

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 373.1391, F.S.; requiring
4 water management districts to give priority to the
5 agricultural use of certain parcels for purposes of
6 management of such parcels; amending s. 403.9336, F.S.;
7 revising a reference to the Model Ordinance for Florida-
8 Friendly Fertilizer Use on Urban Landscapes; amending s.
9 403.9337, F.S.; providing for amendment of the model
10 ordinance by the Department of Environmental Protection;
11 revising the criteria for a local government's adoption of
12 additional or more stringent standards; providing
13 exemptions; amending s. 493.6102, F.S.; specifying that
14 provisions regulating security officers do not apply to
15 certain law enforcement, correctional, and probation
16 officers performing off-duty activities; amending s.
17 493.6105, F.S.; revising the application requirements and
18 procedures for certain private investigative, private
19 security, recovery agent, and firearm licenses; specifying
20 application requirements for firearms instructor licenses;
21 amending s. 493.6106, F.S.; revising citizenship
22 requirements and documentation for certain private
23 investigative, private security, and recovery agent
24 licenses; prohibiting the licensure of applicants for a
25 statewide firearm license or firearms instructor license
26 who are prohibited from purchasing or possessing firearms;
27 requiring that private investigative, security, and
28 recovery agencies notify the Department of Agriculture and

29 Consumer Services of changes to their branch office
30 locations; amending s. 493.6107, F.S.; requiring the
31 department to accept certain methods of payment for
32 certain fees; amending s. 493.6108, F.S.; revising
33 requirements for criminal history checks of license
34 applicants whose fingerprints are not legible; requiring
35 the investigation of the mental and emotional fitness of
36 applicants for firearms instructor licenses; amending s.
37 493.6111, F.S.; requiring a security officer school or
38 recovery agent school to obtain the department's approval
39 for use of a fictitious name; specifying that a licensee
40 may not conduct business under more than one fictitious
41 name; amending s. 493.6113, F.S.; revising application
42 renewal procedures and requirements; amending s. 493.6115,
43 F.S.; conforming cross-references; amending s. 493.6118,
44 F.S.; authorizing disciplinary action against statewide
45 firearm licensees and firearms instructor licensees who
46 are prohibited from purchasing or possessing firearms;
47 amending s. 493.6121, F.S.; deleting provisions for the
48 department's access to certain criminal history records
49 provided to licensed gun dealers, manufacturers, and
50 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; amending s. 526.52, F.S.;
84 | revising requirements for printed statements on brake

85 fluid containers; amending s. 526.53, F.S.; revising
86 requirements and procedures for brake fluid stop-sale
87 orders; authorizing businesses to dispose of unregistered
88 brake fluid under certain circumstances; amending s.
89 527.0201, F.S.; revising requirements for liquefied
90 petroleum gas qualifying examinations; increasing
91 continuing education requirements for certain liquefied
92 petroleum gas qualifiers; amending s. 527.12, F.S.;
93 providing for the issuance of certain stop orders;
94 amending ss. 559.805 and 559.928, F.S.; deleting social
95 security numbers as a listing requirement on registration
96 affidavits for independent agents of sellers of business
97 opportunities; amending s. 570.0725, F.S.; revising
98 provisions for public information about food banks and
99 similar food recovery programs; authorizing the department
100 to adopt rules; amending ss. 570.53 and 570.54, F.S.;
101 conforming cross-references; amending s. 570.55, F.S.;
102 revising requirements for identifying sellers or handlers
103 of tropical or subtropical fruit or vegetables; amending
104 s. 570.902, F.S.; conforming terminology to the repeal by
105 the act of provisions establishing the Florida
106 Agricultural Museum; amending s. 570.903, F.S.; revising
107 provisions for direct-support organizations for certain
108 agricultural programs to conform to the repeal by the act
109 of provisions establishing the Florida Agricultural
110 Museum; deleting provisions for a direct-support
111 organization for the Florida State Collection of
112 Arthropods; amending s. 573.118, F.S.; requiring the

