

By the Committee on Agriculture; and Senator Dean

575-02637-09

2009868c1

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 482.021, F.S.; revising
4 terminology to modify requirements for supervision
5 provided by certified operators in charge of pest
6 control businesses; amending s. 482.051, F.S.;
7 requiring pest control licensees to perform
8 inspections before issuing certain contracts; amending
9 s. 482.071, F.S.; increasing the financial
10 responsibility requirements for pest control
11 licensees; creating s. 482.072, F.S.; requiring pest
12 control service center licenses; providing license
13 application requirements and procedures; providing for
14 expiration and renewal of licenses; establishing
15 license fees; exempting pest control service center
16 employees from identification card requirements except
17 under certain circumstances; requiring recordkeeping
18 and monitoring of service center operations;
19 authorizing disciplinary action against pest control
20 licensees for violations committed by service center
21 employees; amending s. 482.152, F.S.; revising duties
22 and supervisory requirements of certified operators in
23 charge of pest control businesses; creating s.
24 482.157, F.S.; providing for pest control
25 certification of commercial wildlife management
26 personnel; providing application procedures and
27 requirements; requiring a certification examination;
28 establishing certification fees; amending s. 482.163,
29 F.S.; authorizing disciplinary action against pest

575-02637-09

2009868c1

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,
58 F.S.; requiring a security officer school or recovery

575-02637-09

2009868c1

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;
87 requiring the department to accept certain methods of

575-02637-09

2009868c1

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;

116 amending s. 526.51, F.S.; revising brake fluid permit

575-02637-09

2009868c1

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
145 recovery programs; authorizing the department to adopt

575-02637-09

2009868c1

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
174 burning authorizations; specifying purposes of

575-02637-09

2009868c1

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
203 certificate of deposit required for agricultural

575-02637-09

2009868c1

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
232 licensee's operation in a category or categories of pest control

575-02637-09

2009868c1

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:

261 482.071 Licenses.—

575-02637-09

2009868c1

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
290 submitted in the format prescribed by the department.

575-02637-09

2009868c1

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
319 department finds that the applicant or licensee, or any of its

575-02637-09

2009868c1

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
348 of the pest control activities of a licensee shall have her or

575-02637-09

2009868c1

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
377 read:

575-02637-09

2009868c1

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.

406 (b) The applicant holds a certificate of insurance stating

575-02637-09

2009868c1

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~~
435 ~~the provisions of s. 482.161~~ for the pest control activities of

575-02637-09

2009868c1

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:

464 493.6102 Inapplicability of this chapter.-This chapter

575-02637-09

2009868c1

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. Section 493.6105, Florida Statutes, is amended
473 to read:

474 493.6105 Initial application for license.—

475 (1) Each individual, partner, or principal officer in a
476 corporation, shall file with the department a complete
477 application accompanied by an application fee not to exceed \$60,
478 except that the applicant for a Class "D" or Class "G" license
479 shall not be required to submit an application fee. The
480 application fee shall not be refundable.

481 (a) The application submitted by any individual, partner,
482 or corporate officer shall be approved by the department prior
483 to that individual, partner, or corporate officer assuming his
484 or her duties.

485 (b) Individuals who invest in the ownership of a licensed
486 agency, but do not participate in, direct, or control the
487 operations of the agency shall not be required to file an
488 application.

489 (2) Each application shall be signed and verified by the
490 individual under oath as provided in s. 95.525 ~~and shall be~~
491 ~~notarized.~~

492 (3) The application shall contain the following information
493 concerning the individual signing same:

575-02637-09

2009868c1

- 494 (a) Name and any aliases.
- 495 (b) Age and date of birth.
- 496 (c) Place of birth.
- 497 (d) Social security number or alien registration number,
498 whichever is applicable.
- 499 (e) Present residence address ~~and his or her residence~~
500 ~~addresses within the 5 years immediately preceding the~~
501 ~~submission of the application.~~
- 502 ~~(f) Occupations held presently and within the 5 years~~
503 ~~immediately preceding the submission of the application.~~
- 504 (f)(g) A statement of all criminal convictions, findings of
505 guilt, and pleas of guilty or nolo contendere, regardless of
506 adjudication of guilt.
- 507 (g) One passport-type color photograph taken within the 6
508 months immediately preceding submission of the application.
- 509 (h) A statement whether he or she has ever been adjudicated
510 incompetent under chapter 744.
- 511 (i) A statement whether he or she has ever been committed
512 to a mental institution under chapter 394.
- 513 (j) A full set of fingerprints on a card provided by the
514 department and a fingerprint fee to be established by rule of
515 the department based upon costs determined by state and federal
516 agency charges and department processing costs. An applicant who
517 has, within the immediately preceding 6 months, submitted a
518 fingerprint card and fee for licensing purposes under this
519 chapter shall not be required to submit another fingerprint card
520 or fee.
- 521 (k) A personal inquiry waiver which allows the department
522 to conduct necessary investigations to satisfy the requirements

575-02637-09

2009868c1

523 of this chapter.

524 (1) Such further facts as may be required by the department
525 to show that the individual signing the application is of good
526 moral character and qualified by experience and training to
527 satisfy the requirements of this chapter.

528 ~~(4) In addition to the application requirements outlined in~~
529 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
530 ~~"E," Class "EE," or Class "G" license shall submit two color~~
531 ~~photographs taken within the 6 months immediately preceding the~~
532 ~~submission of the application, which meet specifications~~
533 ~~prescribed by rule of the department. All other applicants shall~~
534 ~~submit one photograph taken within the 6 months immediately~~
535 ~~preceding the submission of the application.~~

536 (4)~~(5)~~ In addition to the application requirements outlined
537 under subsection (3), the applicant for a Class "C," Class "E,"
538 Class "M," Class "MA," Class "MB," or Class "MR" license shall
539 include a statement on a form provided by the department of the
540 experience which he or she believes will qualify him or her for
541 such license.

542 (5)~~(6)~~ In addition to the requirements outlined in
543 subsection (3), an applicant for a Class "G" license shall
544 satisfy minimum training criteria for firearms established by
545 rule of the department, which training criteria shall include,
546 but is not limited to, 28 hours of range and classroom training
547 taught and administered by a Class "K" licensee; however, no
548 more than 8 hours of such training shall consist of range
549 training. If the applicant can show proof that he or she is an
550 active law enforcement officer currently certified under the
551 Criminal Justice Standards and Training Commission or has

575-02637-09

2009868c1

552 completed the training required for that certification within
553 the last 12 months, or if the applicant submits one of the
554 certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
555 department may waive the foregoing firearms training
556 requirement.

557 ~~(6) (7)~~ In addition to the requirements under subsection
558 (3), an applicant for a Class "K" license shall:

559 (a) Submit one of the following certificates:

560 1. The Florida Criminal Justice Standards and Training
561 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
562 the commission that the applicant is authorized to provide
563 firearms instruction.

564 2. The National Rifle Association Law Enforcement Police
565 Firearms Instructor's Certificate.

566 ~~3. The National Rifle Association Security Firearms~~
567 ~~Instructor's Certificate.~~

568 ~~3.4.~~ A firearms instructor's training certificate issued by
569 any branch of the United States Armed Forces, from a federal law
570 enforcement academy or agency, state, county, or municipal
571 ~~police~~ academy in this state recognized as such by the Criminal
572 Justice Standards and Training Commission ~~or by the Department~~
573 ~~of Education.~~

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

578 ~~(7) (8)~~ In addition to the application requirements for
579 individuals, partners, or officers outlined under subsection
580 (3), the application for an agency license shall contain the

575-02637-09

2009868c1

581 following information:

582 (a) The proposed name under which the agency intends to
583 operate.

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

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

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

591 ~~(8)~~⁽⁹⁾ Upon submission of a complete application, a Class
592 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
593 Class "MA," Class "MB," or Class "MR" applicant may commence
594 employment or appropriate duties for a licensed agency or branch
595 office. However, the Class "C" or Class "E" applicant must work
596 under the direction and control of a sponsoring licensee while
597 his or her application is being processed. If the department
598 denies application for licensure, the employment of the
599 applicant must be terminated immediately, unless he or she
600 performs only unregulated duties.

601 Section 11. Paragraph (f) of subsection (1) and paragraph
602 (a) of subsection (2) of section 493.6106, Florida Statutes, are
603 amended, and paragraph (g) is added to subsection (1) of that
604 section, to read:

605 493.6106 License requirements; posting.—

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

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

575-02637-09

2009868c1

610 ~~Bureau of~~ Citizenship and Immigration Services (USCIS) of the
611 United States Department of Homeland Security.

612 1. An applicant for a Class "C," Class "CC," Class "D,"
613 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
614 "MB," Class "MR," or Class "RI" license who is not a United
615 States citizen must submit proof of current employment
616 authorization issued by the United States Citizenship and
617 Immigration Services or proof that she or he is deemed a
618 permanent legal resident alien by the USCIS.

619 2. An applicant for a Class "G" or Class "K" license who is
620 not a United States citizen must submit proof that she or he is
621 deemed a permanent legal resident alien by the United States
622 Citizenship and Immigration Services, along with additional
623 documentation establishing that she or he has resided in the
624 state of residence shown on the application for at least 90
625 consecutive days before the date that the application is
626 submitted.

627 3. An applicant for an agency or school license who is not
628 a United States citizen or permanent legal resident alien must
629 submit documentation issued by the United States Citizenship and
630 Immigration Services stating that she or he is lawfully in the
631 United States and is authorized to own and operate the type of
632 agency or school for which she or he is applying. An employment
633 authorization card issued by the United States Citizenship and
634 Immigration Services is not sufficient documentation.

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

638 (2) Each agency shall have a minimum of one physical

575-02637-09

2009868c1

639 location within this state from which the normal business of the
640 agency is conducted, and this location shall be considered the
641 primary office for that agency in this state.

642 (a) If an agency or branch office desires to change the
643 physical location of the business, as it appears on the agency
644 license, the department must be notified within 10 days of the
645 change, and, except upon renewal, the fee prescribed in s.
646 493.6107 must be submitted for each license requiring revision.
647 Each license requiring revision must be returned with such
648 notification.

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

651 493.6107 Fees.—

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

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

661 493.6108 Investigation of applicants by Department of
662 Agriculture and Consumer Services.—

663 (1) Except as otherwise provided, prior to the issuance of
664 a license under this chapter, the department shall make an
665 investigation of the applicant for a license. The investigation
666 shall include:

667 (a)1. An examination of fingerprint records and police

575-02637-09

2009868c1

668 records. When a criminal history analysis of any applicant under
669 this chapter is performed by means of fingerprint card
670 identification, the time limitations prescribed by s. 120.60(1)
671 shall be tolled during the time the applicant's fingerprint card
672 is under review by the Department of Law Enforcement or the
673 United States Department of Justice, Federal Bureau of
674 Investigation.

675 2. If a legible set of fingerprints, as determined by the
676 Department of Law Enforcement or the Federal Bureau of
677 Investigation, cannot be obtained after two attempts, the
678 Department of Agriculture and Consumer Services may determine
679 the applicant's eligibility based upon a criminal history record
680 check under the applicant's name conducted by the Department of
681 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
682 ~~A set of fingerprints are taken by a law enforcement agency or~~
683 ~~the department and the applicant submits~~ a written statement
684 signed by the fingerprint technician or a licensed physician
685 stating that there is a physical condition that precludes
686 obtaining a legible set of fingerprints or that the fingerprints
687 taken are the best that can be obtained ~~is sufficient to meet~~
688 ~~this requirement.~~

689 (3) The department shall also investigate the mental
690 history and current mental and emotional fitness of any Class
691 "G" or Class "K" applicant, and may deny a Class "G" or Class
692 "K" license to anyone who has a history of mental illness or
693 drug or alcohol abuse.

