

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 403.9336, F.S.; revising a
4 reference to the Model Ordinance for Florida-Friendly
5 Fertilizer Use on Urban Landscapes; amending s. 403.9337,
6 F.S.; specifying a certain edition of the model ordinance
7 for adoption by certain counties and municipalities;
8 authorizing the Department of Environmental Protection to
9 adopt rules updating the model ordinance; revising the
10 criteria for a local government's adoption of additional
11 or more stringent standards; exempting lands used for
12 certain research from provisions regulating fertilizer use
13 on urban landscapes; amending s. 493.6102, F.S.;
14 specifying that provisions regulating security officers do
15 not apply to certain law enforcement, correctional, and
16 probation officers performing off-duty activities;
17 amending s. 493.6105, F.S.; revising the application
18 requirements and procedures for certain private
19 investigative, private security, recovery agent, and
20 firearm licenses; specifying application requirements for
21 firearms instructor licenses; amending s. 493.6106, F.S.;
22 revising citizenship requirements and documentation for
23 certain private investigative, private security, and
24 recovery agent licenses; prohibiting the licensure of
25 applicants for a statewide firearm license or firearms
26 instructor license who are prohibited from purchasing or
27 possessing firearms; requiring that private investigative,
28 security, and recovery agencies notify the Department of

29 | Agriculture and Consumer Services of changes to their
30 | branch office locations; amending s. 493.6107, F.S.;
31 | requiring the department to accept certain methods of
32 | payment for certain fees; amending s. 493.6108, F.S.;
33 | revising requirements for criminal history checks of
34 | license applicants whose fingerprints are not legible;
35 | requiring the investigation of the mental and emotional
36 | fitness of applicants for firearms instructor licenses;
37 | amending s. 493.6111, F.S.; requiring a security officer
38 | school or recovery agent school to obtain the department's
39 | approval for use of a fictitious name; specifying that a
40 | licensee may not conduct business under more than one
41 | fictitious name; amending s. 493.6113, F.S.; revising
42 | application renewal procedures and requirements; amending
43 | s. 493.6115, F.S.; conforming cross-references; amending
44 | s. 493.6118, F.S.; authorizing disciplinary action against
45 | statewide firearm licensees and firearms instructor
46 | licensees who are prohibited from purchasing or possessing
47 | firearms; amending s. 493.6121, F.S.; deleting provisions
48 | for the department's access to certain criminal history
49 | records provided to licensed gun dealers, manufacturers,
50 | and exporters; amending s. 493.6202, F.S.; requiring the
51 | department to accept certain methods of payment for
52 | certain fees; amending s. 493.6203, F.S.; prohibiting
53 | bodyguard services from being credited toward certain
54 | license requirements; revising the training requirements
55 | for private investigator intern license applicants;
56 | requiring the automatic suspension of an intern's license

57 | under certain circumstances; providing an exception;
58 | amending s. 493.6302, F.S.; requiring the department to
59 | accept certain methods of payment for certain fees;
60 | amending s. 493.6303, F.S.; revising the training
61 | requirements for security officer license applicants;
62 | amending s. 493.6304, F.S.; revising application
63 | requirements and procedures for security officer school
64 | licenses; amending s. 493.6401, F.S.; revising terminology
65 | for recovery agent schools and training facilities;
66 | amending s. 493.6402, F.S.; revising terminology for
67 | recovery agent schools and training facilities; requiring
68 | the department to accept certain methods of payment for
69 | certain fees; amending s. 493.6406, F.S.; revising
70 | terminology; requiring recovery agent school and
71 | instructor licenses; providing license application
72 | requirements and procedures; amending ss. 501.605 and
73 | 501.607, F.S.; revising application requirements for
74 | commercial telephone seller and salesperson licenses;
75 | amending s. 501.913, F.S.; specifying the sample size
76 | required for antifreeze registration application; amending
77 | s. 525.01, F.S.; revising requirements for petroleum fuel
78 | affidavits; amending s. 525.09, F.S.; imposing an
79 | inspection fee on certain alternative fuels containing
80 | alcohol; amending s. 526.50, F.S.; defining terms
81 | applicable to regulation of the sale of brake fluid;
82 | amending s. 526.51, F.S.; revising brake fluid permit
83 | application requirements; deleting permit renewal
84 | requirements; providing for reregistration of brake fluid;

85 | establishing fees; amending s. 526.52, F.S.; revising
86 | requirements for printed statements on brake fluid
87 | containers; amending s. 526.53, F.S.; revising
88 | requirements and procedures for brake fluid stop-sale
89 | orders; authorizing businesses to dispose of unregistered
90 | brake fluid under certain circumstances; amending s.
91 | 527.0201, F.S.; revising requirements for liquefied
92 | petroleum gas qualifying examinations; increasing
93 | continuing education requirements for certain liquefied
94 | petroleum gas qualifiers; amending s. 527.12, F.S.;
95 | providing for the issuance of certain stop orders;
96 | amending ss. 559.805 and 559.928, F.S.; deleting social
97 | security numbers as a listing requirement on registration
98 | affidavits for independent agents of sellers of business
99 | opportunities; amending s. 570.0725, F.S.; revising
100 | provisions for public information about food banks and
101 | similar food recovery programs; authorizing the department
102 | to adopt rules; amending ss. 570.53 and 570.54, F.S.;
103 | conforming cross-references; amending s. 570.55, F.S.;
104 | revising requirements for identifying sellers or handlers
105 | of tropical or subtropical fruit or vegetables; amending
106 | s. 570.902, F.S.; conforming terminology to the repeal by
107 | the act of provisions establishing the Florida
108 | Agricultural Museum; amending s. 570.903, F.S.; revising
109 | provisions for direct-support organizations for certain
110 | agricultural programs to conform to the repeal by the act
111 | of provisions establishing the Florida Agricultural
112 | Museum; deleting provisions for a direct-support

113 organization for the Florida State Collection of
114 Arthropods; amending s. 573.118, F.S.; requiring the
115 department to maintain records of marketing orders;
116 requiring an audit at the request of an advisory council;
117 requiring that the advisory council receive a copy of the
118 audit within a specified time; amending s. 581.011, F.S.;
119 deleting terminology relating to the Florida State
120 Collection of Arthropods; revising the term "nursery" for
121 purposes of plant industry regulations; amending s.
122 581.211, F.S.; increasing the maximum fine for violations
123 of plant industry regulations; amending s. 583.13, F.S.;
124 deleting a prohibition on the sale of poultry without
125 displaying the poultry grade; amending s. 590.125, F.S.;
126 revising terminology for open burning authorizations;
127 specifying purposes of certified prescribed burning;
128 requiring the authorization of the Division of Forestry
129 for certified pile burning; providing pile burning
130 requirements; limiting the liability of property owners or
131 agents engaged in pile burning; providing for the
132 certification of pile burners; providing penalties for
133 violations by certified pile burners; requiring rules;
134 authorizing the division to adopt rules regulating
135 certified pile burning; revising notice requirements for
136 wildfire hazard reduction treatments; providing for
137 approval of local government open burning authorization
138 programs; providing program requirements; authorizing the
139 division to close local government programs under certain
140 circumstances; providing penalties for violations of local

141 government open burning requirements; amending s. 590.14,
142 F.S.; authorizing fines for violations of any division
143 rule; providing penalties for certain violations;
144 providing legislative intent; amending s. 599.004, F.S.;
145 revising standards that a winery must meet to qualify as a
146 certified Florida Farm Winery; amending s. 604.15, F.S.;
147 revising the term "agricultural products" to make tropical
148 foliage exempt from regulation under provisions relating
149 to dealers in agricultural products; defining the term
150 "responsible position"; amending s. 604.19, F.S.; revising
151 requirements for late fees on agricultural products dealer
152 applications; amending s. 604.25, F.S.; revising
153 conditions under which the department may deny, refuse to
154 renew, suspend, or revoke agricultural products dealer
155 licenses; deleting a provision prohibiting certain persons
156 from holding a responsible position with a licensee;
157 amending s. 616.242, F.S.; authorizing the issuance of
158 stop-operation orders for amusement rides under certain
159 circumstances; amending s. 686.201, F.S.; exempting
160 contracts involving a seller of travel from requirements
161 for certain sales representative contracts; amending s.
162 790.06, F.S.; authorizing a concealed firearm license
163 applicant to submit fingerprints administered by the
164 Division of Licensing; repealing ss. 570.071 and 570.901,
165 F.S., relating to the Florida Agricultural Exposition and
166 the Florida Agricultural Museum; providing an effective
167 date.
168

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

170

171 Section 1. Section 403.9336, Florida Statutes, is amended
172 to read:

173 403.9336 Legislative findings.—The Legislature finds that
174 ~~the implementation of the Model Ordinance for Florida-Friendly~~
175 ~~Fertilizer Use on Urban Landscapes (2008), which was developed~~
176 ~~by the department in conjunction with the Florida Consumer~~
177 ~~Fertilizer Task Force, the Department of Agriculture and~~
178 ~~Consumer Services, and the University of Florida Institute of~~
179 ~~Food and Agricultural Sciences,~~ will assist in protecting the
180 quality of Florida's surface water and groundwater resources.
181 The Legislature further finds that local conditions, including
182 variations in the types and quality of water bodies, site-
183 specific soils and geology, and urban or rural densities and
184 characteristics, may necessitate ~~the implementation of~~
185 additional or more stringent fertilizer management practices at
186 the local government level.

187 Section 2. Section 403.9337, Florida Statutes, is amended
188 to read:

189 403.9337 Model Ordinance for Florida-Friendly Fertilizer
190 Use on Urban Landscapes.—

191 (1) All county and municipal governments are encouraged to
192 adopt and enforce the Model Ordinance for Florida-Friendly
193 Fertilizer Use on Urban Landscapes (2009) as developed by the
194 department in conjunction with the Florida Consumer Fertilizer
195 Task Force, the Department of Agriculture and Consumer Services,
196 and the University of Florida's Institute of Food and

197 Agricultural Sciences, which the department may periodically
 198 update and adopt by rule, or an equivalent requirement as a
 199 mechanism for protecting local surface and groundwater quality.

200 (2) Each county and municipal government located within
 201 the watershed of a water body or water segment that is listed as
 202 impaired by nutrients pursuant to s. 403.067, must ~~shall~~, at a
 203 minimum, adopt the most recent version of the department's Model
 204 Ordinance for Florida-Friendly Fertilizer Use on Urban
 205 Landscapes. A local government may adopt additional or more
 206 stringent standards than the model ordinance if, before
 207 adoption, the following criteria are met:

208 (a) The local government has implemented ~~demonstrated, as~~
 209 ~~part of~~ a comprehensive program to address nonpoint sources of
 210 nutrient pollution but ~~which is science-based, and economically~~
 211 ~~and technically feasible,~~ that additional or more stringent
 212 standards than the model ordinance are necessary in order to
 213 adequately address ~~urban fertilizer contributions to~~ nonpoint
 214 source nutrient loading to a water body. A comprehensive program
 215 may include:

216 1. Nonpoint source activities adopted as part of a basin
 217 management plan developed pursuant to s. 403.067(7);

218 2. Adoption of Florida-friendly landscaping requirements,
 219 as provided in s. 373.185, into the local government's
 220 development code; or

221 3. The requirement for and enforcement of the
 222 implementation of low-impact development practices.