113 department to maintain records of marketing orders;
114 requiring an audit at the request of an advisory council;
115 requiring that the advisory council receive a copy of the
116 audit within a specified time; amending s. 581.011, F.S.;
117 deleting terminology relating to the Florida State
118 Collection of Arthropods; revising the term "nursery" for
119 purposes of plant industry regulations; amending s.
120 581.211, F.S.; increasing the maximum fine for violations
121 of plant industry regulations; amending s. 583.13, F.S.;
122 deleting a prohibition on the sale of poultry without
123 displaying the poultry grade; amending s. 590.125, F.S.;
124 revising terminology for open burning authorizations;
125 specifying purposes of certified prescribed burning;
126 requiring the authorization of the Division of Forestry
127 for certified pile burning; providing pile burning
128 requirements; limiting the liability of property owners or
129 agents engaged in pile burning; providing for the
130 certification of pile burners; providing penalties for
131 violations by certified pile burners; requiring rules;
132 authorizing the division to adopt rules regulating
133 certified pile burning; revising notice requirements for
134 wildfire hazard reduction treatments; providing for
135 approval of local government open burning authorization
136 programs; providing program requirements; authorizing the
137 division to close local government programs under certain
138 circumstances; providing penalties for violations of local
139 government open burning requirements; amending s. 590.14,
140 F.S.; authorizing fines for violations of any division

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

166
167 Be It Enacted by the Legislature of the State of Florida:
168

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169 Section 1. Paragraph (d) of subsection (1) of section
170 373.1391, Florida Statutes, is amended to read:

171 373.1391 Management of real property.—

172 (1)

173 (d) For any fee simple acquisition of a parcel which is or
174 will be leased back for agricultural purposes, or for any
175 acquisition of a less-than-fee interest in lands that is or will
176 be used for agricultural purposes, the district governing board
177 shall first consider having a soil and water conservation
178 district created pursuant to chapter 582 manage and monitor such
179 interest. Priority shall be given to the agricultural use
180 present at the time of fee simple acquisition of the parcel.

181 Section 2. Section 403.9336, Florida Statutes, is amended
182 to read:

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

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197 Section 3. Section 403.9337, Florida Statutes, is amended
 198 to read:

199 403.9337 Model Ordinance for Florida-Friendly Fertilizer
 200 Use on Urban Landscapes.—

201 (1) The department may amend its Model Ordinance for
 202 Florida-Friendly Fertilizer Use on Urban Landscapes (2009).
 203 However, any amendment of the model ordinance after July 1,
 204 2010, must be adopted by order of the department. Before
 205 adopting an amendment to the model ordinance, the department
 206 must hold at least one public workshop to discuss and receive
 207 comments on the proposed amendment. The department, at a
 208 minimum, must notify interested stakeholders of the public
 209 workshop, including representatives of the nursery and landscape
 210 industry, the pest control industry, the Department of
 211 Agriculture and Consumer Services, the University of Florida's
 212 Institute of Food and Agricultural Sciences, environmental
 213 groups, and county and local governments. Such an order amending
 214 the model ordinance is subject to challenge under chapter 120.

215 (2)~~(1)~~ All county and municipal governments are encouraged
 216 to adopt and enforce the Model Ordinance for Florida-Friendly
 217 Fertilizer Use on Urban Landscapes or an equivalent requirement
 218 as a mechanism for protecting local surface and groundwater
 219 quality.

220 (3)~~(2)~~ Each county and municipal government located within
 221 the watershed of a water body or water segment that is listed as
 222 impaired by nutrients pursuant to s. 403.067, must ~~shall~~, at a
 223 minimum, adopt the most recent version of the department's Model
 224 Ordinance for Florida-Friendly Fertilizer Use on Urban

225 Landscapes. A local government may adopt additional or more
 226 stringent standards than the model ordinance if, before
 227 adoption, the following criteria are met:

228 (a) The local government has implemented ~~demonstrated,~~ as
 229 ~~part of~~ a comprehensive program to address nonpoint sources of
 230 nutrient pollution but ~~which is science based,~~ and ~~economically~~
 231 ~~and technically feasible,~~ that additional or more stringent
 232 standards than the model ordinance are necessary in order to
 233 adequately address ~~urban fertilizer contributions to~~ nonpoint
 234 source nutrient loading to a water body. In any such instance,
 235 the comprehensive program must be scientifically based and
 236 economically and technically feasible. The comprehensive program
 237 may include, but is not limited to:

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

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

243 3. The requirement for and enforcement of the
 244 implementation of low-impact development practices.

