

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. 482.163, F.S.; authorizing disciplinary  
27          action against pest control licensees for violations by  
28          employees under certain circumstances; limiting the

29 grounds for disciplinary action against a certified  
30 operator in charge; requiring notices of administrative  
31 actions taken against pest control employees; amending s.  
32 482.226, F.S.; increasing the financial responsibility  
33 requirements for certain pest control licensees; amending  
34 s. 493.6102, F.S.; specifying that provisions regulating  
35 security officers do not apply to certain officers  
36 performing off-duty activities; amending s. 493.6105,  
37 F.S.; revising application requirements and procedures for  
38 private investigator, security officer, or recovery agent  
39 licenses; specifying application requirements for firearms  
40 instructor license; amending s. 493.6106, F.S.; revising  
41 citizenship requirements and documentation for private  
42 investigator, security officer, and recovery agent  
43 licenses; prohibiting the licensure of applicants for a  
44 statewide firearm license or firearms instructor license  
45 who are prohibited from purchasing or possessing firearms;  
46 requiring notice of changes to branch office locations for  
47 private investigative, security, or recovery agencies;  
48 amending s. 493.6107, F.S.; requiring the department to  
49 accept certain methods of payment for certain fees;  
50 amending s. 493.6108, F.S.; revising requirements for  
51 criminal history checks of license applicants whose  
52 fingerprints are not legible; requiring investigation of  
53 the mental and emotional fitness of applicants for  
54 firearms instructor licenses; amending s. 493.6111, F.S.;  
55 requiring a security officer school or recovery agent  
56 school to obtain the department's approval for use of a

57 fictitious name; amending s. 493.6113, F.S.; revising  
58 application renewal procedures and requirements; amending  
59 s. 493.6115, F.S.; conforming cross-references; amending  
60 s. 493.6118, F.S.; authorizing disciplinary action against  
61 statewide firearm licensees and firearms instructor  
62 licensees who are prohibited from purchasing or possessing  
63 firearms; amending s. 493.6121, F.S.; deleting provisions  
64 for the department's access to certain criminal history  
65 records provided to licensed gun dealers, manufactures,  
66 and exporters; amending s. 493.6202, F.S.; requiring the  
67 department to accept certain methods of payment for  
68 certain fees; amending s. 493.6203, F.S.; prohibiting  
69 bodyguard services from being credited toward certain  
70 license requirements; revising training requirements for  
71 private investigator intern license applicants; amending  
72 s. 493.6302, F.S.; requiring the department to accept  
73 certain methods of payment for certain fees; amending s.  
74 493.6303, F.S.; revising the training requirements for  
75 security officer license applicants; amending s. 493.6304,  
76 F.S.; revising application requirements and procedures for  
77 security officer school licenses; amending s. 493.6401,  
78 F.S.; revising terminology for recovery agent schools and  
79 training facilities; amending s. 493.6402, F.S.; revising  
80 terminology for recovery agent schools and training  
81 facilities; requiring the department to accept certain  
82 methods of payment for certain fees; amending s. 493.6406,  
83 F.S.; requiring recovery agent school and instructor  
84 licenses; providing license application requirements and

85 | procedures; amending s. 500.03, F.S.; revising the term  
86 | "food establishment" to include tomato repackers for  
87 | purposes of the Florida Food Safety Act; creating s.  
88 | 500.70, F.S.; defining terms; requiring minimum food  
89 | safety standards for producing, harvesting, packing, and  
90 | repacking tomatoes; authorizing the department to inspect  
91 | tomato farms, greenhouses, and packinghouses or repackers;  
92 | providing penalties; authorizing the department to  
93 | establish good agricultural practices and best management  
94 | practices for the tomato industry by rule; providing a  
95 | presumption that tomatoes introduced into commerce are  
96 | safe for human consumption under certain circumstances;  
97 | providing exemptions; authorizing the department to adopt  
98 | rules; amending ss. 501.605 and 501.607, F.S.; revising  
99 | application requirements for commercial telephone seller  
100 | and salesperson licenses; amending s. 501.913, F.S.;  
101 | specifying the sample size required for antifreeze  
102 | registration application; amending s. 525.01, F.S.;  
103 | revising requirements for petroleum fuel affidavits;  
104 | amending s. 525.09, F.S.; imposing an inspection fee on  
105 | certain alternative fuels containing alcohol; amending s.  
106 | 526.50, F.S.; defining terms applicable to regulation of  
107 | the sale of brake fluid; amending s. 526.51, F.S.;  
108 | revising brake fluid permit application requirements;  
109 | deleting permit renewal requirements; providing for  
110 | reregistration of brake fluid and establishing fees;  
111 | amending s. 526.52, F.S.; revising requirements for  
112 | printed statements on brake fluid containers; amending s.

113 526.53, F.S.; revising requirements and procedures for  
114 brake fluid stop-sale orders; authorizing businesses to  
115 dispose of unregistered brake fluid under certain  
116 circumstances; amending s. 527.02, F.S.; increasing fees  
117 for liquefied petroleum gas licenses; revising fees for  
118 pipeline system operators; amending s. 527.0201, F.S.;  
119 revising requirements for liquefied petroleum gas  
120 qualifying examinations; increasing examination fees;  
121 increasing continuing education requirements for certain  
122 liquefied petroleum gas qualifiers; amending s. 527.021,  
123 F.S.; requiring the annual inspection of liquefied  
124 petroleum gas transport vehicles; increasing the  
125 inspection fee; amending s. 527.12, F.S.; providing for  
126 the issuance of certain stop orders; amending ss. 559.805  
127 and 559.928, F.S.; deleting requirements that lists of  
128 independent agents of sellers of business opportunities  
129 and the agents' registration affidavits include the  
130 agents' social security numbers; amending s. 570.07, F.S.;  
131 authorizing the department to adopt best management  
132 practices for agricultural production and food safety;  
133 amending s. 570.0725, F.S.; revising provisions for public  
134 information about food banks and similar food recovery  
135 programs; authorizing the department to adopt rules;  
136 amending s. 570.48, F.S.; revising duties of the Division  
137 of Fruit and Vegetables for tomato food safety  
138 inspections; amending ss. 570.53 and 570.54, F.S.;  
139 conforming cross-references; amending s. 570.55, F.S.;  
140 revising requirements for identifying sellers or handlers

141 of tropical or subtropical fruit or vegetables; amending  
142 s. 570.902, F.S.; conforming terminology to the repeal by  
143 the act of provisions establishing the Florida  
144 Agricultural Museum; amending s. 570.903, F.S.; revising  
145 provisions for direct-support organizations for certain  
146 agricultural programs to conform to the repeal by the act  
147 of provisions establishing the Florida Agricultural  
148 Museum; deleting provisions for a direct-support  
149 organization for the Florida State Collection of  
150 Arthropods; amending s. 573.118, F.S.; requiring the  
151 department to maintain records of marketing orders;  
152 requiring an audit at the request of an advisory council;  
153 requiring that the advisory council receive a copy of the  
154 audit within a specified time; amending s. 581.011, F.S.;  
155 deleting terminology relating to the Florida State  
156 Collection of Arthropods; revising the term "nursery" for  
157 purposes of plant industry regulations; amending s.  
158 581.031, F.S.; increasing citrus source tree registration  
159 fees; amending s. 581.131, F.S.; increasing registration  
160 fees for a nurseryman, stock dealer, agent, or plant  
161 broker certificate; amending s. 581.211, F.S.; increasing  
162 the maximum fine for violations of plant industry  
163 regulations; amending s. 583.13, F.S.; deleting a  
164 prohibition on the sale of poultry without displaying the  
165 poultry grade; amending s. 590.125, F.S.; revising  
166 terminology for open burning authorizations; specifying  
167 purposes of certified prescribed burning; requiring the  
168 authorization of the Division of Forestry for certified

169 pile burning; providing pile burning requirements;  
170 limiting the liability of property owners or agents  
171 engaged in pile burning; providing for the certification  
172 of pile burners; providing penalties for violations by  
173 certified pile burners; requiring rules; revising notice  
174 requirements for wildfire hazard reduction treatments;  
175 providing for approval of local government open burning  
176 authorization programs; providing program requirements;  
177 authorizing the division to close local government  
178 programs under certain circumstances; providing penalties  
179 for violations of local government open burning  
180 requirements; amending s. 590.14, F.S.; authorizing fines  
181 for violations of any division rule; providing penalties  
182 for certain violations; providing legislative intent;  
183 amending s. 599.004, F.S.; revising standards that a  
184 winery must meet to qualify as a certified Florida Farm  
185 Winery; amending s. 604.15, F.S.; revising the term  
186 "agricultural products" to make tropical foliage exempt  
187 from regulation under provisions relating to dealers in  
188 agricultural products; defining the term "responsible  
189 position"; amending s. 604.19, F.S.; revising requirements  
190 for late fees on agricultural products dealer  
191 applications; amending s. 604.20, F.S.; revising the  
192 minimum amount of the surety bond or certificate of  
193 deposit required for agricultural products dealer  
194 licenses; providing conditions for the payment of bond or  
195 certificate of deposit proceeds; requiring additional  
196 documentation for issuance of a conditional license;

197 | amending s. 604.25, F.S.; revising conditions under which  
 198 | the department may deny, refuse to renew, suspend, or  
 199 | revoke agricultural products dealer licenses; deleting a  
 200 | provision prohibiting certain persons from holding a  
 201 | responsible position with a licensee; amending s. 616.242,  
 202 | F.S.; authorizing the issuance of stop-operation orders  
 203 | for amusement rides under certain circumstances; amending  
 204 | s. 790.06, F.S.; authorizing a concealed firearm license  
 205 | applicant to submit fingerprints administered by the  
 206 | Division of Licensing; repealing ss. 570.071 and 570.901,  
 207 | F.S., relating to the Florida Agricultural Exposition and  
 208 | the Florida Agricultural Museum; providing an effective  
 209 | date.

210 |

211 | Be It Enacted by the Legislature of the State of Florida:

212 |

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

215 | 482.021 Definitions.--For the purposes of this chapter,  
 216 | and unless otherwise required by the context, the term:

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

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

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

221 | (c) Whose principal duty is the ~~personal~~ supervision of  
 222 | the licensee's operation in a category or categories of pest  
 223 | control in which the operator is certified.

224 | (7) "Employee" means a person who is employed by a



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225 licensee that provides that person with necessary training,  
 226 supervision, pesticides, equipment, and insurance and who  
 227 receives compensation from and is under the ~~personal~~ supervision  
 228 ~~and direct control~~ of the licensee's certified operator in  
 229 charge and from whose compensation the licensee regularly  
 230 deducts and matches federal insurance contributions and federal  
 231 income and Social Security taxes.

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

234 482.051 Rules.--The department has authority to adopt  
 235 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
 236 provisions of this chapter. Prior to proposing the adoption of a  
 237 rule, the department shall counsel with members of the pest  
 238 control industry concerning the proposed rule. The department  
 239 shall adopt rules for the protection of the health, safety, and  
 240 welfare of pest control employees and the general public which  
 241 require:

242 (3) That written contracts be required for providing  
 243 termites and other wood-destroying organisms pest control, that  
 244 provisions necessary to assure consumer protection as specified  
 245 by the department be included in such contracts, that licensees  
 246 perform an inspection before issuing a contract on an existing  
 247 structure, and that ~~require~~ licensees ~~to~~ comply with the  
 248 contracts issued.

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

251 482.071 Licenses.--

252 (4) A licensee may not operate a pest control business

253 without carrying the required insurance coverage. Each person  
 254 making application for a pest control business license or  
 255 renewal thereof must furnish to the department a certificate of  
 256 insurance that meets the requirements for minimum financial  
 257 responsibility for bodily injury and property damage consisting  
 258 of:

259 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and  
 260 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000  
 261 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;  
 262 or

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

265 Section 4. Section 482.072, Florida Statutes, is created  
 266 to read:

267 482.072 Pest control service centers.--

268 (1) The department may issue a license to a qualified  
 269 business to operate a pest control service center, to solicit  
 270 pest control business, or to provide services to customers for  
 271 one or more business locations licensed under s. 482.071. A  
 272 person may not operate a centralized service center for a pest  
 273 control business that is not licensed by the department.

274 (2) (a) Before operating a pest control service center, and  
 275 biennially thereafter, on or before an anniversary date set by  
 276 the department for the licensed pest control service center  
 277 location, the pest control business must apply to the department  
 278 for a license under this chapter, or a renewal thereof, for each  
 279 pest control service center location. An application must be  
 280 submitted in the format prescribed by the department.

281       (b) The department shall establish a fee for the issuance  
282 of a pest control service center license of at least \$500, but  
283 not more than \$1,000, and a fee for the renewal of a license of  
284 at least \$500, but not more than \$1,000; however, until rules  
285 setting the fees are adopted by the department, the initial  
286 license and renewal fees are each set at \$500. The department  
287 shall establish a grace period, not to exceed 30 calendar days  
288 after a license's anniversary renewal date. The department shall  
289 assess a late renewal fee of \$150, in addition to the renewal  
290 fee, to a business that renews its license after the grace  
291 period.

292       (c) A license automatically expires 60 calendar days after  
293 the anniversary renewal date unless the license is renewed  
294 before that date. Once a license expires, it may be reinstated  
295 only upon reapplication and payment of the license fee and late  
296 renewal fee.

297       (d) A license automatically expires when a licensee  
298 changes its pest control service center business location  
299 address. The department shall issue a new license upon payment  
300 of a \$250 fee. The new license automatically expires 60 calendar  
301 days after the anniversary renewal date of the former license  
302 unless the license is renewed before that date.

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

307       (f) The department may deny the issuance of a pest control  
308 service center license, or refuse to renew a license, if the

309 department finds that the applicant or licensee, or any of its  
310 directors, officers, owners, or general partners, are or were  
311 directors, officers, owners, or general partners of a pest  
312 control business described in s. 482.071(2)(g) or violated a  
313 rule adopted under s. 482.071(2)(f).