223 (b) The local government has convened a workgroup composed
 224 of: a representative of the local government appointed by its

225 governing body; a representative of the fertilizer applicator
 226 industry appointed by the Florida Nursery, Growers, and
 227 Landscape Association, Inc.; a representative of a retail
 228 business that sells fertilizer appointed by the Florida Retail
 229 Federation, Inc.; a representative of the Department of
 230 Environmental Protection; and a representative of the Department
 231 of Agriculture and Consumer Services, and the committee has
 232 conducted a review and provided a report that addresses the
 233 economical and technical feasibility of enforcing the proposed
 234 additional or more stringent standards.

235 (c) ~~(b)~~ The local government documents in the public record
 236 the need for more stringent standards, including the
 237 scientifically documented vulnerability of waters within the
 238 local government's jurisdiction to nutrient enrichment due to
 239 landforms, soils, hydrology, climate, or geology, and the local
 240 government documents that it has requested and considered all
 241 relevant scientific information, including input from the
 242 department, ~~the institute,~~ the Department of Agriculture and
 243 Consumer Services, and the University of ~~Florida's Florida~~
 244 Institute of Food and Agricultural Sciences, if provided, on the
 245 need for additional or more stringent provisions to address
 246 fertilizer use as a contributor to water quality degradation. If
 247 two or more entities providing such input question the
 248 scientific basis of the proposed standards, the local government
 249 shall, before adoption of the standards, address their specific
 250 concerns to the maximum extent practicable. All documentation
 251 must become part of the public record before adoption of the
 252 additional or more stringent criteria.

253 (3) Any county or municipal government that adopted its
 254 own fertilizer use ordinance before January 1, 2009, is exempt
 255 from this section. Ordinances adopted or amended on or after
 256 January 1, 2009, must substantively conform to the most recent
 257 version of the model fertilizer ordinance and are subject to
 258 subsections (1) and (2), as applicable.

259 (4) This section does not apply to the use of fertilizer:

260 (a) On farm operations as defined in s. 823.14; ~~or~~

261 (b) On lands classified as agricultural lands pursuant to
 262 s. 193.461; or

263 (c) On lands currently used or identified for use as part
 264 of urban stormwater, water quality, agronomic, or horticultural
 265 research.

266 Section 3. Subsection (1) of section 493.6102, Florida
 267 Statutes, is amended to read:

268 493.6102 Inapplicability of this chapter.—This chapter
 269 shall not apply to:

270 (1) Any individual who is an "officer" as defined in s.
 271 943.10(14), or is a law enforcement officer of the United States
 272 Government, while the ~~such~~ local, state, or federal officer is
 273 engaged in her or his official duties or, if approved by the
 274 officer's supervisors, when performing off-duty activities as a
 275 security officer ~~activities approved by her or his superiors.~~

276 Section 4. Section 493.6105, Florida Statutes, is amended
 277 to read:

278 493.6105 Initial application for license.—

279 (1) Each individual, partner, or principal officer in a
 280 corporation, shall file with the department a complete

281 application accompanied by an application fee not to exceed \$60,
 282 except that the applicant for a Class "D" or Class "G" license
 283 ~~is shall~~ not ~~be~~ required to submit an application fee. The
 284 application fee is ~~shall~~ not ~~be~~ refundable.

285 (a) The application submitted by any individual, partner,
 286 or corporate officer must ~~shall~~ be approved by the department
 287 before the ~~prior to that~~ individual, partner, or corporate
 288 officer assumes ~~assuming~~ his or her duties.

289 (b) Individuals who invest in the ownership of a licensed
 290 agency, but do not participate in, direct, or control the
 291 operations of the agency are ~~shall~~ not ~~be~~ required to file an
 292 application.

293 (2) Each application must ~~shall~~ be signed and verified by
 294 the individual under oath as provided in s. 92.525 ~~and shall be~~
 295 notarized.

296 (3) The application must ~~shall~~ contain the following
 297 information concerning the individual signing the application
 298 ~~same~~:

299 (a) Name and any aliases.

300 (b) Age and date of birth.

301 (c) Place of birth.

302 (d) Social security number or alien registration number,
 303 whichever is applicable.

304 (e) Current ~~Present~~ residence address ~~and his or her~~
 305 ~~residence addresses within the 5 years immediately preceding the~~
 306 ~~submission of the application.~~

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

309 (f) ~~(g)~~ A statement of all criminal convictions, findings
310 of guilt, and pleas of guilty or nolo contendere, regardless of
311 adjudication of guilt.

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

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

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

318 (j) A full set of fingerprints on a card provided by the
319 department and a fingerprint fee to be established by rule of
320 the department based upon costs determined by state and federal
321 agency charges and department processing costs. An applicant who
322 has, within the immediately preceding 6 months, submitted a
323 fingerprint card and fee for licensing purposes under this
324 chapter shall not be required to submit another fingerprint card
325 or fee.

326 (k) A personal inquiry waiver which allows the department
327 to conduct necessary investigations to satisfy the requirements
328 of this chapter.

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

333 ~~(4) In addition to the application requirements outlined~~
334 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~
335 ~~Class "E," Class "EE," or Class "G" license shall submit two~~
336 ~~color photographs taken within the 6 months immediately~~

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337 ~~preceding the submission of the application, which meet~~
338 ~~specifications prescribed by rule of the department. All other~~
339 ~~applicants shall submit one photograph taken within the 6 months~~
340 ~~immediately preceding the submission of the application.~~

341 (4)~~(5)~~ In addition to the application requirements
342 outlined under subsection (3), the applicant for a Class "C,"
343 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"
344 license shall include a statement on a form provided by the
345 department of the experience which he or she believes will
346 qualify him or her for such license.

347 (5)~~(6)~~ In addition to the requirements outlined in
348 subsection (3), an applicant for a Class "G" license shall
349 satisfy minimum training criteria for firearms established by
350 rule of the department, which training criteria shall include,
351 but is not limited to, 28 hours of range and classroom training
352 taught and administered by a Class "K" licensee; however, no
353 more than 8 hours of such training shall consist of range
354 training. If the applicant can show proof that he or she is an
355 active law enforcement officer currently certified under the
356 Criminal Justice Standards and Training Commission or has
357 completed the training required for that certification within
358 the last 12 months, or if the applicant submits one of the
359 certificates specified in paragraph (6) ~~(a)~~ ~~(7)~~ ~~(a)~~, the
360 department may waive the foregoing firearms training
361 requirement.

362 (6)~~(7)~~ In addition to the requirements under subsection
363 (3), an applicant for a Class "K" license shall:

364 (a) Submit one of the following certificates:

365 1. The Florida Criminal Justice Standards and Training
 366 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
 367 the commission that the applicant is authorized to provide
 368 firearms instruction.

369 2. The National Rifle Association Law Enforcement Police
 370 Firearms Instructor's Certificate.

371 ~~3. The National Rifle Association Security Firearms~~
 372 ~~Instructor's Certificate.~~

373 ~~3.4.~~ A firearms instructor's training certificate issued
 374 by any branch of the United States Armed Forces, from a federal
 375 law enforcement academy or agency, state, county, or a law
 376 enforcement municipal police academy or agency in this state
 377 recognized as such by the Criminal Justice Standards and
 378 Training Commission ~~or by the Department of Education.~~

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

383 ~~(7)-(8)~~ In addition to the application requirements for
 384 individuals, partners, or officers outlined under subsection
 385 (3), the application for an agency license shall contain the
 386 following information:

387 (a) The proposed name under which the agency intends to
 388 operate.

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

392 (c) The street address, mailing address, and telephone

393 numbers of all branch offices within this state.

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

397 ~~(8)(9)~~ Upon submission of a complete application, a Class
 398 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
 399 Class "MA," Class "MB," or Class "MR" applicant may commence
 400 employment or appropriate duties for a licensed agency or branch
 401 office. However, the Class "C" or Class "E" applicant must work
 402 under the direction and control of a sponsoring licensee while
 403 his or her application is being processed. If the department
 404 denies application for licensure, the employment of the
 405 applicant must be terminated immediately, unless he or she
 406 performs only unregulated duties.

407 Section 5. Paragraph (f) of subsection (1) and paragraph
 408 (a) of subsection (2) of section 493.6106, Florida Statutes, are
 409 amended, and paragraph (g) is added to subsection (1) of that
 410 section, to read:

411 493.6106 License requirements; posting.-

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

413 (f) Be a citizen or permanent legal resident alien of the
 414 United States or have appropriate ~~been granted~~ authorization
 415 issued to seek employment in this country by the United States
 416 Bureau of Citizenship and Immigration Services of the United
 417 States Department of Homeland Security.

418 1. An applicant for a Class "C," Class "CC," Class "D,"
 419 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
 420 "MB," Class "MR," or Class "RI" license who is not a United

421 States citizen must submit proof of current employment
422 authorization issued by the United States Bureau of Citizenship
423 and Immigration Services or proof that she or he is deemed a
424 permanent legal resident alien by the United States Bureau of
425 Citizenship and Immigration Services.

426 2. An applicant for a Class "G" or Class "K" license who
427 is not a United States citizen must submit proof that she or he
428 is deemed a permanent legal resident alien by the United States
429 Bureau of Citizenship and Immigration Services, together with
430 additional documentation establishing that she or he has resided
431 in the state of residence shown on the application for at least
432 90 consecutive days before the date that the application is
433 submitted.

434 3. An applicant for an agency or school license who is not
435 a United States citizen or permanent legal resident alien must
436 submit documentation issued by the United States Bureau of
437 Citizenship and Immigration Services stating that she or he is
438 lawfully in the United States and is authorized to own and
439 operate the type of agency or school for which she or he is
440 applying. An employment authorization card issued by the United
441 States Bureau of Citizenship and Immigration Services is not
442 sufficient documentation.

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

446 (2) Each agency shall have a minimum of one physical
447 location within this state from which the normal business of the
448 agency is conducted, and this location shall be considered the

449 primary office for that agency in this state.

450 (a) If an agency or branch office desires to change the
 451 physical location of the business, as it appears on the ~~agency~~
 452 license, the department must be notified within 10 days of the
 453 change, and, except upon renewal, the fee prescribed in s.
 454 493.6107 must be submitted for each license requiring revision.
 455 Each license requiring revision must be returned with such
 456 notification.

457 Section 6. Subsection (3) of section 493.6107, Florida
 458 Statutes, is amended to read:

459 493.6107 Fees.—

460 (3) The fees set forth in this section must be paid by
 461 ~~certified~~ check or money order ~~or, at the discretion of the~~
 462 ~~department, by agency check~~ at the time the application is
 463 approved, except that the applicant for a Class "G" or Class "M"
 464 license must pay the license fee at the time the application is
 465 made. If a license is revoked or denied or if the application is
 466 withdrawn, the license fee shall not be refunded.

