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Proposed Committee Substitute by the Committee on Agriculture

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 482.021, F.S.; revising terminology to modify requirements for supervision provided by certified operators in charge of pest control businesses; amending s. 482.051, F.S.; requiring pest control licensees to perform inspections before issuing certain contracts; amending s. 482.071, F.S.; increasing the financial responsibility requirements for pest control licensees; creating s. 482.072, F.S.; requiring pest control service center licenses; providing license application requirements and procedures; providing for expiration and renewal of licenses; establishing license fees; exempting pest control service center employees from identification card requirements except under certain circumstances; requiring recordkeeping and monitoring of service center operations; authorizing disciplinary action against pest control licensees for violations committed by service center employees; amending s. 482.152, F.S.; revising duties and supervisory requirements of certified operators in charge of pest control businesses; creating s. 482.157, F.S.; providing for pest control certification of commercial wildlife management personnel; providing application procedures and requirements; requiring a certification examination; establishing certification fees; amending s. 482.163,



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



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



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87 requiring the department to accept certain methods of
88 payment for certain fees; amending s. 493.6406, F.S.;
89 requiring recovery agent school and instructor
90 licenses; providing license application requirements
91 and procedures; amending s. 500.03, F.S.; revising the
92 term "food establishment" to include tomato repackers
93 for purposes of the Florida Food Safety Act; amending
94 s. 500.121, F.S.; permitting fines not exceeding
95 \$5,000 per violation of certain food safety laws;
96 creating s. 500.70, F.S.; defining terms; requiring
97 minimum food safety standards for producing,
98 harvesting, packing, and repacking tomatoes;
99 authorizing the department to inspect tomato farms,
100 greenhouses, and packinghouses or repackers; providing
101 penalties; authorizing the department to adopt best
102 management practices for the tomato industry by rule;
103 providing a presumption that tomatoes introduced into
104 commerce are safe for human consumption under certain
105 circumstances; authorizing the department to adopt
106 rules; amending ss. 501.605 and 501.607, F.S.;
107 revising application requirements for commercial
108 telephone seller and salesperson licenses; amending s.
109 501.913, F.S.; specifying the sample size required for
110 antifreeze registration application; amending s.
111 525.01, F.S.; revising requirements for petroleum fuel
112 affidavits; amending s. 525.09, F.S.; imposing an
113 inspection fee on certain alternative fuels containing
114 alcohol; amending s. 526.50, F.S.; defining terms
115 applicable to regulation of the sale of brake fluid;



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116 amending s. 526.51, F.S.; revising brake fluid permit
117 application requirements; deleting permit renewal
118 requirements; providing for reregistration of brake
119 fluid and establishing fees; amending s. 526.52, F.S.;
120 revising requirements for printed statements on brake
121 fluid containers; amending s. 526.53, F.S.; revising
122 requirements and procedures for brake fluid stop-sale
123 orders; authorizing businesses to dispose of
124 unregistered brake fluid under certain circumstances;
125 amending s. 527.02, F.S.; increasing fees for
126 liquefied petroleum gas licenses; revising fees for
127 pipeline system operators; amending s. 527.0201, F.S.;
128 revising requirements for liquefied petroleum gas
129 qualifying examinations; increasing examination fees;
130 increasing continuing education requirements for
131 certain liquefied petroleum gas qualifiers; amending
132 s. 527.021, F.S.; requiring the annual inspection of
133 liquefied petroleum gas transport vehicles; increasing
134 the inspection fee; amending s. 527.12, F.S.;
135 providing for the issuance of certain stop orders;
136 amending ss. 559.805 and 559.928, F.S.; deleting
137 requirements that lists of independent agents of
138 sellers of business opportunities and the agents'
139 registration affidavits include the agents' social
140 security numbers; amending s. 570.07, F.S.;
141 authorizing the department to adopt best management
142 practices for agricultural production and food safety;
143 amending s. 570.0725, F.S.; revising provisions for
144 public information about food banks and similar food



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145 recovery programs; authorizing the department to adopt
146 rules; amending s. 570.48, F.S.; revising duties of
147 the Division of Fruit and Vegetables for tomato food
148 safety inspections; amending ss. 570.53 and 570.54,
149 F.S.; conforming cross-references; amending s. 570.55,
150 F.S.; revising requirements for identifying sellers or
151 handlers of tropical or subtropical fruit or
152 vegetables; amending s. 570.902, F.S.; conforming
153 terminology to the repeal by the act of provisions
154 establishing the Florida Agricultural Museum; amending
155 s. 570.903, F.S.; revising provisions for direct-
156 support organizations for certain agricultural
157 programs to conform to the repeal by the act of
158 provisions establishing the Florida Agricultural
159 Museum; deleting provisions for a direct-support
160 organization for the Florida State Collection of
161 Arthropods; amending s. 581.011, F.S.; deleting
162 terminology relating to the Florida State Collection
163 of Arthropods; revising the term "nursery" for
164 purposes of plant industry regulations; amending s.
165 581.031, F.S.; increasing citrus source tree
166 registration fees; amending s. 581.131, F.S.;
167 increasing registration fees for a nurseryman, stock
168 dealer, agent, or plant broker certificate; amending
169 s. 581.211, F.S.; increasing the maximum fine for
170 violations of plant industry regulations; amending s.
171 583.13, F.S.; deleting a prohibition on the sale of
172 poultry without displaying the poultry grade; amending
173 s. 590.125, F.S.; revising terminology for open



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



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203 certificate of deposit required for agricultural
204 products dealer licenses; providing conditions for the
205 payment of bond or certificate of deposit proceeds;
206 requiring additional documentation for issuance of a
207 conditional license; amending s. 604.25, F.S.;
208 authorizing the department to deny licenses to certain
209 applicants; deleting a provision prohibiting certain
210 persons from holding a responsible position with a
211 licensee; amending s. 616.242, F.S.; authorizing the
212 issuance of stop-operation orders for amusement rides
213 under certain circumstances; amending s. 790.06, F.S.;
214 authorizing a concealed firearm license applicant to
215 submit fingerprints administered by the Division of
216 Licensing; repealing ss. 570.071 and 570.901, F.S.,
217 relating to the Florida Agricultural Exposition and
218 the Florida Agricultural Museum; providing an
219 effective date.

220

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

222

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

225 482.021 Definitions.—For the purposes of this chapter, and
226 unless otherwise required by the context, the term:

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

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

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

231 (c) Whose principal duty is the ~~personal~~ supervision of the



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232 licensee's operation in a category or categories of pest control
233 in which the operator is certified.

234 (7) "Employee" means a person who is employed by a licensee
235 that provides that person with necessary training, supervision,
236 pesticides, equipment, and insurance and who receives
237 compensation from and is under the ~~personal~~ supervision ~~and~~
238 ~~direct control~~ of the licensee's certified operator in charge
239 and from whose compensation the licensee regularly deducts and
240 matches federal insurance contributions and federal income and
241 Social Security taxes.

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

244 482.051 Rules.—The department has authority to adopt rules
245 pursuant to ss. 120.536(1) and 120.54 to implement the
246 provisions of this chapter. Prior to proposing the adoption of a
247 rule, the department shall counsel with members of the pest
248 control industry concerning the proposed rule. The department
249 shall adopt rules for the protection of the health, safety, and
250 welfare of pest control employees and the general public which
251 require:

252 (3) That written contracts be required for providing
253 termites and other wood-destroying organisms pest control, that
254 provisions necessary to assure consumer protection as specified
255 by the department be included in such contracts, that licensees
256 perform an inspection before issuing a contract on an existing
257 structure, and that ~~require~~ licensees ~~to~~ comply with the
258 contracts issued.

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



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261 482.071 Licenses.-

262 (4) A licensee may not operate a pest control business
263 without carrying the required insurance coverage. Each person
264 making application for a pest control business license or
265 renewal thereof must furnish to the department a certificate of
266 insurance that meets the requirements for minimum financial
267 responsibility for bodily injury and property damage consisting
268 of:

269 (a) Bodily injury: \$250,000 ~~\$100,000~~ each person and
270 \$500,000 ~~\$300,000~~ each occurrence; and property damage: \$250,000
271 ~~\$50,000~~ each occurrence and \$500,000 ~~\$100,000~~ in the aggregate;
272 or

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

275 Section 4. Section 482.072, Florida Statutes, is created to
276 read:

277 482.072 Pest control service centers.-

278 (1) The department may issue a license to a qualified
279 business to operate a pest control service center, to solicit
280 pest control business, or to provide services to customers for
281 one or more business locations licensed under s. 482.071. A
282 person may not operate a centralized service center for a pest
283 control business that is not licensed by the department.

284 (2) (a) Before operating a pest control service center, and
285 annually thereafter, on or before an anniversary date set by the
286 department for the licensed pest control service center
287 location, the pest control business must apply to the department
288 for a license under this chapter, or a renewal thereof, for each
289 pest control service center location. An application must be



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290 submitted in the format prescribed by the department.

291 (b) The department shall establish a fee for the issuance
292 of a pest control service center license of at least \$500, but
293 not more than \$1,000, and a fee for the renewal of a license of
294 at least \$250, but not more than \$500; however, until rules
295 setting the fees are adopted by the department, the initial
296 license and renewal fees are each set at \$500. The department
297 shall establish a grace period, not to exceed 30 calendar days
298 after a license's anniversary renewal date. The department shall
299 assess a late renewal fee of \$150, in addition to the renewal
300 fee, to a business that renews its license after the grace
301 period.

302 (c) A license automatically expires 60 calendar days after
303 the anniversary renewal date unless the license is renewed
304 before that date. Once a license expires, it may be reinstated
305 only upon reapplication and payment of the license fee and late
306 renewal fee.

307 (d) A license automatically expires when a licensee changes
308 its pest control service center business location address. The
309 department shall issue a new license upon payment of a \$250 fee.
310 The new license automatically expires 60 calendar days after the
311 anniversary renewal date of the former license unless the
312 license is renewed before that date.

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

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



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319 department finds that the applicant or licensee, or any of its
320 directors, officers, owners, or general partners, are or were
321 directors, officers, owners, or general partners of a pest
322 control business described in s. 482.071(2)(g) or violated a
323 rule adopted under s. 482.071(2)(f).

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

329 (3)(a) The department shall adopt rules establishing
330 requirements and procedures for recordkeeping and monitoring of
331 pest control service center operations to ensure compliance with
332 this chapter and rules adopted under this chapter.

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

336 1. A pest control service center licensee may be subject to
337 disciplinary action under s. 482.161 for a violation of this
338 chapter or a rule adopted under this chapter committed by an
339 employee of the service center.

340 2. A pest control business licensee may be subject to
341 disciplinary action under s. 482.161 for a violation committed
342 by an employee of the service center if the business licensee
343 benefits from the violation.

344 Section 5. Section 482.152, Florida Statutes, is amended to
345 read:

346 482.152 Duties of certified operator in charge of pest
347 control activities of licensee.—A certified operator in charge



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348 of the pest control activities of a licensee shall have her or
349 his primary occupation with the licensee and shall be a full-
350 time employee of the licensee. ~~The, and her or his principal~~
351 duties of the certified operator in charge ~~duty~~ shall include:

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

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

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

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

364 (2)-(1) The Selection of proper and correct chemicals for
365 the particular pest control work performed.

366 (3)-(2) The Safe and proper use of the pesticides used.

367 (4)-(3) The Correct concentration and formulation of
368 pesticides used in all pest control work performed.

369 (5)-(4) The Training of personnel in the proper and
370 acceptable methods of pest control.

371 (6)-(5) The Control measures and procedures used.

372 (7)-(6) The Notification of the department of any accidental
373 human poisoning or death connected with pest control work
374 performed on a job she or he is supervising, within 24 hours
375 after she or he has knowledge of the poisoning or death.

376 Section 6. Section 482.157, Florida Statutes, is created to



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377 read:

378 482.157 Limited certification for commercial wildlife
379 management personnel.-

380 (1) The department shall establish a limited certification
381 category for individual commercial wildlife management personnel
382 which authorizes the personnel to use nonchemical methods for
383 controlling pest birds or rodents, including, but not limited
384 to, the use of traps, glue boards, mechanical or electronic
385 devices, or exclusionary techniques.

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

399 (3) An application for recertification under this section
400 must be submitted annually and be accompanied by a
401 recertification fee set by rule of the department of at least
402 \$75 but not to exceed \$150. The application must also be
403 accompanied by proof that:

404 (a) The applicant completed 4 classroom hours of acceptable
405 continuing education.



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

409 (4) The department shall establish a grace period, not to
410 exceed 30 calendar days after an annual date established by the
411 department on which recertification is due. The department shall
412 assess a late charge of \$50, in addition to the recertification
413 fee, to commercial wildlife management personnel who are
414 recertified after the grace period.

