Subsections (2) and (4) do not apply to tomatoes sold
 2313 by the grower on the premises at which the tomatoes are grown or
 2314 at a local farmers' market, if the quantity of tomatoes sold
 2315 does not exceed two 25-pound boxes per customer.

2316 (6) The department may adopt rules pursuant to ss.
 2317 120.536(1) and 120.54 to administer this section.

2318 Section 68. Subsection (10) of section 570.07, Florida
 2319 Statutes, is amended to read:

2320 570.07 Department of Agriculture and Consumer Services;
 2321 functions, powers, and duties.--The department shall have and
 2322 exercise the following functions, powers, and duties:

2323 (10) To act as adviser to producers and distributors, when
 2324 requested, ~~and~~ to assist them in the economical and efficient
 2325 distribution of their agricultural products, ~~and~~ to encourage
 2326 cooperative effort among producers to gain economical and
 2327 efficient production of agricultural products, and to adopt
 2328 rules establishing comprehensive best management practices for
 2329 agricultural production and food safety.

2330 Section 69. Paragraph (e) of subsection (2) of section
 2331 570.48, Florida Statutes, is amended to read:

2332 570.48 Division of Fruit and Vegetables; powers and
 2333 duties; records.--The duties of the Division of Fruit and
 2334 Vegetables include, but are not limited to:

2335 (2)

2336 (e) Performing tomato food safety inspections under s.
 2337 500.70 on tomato farms, in tomato greenhouses, and in tomato
 2338 packinghouses and repackers.

2339 Section 70. Subsection (1) of section 604.15, Florida
 2340 Statutes, is amended to read:

2341 604.15 Dealers in agricultural products; definitions.--For
 2342 the purpose of ss. 604.15-604.34, the following words and terms,
 2343 when used, shall be construed to mean:

2344 (1) "Agricultural products" means the natural products of
 2345 the farm, nursery, grove, orchard, vineyard, garden, and apiary
 2346 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
 2347 livestock; milk and milk products; poultry and poultry products;
 2348 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
 2349 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
 2350 Persian, Tahiti, Bearss, or Florida Key limes); and any other

2351 nonexempt agricultural products produced in the state, except
 2352 tobacco, sugarcane, tropical foliage, timber and timber
 2353 byproducts, forest products as defined in s. 591.17, and citrus
 2354 other than limes.

2355 Section 71. Subsection (7) is added to section 624.4095,
 2356 Florida Statutes, to read:

2357 624.4095 Premiums written; restrictions.--

2358 (7) For purposes of this section and s. 624.407, with
 2359 regard to capital and surplus required, gross written premiums
 2360 for federal multi-peril crop insurance that is ceded to the
 2361 Federal Crop Insurance Corporation and authorized reinsurers
 2362 shall not be included when calculating the insurer's gross
 2363 writing ratio. The liabilities for ceded reinsurance premiums
 2364 payable for federal multi-peril crop insurance ceded to the
 2365 Federal Crop Insurance Corporation and authorized reinsurers
 2366 shall be netted against the asset for amounts recoverable from
 2367 reinsurers. Each insurer that writes other insurance products
 2368 together with federal multi-peril crop insurance shall disclose
 2369 in the notes to the annual and quarterly financial statement, or
 2370 file a supplement to the financial statement that discloses, a
 2371 breakout of the gross written premiums for federal multi-peril
 2372 crop insurance.

2373 Section 72. Section 823.145, Florida Statutes, is amended
 2374 to read:

2375 823.145 Disposal by open burning of certain materials
 2376 ~~mulch plastic~~ used in agricultural operations.--Polyethylene
 2377 agricultural mulch plastic; damaged, nonsalvageable, untreated
 2378 wood pallets; and packing material that cannot be feasibly

2379 recycled, which are used in connection with agricultural
 2380 operations related to the growing, harvesting, or maintenance of
 2381 crops, may be disposed of by open burning provided that no
 2382 public nuisance or any condition adversely affecting the
 2383 environment or the public health is created thereby and that
 2384 state or federal national ambient air quality standards are not
 2385 violated.