467 Section 7. Paragraph (a) of subsection (1) and subsection
 468 (3) of section 493.6108, Florida Statutes, are amended to read:

469 493.6108 Investigation of applicants by Department of
 470 Agriculture and Consumer Services.—

471 (1) Except as otherwise provided, prior to the issuance of
 472 a license under this chapter, the department shall make an
 473 investigation of the applicant for a license. The investigation
 474 shall include:

475 (a)1. An examination of fingerprint records and police
 476 records. When a criminal history analysis of any applicant under

477 | this chapter is performed by means of fingerprint card
 478 | identification, the time limitations prescribed by s. 120.60(1)
 479 | shall be tolled during the time the applicant's fingerprint card
 480 | is under review by the Department of Law Enforcement or the
 481 | United States Department of Justice, Federal Bureau of
 482 | Investigation.

483 | 2. If a legible set of fingerprints, as determined by the
 484 | Department of Law Enforcement or the Federal Bureau of
 485 | Investigation, cannot be obtained after two attempts, the
 486 | Department of Agriculture and Consumer Services may determine
 487 | the applicant's eligibility based upon a criminal history record
 488 | check under the applicant's name conducted by the Department of
 489 | Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
 490 | ~~A set of~~ fingerprints are taken by a law enforcement agency or
 491 | the department and the applicant submits a written statement
 492 | signed by the fingerprint technician or a licensed physician
 493 | stating that there is a physical condition that precludes
 494 | obtaining a legible set of fingerprints or that the fingerprints
 495 | taken are the best that can be obtained ~~is sufficient to meet~~
 496 | ~~this requirement.~~

497 | (3) The department shall also investigate the mental
 498 | history and current mental and emotional fitness of any Class
 499 | "G" or Class "K" applicant, and may deny a Class "G" or Class
 500 | "K" license to anyone who has a history of mental illness or
 501 | drug or alcohol abuse.

502 | Section 8. Subsection (4) of section 493.6111, Florida
 503 | Statutes, is amended to read:

504 | 493.6111 License; contents; identification card.—

505 (4) Notwithstanding the existence of a valid Florida
 506 corporate registration, an ~~no~~ agency or school licensee may not
 507 conduct activities regulated under this chapter under any
 508 fictitious name without prior written authorization from the
 509 department to use that name in the conduct of activities
 510 regulated under this chapter. The department may not authorize
 511 the use of a name which is so similar to that of a public
 512 officer or agency, or of that used by another licensee, that the
 513 public may be confused or misled thereby. The authorization for
 514 the use of a fictitious name shall require, as a condition
 515 precedent to the use of such name, the filing of a certificate
 516 of engaging in business under a fictitious name under s. 865.09.
 517 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
 518 under more than one fictitious name except as separately
 519 licensed nor shall the license be valid to protect any licensee
 520 who is engaged in ~~the~~ business under any name other than that
 521 specified in the license. An agency desiring to change its
 522 licensed name shall notify the department and, except upon
 523 renewal, pay a fee not to exceed \$30 for each license requiring
 524 revision including those of all licensed employees except Class
 525 "D" or Class "G" licensees. Upon the return of such licenses to
 526 the department, revised licenses shall be provided.

527 Section 9. Subsection (2) and paragraph (a) of subsection
 528 (3) of section 493.6113, Florida Statutes, are amended to read:

529 493.6113 Renewal application for licensure.—

530 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
 531 expiration date of the license, the department shall mail a
 532 written notice to the last known mailing ~~residence~~ address of

533 ~~the licensee for individual licensees and to the last known~~
 534 ~~agency address for agencies.~~

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

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

543 Section 10. Subsection (8), paragraph (d) of subsection
 544 (12), and subsection (16) of section 493.6115, Florida Statutes,
 545 are amended to read:

546 493.6115 Weapons and firearms.—

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

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

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

555 (16) If the criminal history record check program
 556 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
 557 department may issue a temporary "G" license on a case-by-case
 558 basis, provided that the applicant has met all statutory
 559 requirements for the issuance of a temporary "G" license as
 560 specified in subsection (12), excepting the criminal history

561 record check stipulated there; provided, that the department
562 requires that the licensed employer of the applicant conduct a
563 criminal history record check of the applicant pursuant to
564 standards set forth in rule by the department, and provide to
565 the department an affidavit containing such information and
566 statements as required by the department, including a statement
567 that the criminal history record check did not indicate the
568 existence of any criminal history that would prohibit licensure.
569 Failure to properly conduct such a check, or knowingly providing
570 incorrect or misleading information or statements in the
571 affidavit shall constitute grounds for disciplinary action
572 against the licensed agency, including revocation of license.

573 Section 11. Paragraph (u) of subsection (1) of section
574 493.6118, Florida Statutes, is redesignated as paragraph (v),
575 and a new paragraph (u) is added to that subsection to read:

576 493.6118 Grounds for disciplinary action.—

577 (1) The following constitute grounds for which
578 disciplinary action specified in subsection (2) may be taken by
579 the department against any licensee, agency, or applicant
580 regulated by this chapter, or any unlicensed person engaged in
581 activities regulated under this chapter.

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

585 Section 12. Subsections (7) and (8) of section 493.6121,
586 Florida Statutes, are renumbered as subsections (6) and (7),
587 respectively, and present subsection (6) of that section is
588 amended, to read:

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589 493.6121 Enforcement; investigation.-

590 ~~(6) The department shall be provided access to the program~~
 591 ~~that is operated by the Department of Law Enforcement, pursuant~~
 592 ~~to s. 790.065, for providing criminal history record information~~
 593 ~~to licensed gun dealers, manufacturers, and exporters. The~~
 594 ~~department may make inquiries, and shall receive responses in~~
 595 ~~the same fashion as provided under s. 790.065. The department~~
 596 ~~shall be responsible for payment to the Department of Law~~
 597 ~~Enforcement of the same fees as charged to others afforded~~
 598 ~~access to the program.~~

599 Section 13. Subsection (3) of section 493.6202, Florida
 600 Statutes, is amended to read:

601 493.6202 Fees.-

602 (3) The fees set forth in this section must be paid by
 603 ~~certified check or money order or, at the discretion of the~~
 604 ~~department, by agency check~~ at the time the application is
 605 approved, except that the applicant for a Class "G," Class "C,"
 606 Class "CC," Class "M," or Class "MA" license must pay the
 607 license fee at the time the application is made. If a license is
 608 revoked or denied or if the application is withdrawn, the
 609 license fee shall not be refunded.

610 Section 14. Subsections (2), (4), and (6) of section
 611 493.6203, Florida Statutes, are amended to read:

612 493.6203 License requirements.-In addition to the license
 613 requirements set forth elsewhere in this chapter, each
 614 individual or agency shall comply with the following additional
 615 requirements:

616 (2) An applicant for a Class "MA" license shall have 2

617 | years of lawfully gained, verifiable, full-time experience, or
 618 | training in:

619 | (a) Private investigative work or related fields of work
 620 | that provided equivalent experience or training;

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

622 | (c) Any combination of paragraphs (a) and (b);

623 | (d) Experience described in paragraph (a) for 1 year and
 624 | experience described in paragraph (e) for 1 year;

625 | (e) No more than 1 year using:

626 | 1. College coursework related to criminal justice,
 627 | criminology, or law enforcement administration; or

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

630 | or

631 | (f) Experience described in paragraph (a) for 1 year and
 632 | work in a managerial or supervisory capacity for 1 year.

633 |

634 | However, experience in performing bodyguard services is not
 635 | creditable toward the requirements of this subsection.

636 | (4) An applicant for a Class "C" license shall have 2
 637 | years of lawfully gained, verifiable, full-time experience, or
 638 | training in one, or a combination of more than one, of the
 639 | following:

640 | (a) Private investigative work or related fields of work
 641 | that provided equivalent experience or training.

642 | (b) College coursework related to criminal justice,
 643 | criminology, or law enforcement administration, or successful
 644 | completion of any law enforcement-related training received from

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

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

648

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

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

654 (b) Effective July 1, 2010 ~~September 1, 2008~~, before
655 submission of an application to the department, the an applicant
656 for a Class "CC" license must have completed a minimum of 40 at
657 least 24 hours of professional training a 40-hour course
658 pertaining to general investigative techniques and this chapter,
659 which course is offered by a state university or by a school,
660 community college, college, or university under the purview of
661 the Department of Education, and the applicant must pass an
662 examination. The training must be provided in two parts, one 24-
663 hour course and one 16-hour course. The certificate evidencing
664 satisfactory completion of the 40 at least 24 hours of
665 professional training a 40-hour course must be submitted with
666 the application for a Class "CC" license. ~~The remaining 16 hours~~
667 ~~must be completed and an examination passed within 180 days. If~~
668 ~~documentation of completion of the required training is not~~
669 ~~submitted within the specified timeframe, the individual's~~
670 ~~license is automatically suspended or his or her authority to~~
671 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
672 ~~until such time as proof of certificate of completion is~~

673 ~~provided to the department.~~ The training ~~course~~ specified in
 674 this paragraph may be provided by face-to-face presentation,
 675 online technology, or a home study course in accordance with
 676 rules and procedures of the Department of Education. The
 677 administrator of the examination must verify the identity of
 678 each applicant taking the examination.

679 1. Upon an applicant's successful completion of each part
 680 of the approved training ~~course~~ and passage of any required
 681 examination, the school, community college, college, or
 682 university shall issue a certificate of completion to the
 683 applicant. The certificates must be on a form established by
 684 rule of the department.

685 2. The department shall establish by rule the general
 686 content of the professional training ~~course~~ and the examination
 687 criteria.

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

691 (c) An individual who submits an application for a Class
 692 "CC" license on or after September 1, 2008, through June 30,
 693 2010, who has not completed the 16-hour course must submit proof
 694 of successful completion of the course within 180 days after the
 695 date the application is submitted. If documentation of
 696 completion of the required training is not submitted by that
 697 date, the individual's license is automatically suspended until
 698 proof of the required training is submitted to the department.
 699 An individual licensed on or before August 31, 2008, is not
 700 required to complete additional training hours in order to renew

701 an active license beyond the required total amount of training,
 702 and within the timeframe, in effect at the time he or she was
 703 licensed.

704 Section 15. Subsection (3) of section 493.6302, Florida
 705 Statutes, is amended to read:

706 493.6302 Fees.—

707 (3) The fees set forth in this section must be paid by
 708 ~~certified check or money order or, at the discretion of the~~
 709 ~~department, by agency check~~ at the time the application is
 710 approved, except that the applicant for a Class "D," Class "G,"
 711 Class "M," or Class "MB" license must pay the license fee at the
 712 time the application is made. If a license is revoked or denied
 713 or if the application is withdrawn, the license fee shall not be
 714 refunded.

715 Section 16. Subsection (4) of section 493.6303, Florida
 716 Statutes, is amended to read:

717 493.6303 License requirements.—In addition to the license
 718 requirements set forth elsewhere in this chapter, each
 719 individual or agency shall comply with the following additional
 720 requirements:

721 (4) (a) Effective July 1, 2010, an applicant for a Class
 722 "D" license must submit proof of successful completion of
 723 ~~complete~~ a minimum of 40 hours of professional training at a
 724 school or training facility licensed by the department. The
 725 training must be provided in two parts, one 24-hour course and
 726 one 16-hour course. The department shall by rule establish the
 727 general content and number of hours of each subject area to be
 728 taught.