314 (g) Section 482.091 does not apply to a person who  
315 solicits pest control services or provides customer service in a  
316 licensed pest control service center unless the person performs  
317 the pest control work described in s. 482.021(21)(a)-(d),  
318 executes a pest control contract, or accepts remuneration for  
319 such work.

320 (3)(a) The department shall adopt rules establishing  
321 requirements and procedures for recordkeeping and monitoring of  
322 pest control service center operations to ensure compliance with  
323 this chapter and rules adopted under this chapter.

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

327 1. A pest control service center licensee may be subject  
328 to disciplinary action under s. 482.161 for a violation of this  
329 chapter or a rule adopted under this chapter committed by an  
330 employee of the service center.

331 2. A pest control business licensee may be subject to  
332 disciplinary action under s. 482.161 for a violation committed  
333 by an employee of the service center if the business licensee  
334 benefits from the violation.

335 Section 5. Section 482.152, Florida Statutes, is amended  
336 to read:

337 482.152 Duties of certified operator in charge of pest  
 338 control activities of licensee.--A certified operator in charge  
 339 of the pest control activities of a licensee shall have her or  
 340 his primary occupation with the licensee and shall be a full-  
 341 time employee of the licensee. The, ~~and her or his~~ principal  
 342 duties of the certified operator in charge ~~duty~~ shall include:

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

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

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

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

355 (2) ~~(1)~~ ~~The~~ Selection of proper and correct chemicals for  
 356 the particular pest control work performed.

357 (3) ~~(2)~~ ~~The~~ Safe and proper use of the pesticides used.

358 (4) ~~(3)~~ ~~The~~ Correct concentration and formulation of  
 359 pesticides used in all pest control work performed.

360 (5) ~~(4)~~ ~~The~~ Training of personnel in the proper and  
 361 acceptable methods of pest control.

362 (6) ~~(5)~~ ~~The~~ Control measures and procedures used.

363 (7) ~~(6)~~ ~~The~~ Notification of the department of any  
 364 accidental human poisoning or death connected with pest control

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

367 Section 6. Section 482.157, Florida Statutes, is created  
368 to read:

369 482.157 Limited certification for commercial wildlife  
370 management personnel.--

371 (1) The department shall establish a limited certification  
372 category for individual commercial wildlife management personnel  
373 which authorizes the personnel to use nonchemical methods for  
374 controlling pest birds or rodents, including, but not limited  
375 to, the use of traps, glue boards, mechanical or electronic  
376 devices, or exclusionary techniques.

377 (2) A person seeking limited certification under this  
378 section must pass an examination administered by the department.  
379 An application for examination must be accompanied by an  
380 examination fee set by rule of the department of at least \$150  
381 but not to exceed \$300. The department shall provide the  
382 appropriate reference materials for the examination and make the  
383 examination readily available to applicants at least quarterly  
384 or as often as necessary in each county. Before the department  
385 issues a limited certification under this section, the person  
386 applying for certification must furnish proof that he or she  
387 holds a certificate of insurance stating that his or her  
388 employer meets the requirements for minimum financial  
389 responsibility in s. 482.071(4).

390 (3) An application for recertification under this section  
391 must be submitted biennially and must be accompanied by a  
392 recertification fee set by rule of the department of at least

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393 \$150 but not to exceed \$300. The application must also be  
394 accompanied by proof that:

395 (a) The applicant completed 4 classroom hours of  
396 acceptable continuing education.

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

400 (4) The department shall establish a grace period, not to  
401 exceed 30 calendar days after a biennial date established by the  
402 department on which recertification is due. The department shall  
403 assess a late charge of \$50, in addition to the recertification  
404 fee, to commercial wildlife management personnel who are  
405 recertified after the grace period.

406 (5) A limited certification automatically expires 180  
407 calendar days after the biennial date on which recertification  
408 is due unless the commercial wildlife personnel are recertified  
409 before the certification expires. Once a certification expires,  
410 certification may be issued only upon successful reexamination  
411 and payment of the examination fees.

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

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

416 (b) Operation of a pest control business.

417 (c) Supervision of a certified person.

418 Section 7. Section 482.163, Florida Statutes, is amended  
419 to read:

420 482.163 Responsibility for pest control activities of

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421 employee.--Proper performance of pest control activities by a  
422 pest control business employee is the responsibility not only of  
423 the employee but also of the licensee and the certified operator  
424 in charge, and the licensee and certified operator in charge may  
425 be subject to disciplinary action under ~~disciplined pursuant to~~  
426 ~~the provisions of~~ s. 482.161 for the pest control activities of  
427 an employee unless the employee acts outside of the course and  
428 scope of his or her employment or the employee disobeys employer  
429 policies that the licensee and certified operator in charge  
430 regularly and consistently enforce. If an administrative action  
431 resulting from an inspection or investigation is initiated  
432 against an employee of the licensee, the department shall notify  
433 the licensee and certified operator in charge so that corrective  
434 action may be taken. A licensee may not automatically be  
435 ~~considered responsible for violations made by an employee.~~  
436 ~~However, the licensee may not knowingly encourage, aid, or abet~~  
437 ~~violations of this chapter.~~

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

440 482.226 Wood-destroying organism inspection report; notice  
441 of inspection or treatment; financial responsibility.--

442 (6) Any licensee that performs wood-destroying organism  
443 inspections in accordance with subsection (1) must meet minimum  
444 financial responsibility in the form of errors and omissions  
445 (professional liability) insurance coverage or bond in an amount  
446 no less than \$250,000 ~~\$50,000~~ in the aggregate and ~~\$25,000 per~~  
447 ~~occurrence,~~ or demonstrate that the licensee has equity or net  
448 worth of no less than \$500,000 ~~\$100,000~~ as determined by



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449 generally accepted accounting principles substantiated by a  
450 certified public accountant's review or certified audit. The  
451 licensee must show proof of meeting this requirement at the time  
452 of license application or renewal thereof.

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

455 493.6102 Inapplicability of this chapter.--This chapter  
456 shall not apply to:

457 (1) Any individual who is an "officer" as defined in s.  
458 943.10(14), or is a law enforcement officer of the United States  
459 Government, while the ~~such~~ local, state, or federal officer is  
460 engaged in her or his official duties or, if approved by the  
461 officer's supervisors, when performing off-duty activities as a  
462 security officer ~~activities approved by her or his superiors.~~

463 Section 10. Section 493.6105, Florida Statutes, is amended  
464 to read:

465 493.6105 Initial application for license.--

466 (1) Each individual, partner, or principal officer in a  
467 corporation, shall file with the department a complete  
468 application accompanied by an application fee not to exceed \$60,  
469 except that the applicant for a Class "D" or Class "G" license  
470 shall not be required to submit an application fee. The  
471 application fee shall not be refundable.

472 (a) The application submitted by any individual, partner,  
473 or corporate officer shall be approved by the department prior  
474 to that individual, partner, or corporate officer assuming his  
475 or her duties.

476 (b) Individuals who invest in the ownership of a licensed

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477 agency, but do not participate in, direct, or control the  
478 operations of the agency shall not be required to file an  
479 application.

480 (2) Each application shall be signed and verified by the  
481 individual under oath as provided in s. 92.525 ~~and shall be~~  
482 ~~notarized.~~

483 (3) The application shall contain the following  
484 information concerning the individual signing same:

485 (a) Name and any aliases.

486 (b) Age and date of birth.

487 (c) Place of birth.

488 (d) Social security number or alien registration number,  
489 whichever is applicable.

490 (e) Present residence address ~~and his or her residence~~  
491 ~~addresses within the 5 years immediately preceding the~~  
492 ~~submission of the application.~~

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

495 (f)(g) A statement of all criminal convictions, findings  
496 of guilt, and pleas of guilty or nolo contendere, regardless of  
497 adjudication of guilt.

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

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

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

504 (j) A full set of fingerprints on a card provided by the

505 department and a fingerprint fee to be established by rule of  
506 the department based upon costs determined by state and federal  
507 agency charges and department processing costs. An applicant who  
508 has, within the immediately preceding 6 months, submitted a  
509 fingerprint card and fee for licensing purposes under this  
510 chapter shall not be required to submit another fingerprint card  
511 or fee.

512 (k) A personal inquiry waiver which allows the department  
513 to conduct necessary investigations to satisfy the requirements  
514 of this chapter.

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

519 ~~(4) In addition to the application requirements outlined~~  
520 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~  
521 ~~Class "E," Class "EE," or Class "G" license shall submit two~~  
522 ~~color photographs taken within the 6 months immediately~~  
523 ~~preceding the submission of the application, which meet~~  
524 ~~specifications prescribed by rule of the department. All other~~  
525 ~~applicants shall submit one photograph taken within the 6 months~~  
526 ~~immediately preceding the submission of the application.~~

527 (4)-(5) In addition to the application requirements  
528 outlined under subsection (3), the applicant for a Class "C,"  
529 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"  
530 license shall include a statement on a form provided by the  
531 department of the experience which he or she believes will  
532 qualify him or her for such license.

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533        ~~(5)-(6)~~ In addition to the requirements outlined in  
534 subsection (3), an applicant for a Class "G" license shall  
535 satisfy minimum training criteria for firearms established by  
536 rule of the department, which training criteria shall include,  
537 but is not limited to, 28 hours of range and classroom training  
538 taught and administered by a Class "K" licensee; however, no  
539 more than 8 hours of such training shall consist of range  
540 training. If the applicant can show proof that he or she is an  
541 active law enforcement officer currently certified under the  
542 Criminal Justice Standards and Training Commission or has  
543 completed the training required for that certification within  
544 the last 12 months, or if the applicant submits one of the  
545 certificates specified in paragraph (6)(a) ~~(7)(a)~~, the  
546 department may waive the foregoing firearms training  
547 requirement.

548        ~~(6)-(7)~~ In addition to the requirements under subsection  
549 (3), an applicant for a Class "K" license shall:

550            (a) Submit one of the following certificates:

551            1. The Florida Criminal Justice Standards and Training  
552 Commission ~~Firearms~~ Instructor's Certificate and confirmation by  
553 the commission that the applicant is authorized to provide  
554 firearms instruction.

555            2. The National Rifle Association Law Enforcement ~~Police~~  
556 Firearms Instructor's Certificate.

557            ~~3. The National Rifle Association Security Firearms~~  
558 ~~Instructor's Certificate.~~

559            ~~3.4.~~ A firearms instructor's training certificate issued  
560 by any branch of the United States Armed Forces, from a federal

561 law enforcement academy or agency, state, county, or municipal  
 562 ~~police~~ academy in this state recognized as such by the Criminal  
 563 Justice Standards and Training Commission ~~or by the Department~~  
 564 ~~of Education.~~

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

569 (7)~~(8)~~ In addition to the application requirements for  
 570 individuals, partners, or officers outlined under subsection  
 571 (3), the application for an agency license shall contain the  
 572 following information:

573 (a) The proposed name under which the agency intends to  
 574 operate.

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

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

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

583 (8)~~(9)~~ Upon submission of a complete application, a Class  
 584 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"  
 585 Class "MA," Class "MB," or Class "MR" applicant may commence  
 586 employment or appropriate duties for a licensed agency or branch  
 587 office. However, the Class "C" or Class "E" applicant must work  
 588 under the direction and control of a sponsoring licensee while

589 his or her application is being processed. If the department  
590 denies application for licensure, the employment of the  
591 applicant must be terminated immediately, unless he or she  
592 performs only unregulated duties.

593 Section 11. Paragraph (f) of subsection (1) and paragraph  
594 (a) of subsection (2) of section 493.6106, Florida Statutes, are  
595 amended, and paragraph (g) is added to subsection (1) of that  
596 section, to read:

597 493.6106 License requirements; posting.--

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

599 (f) Be a citizen or permanent legal resident alien of the  
600 United States or have appropriate ~~been granted~~ authorization  
601 issued to seek employment in this country by the United States  
602 Bureau of Citizenship and Immigration Services of the United  
603 States Department of Homeland Security.

604 1. An applicant for a Class "C," Class "CC," Class "D,"  
605 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class  
606 "MB," Class "MR," or Class "RI" license who is not a United  
607 States citizen must submit proof of current employment  
608 authorization issued by the United States Bureau of Citizenship  
609 and Immigration Services or proof that she or he is deemed a  
610 permanent legal resident alien by the United States Bureau of  
611 Citizenship and Immigration Services.

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

617 in the state of residence shown on the application for at least  
618 90 consecutive days before the date that the application is  
619 submitted.

620 3. An applicant for an agency or school license who is not  
621 a United States citizen or permanent legal resident alien must  
622 submit documentation issued by the United States Bureau of  
623 Citizenship and Immigration Services stating that she or he is  
624 lawfully in the United States and is authorized to own and  
625 operate the type of agency or school for which she or he is  
626 applying. An employment authorization card issued by the United  
627 States Bureau of Citizenship and Immigration Services is not  
628 sufficient documentation.

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

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

636 (a) If an agency or branch office desires to change the  
637 physical location of the business, as it appears on the ~~agency~~  
638 license, the department must be notified within 10 days of the  
639 change, and, except upon renewal, the fee prescribed in s.  
640 493.6107 must be submitted for each license requiring revision.  
641 Each license requiring revision must be returned with such  
642 notification.

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

645 493.6107 Fees.--

646 (3) The fees set forth in this section must be paid by  
 647 ~~certified check or money order or, at the discretion of the~~  
 648 ~~department, by agency check~~ at the time the application is  
 649 approved, except that the applicant for a Class "G" or Class "M"  
 650 license must pay the license fee at the time the application is  
 651 made. If a license is revoked or denied or if the application is  
 652 withdrawn, the license fee shall not be refunded.