415 (5) A limited certification automatically expires 180
416 calendar days after the annual date on which recertification is
417 due unless the commercial wildlife personnel are recertified
418 before the certification expires. Once a certification expires,
419 certification may be issued only upon successful reexamination
420 and payment of the examination fees.

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

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

425 (b) Operation of a pest control business.

426 (c) Supervision of a certified person.

427 Section 7. Section 482.163, Florida Statutes, is amended to
428 read:

429 482.163 Responsibility for pest control activities of
430 employee.—Proper performance of pest control activities by a
431 pest control business employee is the responsibility not only of
432 the employee but also of the licensee and the certified operator
433 in charge, and the licensee and certified operator in charge may
434 be subject to disciplinary action under ~~disciplined pursuant to~~



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435 ~~the provisions of s. 482.161 for the pest control activities of~~
436 ~~an employee unless the employee acts outside of the course and~~
437 ~~scope of his or her employment or the employee disobeys employer~~
438 ~~policies that the licensee and certified operator in charge~~
439 ~~regularly and consistently enforce. The department will notify~~
440 ~~the licensee and certified operator in charge so that corrective~~
441 ~~action can be taken when an administrative action is initiated~~
442 ~~against an employee of the licensee as a result of an inspection~~
443 ~~or investigation. A licensee may not automatically be considered~~
444 ~~responsible for violations made by an employee. However, the~~
445 ~~licensee may not knowingly encourage, aid, or abet violations of~~
446 ~~this chapter.~~

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

449 482.226 Wood-destroying organism inspection report; notice
450 of inspection or treatment; financial responsibility.-

451 (6) Any licensee that performs wood-destroying organism
452 inspections in accordance with subsection (1) must meet minimum
453 financial responsibility in the form of errors and omissions
454 (professional liability) insurance coverage or bond in an amount
455 no less than \$250,000 ~~\$50,000~~ in the aggregate ~~and \$25,000 per~~
456 ~~occurrence~~, or demonstrate that the licensee has equity or net
457 worth of no less than \$500,000 ~~\$100,000~~ as determined by
458 generally accepted accounting principles substantiated by a
459 certified public accountant's review or certified audit. The
460 licensee must show proof of meeting this requirement at the time
461 of license application or renewal thereof.

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



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464 493.6102 Inapplicability of this chapter.—This chapter
465 shall not apply to:

466 (1) Any individual who is an "officer" as defined in s.
467 943.10(14), ~~or is~~ a law enforcement officer of the United States
468 Government, while the ~~such~~ local, state, or federal officer is
469 engaged in her or his official duties or, if approved by the
470 officer's supervisors, when performing off-duty activities as a
471 security officer ~~activities approved by her or his superiors.~~

472 Section 10. Present subsections (5) through (9) of section
473 493.6105, Florida Statutes, are renumbered as subsections (4)
474 through (8), respectively, and subsections (2), (3), (4), (6),
475 and (7) of that section are amended, to read:

476 493.6105 Initial application for license.—

477 (2) Each application shall be signed and verified by the
478 individual under oath as provided in s. 92.525 ~~and shall be~~
479 ~~notarized.~~

480 (3) The application shall contain the following information
481 concerning the individual signing same:

482 (a) Name and any aliases.

483 (b) Age and date of birth.

484 (c) Place of birth.

485 (d) Social security number or alien registration number,
486 whichever is applicable.

487 (e) Present residence address ~~and his or her residence~~
488 ~~addresses within the 5 years immediately preceding the~~
489 ~~submission of the application.~~

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

492 ~~(f)(g)~~ A statement of all criminal convictions, findings of



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493 guilt, and pleas of guilty or nolo contendere, regardless of
494 adjudication of guilt.

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

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

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

501 (j) A full set of fingerprints on a card provided by the
502 department and a fingerprint fee to be established by rule of
503 the department based upon costs determined by state and federal
504 agency charges and department processing costs. An applicant who
505 has, within the immediately preceding 6 months, submitted a
506 fingerprint card and fee for licensing purposes under this
507 chapter shall not be required to submit another fingerprint card
508 or fee.

509 (k) A personal inquiry waiver which allows the department
510 to conduct necessary investigations to satisfy the requirements
511 of this chapter.

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

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



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522 ~~submit one photograph taken within the 6 months immediately~~
523 ~~preceding the submission of the application.~~

524 ~~(4)~~(6) In addition to the requirements outlined in
525 subsection (3), an applicant for a Class "G" license shall
526 satisfy minimum training criteria for firearms established by
527 rule of the department, which training criteria shall include,
528 but is not limited to, 28 hours of range and classroom training
529 taught and administered by a Class "K" licensee; however, no
530 more than 8 hours of such training shall consist of range
531 training. If the applicant can show proof that he or she is an
532 active law enforcement officer currently certified under the
533 Criminal Justice Standards and Training Commission or has
534 completed the training required for that certification within
535 the last 12 months, or if the applicant submits one of the
536 certificates specified in paragraph ~~(6)~~(7)(a), the department
537 may waive the foregoing firearms training requirement.

538 ~~(5)~~(7) In addition to the requirements under subsection
539 (3), an applicant for a Class "K" license shall:

540 (a) Submit one of the following certificates:

541 1. The Florida Criminal Justice Standards and Training
542 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
543 the commission that the applicant is authorized to provide
544 firearms instruction.

545 2. The National Rifle Association Law Enforcement Police
546 Firearms Instructor's Certificate.

547 ~~3. The National Rifle Association Security Firearms~~
548 ~~Instructor's Certificate.~~

549 ~~3.4.~~ A firearms instructor's training certificate issued by
550 any branch of the United States Armed Forces, from a federal law



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551 ~~enforcement academy or agency, state, county, or municipal~~
552 ~~police~~ academy in this state recognized as such by the Criminal
553 Justice Standards and Training Commission ~~or by the Department~~
554 ~~of Education.~~

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

559 Section 11. Paragraph (f) of subsection (1) and paragraph
560 (a) of subsection (2) of section 493.6106, Florida Statutes, are
561 amended, and paragraph (g) is added to subsection (1) of that
562 section, to read:

563 493.6106 License requirements; posting.—

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

565 (f) Be a citizen or permanent legal resident alien of the
566 United States or have appropriate ~~been granted~~ authorization
567 issued to seek employment in this country by the United States
568 ~~Bureau of~~ Citizenship and Immigration Services (USCIS) of the
569 United States Department of Homeland Security.

570 1. An applicant for a Class "C," Class "CC," Class "D,"
571 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
572 "MB," Class "MR," or Class "RI" license who is not a United
573 States citizen must submit proof of current employment
574 authorization issued by the United States Citizenship and
575 Immigration Services or proof that she or he is deemed a
576 permanent legal resident alien by the USCIS.

577 2. An applicant for a Class "G" or Class "K" license who is
578 not a United States citizen must submit proof that she or he is
579 deemed a permanent legal resident alien by the United States



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580 Citizenship and Immigration Services, along with additional
581 documentation establishing that she or he has resided in the
582 state of residence shown on the application for at least 90
583 consecutive days before the date that the application is
584 submitted.

585 3. An applicant for an agency or school license who is not
586 a United States citizen or permanent legal resident alien must
587 submit documentation issued by the United States Citizenship and
588 Immigration Services stating that she or he is lawfully in the
589 United States and is authorized to own and operate the type of
590 agency or school for which she or he is applying. An employment
591 authorization card issued by the United States Citizenship and
592 Immigration Services is not sufficient documentation.

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

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

600 (a) If an agency or branch office desires to change the
601 physical location of the business, as it appears on the agency
602 license, the department must be notified within 10 days of the
603 change, and, except upon renewal, the fee prescribed in s.
604 493.6107 must be submitted for each license requiring revision.
605 Each license requiring revision must be returned with such
606 notification.

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



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609 493.6107 Fees.—

610 (3) The fees set forth in this section must be paid by
611 ~~certified check or money order or, at the discretion of the~~
612 ~~department, by agency check~~ at the time the application is
613 approved, except that the applicant for a Class "G" or Class "M"
614 license must pay the license fee at the time the application is
615 made. If a license is revoked or denied or if the application is
616 withdrawn, the license fee shall not be refunded.

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

619 493.6108 Investigation of applicants by Department of
620 Agriculture and Consumer Services.—

621 (1) Except as otherwise provided, prior to the issuance of
622 a license under this chapter, the department shall make an
623 investigation of the applicant for a license. The investigation
624 shall include:

625 (a)1. An examination of fingerprint records and police
626 records. When a criminal history analysis of any applicant under
627 this chapter is performed by means of fingerprint card
628 identification, the time limitations prescribed by s. 120.60(1)
629 shall be tolled during the time the applicant's fingerprint card
630 is under review by the Department of Law Enforcement or the
631 United States Department of Justice, Federal Bureau of
632 Investigation.

633 2. If a legible set of fingerprints, as determined by the
634 Department of Law Enforcement or the Federal Bureau of
635 Investigation, cannot be obtained after two attempts, the
636 Department of Agriculture and Consumer Services may determine
637 the applicant's eligibility based upon a criminal history record



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638 check under the applicant's name conducted by the Department of
639 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
640 ~~A set of fingerprints~~ are taken by a law enforcement agency or
641 the department and the applicant submits a written statement
642 signed by the fingerprint technician or a licensed physician
643 stating that there is a physical condition that precludes
644 obtaining a legible set of fingerprints or that the fingerprints
645 taken are the best that can be obtained ~~is sufficient to meet~~
646 ~~this requirement.~~

647 (3) The department shall also investigate the mental
648 history and current mental and emotional fitness of any Class
649 "G" or Class "K" applicant, and may deny a Class "G" or Class
650 "K" license to anyone who has a history of mental illness or
651 drug or alcohol abuse.

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

654 493.6111 License; contents; identification card.-

655 (4) Notwithstanding the existence of a valid Florida
656 corporate registration, an ~~no~~ agency or school licensee may not
657 conduct activities regulated under this chapter under any
658 fictitious name without prior written authorization from the
659 department to use that name in the conduct of activities
660 regulated under this chapter. The department may not authorize
661 the use of a name which is so similar to that of a public
662 officer or agency, or of that used by another licensee, that the
663 public may be confused or misled thereby. The authorization for
664 the use of a fictitious name shall require, as a condition
665 precedent to the use of such name, the filing of a certificate
666 of engaging in business under a fictitious name under s. 865.09.



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667 ~~A No~~ licensee may not ~~shall be permitted to~~ conduct business
668 under more than one fictitious name except as separately
669 licensed nor shall the license be valid to protect any licensee
670 who is engaged in ~~the~~ business under any name other than that
671 specified in the license. An agency desiring to change its
672 licensed name shall notify the department and, except upon
673 renewal, pay a fee not to exceed \$30 for each license requiring
674 revision including those of all licensed employees except Class
675 "D" or Class "G" licensees. Upon the return of such licenses to
676 the department, revised licenses shall be provided.

677 Section 15. Subsection (2) and paragraph (a) of subsection
678 (3) of section 493.6113, Florida Statutes, are amended to read:
679 493.6113 Renewal application for licensure.-

680 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
681 expiration date of the license, the department shall mail a
682 written notice to the last known mailing ~~residence~~ address of
683 the licensee for individual licensees and to the last known
684 agency address for agencies.

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

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

693 Section 16. Subsection (8), paragraph (d) of subsection
694 (12), and subsection (16) of section 493.6115, Florida Statutes,
695 are amended to read:



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696 493.6115 Weapons and firearms.-

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

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

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

705 (16) If the criminal history record check program
706 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
707 department may issue a temporary "G" license on a case-by-case
708 basis, provided that the applicant has met all statutory
709 requirements for the issuance of a temporary "G" license as
710 specified in subsection (12), excepting the criminal history
711 record check stipulated there; provided, that the department
712 requires that the licensed employer of the applicant conduct a
713 criminal history record check of the applicant pursuant to
714 standards set forth in rule by the department, and provide to
715 the department an affidavit containing such information and
716 statements as required by the department, including a statement
717 that the criminal history record check did not indicate the
718 existence of any criminal history that would prohibit licensure.
719 Failure to properly conduct such a check, or knowingly providing
720 incorrect or misleading information or statements in the
721 affidavit shall constitute grounds for disciplinary action
722 against the licensed agency, including revocation of license.

723 Section 17. Present paragraph (u) of subsection (1) of
724 section 493.6118, Florida Statutes, is redesignated as paragraph



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725 (v), and a new paragraph (u) is added to that subsection, to
726 read:

727 493.6118 Grounds for disciplinary action.—

728 (1) The following constitute grounds for which disciplinary
729 action specified in subsection (2) may be taken by the
730 department against any licensee, agency, or applicant regulated
731 by this chapter, or any unlicensed person engaged in activities
732 regulated under this chapter.