2386 Section 73. Subsection (4) of section 163.3162, Florida
 2387 Statutes, is amended to read:

2388 163.3162 Agricultural Lands and Practices Act.--

2389 (4) DUPLICATION OF REGULATION.--Except as otherwise
 2390 provided in this section and s. 487.051(2), and notwithstanding
 2391 any other law, including any provision of chapter 125 or this
 2392 chapter, a county may not exercise any of its powers to adopt or
 2393 enforce any ordinance, resolution, regulation, rule, or policy
 2394 to prohibit, restrict, regulate, or otherwise limit an activity
 2395 of a bona fide farm operation on land classified as agricultural
 2396 land pursuant to s. 193.461, if such activity is regulated
 2397 through implemented best management practices, interim measures,
 2398 or regulations adopted as rules under chapter 120 ~~developed~~ by
 2399 the Department of Environmental Protection, the Department of
 2400 Agriculture and Consumer Services, or a water management
 2401 district ~~and adopted under chapter 120~~ as part of a statewide or
 2402 regional program; or if such activity is expressly regulated by
 2403 the United States Department of Agriculture, the United States
 2404 Army Corps of Engineers, or the United States Environmental
 2405 Protection Agency. A county may not charge an assessment or fee
 2406 for stormwater management on a bona fide farm operation on land

2407 classified as agricultural land pursuant to s. 193.461, if the
 2408 farm operation has a National Pollutant Discharge Elimination
 2409 System permit, environmental resource permit, or works-of-the-
 2410 district permit or implements best management practices adopted
 2411 as rules under chapter 120 by the Department of Environmental
 2412 Protection, the Department of Agriculture and Consumer Services,
 2413 or a water management district as part of a statewide or
 2414 regional program. However, this subsection does not prohibit a
 2415 county from charging an assessment or fee for stormwater
 2416 management on a bona fide farm operation that does not have a
 2417 National Pollutant Discharge Elimination System permit,
 2418 environmental resource permit, or works-of-the-district permit,
 2419 or has not implemented water quality and quantity best-
 2420 management practices as described in this subsection. For those
 2421 counties that, before March 1, 2009, adopted a stormwater
 2422 utility ordinance, resolution, or municipal services benefit
 2423 unit or, before March 1, 2009, adopted a resolution stating its
 2424 intent to use the uniform method of collection pursuant to s.
 2425 197.3632 for such stormwater ordinances, the county may continue
 2426 to charge an assessment or fee for stormwater management on a
 2427 bona fide farm operation on land classified as agricultural
 2428 pursuant to s. 193.461 if the ordinance provides credits against
 2429 the assessment or fee on a bona fide farm operation for the
 2430 implementation of best-management practices adopted as rules
 2431 under chapter 120 by the Department of Environmental Protection,
 2432 the Department of Agriculture and Consumer Services, or a water
 2433 management district as part of a statewide or regional program,
 2434 or stormwater quality and quantity measures required as part of

2435 a National Pollutant Discharge Elimination System permit,
 2436 environmental resource permit, or works-of-the-district permit
 2437 or implementation of best-management practices or alternative
 2438 measures which the landowner demonstrates to the county to be of
 2439 equivalent or greater stormwater benefit than those provided by
 2440 implementation of best-management practices adopted as rules
 2441 under chapter 120 by the Department of Environmental Protection,
 2442 the Department of Agriculture and Consumer Services, or a water
 2443 management district as part of a statewide or regional program,
 2444 or stormwater quality and quantity measures required as part of
 2445 a National Pollutant Discharge Elimination System permit,
 2446 environmental resource permit, or works-of-the-district permit.

2447 (a) When an activity of a farm operation takes place
 2448 within a wellfield protection area as defined in any wellfield
 2449 protection ordinance adopted by a county, and the implemented
 2450 best management practice, regulation, or interim measure does
 2451 not specifically address wellfield protection, a county may
 2452 regulate that activity pursuant to such ordinance. This
 2453 subsection does not limit the powers and duties provided for in
 2454 s. 373.4592 or limit the powers and duties of any county to
 2455 address an emergency as provided for in chapter 252.

2456 (b) This subsection may not be construed to permit an
 2457 existing farm operation to change to a more excessive farm
 2458 operation with regard to traffic, noise, odor, dust, or fumes
 2459 where the existing farm operation is adjacent to an established
 2460 homestead or business on March 15, 1982.

2461 (c) This subsection does not limit the powers of a
 2462 predominantly urbanized county with a population greater than

2463 1,500,000 and more than 25 municipalities, not operating under a
 2464 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
 2465 VIII of the Constitution of 1885, as preserved by s. 6(e), Art.
 2466 VIII of the Constitution of 1968, which has a delegated
 2467 pollution control program under s. 403.182 and includes drainage
 2468 basins that are part of the Everglades Stormwater Program, to
 2469 enact ordinances, regulations, or other measures to comply with
 2470 the provisions of s. 373.4592, or which are necessary to
 2471 carrying out a county's duties pursuant to the terms and
 2472 conditions of any environmental program delegated to the county
 2473 by agreement with a state agency.

2474 (d) For purposes of this subsection, a county ordinance
 2475 that regulates the transportation or land application of
 2476 domestic wastewater residuals or other forms of sewage sludge
 2477 shall not be deemed to be duplication of regulation.