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

696 493.6111 License; contents; identification card.-

575-02637-09

2009868c1

697 (4) Notwithstanding the existence of a valid Florida
698 corporate registration, an ~~no~~ agency or school licensee may not
699 conduct activities regulated under this chapter under any
700 fictitious name without prior written authorization from the
701 department to use that name in the conduct of activities
702 regulated under this chapter. The department may not authorize
703 the use of a name which is so similar to that of a public
704 officer or agency, or of that used by another licensee, that the
705 public may be confused or misled thereby. The authorization for
706 the use of a fictitious name shall require, as a condition
707 precedent to the use of such name, the filing of a certificate
708 of engaging in business under a fictitious name under s. 865.09.
709 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
710 under more than one fictitious name except as separately
711 licensed nor shall the license be valid to protect any licensee
712 who is engaged in ~~the~~ business under any name other than that
713 specified in the license. An agency desiring to change its
714 licensed name shall notify the department and, except upon
715 renewal, pay a fee not to exceed \$30 for each license requiring
716 revision including those of all licensed employees except Class
717 "D" or Class "G" licensees. Upon the return of such licenses to
718 the department, revised licenses shall be provided.

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

721 493.6113 Renewal application for licensure.-

722 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
723 expiration date of the license, the department shall mail a
724 written notice to the last known mailing ~~residence~~ address of
725 the licensee ~~for individual licensees and to the last known~~

575-02637-09

2009868c1

726 ~~agency address for agencies.~~

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

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

735 Section 16. Subsection (8), paragraph (d) of subsection
736 (12), and subsection (16) of section 493.6115, Florida Statutes,
737 are amended to read:

738 493.6115 Weapons and firearms.—

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

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

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

747 (16) If the criminal history record check program
748 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
749 department may issue a temporary "G" license on a case-by-case
750 basis, provided that the applicant has met all statutory
751 requirements for the issuance of a temporary "G" license as
752 specified in subsection (12), excepting the criminal history
753 record check stipulated there; provided, that the department
754 requires that the licensed employer of the applicant conduct a

575-02637-09

2009868c1

755 criminal history record check of the applicant pursuant to
756 standards set forth in rule by the department, and provide to
757 the department an affidavit containing such information and
758 statements as required by the department, including a statement
759 that the criminal history record check did not indicate the
760 existence of any criminal history that would prohibit licensure.
761 Failure to properly conduct such a check, or knowingly providing
762 incorrect or misleading information or statements in the
763 affidavit shall constitute grounds for disciplinary action
764 against the licensed agency, including revocation of license.

765 Section 17. Present paragraph (u) of subsection (1) of
766 section 493.6118, Florida Statutes, is redesignated as paragraph
767 (v), and a new paragraph (u) is added to that subsection, to
768 read:

769 493.6118 Grounds for disciplinary action.—

770 (1) The following constitute grounds for which disciplinary
771 action specified in subsection (2) may be taken by the
772 department against any licensee, agency, or applicant regulated
773 by this chapter, or any unlicensed person engaged in activities
774 regulated under this chapter.

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

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

782 1. Recovering a motor vehicle, mobile home, motorboat,
783 aircraft, personal watercraft, all-terrain vehicle, farm

575-02637-09

2009868c1

784 equipment, or industrial equipment that has been sold under a
785 conditional sales agreement or under the terms of a chattel
786 mortgage before authorization has been received from the legal
787 owner or mortgagee.

788 2. Charging for expenses not actually incurred in
789 connection with the recovery, transportation, storage, or
790 disposal of repossessed property or personal property obtained
791 in a repossession.

792 3. Using any repossessed property or personal property
793 obtained in a repossession for the personal benefit of a
794 licensee or an officer, director, partner, manager, or employee
795 of a licensee.

796 4. Selling property recovered under the provisions of this
797 chapter, except with written authorization from the legal owner
798 or the mortgagee thereof.

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

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

806 7. Failing to deliver to the client a negotiable instrument
807 that is payable to the client, within 10 working days after
808 receipt of such instrument.

809 8. Falsifying, altering, or failing to maintain any
810 required inventory or records regarding disposal of personal
811 property contained in or on repossessed property pursuant to s.
812 493.6404(1).

575-02637-09

2009868c1

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

816 10. Soliciting from the legal owner the recovery of
817 property subject to repossession after such property has been
818 seen or located on public or private property if the amount
819 charged or requested for such recovery is more than the amount
820 normally charged for such a recovery.

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

823 Section 18. Present subsections (7) and (8) of section
824 493.6121, Florida Statutes, are renumbered as subsections (6)
825 and (7), respectively, and subsection (6) of that section is
826 amended, to read:

827 493.6121 Enforcement; investigation.-

828 ~~(6) The department shall be provided access to the program~~
829 ~~that is operated by the Department of Law Enforcement, pursuant~~
830 ~~to s. 790.065, for providing criminal history record information~~
831 ~~to licensed gun dealers, manufacturers, and exporters. The~~
832 ~~department may make inquiries, and shall receive responses in~~
833 ~~the same fashion as provided under s. 790.065. The department~~
834 ~~shall be responsible for payment to the Department of Law~~
835 ~~Enforcement of the same fees as charged to others afforded~~
836 ~~access to the program.~~

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

839 493.6202 Fees.-

840 (3) The fees set forth in this section must be paid by
841 ~~certified check or money order or, at the discretion of the~~

575-02637-09

2009868c1

842 ~~department, by agency check~~ at the time the application is
843 approved, except that the applicant for a Class "G," Class "C,"
844 Class "CC," Class "M," or Class "MA" license must pay the
845 license fee at the time the application is made. If a license is
846 revoked or denied or if the application is withdrawn, the
847 license fee shall not be refunded.

848 Section 20. Subsections (2), (4), and (6) of section
849 493.6203, Florida Statutes, are amended to read:

850 493.6203 License requirements.—In addition to the license
851 requirements set forth elsewhere in this chapter, each
852 individual or agency shall comply with the following additional
853 requirements:

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

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

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

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

861 (d) Experience described in paragraph (a) for 1 year and
862 experience described in paragraph (e) for 1 year;

863 (e) No more than 1 year using:

864 1. College coursework related to criminal justice,
865 criminology, or law enforcement administration; or

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

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

575-02637-09

2009868c1

871
872 However, experience in performing bodyguard services is not
873 creditable toward the requirements of this subsection.

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

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

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

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

886
887 However, experience in performing bodyguard services is not
888 creditable toward the requirements of this subsection.

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

892 (b) Effective July 1, 2009 ~~September 1, 2008~~, before
893 submission of an application to the department, the ~~an~~ applicant
894 for a Class "CC" license must have completed a minimum of 40 ~~at~~
895 ~~least 24~~ hours of professional training ~~a 40-hour course~~
896 pertaining to general investigative techniques and this chapter,
897 which course is offered by a state university or by a school,
898 community college, college, or university under the purview of
899 the Department of Education, and the applicant must pass an

575-02637-09

2009868c1

900 examination. The training must be provided in two parts, one 24-
901 hour course and one 16-hour course. The certificate evidencing
902 satisfactory completion of the 40 ~~at least 24~~ hours of
903 professional training ~~a 40-hour course~~ must be submitted with
904 the application for a Class "CC" license. ~~The remaining 16 hours~~
905 ~~must be completed and an examination passed within 180 days. If~~
906 ~~documentation of completion of the required training is not~~
907 ~~submitted within the specified timeframe, the individual's~~
908 ~~license is automatically suspended or his or her authority to~~
909 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
910 ~~until such time as proof of certificate of completion is~~
911 ~~provided to the department.~~ The training course specified in
912 this paragraph may be provided by face-to-face presentation,
913 online technology, or a home study course in accordance with
914 rules and procedures of the Department of Education. The
915 administrator of the examination must verify the identity of
916 each applicant taking the examination.

917 1. Upon an applicant's successful completion of each part
918 of the approved training ~~course~~ and passage of any required
919 examination, the school, community college, college, or
920 university shall issue a certificate of completion to the
921 applicant. The certificates must be on a form established by
922 rule of the department.

923 2. The department shall establish by rule the general
924 content of the professional ~~training course~~ and the examination
925 criteria.

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

575-02637-09

2009868c1

929 (c) An individual who submits an application for a Class
930 "CC" license on or after September 1, 2008, through June 30,
931 2009, who has not completed the 16-hour course must submit proof
932 of successful completion of the course within 180 days after the
933 date the application is submitted. If documentation of
934 completion of the required training is not submitted by that
935 date, the individual's license is automatically suspended until
936 proof of the required training is submitted to the department.
937 An individual licensed on or before August 31, 2008, is not
938 required to complete additional training hours in order to renew
939 an active license beyond the required total amount of training,
940 and within the timeframe, in effect at the time he or she was
941 licensed.

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

944 493.6302 Fees.—

945 (3) The fees set forth in this section must be paid by
946 ~~certified check or money order or, at the discretion of the~~
947 ~~department, by agency check~~ at the time the application is
948 approved, except that the applicant for a Class "D," Class "G,"
949 Class "M," or Class "MB" license must pay the license fee at the
950 time the application is made. If a license is revoked or denied
951 or if the application is withdrawn, the license fee shall not be
952 refunded.

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

955 493.6303 License requirements.—In addition to the license
956 requirements set forth elsewhere in this chapter, each
957 individual or agency shall comply with the following additional

575-02637-09

2009868c1

958 requirements:

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

966 (b) An individual who submits an application for a Class
967 "D" license on or after January 1, 2007, through June 30, 2009,
968 who has not completed the 16-hour course must submit proof of
969 successful completion of the course within 180 days after the
970 date the application is submitted. If documentation of
971 completion of the required training is not submitted by that
972 date, the individual's license is automatically suspended until
973 proof of the required training is submitted to the department.
974 This section does not require a person licensed before January
975 1, 2007, to complete additional training hours in order to renew
976 an active license beyond the required total amount of training
977 within the timeframe prescribed by law at the time he or she was
978 licensed. An applicant may fulfill the training requirement
979 ~~prescribed in paragraph (a) by submitting proof of:~~

980 ~~1. Successful completion of the total number of required~~
981 ~~hours of training before initial application for a Class "D"~~
982 ~~license; or~~

983 ~~2. Successful completion of 24 hours of training before~~
984 ~~initial application for a Class "D" license and successful~~
985 ~~completion of the remaining 16 hours of training within 180 days~~
986 ~~after the date that the application is submitted. If~~

575-02637-09

2009868c1

987 ~~documentation of completion of the required training is not~~
988 ~~submitted within the specified timeframe, the individual's~~
989 ~~license is automatically suspended until such time as proof of~~
990 ~~the required training is provided to the department.~~

991 (c) An individual ~~However, any person whose license is~~
992 ~~suspended or has been revoked, suspended pursuant to paragraph~~
993 ~~(b) subparagraph 2., or is expired for at least 1 year, or~~
994 ~~longer is considered, upon reapplication for a license, an~~
995 ~~initial applicant and must submit proof of successful completion~~
996 ~~of 40 hours of professional training at a school or training~~
997 ~~facility licensed by the department as provided prescribed in~~
998 ~~paragraph (a) before a license is will be issued. Any person~~
999 ~~whose license was issued before January 1, 2007, and whose~~
1000 ~~license has been expired for less than 1 year must, upon~~
1001 ~~reapplication for a license, submit documentation of completion~~
1002 ~~of the total number of hours of training prescribed by law at~~
1003 ~~the time her or his initial license was issued before another~~
1004 ~~license will be issued. This subsection does not require an~~
1005 ~~individual licensed before January 1, 2007, to complete~~
1006 ~~additional training hours in order to renew an active license,~~
1007 ~~beyond the required total amount of training within the~~
1008 ~~timeframe prescribed by law at the time she or he was licensed.~~

1009 Section 23. Subsection (2) of section 493.6304, Florida
1010 Statutes, is amended to read:

1011 493.6304 Security officer school or training facility.—

1012 (2) The application shall be signed and verified by the
1013 applicant under oath as provided in s. 92.525 notarized and
1014 shall contain, at a minimum, the following information:

1015 (a) The name and address of the school or training facility

575-02637-09

2009868c1

1016 and, if the applicant is an individual, her or his name,
1017 address, and social security or alien registration number.