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

736 ~~(v)-(u)~~ In addition to the grounds for disciplinary action
737 prescribed in paragraphs (a)-(t), Class "R" recovery agencies,
738 Class "E" recovery agents, and Class "EE" recovery agent interns
739 are prohibited from committing the following acts:

740 1. Recovering a motor vehicle, mobile home, motorboat,
741 aircraft, personal watercraft, all-terrain vehicle, farm
742 equipment, or industrial equipment that has been sold under a
743 conditional sales agreement or under the terms of a chattel
744 mortgage before authorization has been received from the legal
745 owner or mortgagee.

746 2. Charging for expenses not actually incurred in
747 connection with the recovery, transportation, storage, or
748 disposal of repossessed property or personal property obtained
749 in a repossession.

750 3. Using any repossessed property or personal property
751 obtained in a repossession for the personal benefit of a
752 licensee or an officer, director, partner, manager, or employee
753 of a licensee.



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754 4. Selling property recovered under the provisions of this
755 chapter, except with written authorization from the legal owner
756 or the mortgagee thereof.

757 5. Failing to notify the police or sheriff's department of
758 the jurisdiction in which the repossessed property is recovered
759 within 2 hours after recovery.

760 6. Failing to remit moneys collected in lieu of recovery of
761 a motor vehicle, mobile home, motorboat, aircraft, personal
762 watercraft, all-terrain vehicle, farm equipment, or industrial
763 equipment to the client within 10 working days.

764 7. Failing to deliver to the client a negotiable instrument
765 that is payable to the client, within 10 working days after
766 receipt of such instrument.

767 8. Falsifying, altering, or failing to maintain any
768 required inventory or records regarding disposal of personal
769 property contained in or on repossessed property pursuant to s.
770 493.6404(1).

771 9. Carrying any weapon or firearm when he or she is on
772 private property and performing duties under his or her license
773 whether or not he or she is licensed pursuant to s. 790.06.

774 10. Soliciting from the legal owner the recovery of
775 property subject to repossession after such property has been
776 seen or located on public or private property if the amount
777 charged or requested for such recovery is more than the amount
778 normally charged for such a recovery.

779 11. Wearing, presenting, or displaying a badge in the
780 course of performing a repossession regulated by this chapter.

781 Section 18. Present subsections (7) and (8) of section
782 493.6121, Florida Statutes, are renumbered as subsections (6)



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783 and (7), respectively, and subsection (6) of that section is
784 amended, to read:

785 493.6121 Enforcement; investigation.—

786 ~~(6) The department shall be provided access to the program~~
787 ~~that is operated by the Department of Law Enforcement, pursuant~~
788 ~~to s. 790.065, for providing criminal history record information~~
789 ~~to licensed gun dealers, manufacturers, and exporters. The~~
790 ~~department may make inquiries, and shall receive responses in~~
791 ~~the same fashion as provided under s. 790.065. The department~~
792 ~~shall be responsible for payment to the Department of Law~~
793 ~~Enforcement of the same fees as charged to others afforded~~
794 ~~access to the program.~~

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

797 493.6202 Fees.—

798 (3) The fees set forth in this section must be paid by
799 ~~certified check or money order or, at the discretion of the~~
800 ~~department, by agency check~~ at the time the application is
801 approved, except that the applicant for a Class "G," Class "C,"
802 Class "CC," Class "M," or Class "MA" license must pay the
803 license fee at the time the application is made. If a license is
804 revoked or denied or if the application is withdrawn, the
805 license fee shall not be refunded.

806 Section 20. Subsections (2), (4), and (6) of section
807 493.6203, Florida Statutes, are amended to read:

808 493.6203 License requirements.—In addition to the license
809 requirements set forth elsewhere in this chapter, each
810 individual or agency shall comply with the following additional
811 requirements:



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

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

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

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

819 (d) Experience described in paragraph (a) for 1 year and
820 experience described in paragraph (e) for 1 year;

821 (e) No more than 1 year using:

822 1. College coursework related to criminal justice,
823 criminology, or law enforcement administration; or

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

826 or

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

829

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

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

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

838 (b) College coursework related to criminal justice,
839 criminology, or law enforcement administration, or successful
840 completion of any law enforcement-related training received from



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841 any federal, state, county, or municipal agency, except that no
842 more than 1 year may be used from this category.

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

844

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

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

850 (b) Effective July 1, 2009 ~~September 1, 2008~~, before
851 submission of an application to the department, the an applicant
852 for a Class "CC" license must have completed a minimum of 40 at
853 least 24 hours of professional training a 40-hour course
854 pertaining to general investigative techniques and this chapter,
855 which course is offered by a state university or by a school,
856 community college, college, or university under the purview of
857 the Department of Education, and the applicant must pass an
858 examination. The training must be provided in two parts, one 24-
859 hour course and one 16-hour course. The certificate evidencing
860 satisfactory completion of the 40 at least 24 hours of
861 professional training a 40-hour course must be submitted with
862 the application for a Class "CC" license. ~~The remaining 16 hours~~
863 ~~must be completed and an examination passed within 180 days. If~~
864 ~~documentation of completion of the required training is not~~
865 ~~submitted within the specified timeframe, the individual's~~
866 ~~license is automatically suspended or his or her authority to~~
867 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
868 ~~until such time as proof of certificate of completion is~~
869 ~~provided to the department.~~ The training course specified in



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870 this paragraph may be provided by face-to-face presentation,
871 online technology, or a home study course in accordance with
872 rules and procedures of the Department of Education. The
873 administrator of the examination must verify the identity of
874 each applicant taking the examination.

875 1. Upon an applicant's successful completion of each part
876 of the approved training course and passage of any required
877 examination, the school, community college, college, or
878 university shall issue a certificate of completion to the
879 applicant. The certificates must be on a form established by
880 rule of the department.

881 2. The department shall establish by rule the general
882 content of the professional training course and the examination
883 criteria.

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

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



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899 licensed.

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

902 493.6302 Fees.—

903 (3) The fees set forth in this section must be paid by
904 ~~certified check or money order or, at the discretion of the~~
905 ~~department, by agency check~~ at the time the application is
906 approved, except that the applicant for a Class "D," Class "G,"
907 Class "M," or Class "MB" license must pay the license fee at the
908 time the application is made. If a license is revoked or denied
909 or if the application is withdrawn, the license fee shall not be
910 refunded.

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

913 493.6303 License requirements.—In addition to the license
914 requirements set forth elsewhere in this chapter, each
915 individual or agency shall comply with the following additional
916 requirements:

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

924 (b) An individual who submits an application for a Class
925 "D" license on or after January 1, 2007, through June 30, 2009,
926 who has not completed the 16-hour course must submit proof of
927 successful completion of the course within 180 days after the



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928 date the application is submitted. If documentation of
929 completion of the required training is not submitted by that
930 date, the individual's license is automatically suspended until
931 proof of the required training is submitted to the department.
932 This section does not require a person licensed before January
933 1, 2007, to complete additional training hours in order to renew
934 an active license beyond the required total amount of training
935 within the timeframe prescribed by law at the time he or she was
936 licensed. An applicant may fulfill the training requirement
937 prescribed in paragraph (a) by submitting proof of:

938 1. Successful completion of the total number of required
939 hours of training before initial application for a Class "D"
940 license; or

941 2. Successful completion of 24 hours of training before
942 initial application for a Class "D" license and successful
943 completion of the remaining 16 hours of training within 180 days
944 after the date that the application is submitted. If
945 documentation of completion of the required training is not
946 submitted within the specified timeframe, the individual's
947 license is automatically suspended until such time as proof of
948 the required training is provided to the department.

949 (c) An individual However, any person whose license is
950 suspended or has been revoked, suspended pursuant to paragraph
951 (b) subparagraph 2., or is expired for at least 1 year, or
952 longer is considered, upon reapplication for a license, an
953 initial applicant and must submit proof of successful completion
954 of 40 hours of professional training at a school or training
955 facility licensed by the department as provided prescribed in
956 paragraph (a) before a license is will be issued. Any person



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957 ~~whose license was issued before January 1, 2007, and whose~~
958 ~~license has been expired for less than 1 year must, upon~~
959 ~~reapplication for a license, submit documentation of completion~~
960 ~~of the total number of hours of training prescribed by law at~~
961 ~~the time her or his initial license was issued before another~~
962 ~~license will be issued. This subsection does not require an~~
963 ~~individual licensed before January 1, 2007, to complete~~
964 ~~additional training hours in order to renew an active license,~~
965 ~~beyond the required total amount of training within the~~
966 ~~timeframe prescribed by law at the time she or he was licensed.~~

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

969 493.6304 Security officer school or training facility.—

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

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

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

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

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

982 493.6401 Classes of licenses.—

983 (7) Any person who operates a recovery agent ~~repossessor~~
984 school or training facility or who conducts an Internet-based
985 training course or a correspondence training course must have a



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986 Class "RS" license.

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

990 Section 25. Paragraphs (f) and (g) of subsection (1) and
991 subsection (3) of section 493.6402, Florida Statutes, are
992 amended to read:

993 493.6402 Fees.—

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

996 (f) Class "RS" license—recovery agent ~~repossessor~~ school or
997 training facility: \$60.

998 (g) Class "RI" license—recovery agent ~~repossessor~~ school or
999 training facility instructor: \$60.

1000 (3) The fees set forth in this section must be paid by
1001 ~~certified check or money order, or, at the discretion of the~~
1002 ~~department, by agency check~~ at the time the application is
1003 approved, except that the applicant for a Class "E," Class "EE,"
1004 or Class "MR" license must pay the license fee at the time the
1005 application is made. If a license is revoked or denied, or if an
1006 application is withdrawn, the license fee shall not be refunded.

1007 Section 26. Subsections (1) and (2) of section 493.6406,
1008 Florida Statutes, are amended to read:

1009 493.6406 Recovery agent ~~Repossession services~~ school or
1010 training facility.—

1011 (1) Any school, training facility, or instructor who offers
1012 the training outlined in s. 493.6403(2) for Class "E" or Class
1013 "EE" applicants shall, before licensure of such school, training
1014 facility, or instructor, file with the department an application



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1015 accompanied by an application fee in an amount to be determined
1016 by rule, not to exceed \$60. The fee shall not be refundable.
1017 This training may be offered as face-to-face training, Internet-
1018 based training, or correspondence training.

1019 (2) The application shall be signed and verified by the
1020 applicant under oath as provided in s. 92.525 ~~notarized~~ and
1021 shall contain, at a minimum, the following information:

1022 (a) The name and address of the school or training facility
1023 and, if the applicant is an individual, his or her name,
1024 address, and social security or alien registration number.

1025 (b) The street address of the place at which the training
1026 is to be conducted or the street address of the Class "RS"
1027 school offering Internet-based or correspondence training.

1028 (c) A copy of the training curriculum and final examination
1029 to be administered.

1030 Section 27. Paragraph (n) of subsection (1) of section
1031 500.03, Florida Statutes, is amended to read:

1032 500.03 Definitions; construction; applicability.—

1033 (1) For the purpose of this chapter, the term:

1034 (n) "Food establishment" means any factory, food outlet, or
1035 any other facility manufacturing, processing, packing, holding,
1036 or preparing food⁷ or selling food at wholesale or retail. The
1037 term does not include any business or activity that is regulated
1038 under chapter 509 or chapter 601. The term includes tomato
1039 packinghouses and repackers but does not include any other
1040 establishments that pack fruits and vegetables in their raw or
1041 natural states, including those fruits or vegetables that are
1042 washed, colored, or otherwise treated in their unpeeled, natural
1043 form before they are marketed.



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1044 Section 28. Subsection (1) of section 500.121, Florida
1045 Statutes, is amended to read:

1046 500.121 Disciplinary procedures.—

1047 (1) In addition to the suspension procedures provided in s.
1048 500.12, the department may impose a fine not exceeding \$5,000
1049 per violation against any retail food store or food
1050 establishment that has violated this chapter, which fine, when
1051 imposed and paid, shall be deposited by the department into the
1052 General Inspection Trust Fund. The department may revoke or
1053 suspend the permit of any such retail food store or food
1054 establishment if it is satisfied that the retail food store or
1055 food establishment has:

1056 (a) Violated any of the provisions of this chapter.

1057 (b) Violated or aided or abetted in the violation of any
1058 law of this state governing or applicable to retail food stores
1059 or food establishments or any lawful rules of the department.

1060 (c) Knowingly committed, or been a party to, any material
1061 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
1062 or device whereby any other person, lawfully relying upon the
1063 word, representation, or conduct of a retail food store or food
1064 establishment, acts to her or his injury or damage.