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

655 493.6108 Investigation of applicants by Department of  
 656 Agriculture and Consumer Services.--

657 (1) Except as otherwise provided, prior to the issuance of  
 658 a license under this chapter, the department shall make an  
 659 investigation of the applicant for a license. The investigation  
 660 shall include:

661 (a)1. An examination of fingerprint records and police  
 662 records. When a criminal history analysis of any applicant under  
 663 this chapter is performed by means of fingerprint card  
 664 identification, the time limitations prescribed by s. 120.60(1)  
 665 shall be tolled during the time the applicant's fingerprint card  
 666 is under review by the Department of Law Enforcement or the  
 667 United States Department of Justice, Federal Bureau of  
 668 Investigation.

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



673 the applicant's eligibility based upon a criminal history record  
 674 check under the applicant's name conducted by the Department of  
 675 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~  
 676 ~~A set of~~ fingerprints are taken by a law enforcement agency or  
 677 the department and the applicant submits a written statement  
 678 signed by the fingerprint technician or a licensed physician  
 679 stating that there is a physical condition that precludes  
 680 obtaining a legible set of fingerprints or that the fingerprints  
 681 taken are the best that can be obtained ~~is sufficient to meet~~  
 682 ~~this requirement.~~

683 (3) The department shall also investigate the mental  
 684 history and current mental and emotional fitness of any Class  
 685 "G" or Class "K" applicant, and may deny a Class "G" or Class  
 686 "K" license to anyone who has a history of mental illness or  
 687 drug or alcohol abuse.

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

690 493.6111 License; contents; identification card.--

691 (4) Notwithstanding the existence of a valid Florida  
 692 corporate registration, an ~~no~~ agency or school licensee may not  
 693 conduct activities regulated under this chapter under any  
 694 fictitious name without prior written authorization from the  
 695 department to use that name in the conduct of activities  
 696 regulated under this chapter. The department may not authorize  
 697 the use of a name which is so similar to that of a public  
 698 officer or agency, or of that used by another licensee, that the  
 699 public may be confused or misled thereby. The authorization for  
 700 the use of a fictitious name shall require, as a condition

701 precedent to the use of such name, the filing of a certificate  
 702 of engaging in business under a fictitious name under s. 865.09.  
 703 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business  
 704 under more than one fictitious name except as separately  
 705 licensed nor shall the license be valid to protect any licensee  
 706 who is engaged in ~~the~~ business under any name other than that  
 707 specified in the license. An agency desiring to change its  
 708 licensed name shall notify the department and, except upon  
 709 renewal, pay a fee not to exceed \$30 for each license requiring  
 710 revision including those of all licensed employees except Class  
 711 "D" or Class "G" licensees. Upon the return of such licenses to  
 712 the department, revised licenses shall be provided.

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

715 493.6113 Renewal application for licensure.--

716 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the  
 717 expiration date of the license, the department shall mail a  
 718 written notice to the last known mailing ~~residence~~ address of  
 719 the licensee ~~for individual licensees and to the last known~~  
 720 ~~agency address for agencies.~~

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

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

729 Section 16. Subsection (8), paragraph (d) of subsection  
 730 (12), and subsection (16) of section 493.6115, Florida Statutes,  
 731 are amended to read:

732 493.6115 Weapons and firearms.--

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

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

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

741 (16) If the criminal history record check program  
 742 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the  
 743 department may issue a temporary "G" license on a case-by-case  
 744 basis, provided that the applicant has met all statutory  
 745 requirements for the issuance of a temporary "G" license as  
 746 specified in subsection (12), excepting the criminal history  
 747 record check stipulated there; provided, that the department  
 748 requires that the licensed employer of the applicant conduct a  
 749 criminal history record check of the applicant pursuant to  
 750 standards set forth in rule by the department, and provide to  
 751 the department an affidavit containing such information and  
 752 statements as required by the department, including a statement  
 753 that the criminal history record check did not indicate the  
 754 existence of any criminal history that would prohibit licensure.  
 755 Failure to properly conduct such a check, or knowingly providing  
 756 incorrect or misleading information or statements in the

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

759 Section 17. Paragraph (u) of subsection (1) of section  
 760 493.6118, Florida Statutes, is redesignated as paragraph (v),  
 761 and a new paragraph (u) is added to that subsection to read:

762 493.6118 Grounds for disciplinary action.--

763 (1) The following constitute grounds for which  
 764 disciplinary action specified in subsection (2) may be taken by  
 765 the department against any licensee, agency, or applicant  
 766 regulated by this chapter, or any unlicensed person engaged in  
 767 activities regulated under this chapter.

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

771 Section 18. Subsections (7) and (8) of section 493.6121,  
 772 Florida Statutes, are renumbered as subsections (6) and (7),  
 773 respectively, and present subsection (6) of that section is  
 774 amended, to read:

775 493.6121 Enforcement; investigation.--

776 ~~(6) The department shall be provided access to the program~~  
 777 ~~that is operated by the Department of Law Enforcement, pursuant~~  
 778 ~~to s. 790.065, for providing criminal history record information~~  
 779 ~~to licensed gun dealers, manufacturers, and exporters. The~~  
 780 ~~department may make inquiries, and shall receive responses in~~  
 781 ~~the same fashion as provided under s. 790.065. The department~~  
 782 ~~shall be responsible for payment to the Department of Law~~  
 783 ~~Enforcement of the same fees as charged to others afforded~~  
 784 ~~access to the program.~~

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

787 493.6202 Fees.--

788 (3) The fees set forth in this section must be paid by  
 789 ~~certified check or money order or, at the discretion of the~~  
 790 ~~department, by agency check~~ at the time the application is  
 791 approved, except that the applicant for a Class "G," Class "C,"  
 792 Class "CC," Class "M," or Class "MA" license must pay the  
 793 license fee at the time the application is made. If a license is  
 794 revoked or denied or if the application is withdrawn, the  
 795 license fee shall not be refunded.

796 Section 20. Subsections (2), (4), and (6) of section  
 797 493.6203, Florida Statutes, are amended to read:

798 493.6203 License requirements.--In addition to the license  
 799 requirements set forth elsewhere in this chapter, each  
 800 individual or agency shall comply with the following additional  
 801 requirements:

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

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

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

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

809 (d) Experience described in paragraph (a) for 1 year and  
 810 experience described in paragraph (e) for 1 year;

811 (e) No more than 1 year using:

812 1. College coursework related to criminal justice,

813 criminology, or law enforcement administration; or

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

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

819  
 820 However, experience in performing bodyguard services is not  
 821 creditable toward the requirements of this subsection.

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

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

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

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

834  
 835 However, experience in performing bodyguard services is not  
 836 creditable toward the requirements of this subsection.

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

840 (b) Effective July 1, 2009 ~~September 1, 2008~~, before

841 submission of an application to the department, the an applicant  
 842 for a Class "CC" license must have completed a minimum of 40 at  
 843 ~~least 24~~ hours of professional training a 40-hour course  
 844 pertaining to general investigative techniques and this chapter,  
 845 which course is offered by a state university or by a school,  
 846 community college, college, or university under the purview of  
 847 the Department of Education, and the applicant must pass an  
 848 examination. The training must be provided in two parts, one 24-  
 849 hour course and one 16-hour course. The certificate evidencing  
 850 satisfactory completion of the 40 at least 24 hours of  
 851 professional training a 40-hour course must be submitted with  
 852 the application for a Class "CC" license. ~~The remaining 16 hours~~  
 853 ~~must be completed and an examination passed within 180 days. If~~  
 854 ~~documentation of completion of the required training is not~~  
 855 ~~submitted within the specified timeframe, the individual's~~  
 856 ~~license is automatically suspended or his or her authority to~~  
 857 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~  
 858 ~~until such time as proof of certificate of completion is~~  
 859 ~~provided to the department.~~ The training ~~course~~ specified in  
 860 this paragraph may be provided by face-to-face presentation,  
 861 online technology, or a home study course in accordance with  
 862 rules and procedures of the Department of Education. The  
 863 administrator of the examination must verify the identity of  
 864 each applicant taking the examination.

865 1. Upon an applicant's successful completion of each part  
 866 of the approved training course and passage of any required  
 867 examination, the school, community college, college, or  
 868 university shall issue a certificate of completion to the

869 applicant. The certificates must be on a form established by  
870 rule of the department.

871 2. The department shall establish by rule the general  
872 content of the professional training ~~course~~ and the examination  
873 criteria.

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

877 (c) An individual who submits an application for a Class  
878 "CC" license on or after September 1, 2008, through June 30,  
879 2009, who has not completed the 16-hour course must submit proof  
880 of successful completion of the course within 180 days after the  
881 date the application is submitted. If documentation of  
882 completion of the required training is not submitted by that  
883 date, the individual's license is automatically suspended until  
884 proof of the required training is submitted to the department.  
885 An individual licensed on or before August 31, 2008, is not  
886 required to complete additional training hours in order to renew  
887 an active license beyond the required total amount of training,  
888 and within the timeframe, in effect at the time he or she was  
889 licensed.

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

892 493.6302 Fees.--

893 (3) The fees set forth in this section must be paid by  
894 ~~certified~~ check or money order ~~or, at the discretion of the~~  
895 ~~department, by agency check~~ at the time the application is  
896 approved, except that the applicant for a Class "D," Class "G,"



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897 Class "M," or Class "MB" license must pay the license fee at the  
 898 time the application is made. If a license is revoked or denied  
 899 or if the application is withdrawn, the license fee shall not be  
 900 refunded.

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

903 493.6303 License requirements.--In addition to the license  
 904 requirements set forth elsewhere in this chapter, each  
 905 individual or agency shall comply with the following additional  
 906 requirements:

907 (4) (a) Effective July 1, 2009, an applicant for a Class  
 908 "D" license must submit proof of successful completion of  
 909 ~~complete~~ a minimum of 40 hours of professional training at a  
 910 school or training facility licensed by the department. The  
 911 training must be provided in two parts, one 24-hour course and  
 912 one 16-hour course. The department shall by rule establish the  
 913 general content and number of hours of each subject area to be  
 914 taught.

915 (b) An individual who submits an application for a Class  
 916 "D" license on or after January 1, 2007, through June 30, 2009,  
 917 who has not completed the 16-hour course must submit proof of  
 918 successful completion of the course within 180 days after the  
 919 date the application is submitted. If documentation of  
 920 completion of the required training is not submitted by that  
 921 date, the individual's license is automatically suspended until  
 922 proof of the required training is submitted to the department.  
 923 This section does not require a person licensed before January  
 924 1, 2007, to complete additional training hours in order to renew

925 an active license beyond the required total amount of training  
 926 within the timeframe prescribed by law at the time he or she was  
 927 licensed. An applicant may fulfill the training requirement  
 928 prescribed in paragraph (a) by submitting proof of:

929 1. ~~Successful completion of the total number of required~~  
 930 ~~hours of training before initial application for a Class "D"~~  
 931 ~~license; or~~

932 2. ~~Successful completion of 24 hours of training before~~  
 933 ~~initial application for a Class "D" license and successful~~  
 934 ~~completion of the remaining 16 hours of training within 180 days~~  
 935 ~~after the date that the application is submitted. If~~  
 936 ~~documentation of completion of the required training is not~~  
 937 ~~submitted within the specified timeframe, the individual's~~  
 938 ~~license is automatically suspended until such time as proof of~~  
 939 ~~the required training is provided to the department.~~

940 (c) An individual ~~However, any person~~ whose license is  
 941 suspended or has been ~~revoked, suspended pursuant to paragraph~~  
 942 (b) subparagraph 2., or is ~~expired for at least 1 year, or~~  
 943 ~~longer~~ is considered, upon reapplication for a license, an  
 944 initial applicant and must submit proof of successful completion  
 945 of 40 hours of professional training at a school or training  
 946 facility licensed by the department as provided ~~prescribed~~ in  
 947 paragraph (a) before a license is ~~will be~~ issued. ~~Any person~~  
 948 ~~whose license was issued before January 1, 2007, and whose~~  
 949 ~~license has been expired for less than 1 year must, upon~~  
 950 ~~reapplication for a license, submit documentation of completion~~  
 951 ~~of the total number of hours of training prescribed by law at~~  
 952 ~~the time her or his initial license was issued before another~~

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953 ~~license will be issued. This subsection does not require an~~  
 954 ~~individual licensed before January 1, 2007, to complete~~  
 955 ~~additional training hours in order to renew an active license,~~  
 956 ~~beyond the required total amount of training within the~~  
 957 ~~timeframe prescribed by law at the time she or he was licensed.~~

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

960 493.6304 Security officer school or training facility.--

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

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

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

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

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

973 493.6401 Classes of licenses.--

974 (7) Any person who operates a recovery agent ~~repossessor~~  
 975 school or training facility or who conducts an Internet-based  
 976 training course or a correspondence training course must have a  
 977 Class "RS" license.

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

981 Section 25. Paragraphs (f) and (g) of subsection (1) and  
 982 subsection (3) of section 493.6402, Florida Statutes, are  
 983 amended to read:

984 493.6402 Fees.--

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

987 (f) Class "RS" license--recovery agent ~~reposessor~~ school  
 988 or training facility: \$60.

989 (g) Class "RI" license--recovery agent ~~reposessor~~ school  
 990 or training facility instructor: \$60.

991 (3) The fees set forth in this section must be paid by  
 992 ~~certified check or money order, or, at the discretion of the~~  
 993 ~~department, by agency check~~ at the time the application is  
 994 approved, except that the applicant for a Class "E," Class "EE,"  
 995 or Class "MR" license must pay the license fee at the time the  
 996 application is made. If a license is revoked or denied, or if an  
 997 application is withdrawn, the license fee shall not be refunded.

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

1000 493.6406 Recovery agent ~~Repossession services~~ school or  
 1001 training facility.--

1002 (1) Any school, training facility, or instructor who  
 1003 offers the training outlined in s. 493.6403(2) for Class "E" or  
 1004 Class "EE" applicants shall, before licensure of such school,  
 1005 training facility, or instructor, file with the department an  
 1006 application accompanied by an application fee in an amount to be  
 1007 determined by rule, not to exceed \$60. The fee shall not be  
 1008 refundable. This training may be offered as face-to-face

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1009 training, Internet-based training, or correspondence training.