1018 (b) The street address of the place at which the training
1019 is to be conducted.

1020 (c) A copy of the training curriculum and final examination
1021 to be administered.

1022 Section 24. Subsections (7) and (8) of section 493.6401,
1023 Florida Statutes, are amended to read:

1024 493.6401 Classes of licenses.—

1025 (7) Any person who operates a recovery agent ~~repossessor~~
1026 school or training facility or who conducts an Internet-based
1027 training course or a correspondence training course must have a
1028 Class "RS" license.

1029 (8) Any individual who teaches or instructs at a Class "RS"
1030 recovery agent ~~repossessor~~ school or training facility shall
1031 have a Class "RI" license.

1032 Section 25. Paragraphs (f) and (g) of subsection (1) and
1033 subsection (3) of section 493.6402, Florida Statutes, are
1034 amended to read:

1035 493.6402 Fees.—

1036 (1) The department shall establish by rule biennial license
1037 fees which shall not exceed the following:

1038 (f) Class "RS" license—recovery agent ~~repossessor~~ school or
1039 training facility: \$60.

1040 (g) Class "RI" license—recovery agent ~~repossessor~~ school or
1041 training facility instructor: \$60.

1042 (3) The fees set forth in this section must be paid by
1043 ~~certified check or money order, or, at the discretion of the~~
1044 ~~department, by agency check~~ at the time the application is

575-02637-09

2009868c1

1045 approved, except that the applicant for a Class "E," Class "EE,"
1046 or Class "MR" license must pay the license fee at the time the
1047 application is made. If a license is revoked or denied, or if an
1048 application is withdrawn, the license fee shall not be refunded.

1049 Section 26. Subsections (1) and (2) of section 493.6406,
1050 Florida Statutes, are amended to read:

1051 493.6406 Recovery agent ~~Repossession services~~ school or
1052 training facility.-

1053 (1) Any school, training facility, or instructor who offers
1054 the training outlined in s. 493.6403(2) for Class "E" or Class
1055 "EE" applicants shall, before licensure of such school, training
1056 facility, or instructor, file with the department an application
1057 accompanied by an application fee in an amount to be determined
1058 by rule, not to exceed \$60. The fee shall not be refundable.
1059 This training may be offered as face-to-face training, Internet-
1060 based training, or correspondence training.

1061 (2) The application shall be signed and verified by the
1062 applicant under oath as provided in s. 92.525 ~~notarized~~ and
1063 shall contain, at a minimum, the following information:

1064 (a) The name and address of the school or training facility
1065 and, if the applicant is an individual, his or her name,
1066 address, and social security or alien registration number.

1067 (b) The street address of the place at which the training
1068 is to be conducted or the street address of the Class "RS"
1069 school offering Internet-based or correspondence training.

1070 (c) A copy of the training curriculum and final examination
1071 to be administered.

1072 Section 27. Paragraph (n) of subsection (1) of section
1073 500.03, Florida Statutes, is amended to read:

575-02637-09

2009868c1

1074 500.03 Definitions; construction; applicability.-

1075 (1) For the purpose of this chapter, the term:

1076 (n) "Food establishment" means any factory, food outlet, or
1077 any other facility manufacturing, processing, packing, holding,
1078 or preparing food, ~~or~~ selling food at wholesale or retail. The
1079 term does not include any business or activity that is regulated
1080 under chapter 509 or chapter 601. The term includes tomato
1081 packinghouses and repackers but does not include any other
1082 establishments that pack fruits and vegetables in their raw or
1083 natural states, including those fruits or vegetables that are
1084 washed, colored, or otherwise treated in their unpeeled, natural
1085 form before they are marketed.

1086 Section 28. Subsection (1) of section 500.121, Florida
1087 Statutes, is amended to read:

1088 500.121 Disciplinary procedures.-

1089 (1) In addition to the suspension procedures provided in s.
1090 500.12, the department may impose a fine not exceeding \$5,000
1091 per violation against any retail food store or food
1092 establishment that has violated this chapter, which fine, when
1093 imposed and paid, shall be deposited by the department into the
1094 General Inspection Trust Fund. The department may revoke or
1095 suspend the permit of any such retail food store or food
1096 establishment if it is satisfied that the retail food store or
1097 food establishment has:

1098 (a) Violated any of the provisions of this chapter.

1099 (b) Violated or aided or abetted in the violation of any
1100 law of this state governing or applicable to retail food stores
1101 or food establishments or any lawful rules of the department.

1102 (c) Knowingly committed, or been a party to, any material

575-02637-09

2009868c1

1103 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
1104 or device whereby any other person, lawfully relying upon the
1105 word, representation, or conduct of a retail food store or food
1106 establishment, acts to her or his injury or damage.

1107 (d) Committed any act or conduct of the same or different
1108 character than that enumerated which constitutes fraudulent or
1109 dishonest dealing.

1110 Section 29. Section 500.70, Florida Statutes, is created to
1111 read:

1112 500.70 Tomato food safety standards; inspections;
1113 penalties; tomato good agricultural practices; tomato best
1114 management practices.-

1115 (1) As used in this section, the term:

1116 (a) "Field packing" means the packing of tomatoes on a
1117 tomato farm or in a tomato greenhouse into containers for sale
1118 for human consumption without transporting the tomatoes to a
1119 packinghouse.

1120 (b) "Packing" or "repacking" means the packing of tomatoes
1121 into containers for sale for human consumption. The term
1122 includes the sorting or separating of tomatoes into grades and
1123 sizes. The term also includes field packing.

1124 (c) "Producing" means the planting, growing, or cultivating
1125 of tomatoes on a tomato farm or in a tomato greenhouse for sale
1126 for human consumption.

1127 (2) The department may adopt rules establishing food safety
1128 standards to safeguard the public health and promote the public
1129 welfare by protecting the consuming public from injury caused by
1130 the adulteration or the microbiological, chemical, or
1131 radiological contamination of tomatoes. The rules must be based

575-02637-09

2009868c1

1132 on federal requirements, available scientific research,
1133 generally accepted industry practice, and recommendations of
1134 food safety professionals. The rules shall apply to the
1135 producing, harvesting, packing, and repacking of tomatoes for
1136 sale for human consumption by a tomato farm, tomato greenhouse,
1137 or tomato packinghouse or repacker in this state. The rules may
1138 include, but are not limited to, standards for:

1139 (a) Registration with the department of a person who
1140 produces, harvests, packs, or repacks tomatoes in this state who
1141 does not hold a food permit issued under s. 500.12.

1142 (b) Proximity of domestic animals and livestock to the
1143 production areas for tomatoes.

1144 (c) Food safety related use of water for irrigation during
1145 production and washing of tomatoes after harvest.

1146 (d) Use of fertilizers.

1147 (e) Cleaning and sanitation of containers, materials,
1148 equipment, vehicles, and facilities, including storage and
1149 ripening areas.

1150 (f) Health, hygiene, and sanitation of employees who handle
1151 tomatoes.

1152 (g) Training and continuing education of a person who
1153 produces, harvests, packs, or repacks tomatoes in this state,
1154 and the person's employees who handle tomatoes.

1155 (h) Labeling and recordkeeping, including standards for
1156 identifying and tracing tomatoes for sale for human consumption.

1157 (3) (a) The department may inspect tomato farms, tomato
1158 greenhouses, tomato packinghouses, repacking locations, or any
1159 vehicle being used to transport or hold tomatoes to ensure
1160 compliance with the applicable provisions of this chapter, and

575-02637-09

2009868c1

1161 the rules adopted under this chapter.

1162 (b) The department may impose an administrative fine not to
1163 exceed \$5,000 per violation, or issue a written notice or
1164 warning under s. 500.179, against a person who violates any
1165 applicable provision of this chapter, or any rule adopted under
1166 this chapter.

1167 (4) (a) The department may adopt rules establishing tomato
1168 good agricultural practices and tomato best management practices
1169 for the state's tomato industry based on applicable federal
1170 requirements, available scientific research, generally accepted
1171 industry practices, and recommendations of food safety
1172 professionals.

1173 (b) A person who documents compliance with the department's
1174 rules, tomato good agricultural practices, and tomato best
1175 management practices is presumed to introduce tomatoes into the
1176 stream of commerce that are safe for human consumption, unless
1177 the department identifies noncompliance through inspections.

1178 (5) The department may adopt rules pursuant to ss.
1179 120.536(1) and 120.54 to administer this section.

1180 Section 30. Paragraph (a) of subsection (2) of section
1181 501.605, Florida Statutes, is amended to read:

1182 501.605 Licensure of commercial telephone sellers.—

1183 (2) An applicant for a license as a commercial telephone
1184 seller must submit to the department, in such form as it
1185 prescribes, a written application for the license. The
1186 application must set forth the following information:

1187 (a) The true name, date of birth, driver's license number,
1188 ~~social security number~~, and home address of the applicant,
1189 including each name under which he or she intends to do

575-02637-09

2009868c1

1190 business.

1191
1192 The application shall be accompanied by a copy of any: Script,
1193 outline, or presentation the applicant will require or suggest a
1194 salesperson to use when soliciting, or, if no such document is
1195 used, a statement to that effect; sales information or
1196 literature to be provided by the applicant to a salesperson; and
1197 sales information or literature to be provided by the applicant
1198 to a purchaser in connection with any solicitation.

1199 Section 31. Paragraph (a) of subsection (1) of section
1200 501.607, Florida Statutes, is amended to read:

1201 501.607 Licensure of salespersons.—

1202 (1) An applicant for a license as a salesperson must submit
1203 to the department, in such form as it prescribes, a written
1204 application for a license. The application must set forth the
1205 following information:

1206 (a) The true name, date of birth, driver's license number,
1207 ~~social security number~~, and home address of the applicant.

1208 Section 32. Subsection (2) of section 501.913, Florida
1209 Statutes, is amended to read:

1210 501.913 Registration.—

1211 (2) The completed application shall be accompanied by:

1212 (a) Specimens or facsimiles of the label for each brand of
1213 antifreeze;

1214 (b) An application fee of \$200 for each brand; and

1215 (c) A properly labeled sample of at least 1 gallon, but not
1216 more than 2 gallons, of each brand of antifreeze.

1217 Section 33. Subsection (2) of section 525.01, Florida
1218 Statutes, is amended to read:

575-02637-09

2009868c1

1219 525.01 Gasoline and oil to be inspected.—

1220 (2) All petroleum fuels are ~~shall be~~ subject to inspection
1221 and analysis by the department. Before selling or offering for
1222 sale in this state any petroleum fuel, all manufacturers,
1223 terminal suppliers, wholesalers, and importers as defined in s.
1224 206.01 ~~jobbers~~ shall file with the department:

1225 (a) An affidavit that they desire to do business in this
1226 state, and the name and address of the manufacturer of the
1227 petroleum fuel.

1228 (b) An affidavit stating that the petroleum fuel is in
1229 conformity with the standards prescribed by department rule.

1230 Section 34. Subsections (1) and (3) of section 525.09,
1231 Florida Statutes, are amended to read:

1232 525.09 Inspection fee.—

1233 (1) For the purpose of defraying the expenses incident to
1234 inspecting, testing, and analyzing petroleum fuels in this
1235 state, there shall be paid to the department a charge of one-
1236 eighth cent per gallon on all gasoline, alternative fuel
1237 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
1238 kerosene (except when used as aviation turbine fuel), and #1
1239 fuel oil for sale or use in this state. This inspection fee
1240 shall be imposed in the same manner as the motor fuel tax
1241 pursuant to s. 206.41. Payment shall be made on or before the
1242 25th day of each month.