1065 (d) Committed any act or conduct of the same or different
1066 character than that enumerated which constitutes fraudulent or
1067 dishonest dealing.

1068 Section 29. Section 500.70, Florida Statutes, is created to
1069 read:

1070 500.70 Tomato food safety standards; inspections;
1071 penalties; tomato good agricultural practices; tomato best
1072 management practices.—



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1073 (1) As used in this section, the term:

1074 (a) "Field packing" means the packing of tomatoes on a
1075 tomato farm or in a tomato greenhouse into containers for sale
1076 for human consumption without transporting the tomatoes to a
1077 packinghouse.

1078 (b) "Packing" or "repacking" means the packing of tomatoes
1079 into containers for sale for human consumption. The term
1080 includes the sorting or separating of tomatoes into grades and
1081 sizes. The term also includes field packing.

1082 (c) "Producing" means the planting, growing, or cultivating
1083 of tomatoes on a tomato farm or in a tomato greenhouse for sale
1084 for human consumption.

1085 (2) The department may adopt rules establishing food safety
1086 standards to safeguard the public health and promote the public
1087 welfare by protecting the consuming public from injury caused by
1088 the adulteration or the microbiological, chemical, or
1089 radiological contamination of tomatoes. The rules must be based
1090 on federal requirements, available scientific research,
1091 generally accepted industry practice, and recommendations of
1092 food safety professionals. The rules shall apply to the
1093 producing, harvesting, packing, and repacking of tomatoes for
1094 sale for human consumption by a tomato farm, tomato greenhouse,
1095 or tomato packinghouse or repacker in this state. The rules may
1096 include, but are not limited to, standards for:

1097 (a) Registration with the department of a person who
1098 produces, harvests, packs, or repacks tomatoes in this state who
1099 does not hold a food permit issued under s. 500.12.

1100 (b) Proximity of domestic animals and livestock to the
1101 production areas for tomatoes.



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1102 (c) Food safety related use of water for irrigation during
1103 production and washing of tomatoes after harvest.

1104 (d) Use of fertilizers.

1105 (e) Cleaning and sanitation of containers, materials,
1106 equipment, vehicles, and facilities, including storage and
1107 ripening areas.

1108 (f) Health, hygiene, and sanitation of employees who handle
1109 tomatoes.

1110 (g) Training and continuing education of a person who
1111 produces, harvests, packs, or repacks tomatoes in this state,
1112 and the person's employees who handle tomatoes.

1113 (h) Labeling and recordkeeping, including standards for
1114 identifying and tracing tomatoes for sale for human consumption.

1115 (3) (a) The department may inspect tomato farms, tomato
1116 greenhouses, tomato packinghouses, repacking locations, or any
1117 vehicle being used to transport or hold tomatoes to ensure
1118 compliance with the applicable provisions of this chapter, and
1119 the rules adopted under this chapter.

1120 (b) The department may impose an administrative fine not to
1121 exceed \$5,000 per violation, or issue a written notice or
1122 warning under s. 500.179, against a person who violates any
1123 applicable provision of this chapter, or any rule adopted under
1124 this chapter.

1125 (4) (a) The department may adopt rules establishing tomato
1126 good agricultural practices and tomato best management practices
1127 for the state's tomato industry based on applicable federal
1128 requirements, available scientific research, generally accepted
1129 industry practices, and recommendations of food safety
1130 professionals.



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1131 (b) A person who documents compliance with the department's
1132 rules, tomato good agricultural practices, and tomato best
1133 management practices is presumed to introduce tomatoes into the
1134 stream of commerce that are safe for human consumption, unless
1135 the department identifies noncompliance through inspections.

1136 (5) The department may adopt rules pursuant to ss.
1137 120.536(1) and 120.54 to administer this section.

1138 Section 30. Paragraph (a) of subsection (2) of section
1139 501.605, Florida Statutes, is amended to read:

1140 501.605 Licensure of commercial telephone sellers.—

1141 (2) An applicant for a license as a commercial telephone
1142 seller must submit to the department, in such form as it
1143 prescribes, a written application for the license. The
1144 application must set forth the following information:

1145 (a) The true name, date of birth, driver's license number,
1146 ~~social security number,~~ and home address of the applicant,
1147 including each name under which he or she intends to do
1148 business.

1149
1150 The application shall be accompanied by a copy of any: Script,
1151 outline, or presentation the applicant will require or suggest a
1152 salesperson to use when soliciting, or, if no such document is
1153 used, a statement to that effect; sales information or
1154 literature to be provided by the applicant to a salesperson; and
1155 sales information or literature to be provided by the applicant
1156 to a purchaser in connection with any solicitation.

1157 Section 31. Paragraph (a) of subsection (1) of section
1158 501.607, Florida Statutes, is amended to read:

1159 501.607 Licensure of salespersons.—



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1160 (1) An applicant for a license as a salesperson must submit
1161 to the department, in such form as it prescribes, a written
1162 application for a license. The application must set forth the
1163 following information:

1164 (a) The true name, date of birth, driver's license number,
1165 ~~social security number,~~ and home address of the applicant.

1166 Section 32. Subsection (2) of section 501.913, Florida
1167 Statutes, is amended to read:

1168 501.913 Registration.—

1169 (2) The completed application shall be accompanied by:

1170 (a) Specimens or facsimiles of the label for each brand of
1171 antifreeze;

1172 (b) An application fee of \$200 for each brand; and

1173 (c) A properly labeled sample of at least 1 gallon, but not
1174 more than 2 gallons, of each brand of antifreeze.

1175 Section 33. Subsection (2) of section 525.01, Florida
1176 Statutes, is amended to read:

1177 525.01 Gasoline and oil to be inspected.—

1178 (2) All petroleum fuels are ~~shall be~~ subject to inspection
1179 and analysis by the department. Before selling or offering for
1180 sale in this state any petroleum fuel, all manufacturers,
1181 terminal suppliers, wholesalers, and importers as defined in s.
1182 206.01 ~~jobbers~~ shall file with the department:

1183 (a) An affidavit that they desire to do business in this
1184 state, and the name and address of the manufacturer of the
1185 petroleum fuel.

1186 (b) An affidavit stating that the petroleum fuel is in
1187 conformity with the standards prescribed by department rule.

1188 Section 34. Subsections (1) and (3) of section 525.09,



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1189 Florida Statutes, are amended to read:

1190 525.09 Inspection fee.—

1191 (1) For the purpose of defraying the expenses incident to
1192 inspecting, testing, and analyzing petroleum fuels in this
1193 state, there shall be paid to the department a charge of one-
1194 eighth cent per gallon on all gasoline, alternative fuel
1195 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
1196 kerosene (except when used as aviation turbine fuel), and #1
1197 fuel oil for sale or use in this state. This inspection fee
1198 shall be imposed in the same manner as the motor fuel tax
1199 pursuant to s. 206.41. Payment shall be made on or before the
1200 25th day of each month.

1201 (3) All remittances to the department for the inspection
1202 tax herein provided shall be accompanied by a detailed report
1203 under oath showing the number of gallons of gasoline,
1204 alternative fuel containing alcohol, as defined in s.
1205 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
1206 in each county.

1207 Section 35. Section 526.50, Florida Statutes, is amended to
1208 read:

1209 526.50 Definition of terms.—As used in this part:

1210 (1) "Brake fluid" means the fluid intended for use as the
1211 liquid medium through which force is transmitted in the
1212 hydraulic brake system of a vehicle operated upon the highways.

1213 (2) "Brand" means the product name appearing on the label
1214 of a container of brake fluid.

1215 (3) ~~(5)~~ "Container" means any receptacle in which brake
1216 fluid is immediately contained when sold, but does not mean a
1217 carton or wrapping in which a number of such receptacles are



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1218 shipped or stored or a tank car or truck.
1219 ~~(4)-(2)~~ "Department" means the Department of Agriculture and
1220 Consumer Services.

1221 (5) "Formula" means the name of the chemical mixture or
1222 composition of the brake fluid product.

1223 ~~(6)-(4)~~ "Labeling" includes all written, printed or graphic
1224 representations, in any form whatsoever, imprinted upon or
1225 affixed to any container of brake fluid.

1226 ~~(7)-(6)~~ "Permit year" means a period of 12 months commencing
1227 July 1 and ending on the next succeeding June 30.

1228 ~~(8)-(7)~~ "Registrant" means any manufacturer, packer,
1229 distributor, seller, or other person who has registered a brake
1230 fluid with the department.

1231 ~~(9)-(3)~~ "Sell" includes give, distribute, barter, exchange,
1232 trade, keep for sale, offer for sale or expose for sale, in any
1233 of their variant forms.

1234 Section 36. Section 526.51, Florida Statutes, are amended
1235 to read:

1236 526.51 Registration; ~~renewal and~~ fees; departmental
1237 expenses; cancellation or refusal to issue or renew.-

1238 (1) (a) Application for registration of each brand of brake
1239 fluid shall be made on forms to be supplied by the department.
1240 The applicant shall give his or her name and address and the
1241 brand name of the brake fluid, state that he or she owns the
1242 brand name and has complete control over the product sold
1243 thereunder in Florida, and provide the name and address of the
1244 resident agent in Florida. If the applicant does not own the
1245 brand name but wishes to register the product with the
1246 department, a notarized affidavit that gives the applicant full



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1247 authorization to register the brand name and that is signed by
1248 the owner of the brand name must accompany the application for
1249 registration. The affidavit must include all affected brand
1250 names, the owner's company or corporate name and address, the
1251 applicant's company or corporate name and address, and a
1252 statement from the owner authorizing the applicant to register
1253 the product with the department. The owner of the brand name
1254 shall maintain complete control over each product sold under
1255 that brand name in this state. All first-time brand-formula
1256 combination ~~new-product~~ applications must be accompanied by a
1257 certified report from an independent testing laboratory, setting
1258 forth the analysis of the brake fluid which shall show its
1259 quality to be not less than the specifications established by
1260 the department for brake fluids. A sample of not less than 24
1261 fluid ounces of brake fluid shall be submitted, in a container
1262 or containers, with labels representing exactly how the
1263 containers of brake fluid will be labeled when sold, and the
1264 sample and container shall be analyzed and inspected by the
1265 Division of Standards in order that compliance with the
1266 department's specifications and labeling requirements may be
1267 verified. Upon approval of the application, the department shall
1268 register the brand name of the brake fluid and issue to the
1269 applicant a permit authorizing the registrant to sell the brake
1270 fluid in this state during the permit year specified in the
1271 permit.

1272 (b) Each applicant shall pay a fee of \$100 with each
1273 application. An applicant seeking reregistration of a previously
1274 registered brand-formula combination must submit a completed
1275 application and all materials required under this subsection to



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1276 the department before the first day of the permit year. A brand-
1277 formula combination for which a completed application and all
1278 materials required under this subsection are not received before
1279 the first day of the permit year ceases to be registered with
1280 the department until a completed application and all materials
1281 required under this subsection are received and approved. Any
1282 fee, application, or materials received after the first day of
1283 the permit year, if the brand-formula combination was previously
1284 registered with the department, A permit may be renewed by
1285 application to the department, accompanied by a renewal fee of
1286 \$50 on or before the last day of the permit year immediately
1287 preceding the permit year for which application is made for
1288 renewal of registration. To any fee not paid when due, there
1289 shall accrue a penalty of \$25, which shall be added to the
1290 renewal fee. Renewals will be accepted only on brake fluids that
1291 have no change in formula, composition, or brand name. Any
1292 change in formula, composition, or brand name of any brake fluid
1293 constitutes a new product that must be registered in accordance
1294 with this part.

1295 (2) All fees collected under the provisions of this section
1296 shall be credited to the General Inspection Trust Fund of the
1297 department and all expenses incurred in the enforcement of this
1298 part shall be paid from said fund.

1299 (3) The department may cancel or, refuse to issue ~~or refuse~~
1300 ~~to renew~~ any registration and permit after due notice and
1301 opportunity to be heard if it finds that the brake fluid is
1302 adulterated or misbranded or that the registrant has failed to
1303 comply with the provisions of this part or the rules and
1304 regulations promulgated thereunder.



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1305 Section 37. Paragraph (a) of subsection (3) of section
1306 526.52, Florida Statutes, is amended to read:

1307 526.52 Specifications; adulteration and misbranding.—

1308 (3) Brake fluid is deemed to be misbranded:

1309 (a) If its container does not bear on its side or top a
1310 label on which is printed the name and place of business of the
1311 registrant of the product, the words "brake fluid," and a
1312 statement that the product therein equals or exceeds the minimum
1313 specification of the Society of Automotive Engineers for heavy-
1314 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
1315 Safety Standard No. 116 adopted by the United States Department
1316 of Transportation, ~~heavy-duty-type~~. By regulation the department
1317 may require that the duty-type classification appear on the
1318 label.