245 (b) The local government documents in the public record
 246 the need for more stringent standards, including the
 247 scientifically documented impairment of waters within the local
 248 government's jurisdiction by nutrient enrichment due to
 249 landforms, soils, hydrology, climate, or geology, and the local
 250 government documents that it has requested and considered all
 251 relevant scientific information, including input from the
 252 department, ~~the institute,~~ the Department of Agriculture and

253 Consumer Services, and the University of Florida's ~~Florida~~
 254 Institute of Food and Agricultural Sciences, if provided, on the
 255 need for additional or more stringent provisions to address
 256 fertilizer use as a contributor to water quality degradation.
 257 All documentation must become part of the public record before
 258 adoption of the additional or more stringent criteria.

259 (4)~~(3)~~ Any county or municipal government that adopted its
 260 own fertilizer use ordinance before January 1, 2009, is exempt
 261 from this section. Ordinances adopted or amended on or after
 262 January 1, 2009, must substantively conform to the most recent
 263 version of the model fertilizer ordinance and are subject to
 264 subsections (2) and (3) ~~(1)~~ and ~~(2)~~ , as applicable.

265 (5) A fertilizer ordinance adopted by a county or
 266 municipal government may not prohibit an individual licensed
 267 pursuant to s. 482.1562 from conducting his or her occupation,
 268 including the application of macronutrients or micronutrients
 269 throughout the calendar year, if such application is based on
 270 site-specific assessment, such as soil testing or leaf-tissue
 271 analysis.

272 (6)~~(4)~~ This section does not apply to the use of
 273 fertilizer:

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

275 (b) On lands classified as agricultural lands pursuant to
 276 s. 193.461; or

277 (c) On any lands used for scientific research, including,
 278 but not limited to, research on the effects of fertilizer use on
 279 urban stormwater, water quality, agronomics, or horticulture.

280 Section 4. Subsection (1) of section 493.6102, Florida

281 Statutes, is amended to read:

282 493.6102 Inapplicability of this chapter.—This chapter
283 shall not apply to:

284 (1) Any individual who is an "officer" as defined in s.
285 943.10(14), or is a law enforcement officer of the United States
286 Government, while the ~~such~~ local, state, or federal officer is
287 engaged in her or his official duties or, if approved by the
288 officer's supervisors, when performing off-duty activities as a
289 security officer ~~activities approved by her or his superiors.~~

290 Section 5. Section 493.6105, Florida Statutes, is amended
291 to read:

292 493.6105 Initial application for license.—

293 (1) Each individual, partner, or principal officer in a
294 corporation, shall file with the department a complete
295 application accompanied by an application fee not to exceed \$60,
296 except that the applicant for a Class "D" or Class "G" license
297 is ~~shall~~ not ~~be~~ required to submit an application fee. The
298 application fee is ~~shall~~ not ~~be~~ refundable.

299 (a) The application submitted by any individual, partner,
300 or corporate officer must ~~shall~~ be approved by the department
301 before the ~~prior to that~~ individual, partner, or corporate
302 officer assumes ~~assuming~~ his or her duties.

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

307 (2) Each application must ~~shall~~ be signed and verified by
308 the individual under oath as provided in s. 92.525 ~~and shall be~~

309 | ~~notarized.~~

310 | (3) The application must ~~shall~~ contain the following
311 | information concerning the individual signing the application
312 | ~~same:~~

313 | (a) Name and any aliases.

314 | (b) Age and date of birth.