1243 (3) All remittances to the department for the inspection
1244 tax herein provided shall be accompanied by a detailed report
1245 under oath showing the number of gallons of gasoline,
1246 alternative fuel containing alcohol, as defined in s.
1247 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered

575-02637-09

2009868c1

1248 in each county.

1249 Section 35. Section 526.50, Florida Statutes, is amended to
1250 read:

1251 526.50 Definition of terms.—As used in this part:

1252 (1) "Brake fluid" means the fluid intended for use as the
1253 liquid medium through which force is transmitted in the
1254 hydraulic brake system of a vehicle operated upon the highways.

1255 (2) "Brand" means the product name appearing on the label
1256 of a container of brake fluid.

1257 (3)~~(5)~~ "Container" means any receptacle in which brake
1258 fluid is immediately contained when sold, but does not mean a
1259 carton or wrapping in which a number of such receptacles are
1260 shipped or stored or a tank car or truck.

1261 (4)~~(2)~~ "Department" means the Department of Agriculture and
1262 Consumer Services.

1263 (5) "Formula" means the name of the chemical mixture or
1264 composition of the brake fluid product.

1265 (6)~~(4)~~ "Labeling" includes all written, printed or graphic
1266 representations, in any form whatsoever, imprinted upon or
1267 affixed to any container of brake fluid.

1268 (7)~~(6)~~ "Permit year" means a period of 12 months commencing
1269 July 1 and ending on the next succeeding June 30.

1270 (8)~~(7)~~ "Registrant" means any manufacturer, packer,
1271 distributor, seller, or other person who has registered a brake
1272 fluid with the department.

1273 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
1274 trade, keep for sale, offer for sale or expose for sale, in any
1275 of their variant forms.

1276 Section 36. Section 526.51, Florida Statutes, is amended to

575-02637-09

2009868c1

1277 read:

1278 526.51 Registration; ~~renewal and~~ fees; departmental
1279 expenses; cancellation or refusal to issue or renew.-

1280 (1) (a) Application for registration of each brand of brake
1281 fluid shall be made on forms to be supplied by the department.
1282 The applicant shall give his or her name and address and the
1283 brand name of the brake fluid, state that he or she owns the
1284 brand name and has complete control over the product sold
1285 thereunder in Florida, and provide the name and address of the
1286 resident agent in Florida. If the applicant does not own the
1287 brand name but wishes to register the product with the
1288 department, a notarized affidavit that gives the applicant full
1289 authorization to register the brand name and that is signed by
1290 the owner of the brand name must accompany the application for
1291 registration. The affidavit must include all affected brand
1292 names, the owner's company or corporate name and address, the
1293 applicant's company or corporate name and address, and a
1294 statement from the owner authorizing the applicant to register
1295 the product with the department. The owner of the brand name
1296 shall maintain complete control over each product sold under
1297 that brand name in this state. All first-time brand-formula
1298 combination ~~new product~~ applications must be accompanied by a
1299 certified report from an independent testing laboratory, setting
1300 forth the analysis of the brake fluid which shall show its
1301 quality to be not less than the specifications established by
1302 the department for brake fluids. A sample of not less than 24
1303 fluid ounces of brake fluid shall be submitted, in a container
1304 or containers, with labels representing exactly how the
1305 containers of brake fluid will be labeled when sold, and the

575-02637-09

2009868c1

1306 sample and container shall be analyzed and inspected by the
1307 Division of Standards in order that compliance with the
1308 department's specifications and labeling requirements may be
1309 verified. Upon approval of the application, the department shall
1310 register the brand name of the brake fluid and issue to the
1311 applicant a permit authorizing the registrant to sell the brake
1312 fluid in this state during the permit year specified in the
1313 permit.

1314 (b) Each applicant shall pay a fee of \$100 with each
1315 application. An applicant seeking reregistration of a previously
1316 registered brand-formula combination must submit a completed
1317 application and all materials required under this subsection to
1318 the department before the first day of the permit year. A brand-
1319 formula combination for which a completed application and all
1320 materials required under this subsection are not received before
1321 the first day of the permit year ceases to be registered with
1322 the department until a completed application and all materials
1323 required under this subsection are received and approved. Any
1324 fee, application, or materials received after the first day of
1325 the permit year, if the brand-formula combination was previously
1326 registered with the department, A permit may be renewed by
1327 application to the department, accompanied by a renewal fee of
1328 \$50 on or before the last day of the permit year immediately
1329 preceding the permit year for which application is made for
1330 renewal of registration. To any fee not paid when due, there
1331 shall accrue a penalty of \$25, which shall be added to the
1332 renewal fee. Renewals will be accepted only on brake fluids that
1333 have no change in formula, composition, or brand name. Any
1334 change in formula, composition, or brand name of any brake fluid

575-02637-09

2009868c1

1335 constitutes a new product that must be registered in accordance
1336 with this part.

1337 (2) All fees collected under the provisions of this section
1338 shall be credited to the General Inspection Trust Fund of the
1339 department and all expenses incurred in the enforcement of this
1340 part shall be paid from said fund.

1341 (3) The department may cancel or~~7~~ refuse to issue ~~or refuse~~
1342 ~~to renew~~ any registration and permit after due notice and
1343 opportunity to be heard if it finds that the brake fluid is
1344 adulterated or misbranded or that the registrant has failed to
1345 comply with the provisions of this part or the rules and
1346 regulations promulgated thereunder.

1347 Section 37. Paragraph (a) of subsection (3) of section
1348 526.52, Florida Statutes, is amended to read:

1349 526.52 Specifications; adulteration and misbranding.-

1350 (3) Brake fluid is deemed to be misbranded:

1351 (a) If its container does not bear on its side or top a
1352 label on which is printed the name and place of business of the
1353 registrant of the product, the words "brake fluid," and a
1354 statement that the product therein equals or exceeds the minimum
1355 specification of the Society of Automotive Engineers for heavy-
1356 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
1357 Safety Standard No. 116 adopted by the United States Department
1358 of Transportation, ~~heavy-duty-type~~. By regulation the department
1359 may require that the duty-type classification appear on the
1360 label.

1361 Section 38. Subsection (2) of section 526.53, Florida
1362 Statutes, is amended to read:

1363 526.53 Enforcement; inspection and analysis, stop-sale and

575-02637-09

2009868c1

1364 disposition, regulations.—

1365 (2) (a) When any brake fluid is sold in violation of any of
1366 the provisions of this part, all such affected brake fluid of
1367 the same brand name ~~on the same premises on which the violation~~
1368 ~~occurred~~ shall be placed under a stop-sale order by the
1369 department by serving the owner of the brand name, distributor,
1370 or other entity responsible for selling or distributing the
1371 product in the state with the stop-sale order. The department
1372 shall withdraw its stop-sale order upon the removal of the
1373 violation or upon voluntary destruction of the product, or other
1374 disposal approved by the department, under the supervision of
1375 the department.

1376 (b) In addition to being subject to the stop-sale
1377 procedures above, unregistered brake fluid shall be held by the
1378 department or its representative, at a place to be designated in
1379 the stop-sale order, until properly registered and released in
1380 writing by the department or its representative. If application
1381 is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within
1382 30 days after issue of the stop-sale order, such product shall
1383 be disposed of by the department, or, with the department's
1384 consent, by the business, to any tax-supported institution or
1385 agency of the state if the brake fluid meets legal
1386 specifications or by other disposal authorized by rule of the
1387 department if it fails to meet legal specifications.

1388 Section 39. Subsections (2) and (5) of section 527.02,
1389 Florida Statutes, are amended to read:

1390 527.02 License; penalty; fees.—

1391 (2) Each business location of a person having multiple
1392 locations shall be separately licensed and must meet the

575-02637-09

2009868c1

1393 requirements of this section. Such license shall be granted to
 1394 any applicant determined by the department to be competent,
 1395 qualified, and trustworthy who files with the department a
 1396 surety bond, insurance affidavit, or other proof of insurance,
 1397 as hereinafter specified, and pays for such license the
 1398 following original application fee for new licenses and annual
 1399 renewal fees for existing licenses:

License Category	Original Application Fee	Renewal Fee
Category I liquefied petroleum gas dealer	<u>\$600</u> \$525	<u>\$500</u> \$425
Category II liquefied petroleum gas dispenser	525	<u>425</u> 375
Category III liquefied petroleum gas cylinder exchange unit operator	<u>125</u> 100	<u>75</u> 65
Category IV liquefied petroleum gas dispenser and recreational vehicle servicer	525	<u>425</u> 400
Category V liquefied		

	575-02637-09		2009868c1
	petroleum petroleum gases		
	dealer for industrial		
	uses		
1405	only	<u>350</u> 300	<u>275</u> 200
	LP gas		
1406	installer	<u>400</u> 300	<u>300</u> 200
	Specialty		
1407	installer	300	<u>250</u> 200
	Dealer in appliances and		
	equipment for		
	use of liquefied petroleum		
1408	gas	50	45
	Manufacturer of liquefied		
	petroleum		
	gas appliances and		
1409	equipment	525	<u>425</u> 375
	Requalifier of		
1410	cylinders	525	<u>425</u> 375
	fabricator, repairer, and		
	tester of		
	vehicles and cargo		
1411	tanks	525	<u>425</u> 375

575-02637-09

2009868c1

1412

1413 (5) The license fee for a pipeline system operator shall be
1414 \$350 ~~\$100 per system owned or operated by the person, not to~~
1415 ~~exceed \$400 per license year~~. Such license fee applies only to a
1416 pipeline system operator who owns or operates a liquefied
1417 petroleum gas pipeline system that is used to transmit liquefied
1418 petroleum gas from a common source to the ultimate customer and
1419 that serves 10 or more customers. The license shall be renewed
1420 each year at a fee of \$275 per year.

1421 Section 40. Subsections (1) and (3) and paragraphs (a) and
1422 (c) of subsection (5) of section 527.0201, Florida Statutes, are
1423 amended to read:

1424 527.0201 Qualifiers; master qualifiers; examinations.—

1425 (1) In addition to the requirements of s. 527.02, any
1426 person applying for a license to engage in the activities of a
1427 pipeline system operator, category I liquefied petroleum gas
1428 dealer, category II liquefied petroleum gas dispenser, category
1429 IV liquefied petroleum gas dispenser and recreational vehicle
1430 servicer, category V liquefied petroleum gases dealer for
1431 industrial uses only, LPgas installer, specialty installer,
1432 requalifier ~~requalification~~ of cylinders, or fabricator,
1433 repairer, and tester of vehicles and cargo tanks must prove
1434 competency by passing a written examination administered by the
1435 department or its agent with a grade of at least 75 percent in
1436 each area tested ~~or above~~. Each applicant for examination shall
1437 submit a \$30 ~~\$20~~ nonrefundable fee. The department shall by rule
1438 specify the general areas of competency to be covered by each
1439 examination and the relative weight to be assigned in grading
1440 each area tested.

575-02637-09

2009868c1

1441 (3) Qualifier cards issued to category I liquefied
1442 petroleum gas dealers and liquefied petroleum gas installers
1443 shall expire 3 years after the date of issuance. All category I
1444 liquefied petroleum gas dealer qualifiers and liquefied
1445 petroleum gas installer qualifiers holding a valid qualifier
1446 card upon the effective date of this act shall retain their
1447 qualifier status until July 1, 2003, and may sit for the master
1448 qualifier examination at any time during that time period. All
1449 such category I liquefied petroleum gas dealer qualifiers and
1450 liquefied petroleum gas installer qualifiers may renew their
1451 qualification on or before July 1, 2003, upon application to the
1452 department, payment of a \$20 renewal fee, and documentation of
1453 the completion of a minimum of 16 ~~12~~ hours of approved
1454 continuing education courses, as defined by department rule,
1455 during the previous 3-year period. Applications for renewal must
1456 be made 30 calendar days prior to expiration. Persons failing to
1457 renew prior to the expiration date must reapply and take a
1458 qualifier competency examination in order to reestablish
1459 category I liquefied petroleum gas dealer qualifier and
1460 liquefied petroleum gas installer qualifier status. If a
1461 category I liquefied petroleum gas qualifier or liquefied
1462 petroleum gas installer qualifier becomes a master qualifier at
1463 any time during the effective date of the qualifier card, the
1464 card shall remain in effect until expiration of the master
1465 qualifier certification.