729 (b) An individual who submits an application for a Class
 730 "D" license on or after January 1, 2007, through June 30, 2010,
 731 who has not completed the 16-hour course must submit proof of
 732 successful completion of the course within 180 days after the
 733 date the application is submitted. If documentation of
 734 completion of the required training is not submitted by that
 735 date, the individual's license is automatically suspended until
 736 proof of the required training is submitted to the department.
 737 This section does not require a person licensed before January
 738 1, 2007, to complete additional training hours in order to renew
 739 an active license beyond the required total amount of training
 740 within the timeframe prescribed by law at the time he or she was
 741 licensed. An applicant may fulfill the training requirement
 742 prescribed in paragraph (a) by submitting proof of:

743 1. ~~Successful completion of the total number of required~~
 744 ~~hours of training before initial application for a Class "D"~~
 745 ~~license; or~~

746 2. ~~Successful completion of 24 hours of training before~~
 747 ~~initial application for a Class "D" license and successful~~
 748 ~~completion of the remaining 16 hours of training within 180 days~~
 749 ~~after the date that the application is submitted. If~~
 750 ~~documentation of completion of the required training is not~~
 751 ~~submitted within the specified timeframe, the individual's~~
 752 ~~license is automatically suspended until such time as proof of~~
 753 ~~the required training is provided to the department.~~

754 (c) An individual ~~However, any person~~ whose license is is
 755 suspended or has been ~~revoked, suspended pursuant to paragraph~~
 756 (b) subparagraph 2., or is expired for at least 1 year, or

757 ~~longer~~ is considered, upon reapplication for a license, an
758 initial applicant and must submit proof of successful completion
759 of 40 hours of professional training at a school or training
760 facility licensed by the department as provided ~~prescribed~~ in
761 paragraph (a) before a license is ~~will be~~ issued. Any person
762 ~~whose license was issued before January 1, 2007, and whose~~
763 ~~license has been expired for less than 1 year must, upon~~
764 ~~reapplication for a license, submit documentation of completion~~
765 ~~of the total number of hours of training prescribed by law at~~
766 ~~the time her or his initial license was issued before another~~
767 ~~license will be issued. This subsection does not require an~~
768 ~~individual licensed before January 1, 2007, to complete~~
769 ~~additional training hours in order to renew an active license,~~
770 ~~beyond the required total amount of training within the~~
771 ~~timeframe prescribed by law at the time she or he was licensed.~~

772 Section 17. Subsection (2) of section 493.6304, Florida
773 Statutes, is amended to read:

774 493.6304 Security officer school or training facility.—

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

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

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

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

785 Section 18. Subsections (7) and (8) of section 493.6401,
 786 Florida Statutes, are amended to read:

787 493.6401 Classes of licenses.—

788 (7) Any person who operates a recovery agent ~~repossessor~~
 789 school or training facility or who conducts an Internet-based
 790 training course or a correspondence training course must have a
 791 Class "RS" license.

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

795 Section 19. Paragraphs (f) and (g) of subsection (1) and
 796 subsection (3) of section 493.6402, Florida Statutes, are
 797 amended to read:

798 493.6402 Fees.—

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

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

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

805 (3) The fees set forth in this section must be paid by
 806 ~~certified check or money order, or, at the discretion of the~~
 807 ~~department, by agency check~~ at the time the application is
 808 approved, except that the applicant for a Class "E," Class "EE,"
 809 or Class "MR" license must pay the license fee at the time the
 810 application is made. If a license is revoked or denied, or if an
 811 application is withdrawn, the license fee shall not be refunded.

812 Section 20. Subsections (1) and (2) of section 493.6406,

813 Florida Statutes, are amended to read:

814 493.6406 Recovery agent ~~Repossession services~~ school or
815 training facility.—

816 (1) Any school, training facility, or instructor who
817 offers the training outlined in s. 493.6403(2) for Class "E" or
818 Class "EE" applicants shall, before licensure of such school,
819 training facility, or instructor, file with the department an
820 application accompanied by an application fee in an amount to be
821 determined by rule, not to exceed \$60. The fee shall not be
822 refundable. This training may be offered as face-to-face
823 training, Internet-based training, or correspondence training.

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

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

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

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

835 Section 21. Paragraph (a) of subsection (2) of section
836 501.605, Florida Statutes, is amended to read:

837 501.605 Licensure of commercial telephone sellers.—

838 (2) An applicant for a license as a commercial telephone
839 seller must submit to the department, in such form as it
840 prescribes, a written application for the license. The

841 application must set forth the following information:

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

846
 847 The application shall be accompanied by a copy of any: Script,
 848 outline, or presentation the applicant will require or suggest a
 849 salesperson to use when soliciting, or, if no such document is
 850 used, a statement to that effect; sales information or
 851 literature to be provided by the applicant to a salesperson; and
 852 sales information or literature to be provided by the applicant
 853 to a purchaser in connection with any solicitation.

854 Section 22. Paragraph (a) of subsection (1) of section
 855 501.607, Florida Statutes, is amended to read:

856 501.607 Licensure of salespersons.—

857 (1) An applicant for a license as a salesperson must
 858 submit to the department, in such form as it prescribes, a
 859 written application for a license. The application must set
 860 forth the following information:

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

863 Section 23. Subsection (2) of section 501.913, Florida
 864 Statutes, is amended to read:

865 501.913 Registration.—

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

867 (a) Specimens or facsimiles of the label for each brand of
 868 antifreeze;

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- 869 (b) An application fee of \$200 for each brand; and
- 870 (c) A properly labeled sample of at least 1 gallon, but
- 871 not more than 2 gallons, of each brand of antifreeze.

872 Section 24. Subsection (2) of section 525.01, Florida
 873 Statutes, is amended to read:

874 525.01 Gasoline and oil to be inspected.—

875 (2) All petroleum fuels are ~~shall be~~ subject to inspection
 876 and analysis by the department. Before selling or offering for
 877 sale in this state any petroleum fuel, all manufacturers,
 878 terminal suppliers, wholesalers, and importers as defined in s.
 879 206.01 ~~jobbers~~ shall file with the department:

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

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

885 Section 25. Subsections (1) and (3) of section 525.09,
 886 Florida Statutes, are amended to read:

887 525.09 Inspection fee.—

888 (1) For the purpose of defraying the expenses incident to
 889 inspecting, testing, and analyzing petroleum fuels in this
 890 state, there shall be paid to the department a charge of one-
 891 eighth cent per gallon on all gasoline, alternative fuel
 892 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
 893 kerosene (except when used as aviation turbine fuel), and #1
 894 fuel oil for sale or use in this state. This inspection fee
 895 shall be imposed in the same manner as the motor fuel tax
 896 pursuant to s. 206.41. Payment shall be made on or before the

897 25th day of each month.

898 (3) All remittances to the department for the inspection
 899 tax herein provided shall be accompanied by a detailed report
 900 under oath showing the number of gallons of gasoline,
 901 alternative fuel containing alcohol as defined in s.
 902 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
 903 in each county.

904 Section 26. Section 526.50, Florida Statutes, is amended
 905 to read:

906 526.50 Definition of terms.—As used in this part:

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

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

912 (3)-(5) "Container" means any receptacle in which brake
 913 fluid is immediately contained when sold, but does not mean a
 914 carton or wrapping in which a number of such receptacles are
 915 shipped or stored or a tank car or truck.

916 (4)-(2) "Department" means the Department of Agriculture
 917 and Consumer Services.

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

920 (6)-(4) "Labeling" includes all written, printed or graphic
 921 representations, in any form whatsoever, imprinted upon or
 922 affixed to any container of brake fluid.

923 (7)-(6) "Permit year" means a period of 12 months
 924 commencing July 1 and ending on the next succeeding June 30.

925 (8)~~(7)~~ "Registrant" means any manufacturer, packer,
 926 distributor, seller, or other person who has registered a brake
 927 fluid with the department.

928 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
 929 trade, keep for sale, offer for sale or expose for sale, in any
 930 of their variant forms.

931 Section 27. Section 526.51, Florida Statutes, is amended
 932 to read:

933 526.51 Registration;~~renewal and fees~~; departmental
 934 expenses; cancellation or refusal to issue or renew.-

935 (1) (a) Application for registration of each brand of brake
 936 fluid shall be made on forms to be supplied by the department.
 937 The applicant shall give his or her name and address and the
 938 brand name of the brake fluid, state that he or she owns the
 939 brand name and has complete control over the product sold
 940 thereunder in Florida, and provide the name and address of the
 941 resident agent in Florida. If the applicant does not own the
 942 brand name but wishes to register the product with the
 943 department, a notarized affidavit that gives the applicant full
 944 authorization to register the brand name and that is signed by
 945 the owner of the brand name must accompany the application for
 946 registration. The affidavit must include all affected brand
 947 names, the owner's company or corporate name and address, the
 948 applicant's company or corporate name and address, and a
 949 statement from the owner authorizing the applicant to register
 950 the product with the department. The owner of the brand name
 951 shall maintain complete control over each product sold under
 952 that brand name in this state. All first-time brand-formula

953 combination ~~new product~~ applications must be accompanied by a
 954 certified report from an independent testing laboratory, setting
 955 forth the analysis of the brake fluid which shall show its
 956 quality to be not less than the specifications established by
 957 the department for brake fluids. A sample of not less than 24
 958 fluid ounces of brake fluid shall be submitted, in a container
 959 or containers, with labels representing exactly how the
 960 containers of brake fluid will be labeled when sold, and the
 961 sample and container shall be analyzed and inspected by the
 962 Division of Standards in order that compliance with the
 963 department's specifications and labeling requirements may be
 964 verified. Upon approval of the application, the department shall
 965 register the brand name of the brake fluid and issue to the
 966 applicant a permit authorizing the registrant to sell the brake
 967 fluid in this state during the permit year specified in the
 968 permit.

969 (b) Each applicant shall pay a fee of \$100 with each
 970 application. An applicant seeking reregistration of a previously
 971 registered brand-formula combination must submit a completed
 972 application and all materials required under this subsection to
 973 the department before the first day of the permit year. A brand-
 974 formula combination for which a completed application and all
 975 materials required under this subsection are not received before
 976 the first day of the permit year ceases to be registered with
 977 the department until a completed application and all materials
 978 required under this subsection are received and approved. Any
 979 fee, application, or materials received after the first day of
 980 the permit year, if the brand-formula combination was previously

981 registered with the department, ~~A permit may be renewed by~~
 982 ~~application to the department, accompanied by a renewal fee of~~
 983 ~~\$50 on or before the last day of the permit year immediately~~
 984 ~~preceding the permit year for which application is made for~~
 985 ~~renewal of registration. To any fee not paid when due, there~~
 986 shall accrue a penalty of \$25, which shall be added to the
 987 renewal fee. Renewals will be accepted only on brake fluids that
 988 ~~have no change in formula, composition, or brand name.~~ Any
 989 change in formula, composition, or brand name of any brake fluid
 990 constitutes a new product that must be registered in accordance
 991 with this part.

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

996 (3) The department may cancel or refuse to issue ~~or~~
 997 ~~refuse to renew~~ any registration and permit after due notice and
 998 opportunity to be heard if it finds that the brake fluid is
 999 adulterated or misbranded or that the registrant has failed to
 1000 comply with the provisions of this part or the rules and
 1001 regulations promulgated thereunder.