315 | (c) Place of birth.

316 | (d) Social security number or alien registration number,
317 | whichever is applicable.

318 | (e) Current Present residence address and ~~his or her~~
319 | ~~residence addresses within the 5 years immediately preceding the~~
320 | ~~submission of the application.~~

321 | ~~(f) Occupations held presently and within the 5 years~~
322 | ~~immediately preceding the submission of the application.~~

323 | (f)(g) A statement of all criminal convictions, findings
324 | of guilt, and pleas of guilty or nolo contendere, regardless of
325 | adjudication of guilt.

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

328 | (h) A statement whether he or she has ever been
329 | adjudicated incompetent under chapter 744.

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

332 | (j) A full set of fingerprints on a card provided by the
333 | department and a fingerprint fee to be established by rule of
334 | the department based upon costs determined by state and federal
335 | agency charges and department processing costs. An applicant who
336 | has, within the immediately preceding 6 months, submitted a

337 fingerprint card and fee for licensing purposes under this
338 chapter shall not be required to submit another fingerprint card
339 or fee.

340 (k) A personal inquiry waiver which allows the department
341 to conduct necessary investigations to satisfy the requirements
342 of this chapter.

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

347 ~~(4) In addition to the application requirements outlined~~
348 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~
349 ~~Class "E," Class "EE," or Class "G" license shall submit two~~
350 ~~color photographs taken within the 6 months immediately~~
351 ~~preceding the submission of the application, which meet~~
352 ~~specifications prescribed by rule of the department. All other~~
353 ~~applicants shall submit one photograph taken within the 6 months~~
354 ~~immediately preceding the submission of the application.~~

355 (4)~~(5)~~ In addition to the application requirements
356 outlined under subsection (3), the applicant for a Class "C,"
357 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"
358 license shall include a statement on a form provided by the
359 department of the experience which he or she believes will
360 qualify him or her for such license.

361 (5)~~(6)~~ In addition to the requirements outlined in
362 subsection (3), an applicant for a Class "G" license shall
363 satisfy minimum training criteria for firearms established by
364 rule of the department, which training criteria shall include,

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365 but is not limited to, 28 hours of range and classroom training
 366 taught and administered by a Class "K" licensee; however, no
 367 more than 8 hours of such training shall consist of range
 368 training. If the applicant can show proof that he or she is an
 369 active law enforcement officer currently certified under the
 370 Criminal Justice Standards and Training Commission or has
 371 completed the training required for that certification within
 372 the last 12 months, or if the applicant submits one of the
 373 certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
 374 department may waive the foregoing firearms training
 375 requirement.

376 ~~(6) (7)~~ In addition to the requirements under subsection
 377 (3), an applicant for a Class "K" license shall:

378 (a) Submit one of the following certificates:

379 1. The Florida Criminal Justice Standards and Training
 380 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
 381 the commission that the applicant is authorized to provide
 382 firearms instruction.

383 2. The National Rifle Association Law Enforcement Police
 384 Firearms Instructor's Certificate.

385 ~~3. The National Rifle Association Security Firearms~~
 386 ~~Instructor's Certificate.~~

387 ~~3.4.~~ A firearms instructor's training certificate issued
 388 by any branch of the United States Armed Forces, from a federal
 389 law enforcement academy or agency, state, county, or a law
 390 enforcement municipal police academy or agency in this state
 391 recognized as such by the Criminal Justice Standards and
 392 Training Commission ~~or by the Department of Education.~~

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

397 (7)~~(8)~~ In addition to the application requirements for
398 individuals, partners, or officers outlined under subsection
399 (3), the application for an agency license shall contain the
400 following information:

401 (a) The proposed name under which the agency intends to
402 operate.

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

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

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

411 (8)~~(9)~~ Upon submission of a complete application, a Class
412 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"
413 Class "MA," Class "MB," or Class "MR" applicant may commence
414 employment or appropriate duties for a licensed agency or branch
415 office. However, the Class "C" or Class "E" applicant must work
416 under the direction and control of a sponsoring licensee while
417 his or her application is being processed. If the department
418 denies application for licensure, the employment of the
419 applicant must be terminated immediately, unless he or she
420 performs only unregulated duties.