2478 (e) This subsection does not limit a county's powers to:

2479 1. Enforce wetlands, springs protection, or stormwater
 2480 ordinances, regulations, or rules adopted before January 15,
 2481 2009.

2482 2. Enforce wetlands, springs protection, or stormwater
 2483 ordinances, regulations, or rules pertaining to the Wekiva River
 2484 Protection Area.

2485 3. Enforce ordinances, regulations, or rules as directed
 2486 by law or implemented consistent with the requirements of a
 2487 program operated under a delegation agreement from a state
 2488 agency or water management district.

2489

2490 As used in this paragraph, the term "wetlands" has the same
 2491 meaning as defined in s. 373.019.

2492 (f) The provisions of this subsection that limit a
 2493 county's authority to adopt or enforce any ordinance,
 2494 regulation, rule, or policy, or to charge any assessment or fee
 2495 for stormwater management, apply only to a bona fide farm
 2496 operation as described in this subsection.

2497 Section 74. Section 163.3163, Florida Statutes, is created
 2498 to read:

2499 163.3163 Applications for development permits; disclosure
 2500 and acknowledgement of neighboring agricultural land.--

2501 (1) This section may be cited as the "Agricultural Land
 2502 Acknowledgement Act."

2503 (2) The Legislature finds that nonagricultural land which
 2504 neighbors agricultural land may adversely affect agricultural
 2505 production and farm operations on the agricultural land and may
 2506 lead to the agricultural land's conversion to urban, suburban,
 2507 or other nonagricultural uses. The Legislature intends to
 2508 preserve and encourage agricultural land use and to reduce the
 2509 occurrence of conflicts between agricultural and nonagricultural
 2510 land uses. The purpose of this section is to ensure that
 2511 generally accepted agricultural practices will not be subject to
 2512 interference by residential use of land contiguous to
 2513 agricultural land.

2514 (3) As used in this section, the term:

2515 (a) "Agricultural land" means land classified as
 2516 agricultural land pursuant to s. 193.461.

2517 (b) "Contiguous" means touching, bordering, or adjoining
 2518 along a boundary. For purposes of this section, properties that
 2519 would be contiguous if not separated by a roadway, railroad, or
 2520 other public easement are considered contiguous.

2521 (c) "Farm operation" has the same meaning as defined in s.
 2522 823.14.

2523 (4) (a) Before a political subdivision issues a local land
 2524 use permit, building permit, or certificate of occupancy for
 2525 nonagricultural land contiguous to agricultural land, the
 2526 political subdivision shall require that, as a condition of
 2527 issuing the permit or certificate, the applicant for the permit
 2528 or certificate sign and submit to the political subdivision, in
 2529 a format that is recordable in the official records of the
 2530 county in which the political subdivision is located, a written
 2531 acknowledgement of contiguous agricultural land in the following
 2532 form:

2533
 2534 ACKNOWLEDGEMENT OF CONTIGUOUS AGRICULTURAL LAND

2535
 2536 I, ...(name of applicant)..., understand that my property
 2537 located at ...(address of nonagricultural land)..., as
 2538 further described in the attached legal description, is
 2539 contiguous to agricultural land located at ...(address of
 2540 agricultural land)..., as further described in the
 2541 attached legal description.

2542 I acknowledge and understand that the farm operation
 2543 on the contiguous agricultural land identified herein will
 2544 be conducted according to generally accepted agricultural

2545 practices as provided in the Florida Right to Farm Act, s.
 2546 823.14, Florida Statutes.

2547 Signature: ...(signature of applicant)....

2548 Date: ...(date)....

2549
 2550 (b) An acknowledgement submitted to a political
 2551 subdivision under paragraph (a) shall be recorded in the
 2552 official records of the county in which the political
 2553 subdivision is located.

2554 Section 75. Section 604.50, Florida Statutes, is amended
 2555 to read:

2556 604.50 Nonresidential farm buildings and farm
 2557 fences.--Notwithstanding any other law to the contrary, any
 2558 nonresidential farm building or farm fence is exempt from the
 2559 Florida Building Code and any county or municipal ~~building~~ code
 2560 or fee, except for code provisions implementing local, state, or
 2561 federal floodplain management regulations. For purposes of this
 2562 section, the term "nonresidential farm building" means any
 2563 building or support structure that is used for agricultural
 2564 purposes, is located on a farm that is not used as a residential
 2565 dwelling, and is located on land that is an integral part of a
 2566 farm operation or is classified as agricultural land under s.
 2567 193.461. The term "farm" is as defined in s. 823.14.

2568 Section 76. This act shall take effect July 1, 2009.

2569