1466 (5) In addition to all other licensing requirements, each
1467 category I liquefied petroleum gas dealer and liquefied
1468 petroleum gas installer must, at the time of application for
1469 licensure, identify to the department one master qualifier who

575-02637-09

2009868c1

1470 is a full-time employee at the licensed location. This person
1471 shall be a manager, owner, or otherwise primarily responsible
1472 for overseeing the operations of the licensed location and must
1473 provide documentation to the department as provided by rule. The
1474 master qualifier requirement shall be in addition to the
1475 requirements of subsection (1).

1476 (a) In order to apply for certification as a master
1477 qualifier, each applicant must be a category I liquefied
1478 petroleum gas dealer qualifier or liquefied petroleum gas
1479 installer qualifier, must be employed by a licensed category I
1480 liquefied petroleum gas dealer, liquefied petroleum gas
1481 installer, or applicant for such license, must provide
1482 documentation of a minimum of 1 year's work experience in the
1483 gas industry, and must pass a master qualifier competency
1484 examination. Master qualifier examinations shall be based on
1485 Florida's laws, rules, and adopted codes governing liquefied
1486 petroleum gas safety, general industry safety standards, and
1487 administrative procedures. The examination must be successfully
1488 passed ~~completed~~ by the applicant with a grade of at least 75
1489 percent ~~or more~~. Each applicant for master qualifier status
1490 shall submit to the department a nonrefundable \$50 ~~\$30~~
1491 examination fee prior to the examination.

1492 (c) Master qualifier status shall expire 3 years after the
1493 date of issuance of the certificate and may be renewed by
1494 submission to the department of documentation of completion of
1495 at least 16 ~~12~~ hours of approved continuing education courses
1496 during the 3-year period; proof of employment with a licensed
1497 category I liquefied petroleum gas dealer, liquefied petroleum
1498 gas installer, or applicant; and a \$30 certificate renewal fee.

575-02637-09

2009868c1

1499 The department shall define, by rule, approved courses of
1500 continuing education.

1501 Section 41. Subsection (4) of section 527.021, Florida
1502 Statutes, is amended to read:

1503 527.021 Registration of transport vehicles.-

1504 (4) An inspection fee of \$75 ~~\$50~~ shall be assessed for each
1505 registered vehicle inspected by the department pursuant to s.
1506 527.061. Registered vehicles shall be inspected annually. All
1507 inspection fees collected in connection with this section shall
1508 be deposited in the General Inspection Trust Fund for the
1509 purpose of administering the provisions of this chapter.

1510 Section 42. Section 527.12, Florida Statutes, is amended to
1511 read:

1512 527.12 Cease and desist orders; stop-use orders; stop-
1513 operation orders; stop-sale orders; administrative fines.-

1514 (1) Whenever the department has ~~shall have~~ reason to
1515 believe that any person is violating or has violated ~~been~~
1516 ~~violating provisions of this chapter or any rules adopted under~~
1517 this chapter pursuant thereto, the department ~~it~~ may issue a
1518 cease and desist order, ~~or~~ impose a civil penalty, or do both
1519 ~~may issue such cease and desist order and impose a civil~~
1520 ~~penalty.~~

1521 (2) Whenever a person or liquefied petroleum gas system or
1522 storage facility, or any part or component thereof, fails to
1523 comply with this chapter or any rules adopted under this
1524 chapter, the department may issue a stop-use order, stop-
1525 operation order, or stop-sale order.

1526 Section 43. Subsection (1) of section 559.805, Florida
1527 Statutes, is amended to read:

575-02637-09

2009868c1

1528 559.805 Filings with the department; disclosure of
1529 advertisement identification number.-

1530 (1) Every seller of a business opportunity shall annually
1531 file with the department a copy of the disclosure statement
1532 required by s. 559.803 before ~~prior to~~ placing an advertisement
1533 or making any other representation designed to offer to, sell
1534 to, or solicit an offer to buy a business opportunity from a
1535 prospective purchaser in this state and shall update this filing
1536 by reporting any material change in the required information
1537 within 30 days after the material change occurs. An
1538 advertisement is not placed in the state merely because the
1539 publisher circulates, or there is circulated on his or her
1540 behalf in the state, any bona fide newspaper or other
1541 publication of general, regular, and paid circulation which has
1542 had more than two-thirds of its circulation during the past 12
1543 months outside the state or because a radio or television
1544 program originating outside the state is received in the state.
1545 If the seller is required by s. 559.807 to provide a bond or
1546 establish a trust account or guaranteed letter of credit, he or
1547 she shall contemporaneously file with the department a copy of
1548 the bond, a copy of the formal notification by the depository
1549 that the trust account is established, or a copy of the
1550 guaranteed letter of credit. Every seller of a business
1551 opportunity shall file with the department a list of independent
1552 agents who will engage in the offer or sale of business
1553 opportunities on behalf of the seller in this state. This list
1554 must be kept current and shall include the following
1555 information: name, home and business address, telephone number,
1556 present employer, ~~social security number,~~ and birth date. A ~~No~~

575-02637-09

2009868c1

1557 person may not ~~shall be allowed to~~ offer or sell business
1558 opportunities unless the required information is ~~has been~~
1559 provided to the department.

1560 Section 44. Subsection (3) of section 559.928, Florida
1561 Statutes, is amended to read:

1562 559.928 Registration.—

1563 (3) Each independent agent shall annually file an affidavit
1564 with the department before ~~prior to~~ engaging in business in this
1565 state. This affidavit must include the independent agent's full
1566 name, legal business or trade name, mailing address, business
1567 address, telephone number, ~~social security number~~, and the name
1568 or names and addresses of each seller of travel represented by
1569 the independent agent. A letter evidencing proof of filing must
1570 be issued by the department and must be prominently displayed in
1571 the independent agent's primary place of business. Each
1572 independent agent must also submit an annual registration fee of
1573 \$50. All moneys collected pursuant to the imposition of the fee
1574 shall be deposited by the Chief Financial Officer into the
1575 General Inspection Trust Fund of the Department of Agriculture
1576 and Consumer Services for the sole purpose of administrating
1577 this part. As used in this subsection, the term "independent
1578 agent" means a person who represents a seller of travel by
1579 soliciting persons on its behalf; who has a written contract
1580 with a seller of travel which is operating in compliance with
1581 this part and any rules adopted thereunder; who does not receive
1582 a fee, commission, or other valuable consideration directly from
1583 the purchaser for the seller of travel; who does not at any time
1584 have any unissued ticket stock or travel documents in his or her
1585 possession; and who does not have the ability to issue tickets,

575-02637-09

2009868c1

1586 vacation certificates, or any other travel document. The term
1587 "independent agent" does not include an affiliate of the seller
1588 of travel, as that term is used in s. 559.935(3), or the
1589 employees of the seller of travel or of such affiliates.

1590 Section 45. Subsection (10) of section 570.07, Florida
1591 Statutes, is amended to read:

1592 570.07 Department of Agriculture and Consumer Services;
1593 functions, powers, and duties.—The department shall have and
1594 exercise the following functions, powers, and duties:

1595 (10) To act as adviser to producers and distributors, when
1596 requested, ~~and~~ to assist them in the economical and efficient
1597 distribution of their agricultural products, ~~and~~ to encourage
1598 cooperative effort among producers to gain economical and
1599 efficient production of agricultural products, and to adopt
1600 rules establishing comprehensive best management practices for
1601 agricultural production and food safety.

1602 Section 46. Subsection (7) of section 570.0725, Florida
1603 Statutes, is amended to read:

1604 570.0725 Food recovery; legislative intent; department
1605 functions.—

1606 (7) For public information purposes, the department may
1607 ~~shall~~ develop and provide a public information ~~brochure~~
1608 detailing the need for food banks and similar ~~of~~ food recovery
1609 programs, the benefit of such ~~food recovery~~ programs, the manner
1610 in which ~~such~~ organizations may become involved in such ~~food~~
1611 ~~recovery~~ programs, and the protection afforded to such programs
1612 under s. 768.136, ~~and the food recovery entities or food banks~~
1613 ~~that exist in the state. This brochure must be updated annually.~~
1614 A food bank or similar food recovery organization seeking to be

575-02637-09

2009868c1

1615 included on a list of such organizations must notify the
1616 department and provide the information required by rule of the
1617 department. Such organizations are responsible for updating the
1618 information and providing the updated information to the
1619 department. The department may adopt rules to implement this
1620 section.

1621 Section 47. Paragraph (e) of subsection (2) of section
1622 570.48, Florida Statutes, is amended to read:

1623 570.48 Division of Fruit and Vegetables; powers and duties;
1624 records.—The duties of the Division of Fruit and Vegetables
1625 include, but are not limited to:

1626 (2)

1627 (e) Performing tomato food safety inspections under s.
1628 500.70 on tomato farms, in tomato greenhouses, and in tomato
1629 packinghouses and repackers.

1630 Section 48. Paragraph (e) of subsection (6) of section
1631 570.53, Florida Statutes, is amended to read:

1632 570.53 Division of Marketing and Development; powers and
1633 duties.—The powers and duties of the Division of Marketing and
1634 Development include, but are not limited to:

1635 (6)

1636 (e) Extending in every practicable way the distribution and
1637 sale of Florida agricultural products throughout the markets of
1638 the world as required of the department by s. ~~ss.~~ 570.07(7),
1639 (8), (10), and (11) and ~~570.071~~ and chapters 571, 573, and 574.

1640 Section 49. Subsection (2) of section 570.54, Florida
1641 Statutes, is amended to read:

1642 570.54 Director; duties.—

1643 (2) It shall be the duty of the director of this division

575-02637-09

2009868c1

1644 to supervise, direct, and coordinate the activities authorized
1645 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
1646 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
1647 chapters 504, 571, 573, and 574 and to exercise other powers and
1648 authority as authorized by the department.

1649 Section 50. Subsection (4) of section 570.55, Florida
1650 Statutes, is amended to read:

1651 570.55 Identification of sellers or handlers of tropical or
1652 subtropical fruit and vegetables; containers specified;
1653 penalties.—

1654 (4) IDENTIFICATION OF HANDLER.—At the time of each
1655 transaction involving the handling or sale of 55 pounds or more
1656 of tropical or subtropical fruit or vegetables in the primary
1657 channel of trade, the buyer or receiver of the tropical or
1658 subtropical fruit or vegetables shall demand a bill of sale,
1659 invoice, sales memorandum, or other document listing the date of
1660 the transaction, the quantity of the tropical or subtropical
1661 fruit or vegetables involved in the transaction, and the
1662 identification of the seller or handler as it appears on the
1663 driver's license of the seller or handler, including the
1664 driver's license number. If the seller or handler does not
1665 possess a driver's license, the buyer or receiver shall use any
1666 other acceptable means of identification, which may include, but
1667 is not limited to, i.e., voter's registration card and number,
1668 draft card, ~~social security card~~, or other identification.
1669 However, no less than two identification documents shall be
1670 used. The identification of the seller or handler shall be
1671 recorded on the bill of sale, sales memorandum, invoice, or
1672 voucher, which shall be retained by the buyer or receiver for a

575-02637-09

2009868c1

1673 period of not less than 1 year from the date of the transaction.