421 Section 6. Paragraph (f) of subsection (1) and paragraph
422 (a) of subsection (2) of section 493.6106, Florida Statutes, are
423 amended, and paragraph (g) is added to subsection (1) of that
424 section, to read:

425 493.6106 License requirements; posting.—

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

427 (f) Be a citizen or permanent legal resident alien of the
428 United States or have appropriate ~~been granted~~ authorization
429 issued to seek employment in this country by the United States
430 Bureau of Citizenship and Immigration Services of the United
431 States Department of Homeland Security.

432 1. An applicant for a Class "C," Class "CC," Class "D,"
433 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
434 "MB," Class "MR," or Class "RI" license who is not a United
435 States citizen must submit proof of current employment
436 authorization issued by the United States Bureau of Citizenship
437 and Immigration Services or proof that she or he is deemed a
438 permanent legal resident alien by the United States Bureau of
439 Citizenship and Immigration Services.

440 2. An applicant for a Class "G" or Class "K" license who
441 is not a United States citizen must submit proof that she or he
442 is deemed a permanent legal resident alien by the United States
443 Bureau of Citizenship and Immigration Services, together with
444 additional documentation establishing that she or he has resided
445 in the state of residence shown on the application for at least
446 90 consecutive days before the date that the application is
447 submitted.

448 3. An applicant for an agency or school license who is not

449 a United States citizen or permanent legal resident alien must
 450 submit documentation issued by the United States Bureau of
 451 Citizenship and Immigration Services stating that she or he is
 452 lawfully in the United States and is authorized to own and
 453 operate the type of agency or school for which she or he is
 454 applying. An employment authorization card issued by the United
 455 States Bureau of Citizenship and Immigration Services is not
 456 sufficient documentation.

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

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

464 (a) If an agency or branch office desires to change the
 465 physical location of the business, as it appears on the ~~agency~~
 466 license, the department must be notified within 10 days of the
 467 change, and, except upon renewal, the fee prescribed in s.
 468 493.6107 must be submitted for each license requiring revision.
 469 Each license requiring revision must be returned with such
 470 notification.

471 Section 7. Subsection (3) of section 493.6107, Florida
 472 Statutes, is amended to read:

473 493.6107 Fees.—

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

477 approved, except that the applicant for a Class "G" or Class "M"
 478 license must pay the license fee at the time the application is
 479 made. If a license is revoked or denied or if the application is
 480 withdrawn, the license fee shall not be refunded.

481 Section 8. Paragraph (a) of subsection (1) and subsection
 482 (3) of section 493.6108, Florida Statutes, are amended to read:
 483 493.6108 Investigation of applicants by Department of
 484 Agriculture and Consumer Services.—

485 (1) Except as otherwise provided, prior to the issuance of
 486 a license under this chapter, the department shall make an
 487 investigation of the applicant for a license. The investigation
 488 shall include:

489 (a)1. An examination of fingerprint records and police
 490 records. When a criminal history analysis of any applicant under
 491 this chapter is performed by means of fingerprint card
 492 identification, the time limitations prescribed by s. 120.60(1)
 493 shall be tolled during the time the applicant's fingerprint card
 494 is under review by the Department of Law Enforcement or the
 495 United States Department of Justice, Federal Bureau of
 496 Investigation.

497 2. If a legible set of fingerprints, as determined by the
 498 Department of Law Enforcement or the Federal Bureau of
 499 Investigation, cannot be obtained after two attempts, the
 500 Department of Agriculture and Consumer Services may determine
 501 the applicant's eligibility based upon a criminal history record
 502 check under the applicant's name conducted by the Department of
 503 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
 504 ~~A set of fingerprints~~ are taken by a law enforcement agency or

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505 the department and the applicant submits a written statement
506 signed by the fingerprint technician or a licensed physician
507 stating that there is a physical condition that precludes
508 obtaining a legible set of fingerprints or that the fingerprints
509 taken are the best that can be obtained ~~is sufficient to meet~~
510 ~~this requirement.~~

511 (3) The department shall also investigate the mental
512 history and current mental and emotional fitness of any Class
513 "G" or Class "K" applicant, and may deny a Class "G" or Class
514 "K" license to anyone who has a history of mental illness or
515 drug or alcohol abuse.