1319 Section 38. Subsection (2) of section 526.53, Florida
1320 Statutes, is amended to read:

1321 526.53 Enforcement; inspection and analysis, stop-sale and
1322 disposition, regulations.—

1323 (2) (a) When any brake fluid is sold in violation of any of
1324 the provisions of this part, all such affected brake fluid of
1325 the same brand name ~~on the same premises on which the violation~~
1326 ~~occurred~~ shall be placed under a stop-sale order by the
1327 department by serving the owner of the brand name, distributor,
1328 or other entity responsible for selling or distributing the
1329 product in the state with the stop-sale order. The department
1330 shall withdraw its stop-sale order upon the removal of the
1331 violation or upon voluntary destruction of the product, or other
1332 disposal approved by the department, under the supervision of
1333 the department.



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1334 (b) In addition to being subject to the stop-sale
1335 procedures above, unregistered brake fluid shall be held by the
1336 department or its representative, at a place to be designated in
1337 the stop-sale order, until properly registered and released in
1338 writing by the department or its representative. If application
1339 is has not been made for registration of the such product within
1340 30 days after issue of the stop-sale order, such product shall
1341 be disposed of by the department, or, with the department's
1342 consent, by the business, to any tax-supported institution or
1343 agency of the state if the brake fluid meets legal
1344 specifications or by other disposal authorized by rule of the
1345 department if it fails to meet legal specifications.

1346 Section 39. Subsections (2) and (5) of section 527.02,
1347 Florida Statutes, are amended to read:

1348 527.02 License; penalty; fees.—

1349 (2) Each business location of a person having multiple
1350 locations shall be separately licensed and must meet the
1351 requirements of this section. Such license shall be granted to
1352 any applicant determined by the department to be competent,
1353 qualified, and trustworthy who files with the department a
1354 surety bond, insurance affidavit, or other proof of insurance,
1355 as hereinafter specified, and pays for such license the
1356 following original application fee for new licenses and annual
1357 renewal fees for existing licenses:

	Original	Renewal
License Category	Application Fee	Fee
Category I liquefied petroleum gas	<u>\$600</u> \$525	<u>\$500</u> \$425



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1359	dealer		
	Category II liquefied petroleum gas dispenser	525	<u>425</u> 375
1360	Category III liquefied petroleum gas cylinder exchange unit operator	<u>125</u> 100	<u>75</u> 65
1361	Category IV liquefied petroleum gas dispenser and recreational vehicle servicer	525	<u>425</u> 400
1362	Category V liquefied petroleum petroleum gases dealer for industrial uses only	<u>350</u> 300	<u>275</u> 200
1363	LP gas installer	<u>400</u> 300	<u>300</u> 200
1364	Specialty installer	300	<u>250</u> 200
1365	Dealer in appliances and	50	45



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1366	575-02460-09 equipment for use of liquefied petroleum gas		
1367	Manufacturer of liquefied petroleum gas appliances and equipment	525	<u>425</u> 375
1368	Requalifier of cylinders	525	<u>425</u> 375
1369	fabricator, repairer, and tester of vehicles and cargo tanks	525	<u>425</u> 375

1370
1371 (5) The license fee for a pipeline system operator shall be
1372 ~~\$350 \$100 per system owned or operated by the person, not to~~
1373 ~~exceed \$400 per license year.~~ Such license fee applies only to a
1374 pipeline system operator who owns or operates a liquefied
1375 petroleum gas pipeline system that is used to transmit liquefied
1376 petroleum gas from a common source to the ultimate customer and
1377 that serves 10 or more customers. The license shall be renewed
1378 each year at a fee of \$275 per year.

1379 Section 40. Subsections (1) and (3) and paragraphs (a) and
1380 (c) of subsection (5) of section 527.0201, Florida Statutes, are
1381 amended to read:



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1382 527.0201 Qualifiers; master qualifiers; examinations.-
1383 (1) In addition to the requirements of s. 527.02, any
1384 person applying for a license to engage in the activities of a
1385 pipeline system operator, category I liquefied petroleum gas
1386 dealer, category II liquefied petroleum gas dispenser, category
1387 IV liquefied petroleum gas dispenser and recreational vehicle
1388 servicer, category V liquefied petroleum gases dealer for
1389 industrial uses only, LP gas installer, specialty installer,
1390 requalifier ~~requalification~~ of cylinders, or fabricator,
1391 repairer, and tester of vehicles and cargo tanks must prove
1392 competency by passing a written examination administered by the
1393 department or its agent with a grade of at least 75 percent in
1394 each area tested ~~or above~~. Each applicant for examination shall
1395 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule
1396 specify the general areas of competency to be covered by each
1397 examination and the relative weight to be assigned in grading
1398 each area tested.

1399 (3) Qualifier cards issued to category I liquefied
1400 petroleum gas dealers and liquefied petroleum gas installers
1401 shall expire 3 years after the date of issuance. All category I
1402 liquefied petroleum gas dealer qualifiers and liquefied
1403 petroleum gas installer qualifiers holding a valid qualifier
1404 card upon the effective date of this act shall retain their
1405 qualifier status until July 1, 2003, and may sit for the master
1406 qualifier examination at any time during that time period. All
1407 such category I liquefied petroleum gas dealer qualifiers and
1408 liquefied petroleum gas installer qualifiers may renew their
1409 qualification on or before July 1, 2003, upon application to the
1410 department, payment of a \$20 renewal fee, and documentation of



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1411 the completion of a minimum of 16 ~~12~~ hours of approved
1412 continuing education courses, as defined by department rule,
1413 during the previous 3-year period. Applications for renewal must
1414 be made 30 calendar days prior to expiration. Persons failing to
1415 renew prior to the expiration date must reapply and take a
1416 qualifier competency examination in order to reestablish
1417 category I liquefied petroleum gas dealer qualifier and
1418 liquefied petroleum gas installer qualifier status. If a
1419 category I liquefied petroleum gas qualifier or liquefied
1420 petroleum gas installer qualifier becomes a master qualifier at
1421 any time during the effective date of the qualifier card, the
1422 card shall remain in effect until expiration of the master
1423 qualifier certification.

1424 (5) In addition to all other licensing requirements, each
1425 category I liquefied petroleum gas dealer and liquefied
1426 petroleum gas installer must, at the time of application for
1427 licensure, identify to the department one master qualifier who
1428 is a full-time employee at the licensed location. This person
1429 shall be a manager, owner, or otherwise primarily responsible
1430 for overseeing the operations of the licensed location and must
1431 provide documentation to the department as provided by rule. The
1432 master qualifier requirement shall be in addition to the
1433 requirements of subsection (1).

1434 (a) In order to apply for certification as a master
1435 qualifier, each applicant must be a category I liquefied
1436 petroleum gas dealer qualifier or liquefied petroleum gas
1437 installer qualifier, must be employed by a licensed category I
1438 liquefied petroleum gas dealer, liquefied petroleum gas
1439 installer, or applicant for such license, must provide



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1440 documentation of a minimum of 1 year's work experience in the
1441 gas industry, and must pass a master qualifier competency
1442 examination. Master qualifier examinations shall be based on
1443 Florida's laws, rules, and adopted codes governing liquefied
1444 petroleum gas safety, general industry safety standards, and
1445 administrative procedures. The examination must be successfully
1446 passed ~~completed~~ by the applicant with a grade of at least 75
1447 percent ~~or more~~. Each applicant for master qualifier status
1448 shall submit to the department a nonrefundable \$50 ~~\$30~~
1449 examination fee prior to the examination.

1450 (c) Master qualifier status shall expire 3 years after the
1451 date of issuance of the certificate and may be renewed by
1452 submission to the department of documentation of completion of
1453 at least 16 ~~12~~ hours of approved continuing education courses
1454 during the 3-year period; proof of employment with a licensed
1455 category I liquefied petroleum gas dealer, liquefied petroleum
1456 gas installer, or applicant; and a \$30 certificate renewal fee.
1457 The department shall define, by rule, approved courses of
1458 continuing education.

1459 Section 41. Subsection (4) of section 527.021, Florida
1460 Statutes, is amended to read:

1461 527.021 Registration of transport vehicles.—

1462 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for each
1463 registered vehicle inspected by the department pursuant to s.
1464 527.061. Registered vehicles shall be inspected annually. All
1465 inspection fees collected in connection with this section shall
1466 be deposited in the General Inspection Trust Fund for the
1467 purpose of administering the provisions of this chapter.

1468 Section 42. Section 527.12, Florida Statutes, is amended to



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1469 read:

1470 527.12 Cease and desist orders; stop-use orders; stop-
1471 operation orders; stop-sale orders; administrative fines.-

1472 (1) Whenever the department has ~~shall have~~ reason to
1473 believe that any person is violating or has violated ~~been~~
1474 ~~violating provisions of~~ this chapter or any rules adopted under
1475 this chapter pursuant thereto, the department ~~it~~ may issue a
1476 cease and desist order, ~~or~~ impose a civil penalty, or do both
1477 ~~may issue such cease and desist order and impose a civil~~
1478 ~~penalty.~~

1479 (2) Whenever a person or liquefied petroleum gas system or
1480 storage facility, or any part or component thereof, fails to
1481 comply with this chapter or any rules adopted under this
1482 chapter, the department may issue a stop-use order, stop-
1483 operation order, or stop-sale order.

1484 Section 43. Subsection (1) of section 559.805, Florida
1485 Statutes, is amended to read:

1486 559.805 Filings with the department; disclosure of
1487 advertisement identification number.-

1488 (1) Every seller of a business opportunity shall annually
1489 file with the department a copy of the disclosure statement
1490 required by s. 559.803 before ~~prior to~~ placing an advertisement
1491 or making any other representation designed to offer to, sell
1492 to, or solicit an offer to buy a business opportunity from a
1493 prospective purchaser in this state and shall update this filing
1494 by reporting any material change in the required information
1495 within 30 days after the material change occurs. An
1496 advertisement is not placed in the state merely because the
1497 publisher circulates, or there is circulated on his or her



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1498 behalf in the state, any bona fide newspaper or other
1499 publication of general, regular, and paid circulation which has
1500 had more than two-thirds of its circulation during the past 12
1501 months outside the state or because a radio or television
1502 program originating outside the state is received in the state.
1503 If the seller is required by s. 559.807 to provide a bond or
1504 establish a trust account or guaranteed letter of credit, he or
1505 she shall contemporaneously file with the department a copy of
1506 the bond, a copy of the formal notification by the depository
1507 that the trust account is established, or a copy of the
1508 guaranteed letter of credit. Every seller of a business
1509 opportunity shall file with the department a list of independent
1510 agents who will engage in the offer or sale of business
1511 opportunities on behalf of the seller in this state. This list
1512 must be kept current and shall include the following
1513 information: name, home and business address, telephone number,
1514 present employer, ~~social security number~~, and birth date. A ~~No~~
1515 person may not ~~shall be allowed to~~ offer or sell business
1516 opportunities unless the required information is ~~has been~~
1517 provided to the department.

1518 Section 44. Subsection (3) of section 559.928, Florida
1519 Statutes, is amended to read:

1520 559.928 Registration.—

1521 (3) Each independent agent shall annually file an affidavit
1522 with the department before ~~prior to~~ engaging in business in this
1523 state. This affidavit must include the independent agent's full
1524 name, legal business or trade name, mailing address, business
1525 address, telephone number, ~~social security number~~, and the name
1526 or names and addresses of each seller of travel represented by



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1527 the independent agent. A letter evidencing proof of filing must
1528 be issued by the department and must be prominently displayed in
1529 the independent agent's primary place of business. Each
1530 independent agent must also submit an annual registration fee of
1531 \$50. All moneys collected pursuant to the imposition of the fee
1532 shall be deposited by the Chief Financial Officer into the
1533 General Inspection Trust Fund of the Department of Agriculture
1534 and Consumer Services for the sole purpose of administrating
1535 this part. As used in this subsection, the term "independent
1536 agent" means a person who represents a seller of travel by
1537 soliciting persons on its behalf; who has a written contract
1538 with a seller of travel which is operating in compliance with
1539 this part and any rules adopted thereunder; who does not receive
1540 a fee, commission, or other valuable consideration directly from
1541 the purchaser for the seller of travel; who does not at any time
1542 have any unissued ticket stock or travel documents in his or her
1543 possession; and who does not have the ability to issue tickets,
1544 vacation certificates, or any other travel document. The term
1545 "independent agent" does not include an affiliate of the seller
1546 of travel, as that term is used in s. 559.935(3), or the
1547 employees of the seller of travel or of such affiliates.