1002 Section 28. Paragraph (a) of subsection (3) of section
 1003 526.52, Florida Statutes, is amended to read:

1004 526.52 Specifications; adulteration and misbranding.—

1005 (3) Brake fluid is deemed to be misbranded:

1006 (a) If its container does not bear on its side or top a
 1007 label on which is printed the name and place of business of the
 1008 registrant of the product, the words "brake fluid," and a

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1009 | statement that the product therein equals or exceeds the minimum
 1010 | specification of the Society of Automotive Engineers for heavy-
 1011 | duty-type brake fluid or equals or exceeds Federal Motor Vehicle
 1012 | Safety Standard No. 116 adopted by the United States Department
 1013 | of Transportation, ~~heavy-duty-type~~. By regulation the department
 1014 | may require that the duty-type classification appear on the
 1015 | label.

1016 | Section 29. Subsection (2) of section 526.53, Florida
 1017 | Statutes, is amended to read:

1018 | 526.53 Enforcement; inspection and analysis, stop-sale and
 1019 | disposition, regulations.—

1020 | (2) (a) When any brake fluid is sold in violation of any of
 1021 | the provisions of this part, all such affected brake fluid of
 1022 | the same brand name ~~on the same premises on which the violation~~
 1023 | ~~occurred~~ shall be placed under a stop-sale order by the
 1024 | department by serving the owner of the brand name, distributor,
 1025 | or other entity responsible for selling or distributing the
 1026 | product in the state with the stop-sale order. The department
 1027 | shall withdraw its stop-sale order upon the removal of the
 1028 | violation or upon voluntary destruction of the product, or other
 1029 | disposal approved by the department, under the supervision of
 1030 | the department.

1031 | (b) In addition to being subject to the stop-sale
 1032 | procedures above, unregistered brake fluid shall be held by the
 1033 | department or its representative, at a place to be designated in
 1034 | the stop-sale order, until properly registered and released in
 1035 | writing by the department or its representative. If application
 1036 | is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within

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1037 30 days after issue of the stop-sale order, such product shall
 1038 be disposed of by the department, or, with the department's
 1039 consent, by the business, to any tax-supported institution or
 1040 agency of the state if the brake fluid meets legal
 1041 specifications or by other disposal authorized by rule of the
 1042 department if it fails to meet legal specifications.

1043 Section 30. Subsections (1) and (3) and paragraphs (a) and
 1044 (c) of subsection (5) of section 527.0201, Florida Statutes, are
 1045 amended to read:

1046 527.0201 Qualifiers; master qualifiers; examinations.—

1047 (1) In addition to the requirements of s. 527.02, any
 1048 person applying for a license to engage in the activities of a
 1049 pipeline system operator, category I liquefied petroleum gas
 1050 dealer, category II liquefied petroleum gas dispenser, category
 1051 IV liquefied petroleum gas dispenser and recreational vehicle
 1052 servicer, category V liquefied petroleum gases dealer for
 1053 industrial uses only, LP gas installer, specialty installer,
 1054 requalifier ~~requalification~~ of cylinders, or fabricator,
 1055 repairer, and tester of vehicles and cargo tanks must prove
 1056 competency by passing a written examination administered by the
 1057 department or its agent with a grade of at least 75 percent in
 1058 each area tested ~~or above~~. Each applicant for examination shall
 1059 submit a \$20 nonrefundable fee. The department shall by rule
 1060 specify the general areas of competency to be covered by each
 1061 examination and the relative weight to be assigned in grading
 1062 each area tested.

1063 (3) Qualifier cards issued to category I liquefied
 1064 petroleum gas dealers and liquefied petroleum gas installers

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1065 shall expire 3 years after the date of issuance. All category I
1066 liquefied petroleum gas dealer qualifiers and liquefied
1067 petroleum gas installer qualifiers holding a valid qualifier
1068 card upon the effective date of this act shall retain their
1069 qualifier status until July 1, 2003, and may sit for the master
1070 qualifier examination at any time during that time period. All
1071 such category I liquefied petroleum gas dealer qualifiers and
1072 liquefied petroleum gas installer qualifiers may renew their
1073 qualification on or before July 1, 2003, upon application to the
1074 department, payment of a \$20 renewal fee, and documentation of
1075 the completion of a minimum of 16 ~~12~~ hours of approved
1076 continuing education courses, as defined by department rule,
1077 during the previous 3-year period. Applications for renewal must
1078 be made 30 calendar days prior to expiration. Persons failing to
1079 renew prior to the expiration date must reapply and take a
1080 qualifier competency examination in order to reestablish
1081 category I liquefied petroleum gas dealer qualifier and
1082 liquefied petroleum gas installer qualifier status. If a
1083 category I liquefied petroleum gas qualifier or liquefied
1084 petroleum gas installer qualifier becomes a master qualifier at
1085 any time during the effective date of the qualifier card, the
1086 card shall remain in effect until expiration of the master
1087 qualifier certification.

1088 (5) In addition to all other licensing requirements, each
1089 category I liquefied petroleum gas dealer and liquefied
1090 petroleum gas installer must, at the time of application for
1091 licensure, identify to the department one master qualifier who
1092 is a full-time employee at the licensed location. This person

1093 shall be a manager, owner, or otherwise primarily responsible
 1094 for overseeing the operations of the licensed location and must
 1095 provide documentation to the department as provided by rule. The
 1096 master qualifier requirement shall be in addition to the
 1097 requirements of subsection (1).

1098 (a) In order to apply for certification as a master
 1099 qualifier, each applicant must be a category I liquefied
 1100 petroleum gas dealer qualifier or liquefied petroleum gas
 1101 installer qualifier, must be employed by a licensed category I
 1102 liquefied petroleum gas dealer, liquefied petroleum gas
 1103 installer, or applicant for such license, must provide
 1104 documentation of a minimum of 1 year's work experience in the
 1105 gas industry, and must pass a master qualifier competency
 1106 examination. Master qualifier examinations shall be based on
 1107 Florida's laws, rules, and adopted codes governing liquefied
 1108 petroleum gas safety, general industry safety standards, and
 1109 administrative procedures. The examination must be successfully
 1110 passed ~~completed~~ by the applicant with a grade of at least 75
 1111 ~~percent or more~~. Each applicant for master qualifier status
 1112 shall submit to the department a nonrefundable \$30 examination
 1113 fee prior to the examination.

1114 (c) Master qualifier status shall expire 3 years after the
 1115 date of issuance of the certificate and may be renewed by
 1116 submission to the department of documentation of completion of
 1117 at least 16 ~~12~~ hours of approved continuing education courses
 1118 during the 3-year period; proof of employment with a licensed
 1119 category I liquefied petroleum gas dealer, liquefied petroleum
 1120 gas installer, or applicant; and a \$30 certificate renewal fee.

1121 The department shall define, by rule, approved courses of
 1122 continuing education.

1123 Section 31. Section 527.12, Florida Statutes, is amended
 1124 to read:

1125 527.12 Cease and desist orders; stop-use orders; stop-
 1126 operation orders; stop-sale orders; administrative fines.-

1127 (1) Whenever the department has ~~shall have~~ reason to
 1128 believe that any person is violating or has violated ~~been~~
 1129 ~~violating provisions of~~ this chapter or any rules adopted under
 1130 this chapter pursuant thereto, the department ~~it~~ may issue a
 1131 cease and desist order, or impose a civil penalty, or do both
 1132 ~~may issue such cease and desist order and impose a civil~~
 1133 ~~penalty.~~

1134 (2) Whenever a person or liquefied petroleum gas system or
 1135 storage facility, or any part or component thereof, fails to
 1136 comply with this chapter or any rules adopted under this
 1137 chapter, the department may issue a stop-use order, stop-
 1138 operation order, or stop-sale order.

1139 Section 32. Subsection (1) of section 559.805, Florida
 1140 Statutes, is amended to read:

1141 559.805 Filings with the department; disclosure of
 1142 advertisement identification number.-

1143 (1) Every seller of a business opportunity shall annually
 1144 file with the department a copy of the disclosure statement
 1145 required by s. 559.803 before ~~prior to~~ placing an advertisement
 1146 or making any other representation designed to offer to, sell
 1147 to, or solicit an offer to buy a business opportunity from a
 1148 prospective purchaser in this state and shall update this filing

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1149 | by reporting any material change in the required information
 1150 | within 30 days after the material change occurs. An
 1151 | advertisement is not placed in the state merely because the
 1152 | publisher circulates, or there is circulated on his or her
 1153 | behalf in the state, any bona fide newspaper or other
 1154 | publication of general, regular, and paid circulation which has
 1155 | had more than two-thirds of its circulation during the past 12
 1156 | months outside the state or because a radio or television
 1157 | program originating outside the state is received in the state.
 1158 | If the seller is required by s. 559.807 to provide a bond or
 1159 | establish a trust account or guaranteed letter of credit, he or
 1160 | she shall contemporaneously file with the department a copy of
 1161 | the bond, a copy of the formal notification by the depository
 1162 | that the trust account is established, or a copy of the
 1163 | guaranteed letter of credit. Every seller of a business
 1164 | opportunity shall file with the department a list of independent
 1165 | agents who will engage in the offer or sale of business
 1166 | opportunities on behalf of the seller in this state. This list
 1167 | must be kept current and shall include the following
 1168 | information: name, home and business address, telephone number,
 1169 | present employer, ~~social security number,~~ and birth date. A ~~No~~
 1170 | person may not ~~shall be allowed to~~ offer or sell business
 1171 | opportunities unless the required information is ~~has been~~
 1172 | provided to the department.

1173 | Section 33. Subsection (3) of section 559.928, Florida
 1174 | Statutes, is amended to read:

1175 | 559.928 Registration.—

1176 | (3) Each independent agent shall annually file an

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1177 affidavit with the department before ~~prior to~~ engaging in
1178 business in this state. This affidavit must include the
1179 independent agent's full name, legal business or trade name,
1180 mailing address, business address, telephone number, ~~social~~
1181 ~~security number~~, and the name or names and addresses of each
1182 seller of travel represented by the independent agent. A letter
1183 evidencing proof of filing must be issued by the department and
1184 must be prominently displayed in the independent agent's primary
1185 place of business. Each independent agent must also submit an
1186 annual registration fee of \$50. All moneys collected pursuant to
1187 the imposition of the fee shall be deposited by the Chief
1188 Financial Officer into the General Inspection Trust Fund of the
1189 Department of Agriculture and Consumer Services for the sole
1190 purpose of administrating this part. As used in this subsection,
1191 the term "independent agent" means a person who represents a
1192 seller of travel by soliciting persons on its behalf; who has a
1193 written contract with a seller of travel which is operating in
1194 compliance with this part and any rules adopted thereunder; who
1195 does not receive a fee, commission, or other valuable
1196 consideration directly from the purchaser for the seller of
1197 travel; who does not at any time have any unissued ticket stock
1198 or travel documents in his or her possession; and who does not
1199 have the ability to issue tickets, vacation certificates, or any
1200 other travel document. The term "independent agent" does not
1201 include an affiliate of the seller of travel, as that term is
1202 used in s. 559.935(3), or the employees of the seller of travel
1203 or of such affiliates.