516 Section 9. Subsection (4) of section 493.6111, Florida
517 Statutes, is amended to read:

518 493.6111 License; contents; identification card.—

519 (4) Notwithstanding the existence of a valid Florida
520 corporate registration, an ~~no~~ agency or school licensee may not
521 conduct activities regulated under this chapter under any
522 fictitious name without prior written authorization from the
523 department to use that name in the conduct of activities
524 regulated under this chapter. The department may not authorize
525 the use of a name which is so similar to that of a public
526 officer or agency, or of that used by another licensee, that the
527 public may be confused or misled thereby. The authorization for
528 the use of a fictitious name shall require, as a condition
529 precedent to the use of such name, the filing of a certificate
530 of engaging in business under a fictitious name under s. 865.09.
531 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
532 under more than one fictitious name except as separately

533 licensed nor shall the license be valid to protect any licensee
 534 who is engaged in ~~the~~ business under any name other than that
 535 specified in the license. An agency desiring to change its
 536 licensed name shall notify the department and, except upon
 537 renewal, pay a fee not to exceed \$30 for each license requiring
 538 revision including those of all licensed employees except Class
 539 "D" or Class "G" licensees. Upon the return of such licenses to
 540 the department, revised licenses shall be provided.

541 Section 10. Subsection (2) and paragraph (a) of subsection
 542 (3) of section 493.6113, Florida Statutes, are amended to read:

543 493.6113 Renewal application for licensure.—

544 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
 545 expiration date of the license, the department shall mail a
 546 written notice to the last known mailing ~~residence~~ address of
 547 the licensee ~~for individual licensees and to the last known~~
 548 ~~agency address for agencies.~~

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

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

557 Section 11. Subsection (8), paragraph (d) of subsection
 558 (12), and subsection (16) of section 493.6115, Florida Statutes,
 559 are amended to read:

560 493.6115 Weapons and firearms.—

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

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

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

569 (16) If the criminal history record check program
570 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
571 department may issue a temporary "G" license on a case-by-case
572 basis, provided that the applicant has met all statutory
573 requirements for the issuance of a temporary "G" license as
574 specified in subsection (12), excepting the criminal history
575 record check stipulated there; provided, that the department
576 requires that the licensed employer of the applicant conduct a
577 criminal history record check of the applicant pursuant to
578 standards set forth in rule by the department, and provide to
579 the department an affidavit containing such information and
580 statements as required by the department, including a statement
581 that the criminal history record check did not indicate the
582 existence of any criminal history that would prohibit licensure.
583 Failure to properly conduct such a check, or knowingly providing
584 incorrect or misleading information or statements in the
585 affidavit shall constitute grounds for disciplinary action
586 against the licensed agency, including revocation of license.

587 Section 12. Paragraph (u) of subsection (1) of section
588 493.6118, Florida Statutes, is redesignated as paragraph (v),

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589 and a new paragraph (u) is added to that subsection to read:

590 493.6118 Grounds for disciplinary action.—

591 (1) The following constitute grounds for which
 592 disciplinary action specified in subsection (2) may be taken by
 593 the department against any licensee, agency, or applicant
 594 regulated by this chapter, or any unlicensed person engaged in
 595 activities regulated under this chapter.