1674 Section 51. Subsection (3) of section 570.902, Florida
1675 Statutes, is amended to read:

1676 570.902 Definitions; ss. 570.902 and 570.903.—For the
1677 purpose of ss. 570.902 and 570.903:

1678 ~~(3) "Museum" means the Florida Agricultural Museum which is~~
1679 ~~designated as the museum for agriculture and rural history of~~
1680 ~~the State of Florida.~~

1681 Section 52. Section 570.903, Florida Statutes, is amended
1682 to read:

1683 570.903 Direct-support organization.—

1684 (1) When the Legislature authorizes the establishment of a
1685 direct-support organization to provide assistance for the
1686 ~~museums~~, the Florida Agriculture in the Classroom Program, ~~the~~
1687 ~~Florida State Collection of Arthropods~~, the Friends of the
1688 Florida State Forests Program of the Division of Forestry, and
1689 the Forestry Arson Alert Program, and other programs of the
1690 department, the following provisions shall govern the creation,
1691 use, powers, and duties of the direct-support organization.

1692 (a) The department shall enter into a memorandum or letter
1693 of agreement with the direct-support organization, which shall
1694 specify the approval of the department, the powers and duties of
1695 the direct-support organization, and rules with which the
1696 direct-support organization shall comply.

1697 (b) The department may permit, without charge, appropriate
1698 use of property, facilities, and personnel of the department by
1699 a direct-support organization, subject to the provisions of ss.
1700 570.902 and 570.903. The use shall be directly in keeping with
1701 the approved purposes of the direct-support organization and

575-02637-09

2009868c1

1702 shall not be made at times or places that would unreasonably
1703 interfere with opportunities for the general public to use
1704 department facilities for established purposes.

1705 (c) The department shall prescribe by contract or by rule
1706 conditions with which a direct-support organization shall comply
1707 in order to use property, facilities, or personnel of the
1708 department ~~or museum~~. Such rules shall provide for budget and
1709 audit review and oversight by the department.

1710 (d) The department shall not permit the use of property,
1711 facilities, or personnel of the ~~museum~~, department, or
1712 designated program by a direct-support organization which does
1713 not provide equal employment opportunities to all persons
1714 regardless of race, color, religion, sex, age, or national
1715 origin.

1716 (2) (a) The direct-support organization shall be empowered
1717 to conduct programs and activities; raise funds; request and
1718 receive grants, gifts, and bequests of money; acquire, receive,
1719 hold, invest, and administer, in its own name, securities,
1720 funds, objects of value, or other property, real or personal;
1721 and make expenditures to or for the direct or indirect benefit
1722 of the ~~museum or~~ designated program.

1723 (b) Notwithstanding the provisions of s. 287.057, the
1724 direct-support organization may enter into contracts or
1725 agreements with or without competitive bidding for the
1726 ~~restoration of objects, historical buildings, and other~~
1727 ~~historical materials or for the purchase of objects, historical~~
1728 ~~buildings, and other historical materials which are to be added~~
1729 ~~to the collections of the museum, or benefit of~~ of the designated
1730 program. However, before the direct-support organization may

575-02637-09

2009868c1

1731 enter into a contract or agreement without competitive bidding,
1732 the direct-support organization shall file a certification of
1733 conditions and circumstances with the internal auditor of the
1734 department justifying each contract or agreement.

1735 (c) Notwithstanding the provisions of s. 287.025(1)(e), the
1736 direct-support organization may enter into contracts to insure
1737 property of the ~~museum or designated programs and may insure~~
1738 ~~objects or collections on loan from others in satisfying~~
1739 ~~security terms of the lender.~~

1740 (3) The direct-support organization shall provide for an
1741 annual financial audit in accordance with s. 215.981.

1742 (4) Neither a designated program ~~or a museum~~, nor a
1743 nonprofit corporation trustee or employee may:

1744 (a) Receive a commission, fee, or financial benefit in
1745 connection with the sale or exchange of property historical
1746 ~~objects or properties~~ to the direct-support organization, ~~the~~
1747 ~~museum~~, or the designated program; or

1748 (b) Be a business associate of any individual, firm, or
1749 organization involved in the sale or exchange of property to the
1750 direct-support organization, ~~the museum~~, or the designated
1751 program.

1752 (5) All moneys received by the direct-support organization
1753 shall be deposited into an account of the direct-support
1754 organization and shall be used by the organization in a manner
1755 consistent with the goals of ~~the museum~~ or designated program.

1756 (6) The identity of a donor or prospective donor who
1757 desires to remain anonymous and all information identifying such
1758 donor or prospective donor are confidential and exempt from the
1759 provisions of s. 119.07(1) and s. 24(a), Art. I of the State

575-02637-09

2009868c1

1760 Constitution.

1761 (7) The Commissioner of Agriculture, or the commissioner's
1762 designee, may serve on the board of trustees and the executive
1763 committee of any direct-support organization established to
1764 benefit the museum or any designated program.

1765 ~~(8) The department shall establish by rule archival~~
1766 ~~procedures relating to museum artifacts and records. The rules~~
1767 ~~shall provide procedures which protect the museum's artifacts~~
1768 ~~and records equivalent to those procedures which have been~~
1769 ~~established by the Department of State under chapters 257 and~~
1770 ~~267.~~

1771 Section 53. Subsections (18) through (30) of section
1772 581.011, Florida Statutes, are renumbered as subsections (17)
1773 through (29), respectively, and present subsections (17) and
1774 (20) of that section are amended to read:

1775 581.011 Definitions.—As used in this chapter:

1776 ~~(17) "Museum" means the Florida State Collection of~~
1777 ~~Arthropods.~~

1778 (19)~~(20)~~ "Nursery" means any grounds or premises on or in
1779 which nursery stock is grown, propagated, or held for sale or
1780 distribution, including ~~except where~~ aquatic plant species ~~are~~
1781 tended for harvest in the natural environment.

1782 Section 54. Paragraph (d) of subsection (14) of section
1783 581.031, Florida Statutes, is amended to read:

1784 581.031 Department; powers and duties.—The department has
1785 the following powers and duties:

1786 (14)

1787 (d) To prescribe a fee for these services, if provided ~~if provided~~ the
1788 fee does not exceed the cost of the services rendered. Annual

575-02637-09

2009868c1

1789 citrus source tree registration fees shall not exceed \$15 ~~\$5~~ per
1790 tree. If the fee has not been paid within 30 days of billing, a
1791 penalty of \$10 or 20 percent of the unpaid balance, whichever is
1792 greater, shall be assessed.

1793 Section 55. Subsection (6) of section 581.131, Florida
1794 Statutes, is amended to read:

1795 581.131 Certificate of registration.—

1796 (6) Neither the certificate of registration fee nor the
1797 annual renewal fee shall exceed \$600 ~~\$460~~. The department may
1798 exempt from the payment of a certificate fee those governmental
1799 agency nurseries whose nursery stock is used exclusively for
1800 planting on their own property.

1801 Section 56. Paragraph (a) of subsection (3) of section
1802 581.211, Florida Statutes, is amended to read:

1803 581.211 Penalties for violations.—

1804 (3) (a) 1. In addition to any other provision of law, the
1805 department may, after notice and hearing, impose an
1806 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1807 violation of this chapter, upon any person, nurseryman, stock
1808 dealer, agent or plant broker. The fine, when paid, shall be
1809 deposited in the Plant Industry Trust Fund. In addition, the
1810 department may place the violator on probation for up to 1 year,
1811 with conditions.

1812 2. The imposition of a fine or probation pursuant to this
1813 subsection may be in addition to or in lieu of the suspension or
1814 revocation of a certificate of registration or certificate of
1815 inspection.

1816 Section 57. Section 583.13, Florida Statutes, is amended to
1817 read:

575-02637-09

2009868c1

1818 583.13 Labeling and advertising requirements for dressed
1819 poultry; unlawful acts.-

1820 (1) It is unlawful for any dealer or broker to sell, offer
1821 for sale, or hold for the purpose of sale in the state any
1822 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1823 is packed in a container clearly bearing a label, not less than
1824 3 inches by 5 inches, on which shall be plainly and legibly
1825 printed, in letters of not less than one-fourth inch ~~1/4~~ in
1826 height, ~~the grade and~~ the part name or whole-bird statement of
1827 such poultry. ~~The grade may be expressed in the term "premium,"~~
1828 ~~"good," or "standard," or as the grade of another state or~~
1829 ~~federal agency the standards of quality of which, by law, are~~
1830 ~~equal to the standards of quality provided by this law and rules~~
1831 ~~promulgated hereunder.~~

1832 (2) It is unlawful to sell unpackaged dressed or ready-to-
1833 cook poultry at retail unless such poultry is labeled by a
1834 placard immediately adjacent to the poultry or unless each bird
1835 is individually labeled to show ~~the grade and~~ the part name or
1836 whole-bird statement. The placard shall be no smaller than 7
1837 inches by 7 inches in size, and the required labeling
1838 information shall be legibly and plainly printed on the placard
1839 in letters not smaller than 1 inch in height.

1840 (3) It is unlawful to sell packaged dressed or ready-to-
1841 cook poultry at retail unless such poultry is labeled to show
1842 ~~the grade,~~ the part name or whole-bird statement, the net weight
1843 of the poultry, and the name and address of the dealer. The size
1844 of the type on the label must be one-eighth inch or larger. A
1845 placard immediately adjacent to such poultry may be used to
1846 indicate ~~the grade and~~ the part name or whole-bird statement,

575-02637-09

2009868c1

1847 but not the net weight of the poultry or the name and address of
1848 the dealer.

1849 (4) It is unlawful to use dressed or ready-to-cook poultry
1850 in bulk in the preparation of food served to the public, or to
1851 hold such poultry for the purpose of such use, unless the
1852 poultry when received was packed in a container clearly bearing
1853 a label, not less than 3 inches by 5 inches, on which was
1854 plainly and legibly printed, in letters not less than one-fourth
1855 inch in height, ~~the grade and the part name or whole-bird~~
1856 ~~statement of such poultry. The grade may be expressed in the~~
1857 ~~term "premium," "good," or "standard," or as the grade of~~
1858 ~~another state or federal agency the standards of quality of~~
1859 ~~which, by law, are equal to the standards of quality provided by~~
1860 ~~this law and rules promulgated hereunder.~~

1861 (5) It is unlawful to offer dressed or ready-to-cook
1862 poultry for sale in any advertisement in a newspaper or
1863 circular, on radio or television, or in any other form of
1864 advertising without plainly designating in such advertisement
1865 ~~the grade and the part name or whole-bird statement of such~~
1866 ~~poultry.~~

1867 Section 58. Subsections (4) and (5) of section 590.125,
1868 Florida Statutes, are renumbered as subsections (5) and (6),
1869 respectively, subsection (1), paragraph (b) of subsection (3),
1870 and paragraph (c) of present subsection (4) are amended, and new
1871 subsections (4) and (7) are added to that section, to read:

1872 590.125 Open burning authorized by the division.—

1873 (1) DEFINITIONS.—As used in this section, the term:

1874 (a) "Certified pile burner" means an individual who
1875 successfully completes the division's pile burning certification

575-02637-09

2009868c1

1876 program and possesses a valid pile burner certification number.

1877 (b) "Certified prescribed burn manager" means an individual
1878 who successfully completes the certified prescribed burning
1879 ~~certification~~ program of the division and possesses a valid
1880 certification number.

1881 (c) ~~(d)~~ "Extinguished" means:

1882 1. that no spreading flame For wild land burning or
1883 certified prescribed burning, that no spreading flames exist.

1884 2. and no visible flame, smoke, or emissions For vegetative
1885 land-clearing debris burning or pile burning, that no visible
1886 flames exist.

1887 3. For vegetative land-clearing debris burning or pile
1888 burning in an area designated as smoke sensitive by the
1889 division, that no visible flames, smoke, or emissions exist.