1204 Section 34. Subsection (7) of section 570.0725, Florida

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1205 Statutes, is amended to read:

1206 570.0725 Food recovery; legislative intent; department
1207 functions.—

1208 (7) For public information purposes, the department may
1209 ~~shall~~ develop and provide a public information brochure
1210 detailing the need for food banks and similar ~~of~~ food recovery
1211 programs, the benefit of such ~~food recovery~~ programs, the manner
1212 in which ~~such~~ organizations may become involved in such ~~food~~
1213 ~~recovery~~ programs, and the protection afforded to such programs
1214 under s. 768.136, ~~and the food recovery entities or food banks~~
1215 ~~that exist in the state. This brochure must be updated annually.~~

1216 A food bank or similar food recovery organization seeking to be
1217 included on a list of such organizations must notify the
1218 department and provide the information required by rule of the
1219 department. Such organizations are responsible for updating the
1220 information and providing the updated information to the
1221 department. The department may adopt rules to implement this
1222 section.

1223 Section 35. Paragraph (e) of subsection (6) of section
1224 570.53, Florida Statutes, is amended to read:

1225 570.53 Division of Marketing and Development; powers and
1226 duties.—The powers and duties of the Division of Marketing and
1227 Development include, but are not limited to:

1228 (6)

1229 (e) Extending in every practicable way the distribution
1230 and sale of Florida agricultural products throughout the markets
1231 of the world as required of the department by s. ss. 570.07(7),
1232 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

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1233 Section 36. Subsection (2) of section 570.54, Florida
 1234 Statutes, is amended to read:

1235 570.54 Director; duties.—

1236 (2) It shall be the duty of the director of this division
 1237 to supervise, direct, and coordinate the activities authorized
 1238 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
 1239 (20), ~~570.071,~~ 570.21, 534.47-534.53, and 604.15-604.34 and
 1240 chapters 504, 571, 573, and 574 and to exercise other powers and
 1241 authority as authorized by the department.

1242 Section 37. Subsection (4) of section 570.55, Florida
 1243 Statutes, is amended to read:

1244 570.55 Identification of sellers or handlers of tropical
 1245 or subtropical fruit and vegetables; containers specified;
 1246 penalties.—

1247 (4) IDENTIFICATION OF HANDLER.—At the time of each
 1248 transaction involving the handling or sale of 55 pounds or more
 1249 of tropical or subtropical fruit or vegetables in the primary
 1250 channel of trade, the buyer or receiver of the tropical or
 1251 subtropical fruit or vegetables shall demand a bill of sale,
 1252 invoice, sales memorandum, or other document listing the date of
 1253 the transaction, the quantity of the tropical or subtropical
 1254 fruit or vegetables involved in the transaction, and the
 1255 identification of the seller or handler as it appears on the
 1256 driver's license of the seller or handler, including the
 1257 driver's license number. If the seller or handler does not
 1258 possess a driver's license, the buyer or receiver shall use any
 1259 other acceptable means of identification, which may include, but
 1260 is not limited to, i.e., voter's registration card and number,

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1261 draft card, ~~social security card~~, or other identification.
 1262 However, no less than two identification documents shall be
 1263 used. The identification of the seller or handler shall be
 1264 recorded on the bill of sale, sales memorandum, invoice, or
 1265 voucher, which shall be retained by the buyer or receiver for a
 1266 period of not less than 1 year from the date of the transaction.

1267 Section 38. Subsection (3) of section 570.902, Florida
 1268 Statutes, is amended to read:

1269 570.902 Definitions; ss. 570.902 and 570.903.—For the
 1270 purpose of ss. 570.902 and 570.903:

1271 ~~(3) "Museum" means the Florida Agricultural Museum which~~
 1272 ~~is designated as the museum for agriculture and rural history of~~
 1273 ~~the State of Florida.~~

1274 Section 39. Section 570.903, Florida Statutes, is amended
 1275 to read:

1276 570.903 Direct-support organization.—

1277 (1) When the Legislature authorizes the establishment of a
 1278 direct-support organization to provide assistance for ~~the~~
 1279 ~~museums~~, the Florida Agriculture in the Classroom Program, ~~the~~
 1280 ~~Florida State Collection of Arthropods~~, the Friends of the
 1281 Florida State Forests Program of the Division of Forestry, and
 1282 the Forestry Arson Alert Program, and other programs of the
 1283 department, the following provisions shall govern the creation,
 1284 use, powers, and duties of the direct-support organization.

1285 (a) The department shall enter into a memorandum or letter
 1286 of agreement with the direct-support organization, which shall
 1287 specify the approval of the department, the powers and duties of
 1288 the direct-support organization, and rules with which the

1289 direct-support organization shall comply.

1290 (b) The department may permit, without charge, appropriate
 1291 use of property, facilities, and personnel of the department by
 1292 a direct-support organization, subject to the provisions of ss.
 1293 570.902 and 570.903. The use shall be directly in keeping with
 1294 the approved purposes of the direct-support organization and
 1295 shall not be made at times or places that would unreasonably
 1296 interfere with opportunities for the general public to use
 1297 department facilities for established purposes.

1298 (c) The department shall prescribe by contract or by rule
 1299 conditions with which a direct-support organization shall comply
 1300 in order to use property, facilities, or personnel of the
 1301 department ~~or museum~~. Such rules shall provide for budget and
 1302 audit review and oversight by the department.

1303 (d) The department shall not permit the use of property,
 1304 facilities, or personnel of the ~~museum~~, department, or
 1305 designated program by a direct-support organization which does
 1306 not provide equal employment opportunities to all persons
 1307 regardless of race, color, religion, sex, age, or national
 1308 origin.

1309 (2) (a) The direct-support organization shall be empowered
 1310 to conduct programs and activities; raise funds; request and
 1311 receive grants, gifts, and bequests of money; acquire, receive,
 1312 hold, invest, and administer, in its own name, securities,
 1313 funds, objects of value, or other property, real or personal;
 1314 and make expenditures to or for the direct or indirect benefit
 1315 of the ~~museum~~ or designated program.

1316 (b) Notwithstanding the provisions of s. 287.057, the

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1317 direct-support organization may enter into contracts or
 1318 agreements with or without competitive bidding for the
 1319 ~~restoration of objects, historical buildings, and other~~
 1320 ~~historical materials or for the purchase of objects, historical~~
 1321 ~~buildings, and other historical materials which are to be added~~
 1322 ~~to the collections of the museum, or benefit of~~ the designated
 1323 program. However, before the direct-support organization may
 1324 enter into a contract or agreement without competitive bidding,
 1325 the direct-support organization shall file a certification of
 1326 conditions and circumstances with the internal auditor of the
 1327 department justifying each contract or agreement.

1328 (c) Notwithstanding the provisions of s. 287.025(1)(e),
 1329 the direct-support organization may enter into contracts to
 1330 insure property of the ~~museum or~~ designated programs ~~and may~~
 1331 ~~insure objects or collections on loan from others in satisfying~~
 1332 ~~security terms of the lender.~~

1333 (3) The direct-support organization shall provide for an
 1334 annual financial audit in accordance with s. 215.981.

1335 (4) Neither a designated program ~~or a museum,~~ nor a
 1336 nonprofit corporation trustee or employee may:

1337 (a) Receive a commission, fee, or financial benefit in
 1338 connection with the sale or exchange of property ~~historical~~
 1339 ~~objects or properties~~ to the direct-support organization, ~~the~~
 1340 ~~museum,~~ or the designated program; or

1341 (b) Be a business associate of any individual, firm, or
 1342 organization involved in the sale or exchange of property to the
 1343 direct-support organization, ~~the museum,~~ or the designated
 1344 program.

1345 (5) All moneys received by the direct-support organization
 1346 shall be deposited into an account of the direct-support
 1347 organization and shall be used by the organization in a manner
 1348 consistent with the goals of the ~~museum or~~ designated program.

1349 (6) The identity of a donor or prospective donor who
 1350 desires to remain anonymous and all information identifying such
 1351 donor or prospective donor are confidential and exempt from the
 1352 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1353 Constitution.

1354 (7) The Commissioner of Agriculture, or the commissioner's
 1355 designee, may serve on the board of trustees and the executive
 1356 committee of any direct-support organization established to
 1357 benefit ~~the museum or~~ any designated program.

1358 ~~(8) The department shall establish by rule archival~~
 1359 ~~procedures relating to museum artifacts and records. The rules~~
 1360 ~~shall provide procedures which protect the museum's artifacts~~
 1361 ~~and records equivalent to those procedures which have been~~
 1362 ~~established by the Department of State under chapters 257 and~~
 1363 ~~267.~~

1364 Section 40. Subsection (4) of section 573.118, Florida
 1365 Statutes, is amended to read:

1366 573.118 Assessment; funds; audit; loans.—

1367 (4) In the event of levying and collecting of assessments,
 1368 for each fiscal year in which assessment funds are received by
 1369 the department, the department shall maintain records of
 1370 collections and expenditures for each marketing order separately
 1371 within the state's accounting system. If requested by an
 1372 advisory council, department staff shall cause to be made a

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1373 thorough ~~annual~~ audit of the ~~books and~~ accounts by a ~~certified~~
 1374 ~~public accountant~~, such audit to be completed within 60 days
 1375 after the request is received ~~end of the fiscal year~~. The
 1376 advisory council ~~department and all producers and handlers~~
 1377 ~~covered by the marketing order~~ shall be provided a copy of the
 1378 ~~properly advised of the details of the annual official~~ audit of
 1379 the accounts ~~as shown by the certified public accountant~~ within
 1380 30 days after completion of the audit.

1381 Section 41. Subsections (18) through (30) of section
 1382 581.011, Florida Statutes, are renumbered as subsections (17)
 1383 through (29), respectively, and present subsections (17) and
 1384 (20) of that section are amended to read:

1385 581.011 Definitions.—As used in this chapter:

1386 ~~(17) "Museum" means the Florida State Collection of~~
 1387 ~~Arthropods.~~

1388 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in
 1389 which nursery stock is grown, propagated, or held for sale or
 1390 distribution, including ~~except where~~ aquatic plant species ~~are~~
 1391 tended for harvest in the natural environment.

1392 Section 42. Paragraph (a) of subsection (3) of section
 1393 581.211, Florida Statutes, is amended to read:

1394 581.211 Penalties for violations.—

1395 (3) (a) 1. In addition to any other provision of law, the
 1396 department may, after notice and hearing, impose an
 1397 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
 1398 violation of this chapter, upon any person, nurseryman, stock
 1399 dealer, agent or plant broker. The fine, when paid, shall be
 1400 deposited in the Plant Industry Trust Fund. In addition, the

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1401 department may place the violator on probation for up to 1 year,
 1402 with conditions.

1403 2. The imposition of a fine or probation pursuant to this
 1404 subsection may be in addition to or in lieu of the suspension or
 1405 revocation of a certificate of registration or certificate of
 1406 inspection.