1010 (2) The application shall be signed and verified by the  
 1011 applicant under oath as provided in s. 92.525 ~~notarized~~ and  
 1012 shall contain, at a minimum, the following information:

1013 (a) The name and address of the school or training  
 1014 facility and, if the applicant is an individual, his or her  
 1015 name, address, and social security or alien registration number.

1016 (b) The street address of the place at which the training  
 1017 is to be conducted or the street address of the Class "RS"  
 1018 school offering Internet-based or correspondence training.

1019 (c) A copy of the training curriculum and final  
 1020 examination to be administered.

1021 Section 27. Paragraph (n) of subsection (1) of section  
 1022 500.03, Florida Statutes, is amended to read:

1023 500.03 Definitions; construction; applicability.--

1024 (1) For the purpose of this chapter, the term:

1025 (n) "Food establishment" means any factory, food outlet,  
 1026 or any other facility manufacturing, processing, packing,  
 1027 holding, or preparing food, or selling food at wholesale or  
 1028 retail. The term does not include any business or activity that  
 1029 is regulated under chapter 509 or chapter 601. The term includes  
 1030 tomato packinghouses and repackers but does not include any  
 1031 other establishments that pack fruits and vegetables in their  
 1032 raw or natural states, including those fruits or vegetables that  
 1033 are washed, colored, or otherwise treated in their unpeeled,  
 1034 natural form before they are marketed.

1035 Section 28. Section 500.70, Florida Statutes, is created  
 1036 to read:

1037 500.70 Tomato food safety standards; inspections;  
 1038 penalties; tomato good agricultural practices; tomato best  
 1039 management practices.--

1040 (1) As used in this section, the term:

1041 (a) "Field packing" means the packing of tomatoes on a  
 1042 tomato farm or in a tomato greenhouse into containers for sale  
 1043 for human consumption without transporting the tomatoes to a  
 1044 packinghouse.

1045 (b) "Packing" or "repacking" means the packing of tomatoes  
 1046 into containers for sale for human consumption. The term  
 1047 includes the sorting or separating of tomatoes into grades and  
 1048 sizes. The term also includes field packing.

1049 (c) "Producing" means the planting, growing, or  
 1050 cultivating of tomatoes on a tomato farm or in a tomato  
 1051 greenhouse for sale for human consumption.

1052 (2) The department may adopt rules establishing food  
 1053 safety standards to safeguard the public health and promote the  
 1054 public welfare by protecting the consuming public from injury  
 1055 caused by the adulteration or the microbiological, chemical, or  
 1056 radiological contamination of tomatoes. The rules must be based  
 1057 on federal requirements, available scientific research,  
 1058 generally accepted industry practices, and recommendations of  
 1059 food safety professionals. The rules shall apply to the  
 1060 producing, harvesting, packing, and repacking of tomatoes for  
 1061 sale for human consumption by a tomato farm, tomato greenhouse,  
 1062 or tomato packinghouse or repacker in this state. The rules may  
 1063 include, but are not limited to, standards for:

1064 (a) Registration with the department of a person who

1065 produces, harvests, packs, or repacks tomatoes in this state who  
 1066 does not hold a food permit issued under s. 500.12.

1067 (b) Proximity of domestic animals and livestock to the  
 1068 production areas for tomatoes.

1069 (c) Food safety related use of water for irrigation during  
 1070 production and washing of tomatoes after harvest.

1071 (d) Use of fertilizers.

1072 (e) Cleaning and sanitation of containers, materials,  
 1073 equipment, vehicles, and facilities, including storage and  
 1074 ripening areas.

1075 (f) Health, hygiene, and sanitation of employees who  
 1076 handle tomatoes.

1077 (g) Training and continuing education of a person who  
 1078 produces, harvests, packs, or repacks tomatoes in this state,  
 1079 and the person's employees who handle tomatoes.

1080 (h) Labeling and recordkeeping, including standards for  
 1081 identifying and tracing tomatoes for sale for human consumption.

1082 (3) (a) The department may inspect tomato farms, tomato  
 1083 greenhouses, tomato packinghouses, repacking locations, or any  
 1084 vehicle being used to transport or hold tomatoes to ensure  
 1085 compliance with the applicable provisions of this chapter, and  
 1086 the rules adopted under this chapter.

1087 (b) The department may impose an administrative fine not  
 1088 to exceed \$5,000 per violation, or issue a written notice or  
 1089 warning under s. 500.179, against a person who violates any  
 1090 applicable provision of this section, or any rule adopted under  
 1091 this section.

1092 (4) (a) The department may adopt rules establishing tomato

1093 good agricultural practices and tomato best management practices  
 1094 for the state's tomato industry based on applicable federal  
 1095 requirements, available scientific research, generally accepted  
 1096 industry practices, and recommendations of food safety  
 1097 professionals.

1098 (b) A person who documents compliance with the  
 1099 department's rules, tomato good agricultural practices, and  
 1100 tomato best management practices is presumed to introduce  
 1101 tomatoes into the stream of commerce that are safe for human  
 1102 consumption, unless the department identifies noncompliance  
 1103 through inspections.

1104 (5) Subsections (2) and (4) do not apply to tomatoes sold  
 1105 by the grower on the premises at which the tomatoes are grown or  
 1106 at a local farmers' market, if the quantity of tomatoes sold  
 1107 does not exceed two 25-pound boxes per customer.

1108 (6) The department may adopt rules pursuant to ss.  
 1109 120.536(1) and 120.54 to administer this section.

1110 Section 29. Paragraph (a) of subsection (2) of section  
 1111 501.605, Florida Statutes, is amended to read:

1112 501.605 Licensure of commercial telephone sellers.--

1113 (2) An applicant for a license as a commercial telephone  
 1114 seller must submit to the department, in such form as it  
 1115 prescribes, a written application for the license. The  
 1116 application must set forth the following information:

1117 (a) The true name, date of birth, driver's license number,  
 1118 ~~social security number,~~ and home address of the applicant,  
 1119 including each name under which he or she intends to do  
 1120 business.



1121  
 1122 The application shall be accompanied by a copy of any: Script,  
 1123 outline, or presentation the applicant will require or suggest a  
 1124 salesperson to use when soliciting, or, if no such document is  
 1125 used, a statement to that effect; sales information or  
 1126 literature to be provided by the applicant to a salesperson; and  
 1127 sales information or literature to be provided by the applicant  
 1128 to a purchaser in connection with any solicitation.

1129 Section 30. Paragraph (a) of subsection (1) of section  
 1130 501.607, Florida Statutes, is amended to read:

1131 501.607 Licensure of salespersons.--

1132 (1) An applicant for a license as a salesperson must  
 1133 submit to the department, in such form as it prescribes, a  
 1134 written application for a license. The application must set  
 1135 forth the following information:

1136 (a) The true name, date of birth, driver's license number,  
 1137 ~~social security number,~~ and home address of the applicant.

1138 Section 31. Subsection (2) of section 501.913, Florida  
 1139 Statutes, is amended to read:

1140 501.913 Registration.--

1141 (2) The completed application shall be accompanied by:

1142 (a) Specimens or facsimiles of the label for each brand of  
 1143 antifreeze;

1144 (b) An application fee of \$200 for each brand; and

1145 (c) A properly labeled sample of at least 1 gallon, but  
 1146 not more than 2 gallons, of each brand of antifreeze.

1147 Section 32. Subsection (2) of section 525.01, Florida  
 1148 Statutes, is amended to read:

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1149 | 525.01 Gasoline and oil to be inspected.--

1150 | (2) All petroleum fuels are ~~shall be~~ subject to inspection  
 1151 | and analysis by the department. Before selling or offering for  
 1152 | sale in this state any petroleum fuel, all manufacturers,  
 1153 | terminal suppliers, wholesalers, and importers as defined in s.  
 1154 | 206.01 ~~jobbers~~ shall file with the department:

1155 | (a) An affidavit that they desire to do business in this  
 1156 | state, and the name and address of the manufacturer of the  
 1157 | petroleum fuel.

1158 | (b) An affidavit stating that the petroleum fuel is in  
 1159 | conformity with the standards prescribed by department rule.

1160 | Section 33. Subsections (1) and (3) of section 525.09,  
 1161 | Florida Statutes, are amended to read:

1162 | 525.09 Inspection fee.--

1163 | (1) For the purpose of defraying the expenses incident to  
 1164 | inspecting, testing, and analyzing petroleum fuels in this  
 1165 | state, there shall be paid to the department a charge of one-  
 1166 | eighth cent per gallon on all gasoline, alternative fuel  
 1167 | containing alcohol as defined in s. 525.01(1)(c)1. or 2.,  
 1168 | kerosene (except when used as aviation turbine fuel), and #1  
 1169 | fuel oil for sale or use in this state. This inspection fee  
 1170 | shall be imposed in the same manner as the motor fuel tax  
 1171 | pursuant to s. 206.41. Payment shall be made on or before the  
 1172 | 25th day of each month.

1173 | (3) All remittances to the department for the inspection  
 1174 | tax herein provided shall be accompanied by a detailed report  
 1175 | under oath showing the number of gallons of gasoline,  
 1176 | alternative fuel containing alcohol as defined in s.

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1177 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered  
 1178 in each county.

1179 Section 34. Section 526.50, Florida Statutes, is amended  
 1180 to read:

1181 526.50 Definition of terms.--As used in this part:

1182 (1) "Brake fluid" means the fluid intended for use as the  
 1183 liquid medium through which force is transmitted in the  
 1184 hydraulic brake system of a vehicle operated upon the highways.

1185 (2) "Brand" means the product name appearing on the label  
 1186 of a container of brake fluid.

1187 (3)~~(5)~~ "Container" means any receptacle in which brake  
 1188 fluid is immediately contained when sold, but does not mean a  
 1189 carton or wrapping in which a number of such receptacles are  
 1190 shipped or stored or a tank car or truck.

1191 (4)~~(2)~~ "Department" means the Department of Agriculture  
 1192 and Consumer Services.

1193 (5) "Formula" means the name of the chemical mixture or  
 1194 composition of the brake fluid product.

1195 (6)~~(4)~~ "Labeling" includes all written, printed or graphic  
 1196 representations, in any form whatsoever, imprinted upon or  
 1197 affixed to any container of brake fluid.

1198 (7)~~(6)~~ "Permit year" means a period of 12 months  
 1199 commencing July 1 and ending on the next succeeding June 30.

1200 (8)~~(7)~~ "Registrant" means any manufacturer, packer,  
 1201 distributor, seller, or other person who has registered a brake  
 1202 fluid with the department.

1203 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,  
 1204 trade, keep for sale, offer for sale or expose for sale, in any

1205 of their variant forms.

1206 Section 35. Section 526.51, Florida Statutes, is amended  
 1207 to read:

1208 526.51 Registration; ~~renewal and fees~~; departmental  
 1209 expenses; cancellation or refusal to issue or renew.--

1210 (1) (a) Application for registration of each brand of brake  
 1211 fluid shall be made on forms to be supplied by the department.  
 1212 The applicant shall give his or her name and address and the  
 1213 brand name of the brake fluid, state that he or she owns the  
 1214 brand name and has complete control over the product sold  
 1215 thereunder in Florida, and provide the name and address of the  
 1216 resident agent in Florida. If the applicant does not own the  
 1217 brand name but wishes to register the product with the  
 1218 department, a notarized affidavit that gives the applicant full  
 1219 authorization to register the brand name and that is signed by  
 1220 the owner of the brand name must accompany the application for  
 1221 registration. The affidavit must include all affected brand  
 1222 names, the owner's company or corporate name and address, the  
 1223 applicant's company or corporate name and address, and a  
 1224 statement from the owner authorizing the applicant to register  
 1225 the product with the department. The owner of the brand name  
 1226 shall maintain complete control over each product sold under  
 1227 that brand name in this state. All first-time brand-formula  
 1228 combination ~~new product~~ applications must be accompanied by a  
 1229 certified report from an independent testing laboratory, setting  
 1230 forth the analysis of the brake fluid which shall show its  
 1231 quality to be not less than the specifications established by  
 1232 the department for brake fluids. A sample of not less than 24

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1233 fluid ounces of brake fluid shall be submitted, in a container  
1234 or containers, with labels representing exactly how the  
1235 containers of brake fluid will be labeled when sold, and the  
1236 sample and container shall be analyzed and inspected by the  
1237 Division of Standards in order that compliance with the  
1238 department's specifications and labeling requirements may be  
1239 verified. Upon approval of the application, the department shall  
1240 register the brand name of the brake fluid and issue to the  
1241 applicant a permit authorizing the registrant to sell the brake  
1242 fluid in this state during the permit year specified in the  
1243 permit.

1244 (b) Each applicant shall pay a fee of \$100 with each  
1245 application. An applicant seeking reregistration of a previously  
1246 registered brand-formula combination must submit a completed  
1247 application and all materials required under this subsection to  
1248 the department before the first day of the permit year. A brand-  
1249 formula combination for which a completed application and all  
1250 materials required under this subsection are not received before  
1251 the first day of the permit year ceases to be registered with  
1252 the department until a completed application and all materials  
1253 required under this subsection are received and approved. Any  
1254 fee, application, or materials received after the first day of  
1255 the permit year, if the brand-formula combination was previously  
1256 registered with the department, A permit may be renewed by  
1257 application to the department, accompanied by a renewal fee of  
1258 \$50 on or before the last day of the permit year immediately  
1259 preceding the permit year for which application is made for  
1260 renewal of registration. To any fee not paid when due, there

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1261 shall accrue a penalty of \$25, which shall be added to the  
1262 ~~renewal fee. Renewals will be accepted only on brake fluids that~~  
1263 ~~have no change in formula, composition, or brand name.~~ Any  
1264 change in formula, composition, or brand name of any brake fluid  
1265 constitutes a new product that must be registered in accordance  
1266 with this part.