1890 (d) "Land-clearing operation" means the uprooting or
1891 clearing of vegetation in connection with the construction of
1892 buildings and rights-of-way, land development, and mineral
1893 operations. The term does not include the clearing of yard
1894 trash.

1895 (e) "Pile burning" means the burning of silvicultural,
1896 agricultural, or land-clearing and tree-cutting debris
1897 originating onsite, which is stacked together in a round or
1898 linear fashion, including, but not limited to, a windrow.

1899 (f) ~~(a)~~ "Prescribed burning" means the controlled
1900 application of fire in accordance with a written prescription
1901 for vegetative fuels under specified environmental conditions
1902 while following appropriate precautionary measures that ensure
1903 that the fire is confined to a predetermined area to accomplish
1904 the planned fire or land-management objectives.

575-02637-09

2009868c1

1905 (g)~~(e)~~ "Prescription" means a written plan establishing the
1906 criteria necessary for starting, controlling, and extinguishing
1907 a prescribed burn.

1908 (h) "Yard trash" means vegetative matter resulting from
1909 landscaping and yard maintenance operations and other such
1910 routine property cleanup activities. The term includes materials
1911 such as leaves, shrub trimmings, grass clippings, brush, and
1912 palm fronds.

1913 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1914 PURPOSE.—

1915 (b) Certified prescribed burning pertains only to broadcast
1916 burning for purposes of silviculture, wildlife management,
1917 ecological maintenance and restoration, and range and pasture
1918 management. It must be conducted in accordance with this
1919 subsection and:

1920 1. May be accomplished only when a certified prescribed
1921 burn manager is present on site with a copy of the prescription
1922 from ignition of the burn to its completion.

1923 2. Requires that a written prescription be prepared before
1924 receiving authorization to burn from the division.

1925 3. Requires that the specific consent of the landowner or
1926 his or her designee be obtained before requesting an
1927 authorization.

1928 4. Requires that an authorization to burn be obtained from
1929 the division before igniting the burn.

1930 5. Requires that there be adequate firebreaks at the burn
1931 site and sufficient personnel and firefighting equipment for the
1932 control of the fire.

1933 6. Is considered to be in the public interest and does not

575-02637-09

2009868c1

1934 constitute a public or private nuisance when conducted under
1935 applicable state air pollution statutes and rules.

1936 7. Is considered to be a property right of the property
1937 owner if vegetative fuels are burned as required in this
1938 subsection.

1939 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1940 PURPOSE.—

1941 (a) Pile burning is a tool that benefits current and future
1942 generations in Florida by disposing of naturally occurring
1943 vegetative debris through burning rather than disposing of the
1944 debris in landfills.

1945 (b) Certified pile burning pertains to the disposal of
1946 piled, naturally occurring debris from an agricultural,
1947 silvicultural, or temporary land-clearing operation. A land-
1948 clearing operation is temporary if it operates for 6 months or
1949 less. Certified pile burning must be conducted in accordance
1950 with this subsection, and:

1951 1. A certified pile burner must ensure, before ignition,
1952 that the piles are properly placed and that the content of the
1953 piles is conducive to efficient burning.

1954 2. A certified pile burner must ensure that the piles are
1955 properly extinguished no later than 1 hour after sunset. If the
1956 burn is conducted in an area designated by the division as smoke
1957 sensitive, a certified pile burner must ensure that the piles
1958 are properly extinguished at least 1 hour before sunset.

1959 3. A written pile burn plan must be prepared before
1960 receiving authorization from the division to burn.

1961 4. The specific consent of the landowner or his or her
1962 agent must be obtained before requesting authorization to burn.

575-02637-09

2009868c1

1963 5. An authorization to burn must be obtained from the
 1964 division or its designated agent before igniting the burn.

1965 6. There must be adequate firebreaks and sufficient
 1966 personnel and firefighting equipment at the burn site to control
 1967 the fire.

1968 (c) If a burn is conducted in accordance with this
 1969 subsection, the property owner and his or her agent are not
 1970 liable under s. 590.13 for damage or injury caused by the fire
 1971 or resulting smoke, and are not in violation of subsection (2),
 1972 unless gross negligence is proven.

1973 (d) A certified pile burner who violates this section
 1974 commits a misdemeanor of the second degree, punishable as
 1975 provided in s. 775.082 or s. 775.083.

1976 (e) The division shall adopt rules regulating certified
 1977 pile burning. The rules shall include procedures and criteria
 1978 for certifying and decertifying certified pile burn managers
 1979 based on past experience, training, and record of compliance
 1980 with this section.

1981 (5)(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
 1982 DIVISION.—The division may conduct fuel reduction initiatives,
 1983 including, but not limited to, burning and mechanical and
 1984 chemical treatment, on any area of wild land within the state
 1985 which is reasonably determined to be in danger of wildfire in
 1986 accordance with the following procedures:

1987 (c) Prepare, and send the county tax collector shall
 1988 include with the annual tax statement, a notice to be sent to
 1989 all landowners in each area township designated by the division
 1990 as a wildfire hazard area. The notice must describe particularly
 1991 the area to be treated and the tentative date or dates of the

575-02637-09

2009868c1

1992 treatment and must list the reasons for and the expected
1993 benefits from the wildfire hazard reduction.

1994 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1995 AUTHORIZATION PROGRAMS.—

1996 (a) A county or municipality may exercise the division's
1997 authority, if delegated by the division under this subsection,
1998 to issue authorizations for the burning of yard trash or debris
1999 from land-clearing operations. A county's or municipality's
2000 existing or proposed open burning authorization program must:

2001 1. Be approved by the division. The division shall not
2002 approve a program if it fails to meet the requirements of
2003 subsections (2) and (4) and any rules adopted under those
2004 subsections.

2005 2. Provide by ordinance or local law the requirements for
2006 obtaining and performing a burn authorization that comply with
2007 subsections (2) and (4) and any rules adopted under those
2008 subsections.

2009 3. Provide for the enforcement of the program's
2010 requirements.

2011 4. Provide financial, personnel, and other resources needed
2012 to carry out the program.

2013 (b) If the division determines that a county's or
2014 municipality's open burning authorization program does not
2015 comply with subsections (2) and (4) and any rules adopted under
2016 those subsections, the division shall require the county or
2017 municipality to take necessary corrective actions within a
2018 reasonable period, not to exceed 90 days.

2019 1. If the county or municipality fails to take the
2020 necessary corrective actions within the required period, the

575-02637-09

2009868c1

2021 division shall resume administration of the open burning
2022 authorization program in the county or municipality and the
2023 county or municipality shall cease administration of its
2024 program.

2025 2. Each county and municipality administering an open
2026 burning authorization program must cooperate with and assist the
2027 division in carrying out the division's powers, duties, and
2028 functions.

2029 3. A person who violates the requirements of a county's or
2030 municipality's open burning authorization program, as provided
2031 by ordinance or local law enacted pursuant to this section,
2032 commits a violation of this chapter, punishable as provided in
2033 s. 590.14.

2034 Section 59. Subsection (4) of section 590.14, Florida
2035 Statutes, is renumbered as subsection (7), subsections (1) and
2036 (3) are amended, and new subsections (4), (5), and (6) are added
2037 to that section, to read:

2038 590.14 Notice of violation; penalties.—

2039 (1) If a division employee determines that a person has
2040 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
2041 the division to administer provisions of law conferring duties
2042 upon the division, the division employee ~~he or she~~ may issue a
2043 notice of violation indicating the statute violated. This notice
2044 will be filed with the division and a copy forwarded to the
2045 appropriate law enforcement entity for further action if
2046 necessary.

2047 (3) The department may also impose an administrative fine,
2048 not to exceed \$1,000 per violation of any section of chapter 589
2049 or this chapter or violation of any rule adopted by the division

575-02637-09

2009868c1

2050 to administer provisions of law conferring duties upon the
2051 division. The fine shall be based upon the degree of damage, the
2052 prior violation record of the person, and whether the person
2053 knowingly provided false information to obtain an authorization.
2054 The fines shall be deposited in the Incidental Trust Fund of the
2055 division.

2056 (4) A person may not:

2057 (a) Fail to comply with any rule or order adopted by the
2058 division to administer provisions of law conferring duties upon
2059 the division; or

2060 (b) Knowingly make any false statement or representation in
2061 any application, record, plan, or other document required by
2062 this chapter or any rules adopted under this chapter.

2063 (5) A person who violates paragraph (4) (a) or paragraph
2064 (4) (b) commits a misdemeanor of the second degree, punishable as
2065 provided in s. 775.082 or s. 775.083.

2066 (6) It is the intent of the Legislature that a penalty
2067 imposed by a court under subsection (5) be of a severity that
2068 ensures immediate and continued compliance with this section.

2069 Section 60. Paragraph (a) of subsection (1) of section
2070 599.004, Florida Statutes, is amended to read:

2071 599.004 Florida Farm Winery Program; registration; logo;
2072 fees.—

2073 (1) The Florida Farm Winery Program is established within
2074 the Department of Agriculture and Consumer Services. Under this
2075 program, a winery may qualify as a tourist attraction only if it
2076 is registered with and certified by the department as a Florida
2077 Farm Winery. A winery may not claim to be certified unless it
2078 has received written approval from the department.

575-02637-09

2009868c1

2079 (a) To qualify as a certified Florida Farm Winery, a winery
2080 shall meet the following standards:

2081 1. Produce or sell less than 250,000 gallons of wine
2082 annually.

2083 2. Maintain a minimum of 10 acres of owned or managed land
2084 vineyards in Florida which produces commodities used in the
2085 production of wine.

2086 3. Be open to the public for tours, tastings, and sales at
2087 least 30 hours each week.

2088 4. Make annual application to the department for
2089 recognition as a Florida Farm Winery, on forms provided by the
2090 department.

2091 5. Pay an annual application and registration fee of \$100.

2092 Section 61. Subsection (1) of section 604.15, Florida
2093 Statutes, is amended, and subsection (11) is added to that
2094 section, to read:

2095 604.15 Dealers in agricultural products; definitions.—For
2096 the purpose of ss. 604.15-604.34, the following words and terms,
2097 when used, shall be construed to mean:

2098 (1) "Agricultural products" means the natural products of
2099 the farm, nursery, grove, orchard, vineyard, garden, and apiary
2100 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
2101 livestock; milk and milk products; poultry and poultry products;
2102 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
2103 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
2104 Persian, Tahiti, Bearss, or Florida Key limes); and any other
2105 nonexempt agricultural products produced in the state, except
2106 tobacco, sugarcane, tropical foliage, timber and timber
2107 byproducts, forest products as defined in s. 591.17, and citrus

575-02637-09

2009868c1

2108 other than limes.

2109 (11) "Responsible position" means a position within the
2110 business of a dealer in agricultural products that has the
2111 authority to negotiate or make the purchase of agricultural
2112 products on behalf of the dealer's business or has principal
2113 active management authority over the business decisions,
2114 actions, and activities of the dealer's business in this state.