1407 Section 43. Section 583.13, Florida Statutes, is amended
 1408 to read:

1409 583.13 Labeling and advertising requirements for dressed
 1410 poultry; unlawful acts.—

1411 (1) It is unlawful for any dealer or broker to sell, offer
 1412 for sale, or hold for the purpose of sale in the state any
 1413 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
 1414 is packed in a container clearly bearing a label, not less than
 1415 3 inches by 5 inches, on which shall be plainly and legibly
 1416 printed, in letters of not less than 1/4 inch high ~~in height~~,
 1417 ~~the grade and the part name or whole-bird statement of such~~
 1418 ~~poultry. The grade may be expressed in the term "premium,"~~
 1419 ~~"good," or "standard," or as the grade of another state or~~
 1420 ~~federal agency the standards of quality of which, by law, are~~
 1421 ~~equal to the standards of quality provided by this law and rules~~
 1422 ~~promulgated hereunder.~~

1423 (2) It is unlawful to sell unpackaged dressed or ready-to-
 1424 cook poultry at retail unless such poultry is labeled by a
 1425 placard immediately adjacent to the poultry or unless each bird
 1426 is individually labeled to show ~~the grade and the part name or~~
 1427 ~~whole-bird statement.~~ The placard shall be no smaller than 7
 1428 inches by 7 inches in size, and the required labeling

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1429 information shall be legibly and plainly printed on the placard
1430 in letters not smaller than 1 inch in height.

1431 (3) It is unlawful to sell packaged dressed or ready-to-
1432 cook poultry at retail unless such poultry is labeled to show
1433 ~~the grade,~~ the part name or whole-bird statement, the net weight
1434 of the poultry, and the name and address of the dealer. The size
1435 of the type on the label must be one-eighth inch or larger. A
1436 placard immediately adjacent to such poultry may be used to
1437 indicate ~~the grade and~~ the part name or whole-bird statement,
1438 but not the net weight of the poultry or the name and address of
1439 the dealer.

1440 (4) It is unlawful to use dressed or ready-to-cook poultry
1441 in bulk in the preparation of food served to the public, or to
1442 hold such poultry for the purpose of such use, unless the
1443 poultry when received was packed in a container clearly bearing
1444 a label, not less than 3 inches by 5 inches, on which was
1445 plainly and legibly printed, in letters not less than 1/4 ~~one-~~
1446 ~~fourth~~ inch high ~~in height,~~ ~~the grade and~~ the part name or
1447 whole-bird statement of such poultry. ~~The grade may be expressed~~
1448 ~~in the term "premium," "good," or "standard," or as the grade of~~
1449 ~~another state or federal agency the standards of quality of~~
1450 ~~which, by law, are equal to the standards of quality provided by~~
1451 ~~this law and rules promulgated hereunder.~~

1452 (5) It is unlawful to offer dressed or ready-to-cook
1453 poultry for sale in any advertisement in a newspaper or
1454 circular, on radio or television, or in any other form of
1455 advertising without plainly designating in such advertisement
1456 ~~the grade and~~ the part name or whole-bird statement of such

1457 poultry.

1458 Section 44. Subsections (4) and (5) of section 590.125,
 1459 Florida Statutes, are renumbered as subsections (5) and (6),
 1460 respectively, subsection (1), paragraph (b) of subsection (3),
 1461 and paragraph (c) of present subsection (4) are amended, and new
 1462 subsections (4) and (7) are added to that section, to read:

1463 590.125 Open burning authorized by the division.—

1464 (1) DEFINITIONS.—As used in this section, the term:

1465 (a) "Certified pile burner" means an individual who
 1466 successfully completes the division's pile burning certification
 1467 program and possesses a valid pile burner certification number.

1468 (b) "Certified prescribed burn manager" means an
 1469 individual who successfully completes the certified prescribed
 1470 burning certification program of the division and possesses a
 1471 valid certification number.

1472 (c) ~~(d)~~ "Extinguished" means:

1473 1. that no spreading flame For wild land burning or
 1474 certified prescribed burning, that no spreading flames exist.

1475 2. and no visible flame, smoke, or emissions For
 1476 vegetative land-clearing debris burning or pile burning, that no
 1477 visible flames exist.

1478 3. For vegetative land-clearing debris burning or pile
 1479 burning in an area designated as smoke sensitive by the
 1480 division, that no visible flames, smoke, or emissions exist.

1481 (d) "Land-clearing operation" means the uprooting or
 1482 clearing of vegetation in connection with the construction of
 1483 buildings and rights-of-way, land development, and mineral
 1484 operations. The term does not include the clearing of yard

1485 trash.

1486 (e) "Pile burning" means the burning of silvicultural,
 1487 agricultural, or land-clearing and tree-cutting debris
 1488 originating onsite, which is stacked together in a round or
 1489 linear fashion, including, but not limited to, a windrow.

1490 (f)~~(a)~~ "Prescribed burning" means the controlled
 1491 application of fire in accordance with a written prescription
 1492 for vegetative fuels under specified environmental conditions
 1493 while following appropriate precautionary measures that ensure
 1494 that the fire is confined to a predetermined area to accomplish
 1495 the planned fire or land-management objectives.

1496 (g)~~(e)~~ "Prescription" means a written plan establishing
 1497 the criteria necessary for starting, controlling, and
 1498 extinguishing a prescribed burn.

1499 (h) "Yard trash" means vegetative matter resulting from
 1500 landscaping and yard maintenance operations and other such
 1501 routine property cleanup activities. The term includes materials
 1502 such as leaves, shrub trimmings, grass clippings, brush, and
 1503 palm fronds.

1504 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 1505 PURPOSE.—

1506 (b) Certified prescribed burning pertains only to
 1507 broadcast burning for purposes of silviculture, wildlife
 1508 management, ecological maintenance and restoration, and range
 1509 and pasture management. It must be conducted in accordance with
 1510 this subsection and:

1511 1. May be accomplished only when a certified prescribed
 1512 burn manager is present on site with a copy of the prescription

1513 from ignition of the burn to its completion.

1514 2. Requires that a written prescription be prepared before
1515 receiving authorization to burn from the division.

1516 3. Requires that the specific consent of the landowner or
1517 his or her designee be obtained before requesting an
1518 authorization.

1519 4. Requires that an authorization to burn be obtained from
1520 the division before igniting the burn.

1521 5. Requires that there be adequate firebreaks at the burn
1522 site and sufficient personnel and firefighting equipment for the
1523 control of the fire.

1524 6. Is considered to be in the public interest and does not
1525 constitute a public or private nuisance when conducted under
1526 applicable state air pollution statutes and rules.

1527 7. Is considered to be a property right of the property
1528 owner if vegetative fuels are burned as required in this
1529 subsection.

1530 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1531 PURPOSE.—

1532 (a) Pile burning is a tool that benefits current and
1533 future generations in Florida by disposing of naturally
1534 occurring vegetative debris through burning rather than
1535 disposing of the debris in landfills.

1536 (b) Certified pile burning pertains to the disposal of
1537 piled, naturally occurring debris from an agricultural,
1538 silvicultural, or temporary land-clearing operation. A land-
1539 clearing operation is temporary if it operates for 6 months or
1540 less. Certified pile burning must be conducted in accordance

1541 with this subsection, and:

1542 1. A certified pile burner must ensure, before ignition,
 1543 that the piles are properly placed and that the content of the
 1544 piles is conducive to efficient burning.

1545 2. A certified pile burner must ensure that the piles are
 1546 properly extinguished no later than 1 hour after sunset. If the
 1547 burn is conducted in an area designated by the division as smoke
 1548 sensitive, a certified pile burner must ensure that the piles
 1549 are properly extinguished at least 1 hour before sunset.

1550 3. A written pile burn plan must be prepared before
 1551 receiving authorization from the division to burn.

1552 4. The specific consent of the landowner or his or her
 1553 agent must be obtained before requesting authorization to burn.

1554 5. An authorization to burn must be obtained from the
 1555 division or its designated agent before igniting the burn.

1556 6. There must be adequate firebreaks and sufficient
 1557 personnel and firefighting equipment at the burn site to control
 1558 the fire.

1559 (c) If a burn is conducted in accordance with this
 1560 subsection, the property owner and his or her agent are not
 1561 liable under s. 590.13 for damage or injury caused by the fire
 1562 or resulting smoke, and are not in violation of subsection (2),
 1563 unless gross negligence is proven.

1564 (d) A certified pile burner who violates this section
 1565 commits a misdemeanor of the second degree, punishable as
 1566 provided in s. 775.082 or s. 775.083.

1567 (e) The division shall adopt rules regulating certified
 1568 pile burning. The rules shall include procedures and criteria

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1569 for certifying and decertifying certified pile burn managers
 1570 based on past experience, training, and record of compliance
 1571 with this section.

1572 (5) ~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE
 1573 DIVISION.—The division may conduct fuel reduction initiatives,
 1574 including, but not limited to, burning and mechanical and
 1575 chemical treatment, on any area of wild land within the state
 1576 which is reasonably determined to be in danger of wildfire in
 1577 accordance with the following procedures:

1578 (c) Prepare, and send the county tax collector shall
 1579 include with the annual tax statement, a notice to be sent to
 1580 all landowners in each area ~~township~~ designated by the division
 1581 as a wildfire hazard area. The notice must describe particularly
 1582 the area to be treated and the tentative date or dates of the
 1583 treatment and must list the reasons for and the expected
 1584 benefits from the wildfire hazard reduction.

1585 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
 1586 AUTHORIZATION PROGRAMS.—

1587 (a) A county or municipality may exercise the division's
 1588 authority, if delegated by the division under this subsection,
 1589 to issue authorizations for the burning of yard trash or debris
 1590 from land-clearing operations. A county's or municipality's
 1591 existing or proposed open burning authorization program must:

1592 1. Be approved by the division. The division shall not
 1593 approve a program if it fails to meet the requirements of
 1594 subsections (2) and (4) and any rules adopted under those
 1595 subsections.

1596 2. Provide by ordinance or local law the requirements for

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1597 obtaining and performing a burn authorization that comply with
1598 subsections (2) and (4) and any rules adopted under those
1599 subsections.

1600 3. Provide for the enforcement of the program's
1601 requirements.

1602 4. Provide financial, personnel, and other resources
1603 needed to carry out the program.

1604 (b) If the division determines that a county's or
1605 municipality's open burning authorization program does not
1606 comply with subsections (2) and (4) and any rules adopted under
1607 those subsections, the division shall require the county or
1608 municipality to take necessary corrective actions within a
1609 reasonable period, not to exceed 90 days.

1610 1. If the county or municipality fails to take the
1611 necessary corrective actions within the required period, the
1612 division shall resume administration of the open burning
1613 authorization program in the county or municipality and the
1614 county or municipality shall cease administration of its
1615 program.

1616 2. Each county and municipality administering an open
1617 burning authorization program must cooperate with and assist the
1618 division in carrying out the division's powers, duties, and
1619 functions.

1620 3. A person who violates the requirements of a county's or
1621 municipality's open burning authorization program, as provided
1622 by ordinance or local law enacted pursuant to this section,
1623 commits a violation of this chapter, punishable as provided in
1624 s. 590.14.

1625 Section 45. Section 590.14, Florida Statutes, is amended
 1626 to read:

1627 590.14 Notice of violation; penalties.—

1628 (1) If a division employee determines that a person has
 1629 violated chapter 589, ~~or this chapter,~~ or any rule adopted by
 1630 the division to administer provisions of law conferring duties
 1631 upon the division, the division employee ~~he or she~~ may issue a
 1632 notice of violation indicating the statute violated. This notice
 1633 will be filed with the division and a copy forwarded to the
 1634 appropriate law enforcement entity for further action if
 1635 necessary.