1267 (2) All fees collected under the provisions of this  
1268 section shall be credited to the General Inspection Trust Fund  
1269 of the department and all expenses incurred in the enforcement  
1270 of this part shall be paid from said fund.

1271 (3) The department may cancel or, refuse to issue ~~or~~  
1272 ~~refuse to renew~~ any registration and permit after due notice and  
1273 opportunity to be heard if it finds that the brake fluid is  
1274 adulterated or misbranded or that the registrant has failed to  
1275 comply with the provisions of this part or the rules and  
1276 regulations promulgated thereunder.

1277 Section 36. Paragraph (a) of subsection (3) of section  
1278 526.52, Florida Statutes, is amended to read:

1279 526.52 Specifications; adulteration and misbranding.--

1280 (3) Brake fluid is deemed to be misbranded:

1281 (a) If its container does not bear on its side or top a  
1282 label on which is printed the name and place of business of the  
1283 registrant of the product, the words "brake fluid," and a  
1284 statement that the product therein equals or exceeds the minimum  
1285 specification of the Society of Automotive Engineers for heavy-  
1286 duty-type brake fluid or equals or exceeds Federal Motor Vehicle  
1287 Safety Standard No. 116 adopted by the United States Department  
1288 of Transportation, ~~heavy-duty-type~~. By regulation the department

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1289 may require that the duty-type classification appear on the  
 1290 label.

1291 Section 37. Subsection (2) of section 526.53, Florida  
 1292 Statutes, is amended to read:

1293 526.53 Enforcement; inspection and analysis, stop-sale and  
 1294 disposition, regulations.--

1295 (2) (a) When any brake fluid is sold in violation of any of  
 1296 the provisions of this part, all such affected brake fluid of  
 1297 the same brand name ~~on the same premises on which the violation~~  
 1298 ~~occurred~~ shall be placed under a stop-sale order by the  
 1299 department by serving the owner of the brand name, distributor,  
 1300 or other entity responsible for selling or distributing the  
 1301 product in the state with the stop-sale order. The department  
 1302 shall withdraw its stop-sale order upon the removal of the  
 1303 violation or upon voluntary destruction of the product, or other  
 1304 disposal approved by the department, under the supervision of  
 1305 the department.

1306 (b) In addition to being subject to the stop-sale  
 1307 procedures above, unregistered brake fluid shall be held by the  
 1308 department or its representative, at a place to be designated in  
 1309 the stop-sale order, until properly registered and released in  
 1310 writing by the department or its representative. If application  
 1311 is ~~has~~ ~~been~~ made for registration of the ~~such~~ product within  
 1312 30 days after issue of the stop-sale order, such product shall  
 1313 be disposed of by the department, or, with the department's  
 1314 consent, by the business, to any tax-supported institution or  
 1315 agency of the state if the brake fluid meets legal  
 1316 specifications or by other disposal authorized by rule of the

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1317 department if it fails to meet legal specifications.

1318 Section 38. Subsections (2) and (5) of section 527.02,  
 1319 Florida Statutes, are amended to read:

1320 527.02 License; penalty; fees.--

1321 (2) Each business location of a person having multiple  
 1322 locations shall be separately licensed and must meet the  
 1323 requirements of this section. Such license shall be granted to  
 1324 any applicant determined by the department to be competent,  
 1325 qualified, and trustworthy who files with the department a  
 1326 surety bond, insurance affidavit, or other proof of insurance,  
 1327 as hereinafter specified, and pays for such license the  
 1328 following original application fee for new licenses and annual  
 1329 renewal fees for existing licenses:

1330

License Category	Original Application Fee	Renewal Fee
1331 Category I liquefied petroleum gas dealer . . . . .	<u>\$600</u> <del>\$525</del>	<u>\$500</u> <del>\$425</del>
1332 Category II liquefied petroleum gas dispenser . . . . .	525	<u>425</u> <del>375</del>
1333 Category III liquefied petroleum gas cylinder exchange unit operator . . . . .	<u>125</u> <del>100</del>	<u>75</u> <del>65</del>

1334



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1335	Category IV liquefied petroleum gas dispenser and recreational vehicle servicer . . . . .	525	<u>425</u> <del>400</del>
1336	Category V liquefied petroleum petroleum gases dealer for industrial uses only . . . . .	<u>350</u> <del>300</del>	<u>275</u> <del>200</del>
1337	LP gas installer . . . . .	<u>400</u> <del>300</del>	<u>300</u> <del>200</del>
1338	Specialty installer . . . . .	300	<u>250</u> <del>200</del>
1339	Dealer in appliances and equipment for use of liquefied petroleum gas . . . . .	50	45
1340	Manufacturer of liquefied petroleum gas appliances and equipment . . . . .	525	<u>425</u> <del>375</del>
1341	Requalifier of cylinders . . . . .	525	<u>425</u> <del>375</del>
	Fabricator, repairer, and tester of vehicles and cargo	525	<u>425</u> <del>375</del>

tanks . . . . .

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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 39. 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 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule specify the general areas of competency to be covered by each

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1369 examination and the relative weight to be assigned in grading  
1370 each area tested.

1371 (3) Qualifier cards issued to category I liquefied  
1372 petroleum gas dealers and liquefied petroleum gas installers  
1373 shall expire 3 years after the date of issuance. All category I  
1374 liquefied petroleum gas dealer qualifiers and liquefied  
1375 petroleum gas installer qualifiers holding a valid qualifier  
1376 card upon the effective date of this act shall retain their  
1377 qualifier status until July 1, 2003, and may sit for the master  
1378 qualifier examination at any time during that time period. All  
1379 such category I liquefied petroleum gas dealer qualifiers and  
1380 liquefied petroleum gas installer qualifiers may renew their  
1381 qualification on or before July 1, 2003, upon application to the  
1382 department, payment of a \$20 renewal fee, and documentation of  
1383 the completion of a minimum of 16 ~~12~~ hours of approved  
1384 continuing education courses, as defined by department rule,  
1385 during the previous 3-year period. Applications for renewal must  
1386 be made 30 calendar days prior to expiration. Persons failing to  
1387 renew prior to the expiration date must reapply and take a  
1388 qualifier competency examination in order to reestablish  
1389 category I liquefied petroleum gas dealer qualifier and  
1390 liquefied petroleum gas installer qualifier status. If a  
1391 category I liquefied petroleum gas qualifier or liquefied  
1392 petroleum gas installer qualifier becomes a master qualifier at  
1393 any time during the effective date of the qualifier card, the  
1394 card shall remain in effect until expiration of the master  
1395 qualifier certification.

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1396 (5) In addition to all other licensing requirements, each  
 1397 category I liquefied petroleum gas dealer and liquefied  
 1398 petroleum gas installer must, at the time of application for  
 1399 licensure, identify to the department one master qualifier who  
 1400 is a full-time employee at the licensed location. This person  
 1401 shall be a manager, owner, or otherwise primarily responsible  
 1402 for overseeing the operations of the licensed location and must  
 1403 provide documentation to the department as provided by rule. The  
 1404 master qualifier requirement shall be in addition to the  
 1405 requirements of subsection (1).

1406 (a) In order to apply for certification as a master  
 1407 qualifier, each applicant must be a category I liquefied  
 1408 petroleum gas dealer qualifier or liquefied petroleum gas  
 1409 installer qualifier, must be employed by a licensed category I  
 1410 liquefied petroleum gas dealer, liquefied petroleum gas  
 1411 installer, or applicant for such license, must provide  
 1412 documentation of a minimum of 1 year's work experience in the  
 1413 gas industry, and must pass a master qualifier competency  
 1414 examination. Master qualifier examinations shall be based on  
 1415 Florida's laws, rules, and adopted codes governing liquefied  
 1416 petroleum gas safety, general industry safety standards, and  
 1417 administrative procedures. The examination must be successfully  
 1418 passed ~~completed~~ by the applicant with a grade of at least 75  
 1419 ~~percent or more~~. Each applicant for master qualifier status  
 1420 shall submit to the department a nonrefundable \$50 ~~\$30~~  
 1421 examination fee prior to the examination.

1422 (c) Master qualifier status shall expire 3 years after the  
 1423 date of issuance of the certificate and may be renewed by

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1424 submission to the department of documentation of completion of  
 1425 at least 16 ~~12~~ hours of approved continuing education courses  
 1426 during the 3-year period; proof of employment with a licensed  
 1427 category I liquefied petroleum gas dealer, liquefied petroleum  
 1428 gas installer, or applicant; and a \$30 certificate renewal fee.  
 1429 The department shall define, by rule, approved courses of  
 1430 continuing education.

1431 Section 40. Subsection (4) of section 527.021, Florida  
 1432 Statutes, is amended to read:

1433 527.021 Registration of transport vehicles.--

1434 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for  
 1435 each registered vehicle inspected by the department pursuant to  
 1436 s. 527.061. Registered vehicles shall be inspected annually. All  
 1437 inspection fees collected in connection with this section shall  
 1438 be deposited in the General Inspection Trust Fund for the  
 1439 purpose of administering the provisions of this chapter.

1440 Section 41. Section 527.12, Florida Statutes, is amended  
 1441 to read:

1442 527.12 Cease and desist orders; stop-use orders; stop-  
 1443 operation orders; stop-sale orders; administrative fines.--

1444 (1) Whenever the department has ~~shall have~~ reason to  
 1445 believe that any person is violating or has violated ~~been~~  
 1446 ~~violating provisions of this chapter or any rules adopted under~~  
 1447 this chapter pursuant thereto, the department ~~it~~ may issue a  
 1448 cease and desist order, ~~or~~ impose a civil penalty, or do both  
 1449 ~~may issue such cease and desist order and impose a civil~~  
 1450 ~~penalty.~~

1451 (2) Whenever a person or liquefied petroleum gas system or

1452 storage facility, or any part or component thereof, fails to  
 1453 comply with this chapter or any rules adopted under this  
 1454 chapter, the department may issue a stop-use order, stop-  
 1455 operation order, or stop-sale order.

1456 Section 42. Subsection (1) of section 559.805, Florida  
 1457 Statutes, is amended to read:

1458 559.805 Filings with the department; disclosure of  
 1459 advertisement identification number.--

1460 (1) Every seller of a business opportunity shall annually  
 1461 file with the department a copy of the disclosure statement  
 1462 required by s. 559.803 before ~~prior to~~ placing an advertisement  
 1463 or making any other representation designed to offer to, sell  
 1464 to, or solicit an offer to buy a business opportunity from a  
 1465 prospective purchaser in this state and shall update this filing  
 1466 by reporting any material change in the required information  
 1467 within 30 days after the material change occurs. An  
 1468 advertisement is not placed in the state merely because the  
 1469 publisher circulates, or there is circulated on his or her  
 1470 behalf in the state, any bona fide newspaper or other  
 1471 publication of general, regular, and paid circulation which has  
 1472 had more than two-thirds of its circulation during the past 12  
 1473 months outside the state or because a radio or television  
 1474 program originating outside the state is received in the state.  
 1475 If the seller is required by s. 559.807 to provide a bond or  
 1476 establish a trust account or guaranteed letter of credit, he or  
 1477 she shall contemporaneously file with the department a copy of  
 1478 the bond, a copy of the formal notification by the depository  
 1479 that the trust account is established, or a copy of the

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1480 guaranteed letter of credit. Every seller of a business  
1481 opportunity shall file with the department a list of independent  
1482 agents who will engage in the offer or sale of business  
1483 opportunities on behalf of the seller in this state. This list  
1484 must be kept current and shall include the following  
1485 information: name, home and business address, telephone number,  
1486 present employer, ~~social security number~~, and birth date. A No  
1487 person may not ~~shall be allowed to~~ offer or sell business  
1488 opportunities unless the required information is ~~has been~~  
1489 provided to the department.

1490 Section 43. Subsection (3) of section 559.928, Florida  
1491 Statutes, is amended to read:

1492 559.928 Registration.--

1493 (3) Each independent agent shall annually file an  
1494 affidavit with the department before ~~prior to~~ engaging in  
1495 business in this state. This affidavit must include the  
1496 independent agent's full name, legal business or trade name,  
1497 mailing address, business address, telephone number, ~~social~~  
1498 ~~security number~~, and the name or names and addresses of each  
1499 seller of travel represented by the independent agent. A letter  
1500 evidencing proof of filing must be issued by the department and  
1501 must be prominently displayed in the independent agent's primary  
1502 place of business. Each independent agent must also submit an  
1503 annual registration fee of \$50. All moneys collected pursuant to  
1504 the imposition of the fee shall be deposited by the Chief  
1505 Financial Officer into the General Inspection Trust Fund of the  
1506 Department of Agriculture and Consumer Services for the sole  
1507 purpose of administrating this part. As used in this subsection,

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1508 the term "independent agent" means a person who represents a  
 1509 seller of travel by soliciting persons on its behalf; who has a  
 1510 written contract with a seller of travel which is operating in  
 1511 compliance with this part and any rules adopted thereunder; who  
 1512 does not receive a fee, commission, or other valuable  
 1513 consideration directly from the purchaser for the seller of  
 1514 travel; who does not at any time have any unissued ticket stock  
 1515 or travel documents in his or her possession; and who does not  
 1516 have the ability to issue tickets, vacation certificates, or any  
 1517 other travel document. The term "independent agent" does not  
 1518 include an affiliate of the seller of travel, as that term is  
 1519 used in s. 559.935(3), or the employees of the seller of travel  
 1520 or of such affiliates.

1521 Section 44. Subsection (10) of section 570.07, Florida  
 1522 Statutes, is amended to read:

1523 570.07 Department of Agriculture and Consumer Services;  
 1524 functions, powers, and duties.--The department shall have and  
 1525 exercise the following functions, powers, and duties:

1526 (10) To act as adviser to producers and distributors, when  
 1527 requested, ~~and~~ to assist them in the economical and efficient  
 1528 distribution of their agricultural products, ~~and~~ to encourage  
 1529 cooperative effort among producers to gain economical and  
 1530 efficient production of agricultural products, and to adopt  
 1531 rules establishing comprehensive best management practices for  
 1532 agricultural production and food safety.