2115 Section 62. Section 604.19, Florida Statutes, is amended to
2116 read:

2117 604.19 License; fee; bond; certificate of deposit;
2118 penalty.—Unless the department refuses the application on one or
2119 more of the grounds provided in this section, it shall issue to
2120 an applicant, upon the payment of required fees and the
2121 execution and delivery of a bond or certificate of deposit as
2122 provided in this section, a state license entitling the
2123 applicant to conduct business as a dealer in agricultural
2124 products for a 1-year period to coincide with the effective
2125 period of the bond or certificate of deposit furnished by the
2126 applicant. During the 1-year period covered by a license, if the
2127 supporting surety bond or certificate of deposit is canceled for
2128 any reason, the license shall automatically expire on the date
2129 the surety bond or certificate of deposit terminates, unless an
2130 acceptable replacement is in effect before the date of
2131 termination so that continual coverage occurs for the remaining
2132 period of the license. A surety company shall give the
2133 department a 30-day written notice of cancellation by certified
2134 mail in order to cancel a bond. Cancellation of a bond or
2135 certificate of deposit does ~~shall~~ not relieve a surety company
2136 or financial institution of liability for purchases or sales

575-02637-09

2009868c1

2137 occurring while the bond or certificate of deposit was in
2138 effect. The license fee, which must be paid for the principal
2139 place of business for a dealer in agricultural products, shall
2140 be based upon the amount of the dealer's surety bond or
2141 certificate of deposit furnished by each dealer under the
2142 provisions of s. 604.20 and may not exceed \$500. For each
2143 additional place in which the applicant desires to conduct
2144 business and which the applicant names in the application, the
2145 additional license fee must be paid but may not exceed \$100
2146 annually. If a ~~Should any~~ dealer in agricultural products ~~fails,~~
2147 ~~refuses, or neglects fail, refuse, or neglect~~ to apply and
2148 qualify for the renewal of a license on or before ~~its the date~~
2149 ~~of expiration date thereof,~~ a penalty not to exceed \$100 shall
2150 apply to and be added to the ~~original~~ license fee ~~for the~~
2151 ~~principal place of business and to the license fee for each~~
2152 ~~additional place of business named in the application~~ and shall
2153 be paid by the applicant before the renewal license may be
2154 issued. The department by rule shall prescribe fee amounts
2155 sufficient to fund ss. 604.15-604.34.

2156 Section 63. Subsections (1) and (4) of section 604.20,
2157 Florida Statutes, are amended to read:

2158 604.20 Bond or certificate of deposit prerequisite; amount;
2159 form.—

2160 (1) Before any license is issued, the applicant therefor
2161 shall make and deliver to the department a surety bond or
2162 certificate of deposit in the amount of at least \$5,000 or in
2163 such greater amount as the department may determine. No bond or
2164 certificate of deposit may be in an amount less than \$5,000. The
2165 penal sum of the bond or certificate of deposit to be furnished

575-02637-09

2009868c1

2166 to the department by an applicant for license as a dealer in
2167 agricultural products shall be in an amount equal to twice the
2168 average of the monthly dollar amounts ~~amount~~ of agricultural
2169 products handled for a Florida producer or a producer's agent or
2170 representative, by purchase or otherwise, ~~during the month of~~
2171 ~~maximum transaction in such products~~ during the preceding 12-
2172 month period. Only those months in which the applicant handled,
2173 by purchase or otherwise, amounts equal to or greater than
2174 \$1,000 shall be used to calculate the penal sum of the required
2175 bond or certificate of deposit. An applicant for license who has
2176 not handled agricultural products for a Florida producer or a
2177 producer's agent or representative, by purchase or otherwise,
2178 during the preceding 12-month period shall furnish a bond or
2179 certificate of deposit in an amount equal to twice the estimated
2180 average of the monthly dollar amounts ~~amount~~ of such
2181 agricultural products to be handled, by purchase or otherwise,
2182 ~~during the month of maximum transaction~~ during the next
2183 immediate 12 months. Only those months in which the applicant
2184 anticipates handling, by purchase or otherwise, amounts equal to
2185 or greater than \$1,000 shall be used to calculate the penal sum
2186 of the required bond or certificate of deposit. Such bond or
2187 certificate of deposit shall be provided or assigned in the
2188 exact name in which the dealer will conduct business subject to
2189 the provisions of ss. 604.15-604.34. Such bond must be executed
2190 by a surety company authorized to transact business in the
2191 state. For the purposes of ss. 604.19-604.21, the term
2192 "certificate of deposit" means a certificate of deposit at any
2193 recognized financial institution doing business in the United
2194 States. No certificate of deposit may be accepted in connection

575-02637-09

2009868c1

2195 with an application for a dealer's license unless the issuing
2196 institution is properly insured by either the Federal Deposit
2197 Insurance Corporation or the Federal Savings and Loan Insurance
2198 Corporation. Such bond or any certificate of deposit assignment
2199 or agreement shall be upon a form prescribed or approved by the
2200 department and shall be conditioned to secure the faithful
2201 accounting for and payment, in the manner prescribed by s.
2202 604.21(9), to producers or their agents or representatives of
2203 the proceeds of all agricultural products handled or purchased
2204 by such dealer, ~~and~~ to secure payment to dealers who sell
2205 agricultural products to such dealer, and to pay any claims or
2206 costs ordered under s. 604.21 as the result of a complaint. Such
2207 bond or certificate of deposit assignment or agreement shall
2208 include terms binding the instrument to the Commissioner of
2209 Agriculture. A certificate of deposit shall be presented with an
2210 assignment of applicant's rights in the certificate in favor of
2211 the Commissioner of Agriculture on a form prescribed by the
2212 department and with a letter from the issuing institution
2213 acknowledging that the assignment has been properly recorded on
2214 the books of the issuing institution and will be honored by the
2215 issuing institution. Such assignment shall be irrevocable while
2216 the dealer's license is in effect and for an additional period
2217 of 6 months after the termination or expiration of the dealer's
2218 license, provided no complaint is pending against the licensee.
2219 If a complaint is pending, the assignment shall remain in effect
2220 until all actions on the complaint have been finalized. The
2221 certificate of deposit may be released by the assignee of the
2222 financial institution to the licensee or the licensee's
2223 successors, assignee, or heirs if no claims are pending against

575-02637-09

2009868c1

2224 the licensee before the department at the conclusion of 6 months
2225 after the last effective date of the license. No certificate of
2226 deposit shall be accepted that contains any provision that would
2227 give the issuing institution any prior rights or claim on the
2228 proceeds or principal of such certificate of deposit. The
2229 department shall determine by rule the maximum amount of bond or
2230 certificate of deposit required of a dealer and whether an
2231 annual bond or certificate of deposit will be required.

2232 (4) The department may issue a conditional license to an
2233 applicant who is unable to provide a single bond or certificate
2234 of deposit in the full amount required by the calculation in
2235 subsection (1). The conditional license shall remain in effect
2236 for a 1-year period to coincide with the effective period of the
2237 bond or certificate of deposit furnished by the applicant. The
2238 applicant must provide at least the minimum \$5,000 bond or
2239 certificate of deposit as provided in subsection (1) together
2240 with documentation from each of three separate bonding companies
2241 denying the applicants request for a surety bond in the full
2242 amount required in subsection (1) and one of the following:

2243 (a) A notarized affidavit limiting the handling of
2244 agricultural products, by purchase or otherwise, during their
2245 largest month to a minimum of one-half the amount of the bond or
2246 certificate of deposit provided by the applicant;

2247 (b) A notarized affidavit stating that any subject
2248 agricultural products, handled by purchase or otherwise,
2249 exceeding one-half of the amount of the bond or certificate of
2250 deposit will be handled under the exemption provisions set forth
2251 in s. 604.16(2); or

2252 (c) A second bond or certificate of deposit in such an

575-02637-09

2009868c1

2253 amount that, when the penal sum of the second bond or
2254 certificate of deposit is added to the penal sum of the first
2255 bond or certificate of deposit, the combined penal sum will
2256 equal twice the dollar amount of agricultural products handled
2257 for a Florida producer or a producer's agent or representative,
2258 by purchase or otherwise, during the month of maximum
2259 transaction in such products during the preceding 12-month
2260 period.

2261
2262 The department or its agents may require from any licensee who
2263 is issued a conditional license verified statements of the
2264 volume of the licensee's business or may review the licensee's
2265 records at the licensee's place of business during normal
2266 business hours to determine the licensee's adherence to the
2267 conditions of the license. The failure of a licensee to furnish
2268 such statement or to make such records available shall be cause
2269 for suspension of the licensee's conditional license. If the
2270 department finds such failure to be willful, the conditional
2271 license may be revoked.

2272 Section 64. Section 604.25, Florida Statutes, is amended to
2273 read:

2274 604.25 Refusal to grant, or suspension or revocation of,
2275 license.—

2276 (1) The department may deny, refuse to renew, ~~decline to~~
2277 ~~grant a license~~ or may suspend or revoke a license ~~already~~
2278 ~~granted~~ if the applicant or licensee has:

2279 (a) Suffered a monetary judgment entered against the
2280 applicant or licensee ~~upon which is execution has been returned~~
2281 unsatisfied;

575-02637-09

2009868c1

- 2282 (b) Made false charges for handling or services rendered;
- 2283 (c) Failed to account promptly and properly or to make
- 2284 settlements with any producer;
- 2285 (d) Made any false statement or statements as to condition,
- 2286 quality, or quantity of goods received or held for sale when the
- 2287 true condition, quality, or quantity could have been ascertained
- 2288 by reasonable inspection;
- 2289 (e) Made any false or misleading statement or statements as
- 2290 to market conditions or service rendered;
- 2291 (f) Been guilty of a fraud in the attempt to procure, or
- 2292 the procurement of, a license;
- 2293 (g) Directly or indirectly sold agricultural products
- 2294 received on consignment or on a net return basis for her or his
- 2295 own account, without prior authority from the producer
- 2296 consigning the same, or without notifying such producer;
- 2297 (h) Employed a person in a responsible position ~~a person,~~
- 2298 ~~or has an owner, officer, director, general or managing partner,~~
- 2299 ~~or other similarly situated person, who is in or has held a~~
- 2300 ~~similar position with any entity that of a corporation, who~~ has
- 2301 failed to fully comply with an order of the department, has not
- 2302 satisfied a civil judgment held by the department, has pending
- 2303 any administrative or civil enforcement action by the
- 2304 department, or has pending any criminal charges pursuant to s.
- 2305 604.30 at any time within 1 year after issuance;
- 2306 (i) Violated any statute or rule relating to the purchase
- 2307 or sale of any agricultural product, whether or not such
- 2308 transaction is subject to the provisions of this chapter; ~~or~~
- 2309 (j) Failed to submit to the department an application,
- 2310 appropriate license fees, and an acceptable surety bond or

575-02637-09

2009868c1

2311 certificate of deposit; or.

2312 ~~(k)(2) Failed~~ If a licensee fails or refused refuses to
2313 comply ~~in full~~ with an order of the department or failed to
2314 satisfy a civil judgment held by the department, ~~her or his~~
2315 ~~license may be suspended or revoked, in which case she or he~~
2316 ~~shall not be eligible for license for a period of 1 year or~~
2317 ~~until she or he has fully complied with the order of the~~
2318 ~~department.~~

2319 ~~(3) No person, or officer of a corporation, whose license~~
2320 ~~has been suspended or revoked for failure to comply with an~~
2321 ~~order of the department may hold a responsible position with a~~
2322 ~~licensee for a period of 1 year or until the order of the~~
2323 ~~department has been fully complied with.~~

2324 Section 65. Subsections (18) and (19) of section 616.242,
2325 Florida Statutes, are renumbered as subsections (19) and (20),
2326 respectively, and a new subsection (18) is added to that section
2327 to read:

2328 616.242 Safety standards for amusement rides.—

2329 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride
2330 fails to comply with this chapter or any rule adopted under this
2331 chapter, the department may issue a stop-operation order.

2332 Section 66. Paragraph (c) of subsection (5) of section
2333 790.06, Florida Statutes, is amended to read:

2334 790.06 License to carry concealed weapon or firearm.—

2335 (5) The applicant shall submit to the Department of
2336 Agriculture and Consumer Services:

2337 (c) A full set of fingerprints of the applicant
2338 administered by a law enforcement agency or the Division of
2339 Licensing of the Department of Agriculture and Consumer

575-02637-09

2009868c1

2340 Services.

2341 Section 67. Sections 570.071 and 570.901, Florida Statutes,
2342 are repealed.

2343 Section 68. This act shall take effect July 1, 2009.