1548 Section 45. Subsection (10) of section 570.07, Florida
1549 Statutes, is amended to read:

1550 570.07 Department of Agriculture and Consumer Services;
1551 functions, powers, and duties.—The department shall have and
1552 exercise the following functions, powers, and duties:

1553 (10) To act as adviser to producers and distributors, when
1554 requested, ~~and~~ to assist them in the economical and efficient
1555 distribution of their agricultural products, ~~and~~ to encourage



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1556 cooperative effort among producers to gain economical and
1557 efficient production of agricultural products, and to adopt
1558 rules establishing comprehensive best management practices for
1559 agricultural production and food safety.

1560 Section 46. Subsection (7) of section 570.0725, Florida
1561 Statutes, is amended to read:

1562 570.0725 Food recovery; legislative intent; department
1563 functions.—

1564 (7) For public information purposes, the department may
1565 ~~shall~~ develop and provide a public information brochure
1566 detailing the need for food banks and similar of food recovery
1567 programs, the benefit of such food recovery programs, the manner
1568 in which such organizations may become involved in such food
1569 recovery programs, and the protection afforded to such programs
1570 under s. 768.136, and the food recovery entities or food banks
1571 that exist in the state. This brochure must be updated annually.
1572 A food bank or similar food recovery organization seeking to be
1573 included on a list of such organizations must notify the
1574 department and provide the information required by rule of the
1575 department. Such organizations are responsible for updating the
1576 information and providing the updated information to the
1577 department. The department may adopt rules to implement this
1578 section.

1579 Section 47. Paragraph (e) of subsection (2) of section
1580 570.48, Florida Statutes, is amended to read:

1581 570.48 Division of Fruit and Vegetables; powers and duties;
1582 records.—The duties of the Division of Fruit and Vegetables
1583 include, but are not limited to:

1584 (2)



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1585 (e) Performing tomato food safety inspections under s.
1586 500.70 on tomato farms, in tomato greenhouses, and in tomato
1587 packinghouses and repackers.

1588 Section 48. Paragraph (e) of subsection (6) of section
1589 570.53, Florida Statutes, is amended to read:

1590 570.53 Division of Marketing and Development; powers and
1591 duties.—The powers and duties of the Division of Marketing and
1592 Development include, but are not limited to:

1593 (6)

1594 (e) Extending in every practicable way the distribution and
1595 sale of Florida agricultural products throughout the markets of
1596 the world as required of the department by s. ss. 570.07(7),
1597 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1598 Section 49. Subsection (2) of section 570.54, Florida
1599 Statutes, is amended to read:

1600 570.54 Director; duties.—

1601 (2) It shall be the duty of the director of this division
1602 to supervise, direct, and coordinate the activities authorized
1603 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
1604 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
1605 chapters 504, 571, 573, and 574 and to exercise other powers and
1606 authority as authorized by the department.

1607 Section 50. Subsection (4) of section 570.55, Florida
1608 Statutes, is amended to read:

1609 570.55 Identification of sellers or handlers of tropical or
1610 subtropical fruit and vegetables; containers specified;
1611 penalties.—

1612 (4) IDENTIFICATION OF HANDLER.—At the time of each
1613 transaction involving the handling or sale of 55 pounds or more



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1614 of tropical or subtropical fruit or vegetables in the primary
1615 channel of trade, the buyer or receiver of the tropical or
1616 subtropical fruit or vegetables shall demand a bill of sale,
1617 invoice, sales memorandum, or other document listing the date of
1618 the transaction, the quantity of the tropical or subtropical
1619 fruit or vegetables involved in the transaction, and the
1620 identification of the seller or handler as it appears on the
1621 driver's license of the seller or handler, including the
1622 driver's license number. If the seller or handler does not
1623 possess a driver's license, the buyer or receiver shall use any
1624 other acceptable means of identification, which may include, but
1625 is not limited to, i.e., voter's registration card and number,
1626 draft card, ~~social security card,~~ or other identification.
1627 However, no less than two identification documents shall be
1628 used. The identification of the seller or handler shall be
1629 recorded on the bill of sale, sales memorandum, invoice, or
1630 voucher, which shall be retained by the buyer or receiver for a
1631 period of not less than 1 year from the date of the transaction.

1632 Section 51. Subsection (3) of section 570.902, Florida
1633 Statutes, is amended to read:

1634 570.902 Definitions; ss. 570.902 and 570.903.—For the
1635 purpose of ss. 570.902 and 570.903:

1636 ~~(3) "Museum" means the Florida Agricultural Museum which is~~
1637 ~~designated as the museum for agriculture and rural history of~~
1638 ~~the State of Florida.~~

1639 Section 52. Section 570.903, Florida Statutes, is amended
1640 to read:

1641 570.903 Direct-support organization.—

1642 (1) When the Legislature authorizes the establishment of a



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1643 direct-support organization to provide assistance for the
1644 ~~museums~~, the Florida Agriculture in the Classroom Program, ~~the~~
1645 ~~Florida State Collection of Arthropods~~, the Friends of the
1646 Florida State Forests Program of the Division of Forestry, and
1647 the Forestry Arson Alert Program, and other programs of the
1648 department, the following provisions shall govern the creation,
1649 use, powers, and duties of the direct-support organization.

1650 (a) The department shall enter into a memorandum or letter
1651 of agreement with the direct-support organization, which shall
1652 specify the approval of the department, the powers and duties of
1653 the direct-support organization, and rules with which the
1654 direct-support organization shall comply.

1655 (b) The department may permit, without charge, appropriate
1656 use of property, facilities, and personnel of the department by
1657 a direct-support organization, subject to the provisions of ss.
1658 570.902 and 570.903. The use shall be directly in keeping with
1659 the approved purposes of the direct-support organization and
1660 shall not be made at times or places that would unreasonably
1661 interfere with opportunities for the general public to use
1662 department facilities for established purposes.

1663 (c) The department shall prescribe by contract or by rule
1664 conditions with which a direct-support organization shall comply
1665 in order to use property, facilities, or personnel of the
1666 department ~~or museum~~. Such rules shall provide for budget and
1667 audit review and oversight by the department.

1668 (d) The department shall not permit the use of property,
1669 facilities, or personnel of the ~~museum~~, department, or
1670 designated program by a direct-support organization which does
1671 not provide equal employment opportunities to all persons



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1672 regardless of race, color, religion, sex, age, or national
1673 origin.

1674 (2) (a) The direct-support organization shall be empowered
1675 to conduct programs and activities; raise funds; request and
1676 receive grants, gifts, and bequests of money; acquire, receive,
1677 hold, invest, and administer, in its own name, securities,
1678 funds, objects of value, or other property, real or personal;
1679 and make expenditures to or for the direct or indirect benefit
1680 of the ~~museum or~~ designated program.

1681 (b) Notwithstanding the provisions of s. 287.057, the
1682 direct-support organization may enter into contracts or
1683 agreements with or without competitive bidding for the
1684 ~~restoration of objects, historical buildings, and other~~
1685 ~~historical materials or for the purchase of objects, historical~~
1686 ~~buildings, and other historical materials which are to be added~~
1687 ~~to the collections of the museum, or benefit of~~ the designated
1688 program. However, before the direct-support organization may
1689 enter into a contract or agreement without competitive bidding,
1690 the direct-support organization shall file a certification of
1691 conditions and circumstances with the internal auditor of the
1692 department justifying each contract or agreement.

1693 (c) Notwithstanding the provisions of s. 287.025(1)(e), the
1694 direct-support organization may enter into contracts to insure
1695 property of the ~~museum or~~ designated programs and may insure
1696 ~~objects or collections on loan from others in satisfying~~
1697 ~~security terms of the lender.~~

1698 (3) The direct-support organization shall provide for an
1699 annual financial audit in accordance with s. 215.981.

1700 (4) Neither a designated program ~~or a museum,~~ nor a



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1701 nonprofit corporation trustee or employee may:

1702 (a) Receive a commission, fee, or financial benefit in
1703 connection with the sale or exchange of property ~~historical~~
1704 ~~objects or properties~~ to the direct-support organization, ~~the~~
1705 ~~museum,~~ or the designated program; or

1706 (b) Be a business associate of any individual, firm, or
1707 organization involved in the sale or exchange of property to the
1708 direct-support organization, ~~the museum,~~ or the designated
1709 program.

1710 (5) All moneys received by the direct-support organization
1711 shall be deposited into an account of the direct-support
1712 organization and shall be used by the organization in a manner
1713 consistent with the goals of ~~the museum~~ or designated program.

1714 (6) The identity of a donor or prospective donor who
1715 desires to remain anonymous and all information identifying such
1716 donor or prospective donor are confidential and exempt from the
1717 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1718 Constitution.

1719 (7) The Commissioner of Agriculture, or the commissioner's
1720 designee, may serve on the board of trustees and the executive
1721 committee of any direct-support organization established to
1722 benefit the museum or any designated program.

1723 ~~(8) The department shall establish by rule archival~~
1724 ~~procedures relating to museum artifacts and records. The rules~~
1725 ~~shall provide procedures which protect the museum's artifacts~~
1726 ~~and records equivalent to those procedures which have been~~
1727 ~~established by the Department of State under chapters 257 and~~
1728 ~~267.~~

1729 Section 53. Subsections (18) through (30) of section



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1730 581.011, Florida Statutes, are renumbered as subsections (17)
1731 through (29), respectively, and present subsections (17) and
1732 (20) of that section are amended to read:

1733 581.011 Definitions.—As used in this chapter:

1734 ~~(17) "Museum" means the Florida State Collection of~~
1735 ~~Arthropods.~~

1736 (19)~~(20)~~ "Nursery" means any grounds or premises on or in
1737 which nursery stock is grown, propagated, or held for sale or
1738 distribution, including ~~except where~~ aquatic plant species ~~are~~
1739 tended for harvest in the natural environment.

1740 Section 54. Paragraph (d) of subsection (14) of section
1741 581.031, Florida Statutes, is amended to read:

1742 581.031 Department; powers and duties.—The department has
1743 the following powers and duties:

1744 (14)

1745 (d) To prescribe a fee for these services, if ~~provided~~ the
1746 fee does not exceed the cost of the services rendered. Annual
1747 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per
1748 tree. If the fee has not been paid within 30 days of billing, a
1749 penalty of \$10 or 20 percent of the unpaid balance, whichever is
1750 greater, shall be assessed.

1751 Section 55. Subsection (6) of section 581.131, Florida
1752 Statutes, is amended to read:

1753 581.131 Certificate of registration.—

1754 (6) Neither the certificate of registration fee nor the
1755 annual renewal fee shall exceed \$600 ~~\$460~~. The department may
1756 exempt from the payment of a certificate fee those governmental
1757 agency nurseries whose nursery stock is used exclusively for
1758 planting on their own property.



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1759 Section 56. Paragraph (a) of subsection (3) of section
1760 581.211, Florida Statutes, is amended to read:

1761 581.211 Penalties for violations.—

1762 (3)(a)1. In addition to any other provision of law, the
1763 department may, after notice and hearing, impose an
1764 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1765 violation of this chapter, upon any person, nurseryman, stock
1766 dealer, agent or plant broker. The fine, when paid, shall be
1767 deposited in the Plant Industry Trust Fund. In addition, the
1768 department may place the violator on probation for up to 1 year,
1769 with conditions.

1770 2. The imposition of a fine or probation pursuant to this
1771 subsection may be in addition to or in lieu of the suspension or
1772 revocation of a certificate of registration or certificate of
1773 inspection.

1774 Section 57. Section 583.13, Florida Statutes, is amended to
1775 read:

1776 583.13 Labeling and advertising requirements for dressed
1777 poultry; unlawful acts.—

1778 (1) It is unlawful for any dealer or broker to sell, offer
1779 for sale, or hold for the purpose of sale in the state any
1780 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1781 is packed in a container clearly bearing a label, not less than
1782 3 inches by 5 inches, on which shall be plainly and legibly
1783 printed, in letters of not less than one-fourth inch 1/4 in
1784 height, ~~the grade and~~ the part name or whole-bird statement of
1785 such poultry. ~~The grade may be expressed in the term "premium,"~~
1786 ~~"good," or "standard," or as the grade of another state or~~
1787 ~~federal agency the standards of quality of which, by law, are~~



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1788 ~~equal to the standards of quality provided by this law and rules~~
1789 ~~promulgated hereunder.~~

1790 (2) It is unlawful to sell unpackaged dressed or ready-to-
1791 cook poultry at retail unless such poultry is labeled by a
1792 placard immediately adjacent to the poultry or unless each bird
1793 is individually labeled to show ~~the grade and~~ the part name or
1794 whole-bird statement. The placard shall be no smaller than 7
1795 inches by 7 inches in size, and the required labeling
1796 information shall be legibly and plainly printed on the placard
1797 in letters not smaller than 1 inch in height.