1636 (2) In addition to any penalties provided by law, any
 1637 person who causes a wildfire or permits any authorized fire to
 1638 escape the boundaries of the authorization or to burn past the
 1639 time of the authorization is liable for the payment of all
 1640 reasonable costs and expenses incurred in suppressing the fire
 1641 or \$150, whichever is greater. All costs and expenses incurred
 1642 by the division shall be payable to the division. When such
 1643 costs and expenses are not paid within 30 days after demand, the
 1644 division may take proper legal proceedings for the collection of
 1645 the costs and expenses. Those costs incurred by an agency acting
 1646 at the division's direction are recoverable by that agency.

1647 (3) The department may also impose an administrative fine,
 1648 not to exceed \$1,000 per violation of any section of chapter 589
 1649 or this chapter or violation of any rule adopted by the division
 1650 to administer provisions of law conferring duties upon the
 1651 division. The fine shall be based upon the degree of damage, the
 1652 prior violation record of the person, and whether the person

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1653 knowingly provided false information to obtain an authorization.
 1654 The fines shall be deposited in the Incidental Trust Fund of the
 1655 division.

1656 (4) A person may not:

1657 (a) Fail to comply with any rule or order adopted by the
 1658 division to administer provisions of law conferring duties upon
 1659 the division; or

1660 (b) Knowingly make any false statement or representation
 1661 in any application, record, plan, or other document required by
 1662 this chapter or any rules adopted under this chapter.

1663 (5) A person who violates paragraph (4) (a) or paragraph
 1664 (4) (b) commits a misdemeanor of the second degree, punishable as
 1665 provided in s. 775.082 or s. 775.083.

1666 (6) It is the intent of the Legislature that a penalty
 1667 imposed by a court under subsection (5) be of a severity that
 1668 ensures immediate and continued compliance with this section.

1669 (7)~~(4)~~ The penalties provided in this section shall extend
 1670 to both the actual violator and the person or persons, firm, or
 1671 corporation causing, directing, or permitting the violation.

1672 Section 46. Paragraph (a) of subsection (1) of section
 1673 599.004, Florida Statutes, is amended to read:

1674 599.004 Florida Farm Winery Program; registration; logo;
 1675 fees.—

1676 (1) The Florida Farm Winery Program is established within
 1677 the Department of Agriculture and Consumer Services. Under this
 1678 program, a winery may qualify as a tourist attraction only if it
 1679 is registered with and certified by the department as a Florida
 1680 Farm Winery. A winery may not claim to be certified unless it

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1681 has received written approval from the department.

1682 (a) To qualify as a certified Florida Farm Winery, a
1683 winery shall meet the following standards:

1684 1. Produce or sell less than 250,000 gallons of wine
1685 annually.

1686 2. Maintain a minimum of 10 acres of owned or managed land
1687 ~~vineyards~~ in Florida which produces commodities used in the
1688 production of wine.

1689 3. Be open to the public for tours, tastings, and sales at
1690 least 30 hours each week.

1691 4. Make annual application to the department for
1692 recognition as a Florida Farm Winery, on forms provided by the
1693 department.

1694 5. Pay an annual application and registration fee of \$100.

1695 Section 47. Subsection (1) of section 604.15, Florida
1696 Statutes, is amended, and subsection (11) is added to that
1697 section, to read:

1698 604.15 Dealers in agricultural products; definitions.—For
1699 the purpose of ss. 604.15-604.34, the following words and terms,
1700 when used, shall be construed to mean:

1701 (1) "Agricultural products" means the natural products of
1702 the farm, nursery, grove, orchard, vineyard, garden, and apiary
1703 (raw or manufactured); sod; ~~tropical foliage;~~ horticulture; hay;
1704 livestock; milk and milk products; poultry and poultry products;
1705 the fruit of the saw palmetto (meaning the fruit of the Serenoa
1706 repens); limes (meaning the fruit Citrus aurantifolia, variety
1707 Persian, Tahiti, Bearss, or Florida Key limes); and any other
1708 nonexempt agricultural products produced in the state, except

1709 tobacco, sugarcane, tropical foliage, timber and timber
 1710 byproducts, forest products as defined in s. 591.17, and citrus
 1711 other than limes.

1712 (11) "Responsible position" means a position within the
 1713 business of a dealer in agricultural products that has the
 1714 authority to negotiate or make the purchase of agricultural
 1715 products on behalf of the dealer's business or has principal
 1716 active management authority over the business decisions,
 1717 actions, and activities of the dealer's business in this state.

1718 Section 48. Section 604.19, Florida Statutes, is amended
 1719 to read:

1720 604.19 License; fee; bond; certificate of deposit;
 1721 penalty.—Unless the department refuses the application on one or
 1722 more of the grounds provided in this section, it shall issue to
 1723 an applicant, upon the payment of required fees and the
 1724 execution and delivery of a bond or certificate of deposit as
 1725 provided in this section, a state license entitling the
 1726 applicant to conduct business as a dealer in agricultural
 1727 products for a 1-year period to coincide with the effective
 1728 period of the bond or certificate of deposit furnished by the
 1729 applicant. During the 1-year period covered by a license, if the
 1730 supporting surety bond or certificate of deposit is canceled for
 1731 any reason, the license shall automatically expire on the date
 1732 the surety bond or certificate of deposit terminates, unless an
 1733 acceptable replacement is in effect before the date of
 1734 termination so that continual coverage occurs for the remaining
 1735 period of the license. A surety company shall give the
 1736 department a 30-day written notice of cancellation by certified

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1737 mail in order to cancel a bond. Cancellation of a bond or
1738 certificate of deposit does ~~shall~~ not relieve a surety company
1739 or financial institution of liability for purchases or sales
1740 occurring while the bond or certificate of deposit was in
1741 effect. The license fee, which must be paid for the principal
1742 place of business for a dealer in agricultural products, shall
1743 be based upon the amount of the dealer's surety bond or
1744 certificate of deposit furnished by each dealer under the
1745 provisions of s. 604.20 and may not exceed \$500. For each
1746 additional place in which the applicant desires to conduct
1747 business and which the applicant names in the application, the
1748 additional license fee must be paid but may not exceed \$100
1749 annually. If a ~~Should any~~ dealer in agricultural products ~~fails,~~
1750 ~~refuses, or neglects~~ fail, refuse, or neglect to apply and
1751 qualify for the renewal of a license on or before its ~~the date~~
1752 ~~of expiration date thereof~~, a penalty not to exceed \$100 shall
1753 apply to and be added to the ~~original~~ license fee for the
1754 principal place of business and to the license fee for each
1755 additional place of business named in the application and shall
1756 be paid by the applicant before the renewal license may be
1757 issued. The department by rule shall prescribe fee amounts
1758 sufficient to fund ss. 604.15-604.34.

1759 Section 49. Section 604.25, Florida Statutes, is amended
1760 to read:

1761 604.25 Denial of, refusal to renew ~~grant~~, or suspension or
1762 revocation of, license.-

1763 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
1764 ~~grant a license~~ or may suspend or revoke a license already

1765 ~~granted~~ if the applicant or licensee has:

1766 (1) ~~(a)~~ Suffered a monetary judgment entered against the

1767 applicant or licensee ~~upon~~ which is ~~execution has been returned~~

1768 unsatisfied;

1769 (2) ~~(b)~~ Made false charges for handling or services

1770 rendered;

1771 (3) ~~(c)~~ Failed to account promptly and properly or to make

1772 settlements with any producer;

1773 (4) ~~(d)~~ Made any false statement or statements as to

1774 condition, quality, or quantity of goods received or held for

1775 sale when the true condition, quality, or quantity could have

1776 been ascertained by reasonable inspection;

1777 (5) ~~(e)~~ Made any false or misleading statement or

1778 statements as to market conditions or service rendered;

1779 (6) ~~(f)~~ Been guilty of a fraud in the attempt to procure,

1780 or the procurement of, a license;

1781 (7) ~~(g)~~ Directly or indirectly sold agricultural products

1782 received on consignment or on a net return basis for her or his

1783 own account, without prior authority from the producer

1784 consigning the same, or without notifying such producer;

1785 (8) ~~(h)~~ Failed to prevent a person from holding a position

1786 as the applicant's or licensee's owner, officer, director,

1787 general or managing partner, or employee ~~Employed~~ in a

1788 responsible position ~~a person~~, or holding any other similarly

1789 situated position, if the person holds or has held a similar

1790 position with any entity that ~~an officer of a corporation, who~~

1791 has failed to fully comply with an order of the department, has

1792 not satisfied a civil judgment held by the department, has

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1793 pending any administrative or civil enforcement action by the
 1794 department, or has pending any criminal charges pursuant to s.
 1795 604.30 at any time within 1 year after issuance;

1796 (9)(i) Violated any statute or rule relating to the
 1797 purchase or sale of any agricultural product, whether or not
 1798 such transaction is subject to the provisions of this chapter;
 1799 ~~or~~

1800 (10)(j) Failed to submit to the department an application,
 1801 appropriate license fees, and an acceptable surety bond or
 1802 certificate of deposit; or-

1803 (11)(2) Failed ~~If a licensee fails or refused~~ refuses to
 1804 comply in full with an order of the department or failed to
 1805 satisfy a civil judgment owed to the department, ~~her or his~~
 1806 ~~license may be suspended or revoked, in which case she or he~~
 1807 ~~shall not be eligible for license for a period of 1 year or~~
 1808 ~~until she or he has fully complied with the order of the~~
 1809 ~~department.~~

1810 ~~(3) No person, or officer of a corporation, whose license~~
 1811 ~~has been suspended or revoked for failure to comply with an~~
 1812 ~~order of the department may hold a responsible position with a~~
 1813 ~~licensee for a period of 1 year or until the order of the~~
 1814 ~~department has been fully complied with.~~

1815 Section 50. Subsections (18) and (19) of section 616.242,
 1816 Florida Statutes, are renumbered as subsections (19) and (20),
 1817 respectively, and a new subsection (18) is added to that section
 1818 to read:

1819 616.242 Safety standards for amusement rides.-

1820 (18) STOP-OPERATION ORDERS.-If an owner or amusement ride

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1821 fails to comply with this chapter or any rule adopted under this
 1822 chapter, the department may issue a stop-operation order.

1823 Section 51. Subsection (4) of section 686.201, Florida
 1824 Statutes, is amended to read:

1825 686.201 Sales representative contracts involving
 1826 commissions; requirements; termination of agreement; civil
 1827 remedies.—

1828 (4) This section does not apply to:

1829 (a) Persons licensed pursuant to chapter 475 who are
 1830 performing services within the scope of their license.

1831 (b) Contracts to which a seller of travel as defined in s.
 1832 559.927 is a party.

1833 Section 52. Paragraph (c) of subsection (5) of section
 1834 790.06, Florida Statutes, is amended to read:

1835 790.06 License to carry concealed weapon or firearm.—

1836 (5) The applicant shall submit to the Department of
 1837 Agriculture and Consumer Services:

1838 (c) A full set of fingerprints of the applicant
 1839 administered by a law enforcement agency or the Division of
 1840 Licensing of the Department of Agriculture and Consumer
 1841 Services.

1842 Section 53. Sections 570.071 and 570.901, Florida
 1843 Statutes, are repealed.

1844 Section 54. This act shall take effect July 1, 2010.