1533 Section 45. Subsection (7) of section 570.0725, Florida  
 1534 Statutes, is amended to read:

1535 570.0725 Food recovery; legislative intent; department



1536 functions.--

1537 (7) For public information purposes, the department may  
 1538 ~~shall~~ develop and provide a public information brochure  
 1539 detailing the need for food banks and similar ~~of~~ food recovery  
 1540 programs, the benefit of such ~~food recovery~~ programs, the manner  
 1541 in which ~~such~~ organizations may become involved in such ~~food~~  
 1542 ~~recovery~~ programs, and the protection afforded to such programs  
 1543 under s. 768.136, ~~and the food recovery entities or food banks~~  
 1544 ~~that exist in the state. This brochure must be updated annually.~~  
 1545 A food bank or similar food recovery organization seeking to be  
 1546 included on a list of such organizations must notify the  
 1547 department and provide the information required by rule of the  
 1548 department. Such organizations are responsible for updating the  
 1549 information and providing the updated information to the  
 1550 department. The department may adopt rules to implement this  
 1551 section.

1552 Section 46. Paragraph (e) of subsection (2) of section  
 1553 570.48, Florida Statutes, is amended to read:

1554 570.48 Division of Fruit and Vegetables; powers and  
 1555 duties; records.--The duties of the Division of Fruit and  
 1556 Vegetables include, but are not limited to:

1557 (2)

1558 (e) Performing tomato food safety inspections under s.  
 1559 500.70 on tomato farms, in tomato greenhouses, and in tomato  
 1560 packinghouses and repackers.

1561 Section 47. Paragraph (e) of subsection (6) of section  
 1562 570.53, Florida Statutes, is amended to read:

1563 570.53 Division of Marketing and Development; powers and

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1564 duties.--The powers and duties of the Division of Marketing and  
 1565 Development include, but are not limited to:

1566 (6)

1567 (e) Extending in every practicable way the distribution  
 1568 and sale of Florida agricultural products throughout the markets  
 1569 of the world as required of the department by s. ~~ss.~~ 570.07(7),  
 1570 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1571 Section 48. Subsection (2) of section 570.54, Florida  
 1572 Statutes, is amended to read:

1573 570.54 Director; duties.--

1574 (2) It shall be the duty of the director of this division  
 1575 to supervise, direct, and coordinate the activities authorized  
 1576 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and  
 1577 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and  
 1578 chapters 504, 571, 573, and 574 and to exercise other powers and  
 1579 authority as authorized by the department.

1580 Section 49. Subsection (4) of section 570.55, Florida  
 1581 Statutes, is amended to read:

1582 570.55 Identification of sellers or handlers of tropical  
 1583 or subtropical fruit and vegetables; containers specified;  
 1584 penalties.--

1585 (4) IDENTIFICATION OF HANDLER.--At the time of each  
 1586 transaction involving the handling or sale of 55 pounds or more  
 1587 of tropical or subtropical fruit or vegetables in the primary  
 1588 channel of trade, the buyer or receiver of the tropical or  
 1589 subtropical fruit or vegetables shall demand a bill of sale,  
 1590 invoice, sales memorandum, or other document listing the date of  
 1591 the transaction, the quantity of the tropical or subtropical

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1592 fruit or vegetables involved in the transaction, and the  
 1593 identification of the seller or handler as it appears on the  
 1594 driver's license of the seller or handler, including the  
 1595 driver's license number. If the seller or handler does not  
 1596 possess a driver's license, the buyer or receiver shall use any  
 1597 other acceptable means of identification, which may include, but  
 1598 is not limited to, i.e., voter's registration card and number,  
 1599 draft card, ~~social security card,~~ or other identification.  
 1600 However, no less than two identification documents shall be  
 1601 used. The identification of the seller or handler shall be  
 1602 recorded on the bill of sale, sales memorandum, invoice, or  
 1603 voucher, which shall be retained by the buyer or receiver for a  
 1604 period of not less than 1 year from the date of the transaction.

1605 Section 50. Subsection (3) of section 570.902, Florida  
 1606 Statutes, is amended to read:

1607 570.902 Definitions; ss. 570.902 and 570.903.--For the  
 1608 purpose of ss. 570.902 and 570.903:

1609 ~~(3) "Museum" means the Florida Agricultural Museum which~~  
 1610 ~~is designated as the museum for agriculture and rural history of~~  
 1611 ~~the State of Florida.~~

1612 Section 51. Section 570.903, Florida Statutes, is amended  
 1613 to read:

1614 570.903 Direct-support organization.--

1615 (1) When the Legislature authorizes the establishment of a  
 1616 direct-support organization to provide assistance for the  
 1617 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~  
 1618 ~~Florida State Collection of Arthropods,~~ the Friends of the  
 1619 Florida State Forests Program of the Division of Forestry, and

1620 the Forestry Arson Alert Program, and other programs of the  
 1621 department, the following provisions shall govern the creation,  
 1622 use, powers, and duties of the direct-support organization.

1623 (a) The department shall enter into a memorandum or letter  
 1624 of agreement with the direct-support organization, which shall  
 1625 specify the approval of the department, the powers and duties of  
 1626 the direct-support organization, and rules with which the  
 1627 direct-support organization shall comply.

1628 (b) The department may permit, without charge, appropriate  
 1629 use of property, facilities, and personnel of the department by  
 1630 a direct-support organization, subject to the provisions of ss.  
 1631 570.902 and 570.903. The use shall be directly in keeping with  
 1632 the approved purposes of the direct-support organization and  
 1633 shall not be made at times or places that would unreasonably  
 1634 interfere with opportunities for the general public to use  
 1635 department facilities for established purposes.

1636 (c) The department shall prescribe by contract or by rule  
 1637 conditions with which a direct-support organization shall comply  
 1638 in order to use property, facilities, or personnel of the  
 1639 department ~~or museum~~. Such rules shall provide for budget and  
 1640 audit review and oversight by the department.

1641 (d) The department shall not permit the use of property,  
 1642 facilities, or personnel of the ~~museum,~~ department, ~~or~~  
 1643 designated program by a direct-support organization which does  
 1644 not provide equal employment opportunities to all persons  
 1645 regardless of race, color, religion, sex, age, or national  
 1646 origin.

1647 (2) (a) The direct-support organization shall be empowered

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1648 to conduct programs and activities; raise funds; request and  
1649 receive grants, gifts, and bequests of money; acquire, receive,  
1650 hold, invest, and administer, in its own name, securities,  
1651 funds, objects of value, or other property, real or personal;  
1652 and make expenditures to or for the direct or indirect benefit  
1653 of the ~~museum or~~ designated program.

1654 (b) Notwithstanding the provisions of s. 287.057, the  
1655 direct-support organization may enter into contracts or  
1656 agreements with or without competitive bidding for the  
1657 ~~restoration of objects, historical buildings, and other~~  
1658 ~~historical materials or for the purchase of objects, historical~~  
1659 ~~buildings, and other historical materials which are to be added~~  
1660 ~~to the collections of the museum, or benefit of~~ of the designated  
1661 program. However, before the direct-support organization may  
1662 enter into a contract or agreement without competitive bidding,  
1663 the direct-support organization shall file a certification of  
1664 conditions and circumstances with the internal auditor of the  
1665 department justifying each contract or agreement.

1666 (c) Notwithstanding the provisions of s. 287.025(1)(e),  
1667 the direct-support organization may enter into contracts to  
1668 insure property of the ~~museum or~~ designated programs ~~and may~~  
1669 ~~insure objects or collections on loan from others in satisfying~~  
1670 ~~security terms of the lender.~~

1671 (3) The direct-support organization shall provide for an  
1672 annual financial audit in accordance with s. 215.981.

1673 (4) Neither a designated program ~~or a museum~~, nor a  
1674 nonprofit corporation trustee or employee may:

1675 (a) Receive a commission, fee, or financial benefit in

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1676 connection with the sale or exchange of property ~~historical~~  
 1677 ~~objects or properties~~ to the direct-support organization, ~~the~~  
 1678 ~~museum,~~ or the designated program; or

1679 (b) Be a business associate of any individual, firm, or  
 1680 organization involved in the sale or exchange of property to the  
 1681 direct-support organization, ~~the museum,~~ or the designated  
 1682 program.

1683 (5) All moneys received by the direct-support organization  
 1684 shall be deposited into an account of the direct-support  
 1685 organization and shall be used by the organization in a manner  
 1686 consistent with the goals of ~~the museum~~ or designated program.

1687 (6) The identity of a donor or prospective donor who  
 1688 desires to remain anonymous and all information identifying such  
 1689 donor or prospective donor are confidential and exempt from the  
 1690 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 1691 Constitution.

1692 (7) The Commissioner of Agriculture, or the commissioner's  
 1693 designee, may serve on the board of trustees and the executive  
 1694 committee of any direct-support organization established to  
 1695 benefit the museum or any designated program.

1696 ~~(8) The department shall establish by rule archival~~  
 1697 ~~procedures relating to museum artifacts and records. The rules~~  
 1698 ~~shall provide procedures which protect the museum's artifacts~~  
 1699 ~~and records equivalent to those procedures which have been~~  
 1700 ~~established by the Department of State under chapters 257 and~~  
 1701 ~~267.~~

1702 Section 52. Subsection (4) of section 573.118, Florida  
 1703 Statutes, is amended to read:

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1704           573.118 Assessment; funds; audit; loans.--  
 1705           (4) In the event of levying and collecting of assessments,  
 1706 for each fiscal year in which assessment funds are received by  
 1707 the department, the department shall maintain records of  
 1708 collections and expenditures for each marketing order separately  
 1709 within the state's accounting system. If requested by an  
 1710 advisory council, department staff shall cause to be made a  
 1711 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~  
 1712 ~~public accountant~~, such audit to be completed within 60 days  
 1713 after the request is received ~~end of the fiscal year~~. The  
 1714 advisory council ~~department and all producers and handlers~~  
 1715 ~~covered by the marketing order~~ shall be provided a copy of the  
 1716 ~~properly advised of the details of the annual official~~ audit of  
 1717 the accounts ~~as shown by the certified public accountant~~ within  
 1718 30 days after completion of the audit.

1719           Section 53. Subsections (18) through (30) of section  
 1720 581.011, Florida Statutes, are renumbered as subsections (17)  
 1721 through (29), respectively, and present subsections (17) and  
 1722 (20) of that section are amended to read:

1723           581.011 Definitions.--As used in this chapter:

1724           ~~(17) "Museum" means the Florida State Collection of~~  
 1725 ~~Arthropods.~~

1726           (19) ~~(20)~~ "Nursery" means any grounds or premises on or in  
 1727 which nursery stock is grown, propagated, or held for sale or  
 1728 distribution, including ~~except where~~ aquatic plant species are  
 1729 tended for harvest in the natural environment.

1730           Section 54. Paragraph (d) of subsection (14) of section  
 1731 581.031, Florida Statutes, is amended to read:

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1732           581.031 Department; powers and duties.--The department has  
1733 the following powers and duties:

1734           (14)

1735           (d) To prescribe a fee for these services, if ~~provided~~ the  
1736 fee does not exceed the cost of the services rendered. Annual  
1737 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per  
1738 tree. If the fee has not been paid within 30 days of billing, a  
1739 penalty of \$10 or 20 percent of the unpaid balance, whichever is  
1740 greater, shall be assessed.

1741           Section 55. Subsection (6) of section 581.131, Florida  
1742 Statutes, is amended to read:

1743           581.131 Certificate of registration.--

1744           (6) Neither the certificate of registration fee nor the  
1745 annual renewal fee shall exceed \$600 ~~\$460~~. The department may  
1746 exempt from the payment of a certificate fee those governmental  
1747 agency nurseries whose nursery stock is used exclusively for  
1748 planting on their own property.

1749           Section 56. Paragraph (a) of subsection (3) of section  
1750 581.211, Florida Statutes, is amended to read:

1751           581.211 Penalties for violations.--

1752           (3)(a)1. In addition to any other provision of law, the  
1753 department may, after notice and hearing, impose an  
1754 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each  
1755 violation of this chapter, upon any person, nurseryman, stock  
1756 dealer, agent or plant broker. The fine, when paid, shall be  
1757 deposited in the Plant Industry Trust Fund. In addition, the  
1758 department may place the violator on probation for up to 1 year,  
1759 with conditions.



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1760           2. The imposition of a fine or probation pursuant to this  
 1761 subsection may be in addition to or in lieu of the suspension or  
 1762 revocation of a certificate of registration or certificate of  
 1763 inspection.

1764           Section 57. Section 583.13, Florida Statutes, is amended  
 1765 to read:

1766           583.13 Labeling and advertising requirements for dressed  
 1767 poultry; unlawful acts.--

1768           (1) It is unlawful for any dealer or broker to sell, offer  
 1769 for sale, or hold for the purpose of sale in the state any  
 1770 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry  
 1771 is packed in a container clearly bearing a label, not less than  
 1772 3 inches by 5 inches, on which shall be plainly and legibly  
 1773 printed, in letters of not less than one-fourth inch ~~1/4~~ in  
 1774 height, ~~the grade and the part name or whole-bird statement of~~  
 1775 ~~such poultry. The grade may be expressed in the term "premium,"~~  
 1776 ~~"good," or "standard," or as the grade of another state or~~  
 1777 ~~federal agency the standards of quality of which, by law, are~~  
 1778 ~~equal to the standards of quality provided by this law and rules~~  
 1779 ~~promulgated hereunder.~~

1780           (2) It is unlawful to sell unpackaged dressed or ready-to-  
 1781 cook poultry at retail unless such poultry is labeled by a  
 1782 placard immediately adjacent to the poultry or unless each bird  
 1783 is individually labeled to show ~~the grade and the part name or~~  
 1784 whole-bird statement. The placard shall be no smaller than 7  
 1785 inches by 7 inches in size, and the required labeling  
 1786 information shall be legibly and plainly printed on the placard  
 1787 in letters not smaller than 1 inch in height.