1798 (3) It is unlawful to sell packaged dressed or ready-to-
1799 cook poultry at retail unless such poultry is labeled to show
1800 ~~the grade,~~ the part name or whole-bird statement, the net weight
1801 of the poultry, and the name and address of the dealer. The size
1802 of the type on the label must be one-eighth inch or larger. A
1803 placard immediately adjacent to such poultry may be used to
1804 indicate ~~the grade and~~ the part name or whole-bird statement,
1805 but not the net weight of the poultry or the name and address of
1806 the dealer.

1807 (4) It is unlawful to use dressed or ready-to-cook poultry
1808 in bulk in the preparation of food served to the public, or to
1809 hold such poultry for the purpose of such use, unless the
1810 poultry when received was packed in a container clearly bearing
1811 a label, not less than 3 inches by 5 inches, on which was
1812 plainly and legibly printed, in letters not less than one-fourth
1813 inch in height, ~~the grade and~~ the part name or whole-bird
1814 statement of such poultry. ~~The grade may be expressed in the~~
1815 ~~term "premium," "good," or "standard," or as the grade of~~
1816 ~~another state or federal agency the standards of quality of~~



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1817 ~~which, by law, are equal to the standards of quality provided by~~
1818 ~~this law and rules promulgated hereunder.~~

1819 (5) It is unlawful to offer dressed or ready-to-cook
1820 poultry for sale in any advertisement in a newspaper or
1821 circular, on radio or television, or in any other form of
1822 advertising without plainly designating in such advertisement
1823 ~~the grade and the part name or whole-bird statement of such~~
1824 poultry.

1825 Section 58. Subsections (4) and (5) of section 590.125,
1826 Florida Statutes, are renumbered as subsections (5) and (6),
1827 respectively, subsection (1), paragraph (b) of subsection (3),
1828 and paragraph (c) of present subsection (4) are amended, and new
1829 subsections (4) and (7) are added to that section, to read:

1830 590.125 Open burning authorized by the division.—

1831 (1) DEFINITIONS.—As used in this section, the term:

1832 (a) "Certified pile burner" means an individual who
1833 successfully completes the division's pile burning certification
1834 program and possesses a valid pile burner certification number.

1835 (b) "Certified prescribed burn manager" means an individual
1836 who successfully completes the certified prescribed burning
1837 ~~certification~~ program of the division and possesses a valid
1838 certification number.

1839 (c) ~~(d)~~ "Extinguished" means:

1840 1. that no spreading flame For wild land burning or
1841 certified prescribed burning, that no spreading flames exist.

1842 2. and no visible flame, smoke, or emissions For vegetative
1843 land-clearing debris burning or pile burning, that no visible
1844 flames exist.

1845 3. For vegetative land-clearing debris burning or pile



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1846 burning in an area designated as smoke sensitive by the
1847 division, that no visible flames, smoke, or emissions exist.

1848 (d) "Land-clearing operation" means the uprooting or
1849 clearing of vegetation in connection with the construction of
1850 buildings and rights-of-way, land development, and mineral
1851 operations. The term does not include the clearing of yard
1852 trash.

1853 (e) "Pile burning" means the burning of silvicultural,
1854 agricultural, or land-clearing and tree-cutting debris
1855 originating onsite, which is stacked together in a round or
1856 linear fashion, including, but not limited to, a windrow.

1857 (f)-(a) "Prescribed burning" means the controlled
1858 application of fire in accordance with a written prescription
1859 for vegetative fuels under specified environmental conditions
1860 while following appropriate precautionary measures that ensure
1861 that the fire is confined to a predetermined area to accomplish
1862 the planned fire or land-management objectives.

1863 (g)-(e) "Prescription" means a written plan establishing the
1864 criteria necessary for starting, controlling, and extinguishing
1865 a prescribed burn.

1866 (h) "Yard trash" means vegetative matter resulting from
1867 landscaping and yard maintenance operations and other such
1868 routine property cleanup activities. The term includes materials
1869 such as leaves, shrub trimmings, grass clippings, brush, and
1870 palm fronds.

1871 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1872 PURPOSE.—

1873 (b) Certified prescribed burning pertains only to broadcast
1874 burning for purposes of silviculture, wildlife management,



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1875 ecological maintenance and restoration, and range and pasture
1876 management. It must be conducted in accordance with this
1877 subsection and:

1878 1. May be accomplished only when a certified prescribed
1879 burn manager is present on site with a copy of the prescription
1880 from ignition of the burn to its completion.

1881 2. Requires that a written prescription be prepared before
1882 receiving authorization to burn from the division.

1883 3. Requires that the specific consent of the landowner or
1884 his or her designee be obtained before requesting an
1885 authorization.

1886 4. Requires that an authorization to burn be obtained from
1887 the division before igniting the burn.

1888 5. Requires that there be adequate firebreaks at the burn
1889 site and sufficient personnel and firefighting equipment for the
1890 control of the fire.

1891 6. Is considered to be in the public interest and does not
1892 constitute a public or private nuisance when conducted under
1893 applicable state air pollution statutes and rules.

1894 7. Is considered to be a property right of the property
1895 owner if vegetative fuels are burned as required in this
1896 subsection.

1897 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1898 PURPOSE.—

1899 (a) Pile burning is a tool that benefits current and future
1900 generations in Florida by disposing of naturally occurring
1901 vegetative debris through burning rather than disposing of the
1902 debris in landfills.

1903 (b) Certified pile burning pertains to the disposal of



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1904 piled, naturally occurring debris from an agricultural,
1905 silvicultural, or temporary land-clearing operation. A land-
1906 clearing operation is temporary if it operates for 6 months or
1907 less. Certified pile burning must be conducted in accordance
1908 with this subsection, and:

1909 1. A certified pile burner must ensure, before ignition,
1910 that the piles are properly placed and that the content of the
1911 piles is conducive to efficient burning.

1912 2. A certified pile burner must ensure that the piles are
1913 properly extinguished no later than 1 hour after sunset. If the
1914 burn is conducted in an area designated by the division as smoke
1915 sensitive, a certified pile burner must ensure that the piles
1916 are properly extinguished at least 1 hour before sunset.

1917 3. A written pile burn plan must be prepared before
1918 receiving authorization from the division to burn.

1919 4. The specific consent of the landowner or his or her
1920 agent must be obtained before requesting authorization to burn.

1921 5. An authorization to burn must be obtained from the
1922 division or its designated agent before igniting the burn.

1923 6. There must be adequate firebreaks and sufficient
1924 personnel and firefighting equipment at the burn site to control
1925 the fire.

1926 (c) If a burn is conducted in accordance with this
1927 subsection, the property owner and his or her agent are not
1928 liable under s. 590.13 for damage or injury caused by the fire
1929 or resulting smoke, and are not in violation of subsection (2),
1930 unless gross negligence is proven.

1931 (d) A certified pile burner who violates this section
1932 commits a misdemeanor of the second degree, punishable as



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1933 provided in s. 775.082 or s. 775.083.

1934 (e) The division shall adopt rules regulating certified
1935 pile burning. The rules shall include procedures and criteria
1936 for certifying and decertifying certified pile burn managers
1937 based on past experience, training, and record of compliance
1938 with this section.

1939 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1940 DIVISION.—The division may conduct fuel reduction initiatives,
1941 including, but not limited to, burning and mechanical and
1942 chemical treatment, on any area of wild land within the state
1943 which is reasonably determined to be in danger of wildfire in
1944 accordance with the following procedures:

1945 (c) Prepare, and send the county tax collector shall
1946 include with the annual tax statement, a notice to be sent to
1947 all landowners in each area township designated by the division
1948 as a wildfire hazard area. The notice must describe particularly
1949 the area to be treated and the tentative date or dates of the
1950 treatment and must list the reasons for and the expected
1951 benefits from the wildfire hazard reduction.

1952 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1953 AUTHORIZATION PROGRAMS.—

1954 (a) A county or municipality may exercise the division's
1955 authority, if delegated by the division under this subsection,
1956 to issue authorizations for the burning of yard trash or debris
1957 from land-clearing operations. A county's or municipality's
1958 existing or proposed open burning authorization program must:

1959 1. Be approved by the division. The division shall not
1960 approve a program if it fails to meet the requirements of
1961 subsections (2) and (4) and any rules adopted under those



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1962 subsections.

1963 2. Provide by ordinance or local law the requirements for
1964 obtaining and performing a burn authorization that comply with
1965 subsections (2) and (4) and any rules adopted under those
1966 subsections.

1967 3. Provide for the enforcement of the program's
1968 requirements.

1969 4. Provide financial, personnel, and other resources needed
1970 to carry out the program.

1971 (b) If the division determines that a county's or
1972 municipality's open burning authorization program does not
1973 comply with subsections (2) and (4) and any rules adopted under
1974 those subsections, the division shall require the county or
1975 municipality to take necessary corrective actions within a
1976 reasonable period, not to exceed 90 days.

1977 1. If the county or municipality fails to take the
1978 necessary corrective actions within the required period, the
1979 division shall resume administration of the open burning
1980 authorization program in the county or municipality and the
1981 county or municipality shall cease administration of its
1982 program.

1983 2. Each county and municipality administering an open
1984 burning authorization program must cooperate with and assist the
1985 division in carrying out the division's powers, duties, and
1986 functions.

1987 3. A person who violates the requirements of a county's or
1988 municipality's open burning authorization program, as provided
1989 by ordinance or local law enacted pursuant to this section,
1990 commits a violation of this chapter, punishable as provided in



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1991 s. 590.14.

1992 Section 59. Subsection (4) of section 590.14, Florida
1993 Statutes, is renumbered as subsection (7), subsections (1) and
1994 (3) are amended, and new subsections (4), (5), and (6) are added
1995 to that section, to read:

1996 590.14 Notice of violation; penalties.—

1997 (1) If a division employee determines that a person has
1998 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1999 the division to administer provisions of law conferring duties
2000 upon the division, the division employee ~~he or she~~ may issue a
2001 notice of violation indicating the statute violated. This notice
2002 will be filed with the division and a copy forwarded to the
2003 appropriate law enforcement entity for further action if
2004 necessary.

2005 (3) The department may also impose an administrative fine,
2006 not to exceed \$1,000 per violation of any section of chapter 589
2007 or this chapter or violation of any rule adopted by the division
2008 to administer provisions of law conferring duties upon the
2009 division. The fine shall be based upon the degree of damage, the
2010 prior violation record of the person, and whether the person
2011 knowingly provided false information to obtain an authorization.
2012 The fines shall be deposited in the Incidental Trust Fund of the
2013 division.

2014 (4) A person may not:

2015 (a) Fail to comply with any rule or order adopted by the
2016 division to administer provisions of law conferring duties upon
2017 the division; or

2018 (b) Knowingly make any false statement or representation in
2019 any application, record, plan, or other document required by



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2020 this chapter or any rules adopted under this chapter.

2021 (5) A person who violates paragraph (4)(a) or paragraph
2022 (4)(b) commits a misdemeanor of the second degree, punishable as
2023 provided in s. 775.082 or s. 775.083.

2024 (6) It is the intent of the Legislature that a penalty
2025 imposed by a court under subsection (5) be of a severity that
2026 ensures immediate and continued compliance with this section.

2027 Section 60. Paragraph (a) of subsection (1) of section
2028 599.004, Florida Statutes, is amended to read:

2029 599.004 Florida Farm Winery Program; registration; logo;
2030 fees.—

2031 (1) The Florida Farm Winery Program is established within
2032 the Department of Agriculture and Consumer Services. Under this
2033 program, a winery may qualify as a tourist attraction only if it
2034 is registered with and certified by the department as a Florida
2035 Farm Winery. A winery may not claim to be certified unless it
2036 has received written approval from the department.

2037 (a) To qualify as a certified Florida Farm Winery, a winery
2038 shall meet the following standards:

2039 1. Produce or sell less than 250,000 gallons of wine
2040 annually.

2041 2. Maintain a minimum of 10 acres of owned or managed land
2042 vineyards in Florida which produces commodities used in the
2043 production of wine.

2044 3. Be open to the public for tours, tastings, and sales at
2045 least 30 hours each week.

2046 4. Make annual application to the department for
2047 recognition as a Florida Farm Winery, on forms provided by the
2048 department.



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2049 5. Pay an annual application and registration fee of \$100.