1788 (3) It is unlawful to sell packaged dressed or ready-to-  
 1789 cook poultry at retail unless such poultry is labeled to show  
 1790 ~~the grade,~~ the part name or whole-bird statement, the net weight  
 1791 of the poultry, and the name and address of the dealer. The size  
 1792 of the type on the label must be one-eighth inch or larger. A  
 1793 placard immediately adjacent to such poultry may be used to  
 1794 indicate ~~the grade and~~ the part name or whole-bird statement,  
 1795 but not the net weight of the poultry or the name and address of  
 1796 the dealer.

1797 (4) It is unlawful to use dressed or ready-to-cook poultry  
 1798 in bulk in the preparation of food served to the public, or to  
 1799 hold such poultry for the purpose of such use, unless the  
 1800 poultry when received was packed in a container clearly bearing  
 1801 a label, not less than 3 inches by 5 inches, on which was  
 1802 plainly and legibly printed, in letters not less than one-fourth  
 1803 inch in height, ~~the grade and~~ the part name or whole-bird  
 1804 statement of such poultry. ~~The grade may be expressed in the~~  
 1805 ~~term "premium," "good," or "standard," or as the grade of~~  
 1806 ~~another state or federal agency the standards of quality of~~  
 1807 ~~which, by law, are equal to the standards of quality provided by~~  
 1808 ~~this law and rules promulgated hereunder.~~

1809 (5) It is unlawful to offer dressed or ready-to-cook  
 1810 poultry for sale in any advertisement in a newspaper or  
 1811 circular, on radio or television, or in any other form of  
 1812 advertising without plainly designating in such advertisement  
 1813 ~~the grade and~~ the part name or whole-bird statement of such  
 1814 poultry.

1815 Section 58. Subsections (4) and (5) of section 590.125,

1816 Florida Statutes, are renumbered as subsections (5) and (6),  
 1817 respectively, subsection (1), paragraph (b) of subsection (3),  
 1818 and paragraph (c) of present subsection (4) are amended, and new  
 1819 subsections (4) and (7) are added to that section, to read:

1820 590.125 Open burning authorized by the division.--

1821 (1) DEFINITIONS.--As used in this section, the term:

1822 (a) "Certified pile burner" means an individual who  
 1823 successfully completes the division's pile burning certification  
 1824 program and possesses a valid pile burner certification number.

1825 (b) "Certified prescribed burn manager" means an  
 1826 individual who successfully completes the certified prescribed  
 1827 burning certification program of the division and possesses a  
 1828 valid certification number.

1829 (c) ~~(d)~~ "Extinguished" means:

1830 1. that no spreading flame For wild land burning or  
 1831 certified prescribed burning, that no spreading flames exist.

1832 2. and no visible flame, smoke, or emissions For  
 1833 vegetative land-clearing debris burning or pile burning, that no  
 1834 visible flames exist.

1835 3. For vegetative land-clearing debris burning or pile  
 1836 burning in an area designated as smoke sensitive by the  
 1837 division, that no visible flames, smoke, or emissions exist.

1838 (d) "Land-clearing operation" means the uprooting or  
 1839 clearing of vegetation in connection with the construction of  
 1840 buildings and rights-of-way, land development, and mineral  
 1841 operations. The term does not include the clearing of yard  
 1842 trash.

1843 (e) "Pile burning" means the burning of silvicultural,

1844 agricultural, or land-clearing and tree-cutting debris  
 1845 originating onsite, which is stacked together in a round or  
 1846 linear fashion, including, but not limited to, a windrow.

1847 (f)~~(a)~~ "Prescribed burning" means the controlled  
 1848 application of fire in accordance with a written prescription  
 1849 for vegetative fuels under specified environmental conditions  
 1850 while following appropriate precautionary measures that ensure  
 1851 that the fire is confined to a predetermined area to accomplish  
 1852 the planned fire or land-management objectives.

1853 (g)~~(e)~~ "Prescription" means a written plan establishing  
 1854 the criteria necessary for starting, controlling, and  
 1855 extinguishing a prescribed burn.

1856 (h) "Yard trash" means vegetative matter resulting from  
 1857 landscaping and yard maintenance operations and other such  
 1858 routine property cleanup activities. The term includes materials  
 1859 such as leaves, shrub trimmings, grass clippings, brush, and  
 1860 palm fronds.

1861 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
 1862 PURPOSE.--

1863 (b) Certified prescribed burning pertains only to  
 1864 broadcast burning for purposes of silviculture, wildlife  
 1865 management, ecological maintenance and restoration, and range  
 1866 and pasture management. It must be conducted in accordance with  
 1867 this subsection and:

1868 1. May be accomplished only when a certified prescribed  
 1869 burn manager is present on site with a copy of the prescription  
 1870 from ignition of the burn to its completion.

1871 2. Requires that a written prescription be prepared before

1872 receiving authorization to burn from the division.

1873 3. Requires that the specific consent of the landowner or  
 1874 his or her designee be obtained before requesting an  
 1875 authorization.

1876 4. Requires that an authorization to burn be obtained from  
 1877 the division before igniting the burn.

1878 5. Requires that there be adequate firebreaks at the burn  
 1879 site and sufficient personnel and firefighting equipment for the  
 1880 control of the fire.

1881 6. Is considered to be in the public interest and does not  
 1882 constitute a public or private nuisance when conducted under  
 1883 applicable state air pollution statutes and rules.

1884 7. Is considered to be a property right of the property  
 1885 owner if vegetative fuels are burned as required in this  
 1886 subsection.

1887 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
 1888 PURPOSE.--

1889 (a) Pile burning is a tool that benefits current and  
 1890 future generations in Florida by disposing of naturally  
 1891 occurring vegetative debris through burning rather than  
 1892 disposing of the debris in landfills.

1893 (b) Certified pile burning pertains to the disposal of  
 1894 piled, naturally occurring debris from an agricultural,  
 1895 silvicultural, or temporary land-clearing operation. A land-  
 1896 clearing operation is temporary if it operates for 6 months or  
 1897 less. Certified pile burning must be conducted in accordance  
 1898 with this subsection, and:

1899 1. A certified pile burner must ensure, before ignition,

1900 that the piles are properly placed and that the content of the  
 1901 piles is conducive to efficient burning.

1902 2. A certified pile burner must ensure that the piles are  
 1903 properly extinguished no later than 1 hour after sunset. If the  
 1904 burn is conducted in an area designated by the division as smoke  
 1905 sensitive, a certified pile burner must ensure that the piles  
 1906 are properly extinguished at least 1 hour before sunset.

1907 3. A written pile burn plan must be prepared before  
 1908 receiving authorization from the division to burn.

1909 4. The specific consent of the landowner or his or her  
 1910 agent must be obtained before requesting authorization to burn.

1911 5. An authorization to burn must be obtained from the  
 1912 division or its designated agent before igniting the burn.

1913 6. There must be adequate firebreaks and sufficient  
 1914 personnel and firefighting equipment at the burn site to control  
 1915 the fire.

1916 (c) If a burn is conducted in accordance with this  
 1917 subsection, the property owner and his or her agent are not  
 1918 liable under s. 590.13 for damage or injury caused by the fire  
 1919 or resulting smoke, and are not in violation of subsection (2),  
 1920 unless gross negligence is proven.

1921 (d) A certified pile burner who violates this section  
 1922 commits a misdemeanor of the second degree, punishable as  
 1923 provided in s. 775.082 or s. 775.083.

1924 (e) The division shall adopt rules regulating certified  
 1925 pile burning. The rules shall include procedures and criteria  
 1926 for certifying and decertifying certified pile burn managers  
 1927 based on past experience, training, and record of compliance

1928 with this section.

1929 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
 1930 DIVISION.--The division may conduct fuel reduction initiatives,  
 1931 including, but not limited to, burning and mechanical and  
 1932 chemical treatment, on any area of wild land within the state  
 1933 which is reasonably determined to be in danger of wildfire in  
 1934 accordance with the following procedures:

1935 (c) Prepare, and send the county tax collector shall  
 1936 include with the annual tax statement, a notice to be sent to  
 1937 all landowners in each area township designated by the division  
 1938 as a wildfire hazard area. The notice must describe particularly  
 1939 the area to be treated and the tentative date or dates of the  
 1940 treatment and must list the reasons for and the expected  
 1941 benefits from the wildfire hazard reduction.

1942 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
 1943 AUTHORIZATION PROGRAMS.--

1944 (a) A county or municipality may exercise the division's  
 1945 authority, if delegated by the division under this subsection,  
 1946 to issue authorizations for the burning of yard trash or debris  
 1947 from land-clearing operations. A county's or municipality's  
 1948 existing or proposed open burning authorization program must:

1949 1. Be approved by the division. The division shall not  
 1950 approve a program if it fails to meet the requirements of  
 1951 subsections (2) and (4) and any rules adopted under those  
 1952 subsections.

1953 2. Provide by ordinance or local law the requirements for  
 1954 obtaining and performing a burn authorization that comply with  
 1955 subsections (2) and (4) and any rules adopted under those

1956 subsections.

1957 3. Provide for the enforcement of the program's  
 1958 requirements.

1959 4. Provide financial, personnel, and other resources  
 1960 needed to carry out the program.

1961 (b) If the division determines that a county's or  
 1962 municipality's open burning authorization program does not  
 1963 comply with subsections (2) and (4) and any rules adopted under  
 1964 those subsections, the division shall require the county or  
 1965 municipality to take necessary corrective actions within a  
 1966 reasonable period, not to exceed 90 days.

1967 1. If the county or municipality fails to take the  
 1968 necessary corrective actions within the required period, the  
 1969 division shall resume administration of the open burning  
 1970 authorization program in the county or municipality and the  
 1971 county or municipality shall cease administration of its  
 1972 program.

1973 2. Each county and municipality administering an open  
 1974 burning authorization program must cooperate with and assist the  
 1975 division in carrying out the division's powers, duties, and  
 1976 functions.

1977 3. A person who violates the requirements of a county's or  
 1978 municipality's open burning authorization program, as provided  
 1979 by ordinance or local law enacted pursuant to this section,  
 1980 commits a violation of this chapter, punishable as provided in  
 1981 s. 590.14.

1982 Section 59. Subsection (4) of section 590.14, Florida  
 1983 Statutes, is renumbered as subsection (7), subsections (1) and



1984 (3) are amended, and new subsections (4), (5), and (6) are added  
 1985 to that section, to read:

1986 590.14 Notice of violation; penalties.--

1987 (1) If a division employee determines that a person has  
 1988 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
 1989 the division to administer provisions of law conferring duties  
 1990 upon the division, the division employee ~~he or she~~ may issue a  
 1991 notice of violation indicating the statute violated. This notice  
 1992 will be filed with the division and a copy forwarded to the  
 1993 appropriate law enforcement entity for further action if  
 1994 necessary.

1995 (3) The department may also impose an administrative fine,  
 1996 not to exceed \$1,000 per violation of any section of chapter 589  
 1997 or this chapter or violation of any rule adopted by the division  
 1998 to administer provisions of law conferring duties upon the  
 1999 division. The fine shall be based upon the degree of damage, the  
 2000 prior violation record of the person, and whether the person  
 2001 knowingly provided false information to obtain an authorization.  
 2002 The fines shall be deposited in the Incidental Trust Fund of the  
 2003 division.

2004 (4) A person may not:

2005 (a) Fail to comply with any rule or order adopted by the  
 2006 division to administer provisions of law conferring duties upon  
 2007 the division; or

2008 (b) Knowingly make any false statement or representation  
 2009 in any application, record, plan, or other document required by  
 2010 this chapter or any rules adopted under this chapter.

2011 (5) A person who violates paragraph (4) (a) or paragraph

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2012 | (4) (b) commits a misdemeanor of the second degree, punishable as  
 2013 | provided in s. 775.082 or s. 775.083.

2014 | (6) It is the intent of the Legislature that a penalty  
 2015 | imposed by a court under subsection (5) be of a severity that  
 2016 | ensures immediate and continued compliance with this section.

2017 | Section 60. Paragraph (a) of subsection (1) of section  
 2018 | 599.004, Florida Statutes, is amended to read:

2019 | 599.004 Florida Farm Winery Program; registration; logo;  
 2020 | fees.--

2021 | (1) The Florida Farm Winery Program is established within  
 2022 | the Department of Agriculture and Consumer Services. Under this  
 2023 | program, a winery may qualify as a tourist attraction only if it  
 2024 | is registered with and certified by the department as a Florida  
 2025 | Farm Winery. A winery may not claim to be certified unless it  
 2026 | has received written approval from the department.

2027 | (a) To qualify as a certified Florida Farm Winery, a  
 2028 | winery shall meet the following standards:

2029 | 1. Produce or sell less than 250,000 gallons of wine  
 2030 | annually.

2031 | 2. Maintain a minimum of 10 acres of owned or managed land  
 2032 | ~~vineyards~~ in Florida which produces commodities used in the  
 2033 | production of wine.

2034 | 3. Be open to the public for tours, tastings, and sales at  
 2035 | least 30 hours each week.

2036 | 4. Make annual application to the department for  
 2037 | recognition as a Florida Farm Winery, on forms provided by the  
 2038 | department.

2039 | 5. Pay an annual application and registration fee of \$100.

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2040 Section 61. Subsection (1) of section 604.15, Florida  
 2041 Statutes, is amended, and subsection (11) is added to that  
 2042 section, to read:

2043 604.15 Dealers in agricultural products; definitions.--For  
 2044 the purpose of ss. 604.15-604.34, the following words and terms,  
 2045 when used, shall be construed to mean:

2046 (1) "Agricultural products" means the natural products of  
 2047 the farm, nursery, grove, orchard, vineyard, garden, and apiary  
 2048 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
 2049 livestock; milk and milk products; poultry and poultry products;  
 2050 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*  
 2051 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety  
 2052 Persian, Tahiti, Bearss, or Florida Key limes); and any other  
 2053 nonexempt agricultural products produced in the state, except  
 2054 tobacco, sugarcane, tropical foliage, timber and timber  
 2055 byproducts, forest products as defined in s. 591.17, and citrus  
 2056 other than limes.

2057 (11) "Responsible position" means a position within the  
 2058 business of a dealer in agricultural products that has the  
 2059 authority to negotiate or make the purchase of agricultural  
 2060 products on behalf of the dealer's business or has principal  
 2061 active management authority over the business decisions,  
 2062 actions, and activities of the dealer's business in this state.

2063 Section 62. Section 604.19, Florida Statutes, is amended  
 2064 to read:

2065 604.19 License; fee; bond; certificate of deposit;  
 2066 penalty.--Unless the department refuses the application on one  
 2067 or more of the grounds provided in this section, it shall issue

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2068 | to an applicant, upon the payment of required fees and the  
 2069 | execution and delivery of a bond or certificate of deposit as  
 2070 | provided in this section, a state license entitling the  
 2071 | applicant to conduct business as a dealer in agricultural  
 2072 | products for a 1-year period to coincide with the effective  
 2073 | period of the bond or certificate of deposit furnished by the  
 2074 | applicant. During the 1-year period covered by a license, if the  
 2075 | supporting surety bond or certificate of deposit is canceled for  
 2076 | any reason, the license shall automatically expire on the date  
 2077 | the surety bond or certificate of deposit terminates, unless an  
 2078 | acceptable replacement is in effect before the date of  
 2079 | termination so that continual coverage occurs for the remaining  
 2080 | period of the license. A surety company shall give the  
 2081 | department a 30-day written notice of cancellation by certified  
 2082 | mail in order to cancel a bond. Cancellation of a bond or  
 2083 | certificate of deposit does ~~shall~~ not relieve a surety company  
 2084 | or financial institution of liability for purchases or sales  
 2085 | occurring while the bond or certificate of deposit was in  
 2086 | effect. The license fee, which must be paid for the principal  
 2087 | place of business for a dealer in agricultural products, shall  
 2088 | be based upon the amount of the dealer's surety bond or  
 2089 | certificate of deposit furnished by each dealer under the  
 2090 | provisions of s. 604.20 and may not exceed \$500. For each  
 2091 | additional place in which the applicant desires to conduct  
 2092 | business and which the applicant names in the application, the  
 2093 | additional license fee must be paid but may not exceed \$100  
 2094 | annually. If a ~~Should any~~ dealer in agricultural products fails,  
 2095 | refuses, or neglects ~~fail, refuse, or neglect~~ to apply and

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2096 | qualify for the renewal of a license on or before its ~~the date~~  
 2097 | ~~of expiration~~ date thereof, a penalty not to exceed \$100 shall  
 2098 | apply to and be added to the ~~original~~ license fee for the  
 2099 | principal place of business and to the license fee for each  
 2100 | additional place of business named in the application and shall  
 2101 | be paid by the applicant before the renewal license may be  
 2102 | issued. The department by rule shall prescribe fee amounts  
 2103 | sufficient to fund ss. 604.15-604.34.

2104 |       Section 63. Subsections (1) and (4) of section 604.20,  
 2105 | Florida Statutes, are amended to read:

2106 |       604.20 Bond or certificate of deposit prerequisite;  
 2107 | amount; form.--

2108 |       (1) Before any license is issued, the applicant therefor  
 2109 | shall make and deliver to the department a surety bond or  
 2110 | certificate of deposit in the amount of at least \$5,000 or in  
 2111 | such greater amount as the department may determine. No bond or  
 2112 | certificate of deposit may be in an amount less than \$5,000. The  
 2113 | penal sum of the bond or certificate of deposit to be furnished  
 2114 | to the department by an applicant for license as a dealer in  
 2115 | agricultural products shall be in an amount equal to twice the  
 2116 | average of the monthly dollar amounts ~~amount~~ of agricultural  
 2117 | products handled for a Florida producer or a producer's agent or  
 2118 | representative, by purchase or otherwise, ~~during the month of~~  
 2119 | ~~maximum transaction in such products~~ during the preceding 12-  
 2120 | month period. Only those months in which the applicant handled,  
 2121 | by purchase or otherwise, amounts equal to or greater than  
 2122 | \$1,000 shall be used to calculate the penal sum of the required  
 2123 | bond or certificate of deposit. An applicant for license who has

2124 not handled agricultural products for a Florida producer or a  
 2125 producer's agent or representative, by purchase or otherwise,  
 2126 during the preceding 12-month period shall furnish a bond or  
 2127 certificate of deposit in an amount equal to twice the estimated  
 2128 average of the monthly dollar amounts ~~amount~~ of such  
 2129 agricultural products to be handled, by purchase or otherwise,  
 2130 ~~during the month of maximum transaction~~ during the next  
 2131 immediate 12 months. Only those months in which the applicant  
 2132 anticipates handling, by purchase or otherwise, amounts equal to  
 2133 or greater than \$1,000 shall be used to calculate the penal sum  
 2134 of the required bond or certificate of deposit. Such bond or  
 2135 certificate of deposit shall be provided or assigned in the  
 2136 exact name in which the dealer will conduct business subject to  
 2137 the provisions of ss. 604.15-604.34. Such bond must be executed  
 2138 by a surety company authorized to transact business in the  
 2139 state. For the purposes of ss. 604.19-604.21, the term  
 2140 "certificate of deposit" means a certificate of deposit at any  
 2141 recognized financial institution doing business in the United  
 2142 States. No certificate of deposit may be accepted in connection  
 2143 with an application for a dealer's license unless the issuing  
 2144 institution is properly insured by either the Federal Deposit  
 2145 Insurance Corporation or the Federal Savings and Loan Insurance  
 2146 Corporation. Such bond or any certificate of deposit assignment  
 2147 or agreement shall be upon a form prescribed or approved by the  
 2148 department and shall be conditioned to secure the faithful  
 2149 accounting for and payment, in the manner prescribed by s.  
 2150 604.21(9), to producers or their agents or representatives of  
 2151 the proceeds of all agricultural products handled or purchased

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2152 by such dealer, ~~and~~ to secure payment to dealers who sell  
2153 agricultural products to such dealer, and to pay any claims or  
2154 costs ordered under s. 604.21 as the result of a complaint. Such  
2155 bond or certificate of deposit assignment or agreement shall  
2156 include terms binding the instrument to the Commissioner of  
2157 Agriculture. A certificate of deposit shall be presented with an  
2158 assignment of applicant's rights in the certificate in favor of  
2159 the Commissioner of Agriculture on a form prescribed by the  
2160 department and with a letter from the issuing institution  
2161 acknowledging that the assignment has been properly recorded on  
2162 the books of the issuing institution and will be honored by the  
2163 issuing institution. Such assignment shall be irrevocable while  
2164 the dealer's license is in effect and for an additional period  
2165 of 6 months after the termination or expiration of the dealer's  
2166 license, provided no complaint is pending against the licensee.  
2167 If a complaint is pending, the assignment shall remain in effect  
2168 until all actions on the complaint have been finalized. The  
2169 certificate of deposit may be released by the assignee of the  
2170 financial institution to the licensee or the licensee's  
2171 successors, assignee, or heirs if no claims are pending against  
2172 the licensee before the department at the conclusion of 6 months  
2173 after the last effective date of the license. No certificate of  
2174 deposit shall be accepted that contains any provision that would  
2175 give the issuing institution any prior rights or claim on the  
2176 proceeds or principal of such certificate of deposit. The  
2177 department shall determine by rule the maximum amount of bond or  
2178 certificate of deposit required of a dealer and whether an  
2179 annual bond or certificate of deposit will be required.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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2180 (4) The department may issue a conditional license to an  
2181 applicant who is unable to provide a single bond or certificate  
2182 of deposit in the full amount required by the calculation in  
2183 subsection (1). The conditional license shall remain in effect  
2184 for a 1-year period to coincide with the effective period of the  
2185 bond or certificate of deposit furnished by the applicant. The  
2186 applicant must provide at least the minimum \$5,000 bond or  
2187 certificate of deposit as provided in subsection (1) together  
2188 with documentation from each of three separate bonding companies  
2189 denying the applicants request for a surety bond in the full  
2190 amount required in subsection (1) and one of the following:

2191 (a) A notarized affidavit limiting the handling of  
2192 agricultural products, by purchase or otherwise, during their  
2193 largest month to a minimum of one-half the amount of the bond or  
2194 certificate of deposit provided by the applicant;

2195 (b) A notarized affidavit stating that any subject  
2196 agricultural products, handled by purchase or otherwise,  
2197 exceeding one-half of the amount of the bond or certificate of  
2198 deposit will be handled under the exemption provisions set forth  
2199 in s. 604.16(2); or

2200 (c) A second bond or certificate of deposit in such an  
2201 amount that, when the penal sum of the second bond or  
2202 certificate of deposit is added to the penal sum of the first  
2203 bond or certificate of deposit, the combined penal sum will  
2204 equal twice the dollar amount of agricultural products handled  
2205 for a Florida producer or a producer's agent or representative,  
2206 by purchase or otherwise, during the month of maximum  
2207 transaction in such products during the preceding 12-month



2208 period.

2209

2210 The department or its agents may require from any licensee who  
 2211 is issued a conditional license verified statements of the  
 2212 volume of the licensee's business or may review the licensee's  
 2213 records at the licensee's place of business during normal  
 2214 business hours to determine the licensee's adherence to the  
 2215 conditions of the license. The failure of a licensee to furnish  
 2216 such statement or to make such records available shall be cause  
 2217 for suspension of the licensee's conditional license. If the  
 2218 department finds such failure to be willful, the conditional  
 2219 license may be revoked.

2220 Section 64. Section 604.25, Florida Statutes, is amended  
 2221 to read:

2222 604.25 Denial of, refusal to renew ~~grant,~~ or suspension or  
 2223 revocation of, license.--

2224 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~  
 2225 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~  
 2226 ~~granted~~ if the applicant or licensee has:

2227 (1)(a) Suffered a monetary judgment entered against the  
 2228 applicant or licensee ~~upon which is execution has been returned~~  
 2229 unsatisfied;

2230 (2)(b) Made false charges for handling or services  
 2231 rendered;

2232 (3)(e) Failed to account promptly and properly or to make  
 2233 settlements with any producer;

2234 (4)(d) Made any false statement or statements as to  
 2235 condition, quality, or quantity of goods received or held for

2236 sale when the true condition, quality, or quantity could have  
 2237 been ascertained by reasonable inspection;

2238 ~~(5)(e)~~ Made any false or misleading statement or  
 2239 statements as to market conditions or service rendered;

2240 ~~(6)(f)~~ Been guilty of a fraud in the attempt to procure,  
 2241 or the procurement of, a license;

2242 ~~(7)(g)~~ Directly or indirectly sold agricultural products  
 2243 received on consignment or on a net return basis for her or his  
 2244 own account, without prior authority from the producer  
 2245 consigning the same, or without notifying such producer;

2246 ~~(8)(h)~~ Failed to prevent a person from holding a position  
 2247 as the applicant's or licensee's owner, officer, director,  
 2248 general or managing partner, or employee ~~Employed~~ in a  
 2249 responsible position ~~a person~~, or holding any other similarly  
 2250 situated position, if the person holds or has held a similar  
 2251 position with any entity that an officer of a corporation, who  
 2252 has failed to fully comply with an order of the department, has  
 2253 not satisfied a civil judgment held by the department, has  
 2254 pending any administrative or civil enforcement action by the  
 2255 department, or has pending any criminal charges pursuant to s.  
 2256 604.30 at any time within 1 year after issuance;

2257 ~~(9)(i)~~ Violated any statute or rule relating to the  
 2258 purchase or sale of any agricultural product, whether or not  
 2259 such transaction is subject to the provisions of this chapter;  
 2260 ~~or~~

2261 ~~(10)(j)~~ Failed to submit to the department an application,  
 2262 appropriate license fees, and an acceptable surety bond or  
 2263 certificate of deposit; or

2264        ~~(11)(2) Failed~~ If a licensee fails or refused ~~refuses~~ to  
 2265 comply ~~in full~~ with an order of the department or failed to  
 2266 satisfy a civil judgment owed to the department, ~~her or his~~  
 2267 ~~license may be suspended or revoked, in which case she or he~~  
 2268 ~~shall not be eligible for license for a period of 1 year or~~  
 2269 ~~until she or he has fully complied with the order of the~~  
 2270 ~~department.~~

2271        ~~(3) No person, or officer of a corporation, whose license~~  
 2272 ~~has been suspended or revoked for failure to comply with an~~  
 2273 ~~order of the department may hold a responsible position with a~~  
 2274 ~~licensee for a period of 1 year or until the order of the~~  
 2275 ~~department has been fully complied with.~~

2276        Section 65. Subsections (18) and (19) of section 616.242,  
 2277 Florida Statutes, are renumbered as subsections (19) and (20),  
 2278 respectively, and a new subsection (18) is added to that section  
 2279 to read:

2280        616.242 Safety standards for amusement rides.--

2281        (18) STOP-OPERATION ORDERS.--If an owner or amusement ride  
 2282 fails to comply with this chapter or any rule adopted under this  
 2283 chapter, the department may issue a stop-operation order.

2284        Section 66. Paragraph (c) of subsection (5) of section  
 2285 790.06, Florida Statutes, is amended to read:

2286        790.06 License to carry concealed weapon or firearm.--

2287        (5) The applicant shall submit to the Department of  
 2288 Agriculture and Consumer Services:

2289        (c) A full set of fingerprints of the applicant  
 2290 administered by a law enforcement agency or the Division of  
 2291 Licensing of the Department of Agriculture and Consumer

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2292 | Services.

2293 |       Section 67. Sections 570.071 and 570.901, Florida

2294 | Statutes, are repealed.

2295 |       Section 68. This act shall take effect July 1, 2009.