2050 Section 61. Subsection (1) of section 604.15, Florida

2051 Statutes, is amended, and subsection (11) is added to that

2052 section, to read:

2053 604.15 Dealers in agricultural products; definitions.—For
2054 the purpose of ss. 604.15-604.34, the following words and terms,
2055 when used, shall be construed to mean:

2056 (1) "Agricultural products" means the natural products of
2057 the farm, nursery, grove, orchard, vineyard, garden, and apiary
2058 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
2059 livestock; milk and milk products; poultry and poultry products;
2060 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
2061 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
2062 Persian, Tahiti, Bearss, or Florida Key limes); and any other
2063 nonexempt agricultural products produced in the state, except
2064 tobacco, sugarcane, tropical foliage, timber and timber
2065 byproducts, forest products as defined in s. 591.17, and citrus
2066 other than limes.

2067 (11) "Responsible position" means a position within the
2068 business of a dealer in agricultural products that has the
2069 authority to negotiate or make the purchase of agricultural
2070 products on behalf of the dealer's business or has principal
2071 active management authority over the business decisions,
2072 actions, and activities of the dealer's business in this state.

2073 Section 62. Section 604.19, Florida Statutes, is amended to
2074 read:

2075 604.19 License; fee; bond; certificate of deposit;
2076 penalty.—Unless the department refuses the application on one or
2077 more of the grounds provided in this section, it shall issue to



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2078 an applicant, upon the payment of required fees and the
2079 execution and delivery of a bond or certificate of deposit as
2080 provided in this section, a state license entitling the
2081 applicant to conduct business as a dealer in agricultural
2082 products for a 1-year period to coincide with the effective
2083 period of the bond or certificate of deposit furnished by the
2084 applicant. During the 1-year period covered by a license, if the
2085 supporting surety bond or certificate of deposit is canceled for
2086 any reason, the license shall automatically expire on the date
2087 the surety bond or certificate of deposit terminates, unless an
2088 acceptable replacement is in effect before the date of
2089 termination so that continual coverage occurs for the remaining
2090 period of the license. A surety company shall give the
2091 department a 30-day written notice of cancellation by certified
2092 mail in order to cancel a bond. Cancellation of a bond or
2093 certificate of deposit does ~~shall~~ not relieve a surety company
2094 or financial institution of liability for purchases or sales
2095 occurring while the bond or certificate of deposit was in
2096 effect. The license fee, which must be paid for the principal
2097 place of business for a dealer in agricultural products, shall
2098 be based upon the amount of the dealer's surety bond or
2099 certificate of deposit furnished by each dealer under the
2100 provisions of s. 604.20 and may not exceed \$500. For each
2101 additional place in which the applicant desires to conduct
2102 business and which the applicant names in the application, the
2103 additional license fee must be paid but may not exceed \$100
2104 annually. If a ~~Should any~~ dealer in agricultural products fails,
2105 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
2106 qualify for the renewal of a license on or before its ~~the~~ date



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2107 ~~of~~ expiration date thereof, a penalty not to exceed \$100 shall
2108 apply to and be added to the ~~original~~ license fee for the
2109 principal place of business and to the license fee for each
2110 additional place of business named in the application and shall
2111 be paid by the applicant before the renewal license may be
2112 issued. The department by rule shall prescribe fee amounts
2113 sufficient to fund ss. 604.15-604.34.

2114 Section 63. Subsections (1) and (4) of section 604.20,
2115 Florida Statutes, are amended to read:

2116 604.20 Bond or certificate of deposit prerequisite; amount;
2117 form.—

2118 (1) Before any license is issued, the applicant therefor
2119 shall make and deliver to the department a surety bond or
2120 certificate of deposit in the amount of at least \$5,000 or in
2121 such greater amount as the department may determine. No bond or
2122 certificate of deposit may be in an amount less than \$5,000. The
2123 penal sum of the bond or certificate of deposit to be furnished
2124 to the department by an applicant for license as a dealer in
2125 agricultural products shall be in an amount equal to twice the
2126 average of the monthly dollar amounts ~~amount~~ of agricultural
2127 products handled for a Florida producer or a producer's agent or
2128 representative, by purchase or otherwise, ~~during the month of~~
2129 ~~maximum transaction in such products~~ during the preceding 12-
2130 month period. Only those months in which the applicant handled,
2131 by purchase or otherwise, amounts equal to or greater than
2132 \$1,000 shall be used to calculate the penal sum of the required
2133 bond or certificate of deposit. An applicant for license who has
2134 not handled agricultural products for a Florida producer or a
2135 producer's agent or representative, by purchase or otherwise,



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2136 during the preceding 12-month period shall furnish a bond or
2137 certificate of deposit in an amount equal to twice the estimated
2138 average of the monthly dollar amounts ~~amount~~ of such
2139 agricultural products to be handled, by purchase or otherwise,
2140 ~~during the month of maximum transaction~~ during the next
2141 immediate 12 months. Only those months in which the applicant
2142 anticipates handling, by purchase or otherwise, amounts equal to
2143 or greater than \$1,000 shall be used to calculate the penal sum
2144 of the required bond or certificate of deposit. Such bond or
2145 certificate of deposit shall be provided or assigned in the
2146 exact name in which the dealer will conduct business subject to
2147 the provisions of ss. 604.15-604.34. Such bond must be executed
2148 by a surety company authorized to transact business in the
2149 state. For the purposes of ss. 604.19-604.21, the term
2150 "certificate of deposit" means a certificate of deposit at any
2151 recognized financial institution doing business in the United
2152 States. No certificate of deposit may be accepted in connection
2153 with an application for a dealer's license unless the issuing
2154 institution is properly insured by either the Federal Deposit
2155 Insurance Corporation or the Federal Savings and Loan Insurance
2156 Corporation. Such bond or any certificate of deposit assignment
2157 or agreement shall be upon a form prescribed or approved by the
2158 department and shall be conditioned to secure the faithful
2159 accounting for and payment, in the manner prescribed by s.
2160 604.21(9), to producers or their agents or representatives of
2161 the proceeds of all agricultural products handled or purchased
2162 by such dealer, ~~and~~ to secure payment to dealers who sell
2163 agricultural products to such dealer, and to pay any claims or
2164 costs ordered under s. 604.21 as the result of a complaint. Such



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2165 bond or certificate of deposit assignment or agreement shall
2166 include terms binding the instrument to the Commissioner of
2167 Agriculture. A certificate of deposit shall be presented with an
2168 assignment of applicant's rights in the certificate in favor of
2169 the Commissioner of Agriculture on a form prescribed by the
2170 department and with a letter from the issuing institution
2171 acknowledging that the assignment has been properly recorded on
2172 the books of the issuing institution and will be honored by the
2173 issuing institution. Such assignment shall be irrevocable while
2174 the dealer's license is in effect and for an additional period
2175 of 6 months after the termination or expiration of the dealer's
2176 license, provided no complaint is pending against the licensee.
2177 If a complaint is pending, the assignment shall remain in effect
2178 until all actions on the complaint have been finalized. The
2179 certificate of deposit may be released by the assignee of the
2180 financial institution to the licensee or the licensee's
2181 successors, assignee, or heirs if no claims are pending against
2182 the licensee before the department at the conclusion of 6 months
2183 after the last effective date of the license. No certificate of
2184 deposit shall be accepted that contains any provision that would
2185 give the issuing institution any prior rights or claim on the
2186 proceeds or principal of such certificate of deposit. The
2187 department shall determine by rule the maximum amount of bond or
2188 certificate of deposit required of a dealer and whether an
2189 annual bond or certificate of deposit will be required.

2190 (4) The department may issue a conditional license to an
2191 applicant who is unable to provide a single bond or certificate
2192 of deposit in the full amount required by the calculation in
2193 subsection (1). The conditional license shall remain in effect



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2194 for a 1-year period to coincide with the effective period of the
2195 bond or certificate of deposit furnished by the applicant. The
2196 applicant must provide at least the minimum \$5,000 bond or
2197 certificate of deposit as provided in subsection (1) together
2198 with documentation from each of three separate bonding companies
2199 denying the applicants request for a surety bond in the full
2200 amount required in subsection (1) and one of the following:

2201 (a) A notarized affidavit limiting the handling of
2202 agricultural products, by purchase or otherwise, during their
2203 largest month to a minimum of one-half the amount of the bond or
2204 certificate of deposit provided by the applicant;

2205 (b) A notarized affidavit stating that any subject
2206 agricultural products, handled by purchase or otherwise,
2207 exceeding one-half of the amount of the bond or certificate of
2208 deposit will be handled under the exemption provisions set forth
2209 in s. 604.16(2); or

2210 (c) A second bond or certificate of deposit in such an
2211 amount that, when the penal sum of the second bond or
2212 certificate of deposit is added to the penal sum of the first
2213 bond or certificate of deposit, the combined penal sum will
2214 equal twice the dollar amount of agricultural products handled
2215 for a Florida producer or a producer's agent or representative,
2216 by purchase or otherwise, during the month of maximum
2217 transaction in such products during the preceding 12-month
2218 period.

2219
2220 The department or its agents may require from any licensee who
2221 is issued a conditional license verified statements of the
2222 volume of the licensee's business or may review the licensee's



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2223 records at the licensee's place of business during normal
2224 business hours to determine the licensee's adherence to the
2225 conditions of the license. The failure of a licensee to furnish
2226 such statement or to make such records available shall be cause
2227 for suspension of the licensee's conditional license. If the
2228 department finds such failure to be willful, the conditional
2229 license may be revoked.

2230 Section 64. Section 604.25, Florida Statutes, is amended to
2231 read:

2232 604.25 Refusal to grant, or suspension or revocation of,
2233 license.-

2234 (1) The department may deny, refuse to renew, decline to
2235 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
2236 ~~granted~~ if the applicant or licensee has:

2237 (a) Suffered a monetary judgment entered against the
2238 applicant or licensee ~~upon which is execution has been returned~~
2239 unsatisfied;

2240 (b) Made false charges for handling or services rendered;

2241 (c) Failed to account promptly and properly or to make
2242 settlements with any producer;

2243 (d) Made any false statement or statements as to condition,
2244 quality, or quantity of goods received or held for sale when the
2245 true condition, quality, or quantity could have been ascertained
2246 by reasonable inspection;

2247 (e) Made any false or misleading statement or statements as
2248 to market conditions or service rendered;

2249 (f) Been guilty of a fraud in the attempt to procure, or
2250 the procurement of, a license;

2251 (g) Directly or indirectly sold agricultural products



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2252 received on consignment or on a net return basis for her or his
2253 own account, without prior authority from the producer
2254 consigning the same, or without notifying such producer;

2255 (h) Employed a person in a responsible position ~~a person,~~
2256 or has an owner, officer, director, general or managing partner,
2257 or other similarly situated person, who is in or has held a
2258 similar position with any entity that of a corporation, who has
2259 failed to fully comply with an order of the department, has not
2260 satisfied a civil judgment held by the department, has pending
2261 any administrative or civil enforcement action by the
2262 department, or has pending any criminal charges pursuant to s.
2263 604.30 at any time within 1 year after issuance;

2264 (i) Violated any statute or rule relating to the purchase
2265 or sale of any agricultural product, whether or not such
2266 transaction is subject to the provisions of this chapter; ~~or~~

2267 (j) Failed to submit to the department an application,
2268 appropriate license fees, and an acceptable surety bond or
2269 certificate of deposit; or-

2270 ~~(k)(2) Failed If a licensee fails or refused refuses to~~
2271 ~~comply in full with an order of the department or failed to~~
2272 ~~satisfy a civil judgment held by the department, her or his~~
2273 ~~license may be suspended or revoked, in which case she or he~~
2274 ~~shall not be eligible for license for a period of 1 year or~~
2275 ~~until she or he has fully complied with the order of the~~
2276 ~~department.~~

2277 ~~(3) No person, or officer of a corporation, whose license~~
2278 ~~has been suspended or revoked for failure to comply with an~~
2279 ~~order of the department may hold a responsible position with a~~
2280 ~~licensee for a period of 1 year or until the order of the~~



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2281 ~~department has been fully complied with.~~

2282 Section 65. Subsections (18) and (19) of section 616.242,
2283 Florida Statutes, are renumbered as subsections (19) and (20),
2284 respectively, and a new subsection (18) is added to that section
2285 to read:

2286 616.242 Safety standards for amusement rides.—

2287 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride
2288 fails to comply with this chapter or any rule adopted under this
2289 chapter, the department may issue a stop-operation order.

2290 Section 66. Paragraph (c) of subsection (5) of section
2291 790.06, Florida Statutes, is amended to read:

2292 790.06 License to carry concealed weapon or firearm.—

2293 (5) The applicant shall submit to the Department of
2294 Agriculture and Consumer Services:

2295 (c) A full set of fingerprints of the applicant
2296 administered by a law enforcement agency or the Division of
2297 Licensing of the Department of Agriculture and Consumer
2298 Services.

2299 Section 67. Sections 570.071 and 570.901, Florida Statutes,
2300 are repealed.

2301 Section 68. This act shall take effect July 1, 2009.