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

599 Section 13. Subsections (7) and (8) of section 493.6121,
 600 Florida Statutes, are renumbered as subsections (6) and (7),
 601 respectively, and present subsection (6) of that section is
 602 amended, to read:

603 493.6121 Enforcement; investigation.—

604 ~~(6) The department shall be provided access to the program~~
 605 ~~that is operated by the Department of Law Enforcement, pursuant~~
 606 ~~to s. 790.065, for providing criminal history record information~~
 607 ~~to licensed gun dealers, manufacturers, and exporters. The~~
 608 ~~department may make inquiries, and shall receive responses in~~
 609 ~~the same fashion as provided under s. 790.065. The department~~
 610 ~~shall be responsible for payment to the Department of Law~~
 611 ~~Enforcement of the same fees as charged to others afforded~~
 612 ~~access to the program.~~

613 Section 14. Subsection (3) of section 493.6202, Florida
 614 Statutes, is amended to read:

615 493.6202 Fees.—

616 (3) The fees set forth in this section must be paid by

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617 ~~certified check or money order or, at the discretion of the~~
618 ~~department, by agency check~~ at the time the application is
619 approved, except that the applicant for a Class "G," Class "C,"
620 Class "CC," Class "M," or Class "MA" license must pay the
621 license fee at the time the application is made. If a license is
622 revoked or denied or if the application is withdrawn, the
623 license fee shall not be refunded.

624 Section 15. Subsections (2), (4), and (6) of section
625 493.6203, Florida Statutes, are amended to read:

626 493.6203 License requirements.—In addition to the license
627 requirements set forth elsewhere in this chapter, each
628 individual or agency shall comply with the following additional
629 requirements:

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

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

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

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

637 (d) Experience described in paragraph (a) for 1 year and
638 experience described in paragraph (e) for 1 year;

639 (e) No more than 1 year using:

640 1. College coursework related to criminal justice,
641 criminology, or law enforcement administration; or

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

644 or

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

647
 648 However, experience in performing bodyguard services is not
 649 creditable toward the requirements of this subsection.

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

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

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

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

662
 663 However, experience in performing bodyguard services is not
 664 creditable toward the requirements of this subsection.

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

668 (b) Effective July 1, 2010 ~~September 1, 2008~~, before
 669 submission of an application to the department, the an applicant
 670 for a Class "CC" license must have completed a minimum of 40 at
 671 least 24 hours of professional training a 40-hour course
 672 pertaining to general investigative techniques and this chapter,

673 | which course is offered by a state university or by a school,
674 | community college, college, or university under the purview of
675 | the Department of Education, and the applicant must pass an
676 | examination. The training must be provided in two parts, one 24-
677 | hour course and one 16-hour course. The certificate evidencing
678 | satisfactory completion of the 40 ~~at least 24~~ hours of
679 | professional training ~~a 40-hour course~~ must be submitted with
680 | the application for a Class "CC" license. ~~The remaining 16 hours~~
681 | ~~must be completed and an examination passed within 180 days. If~~
682 | ~~documentation of completion of the required training is not~~
683 | ~~submitted within the specified timeframe, the individual's~~
684 | ~~license is automatically suspended or his or her authority to~~
685 | ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
686 | ~~until such time as proof of certificate of completion is~~
687 | ~~provided to the department.~~ The training course specified in
688 | this paragraph may be provided by face-to-face presentation,
689 | online technology, or a home study course in accordance with
690 | rules and procedures of the Department of Education. The
691 | administrator of the examination must verify the identity of
692 | each applicant taking the examination.

693 | 1. Upon an applicant's successful completion of each part
694 | of the approved training ~~course~~ and passage of any required
695 | examination, the school, community college, college, or
696 | university shall issue a certificate of completion to the
697 | applicant. The certificates must be on a form established by
698 | rule of the department.

699 | 2. The department shall establish by rule the general
700 | content of the professional ~~training~~ ~~course~~ and the examination

701 criteria.

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

705 (c) An individual who submits an application for a Class
 706 "CC" license on or after September 1, 2008, through June 30,
 707 2010, who has not completed the 16-hour course must submit proof
 708 of successful completion of the course within 180 days after the
 709 date the application is submitted. If documentation of
 710 completion of the required training is not submitted by that
 711 date, the individual's license is automatically suspended until
 712 proof of the required training is submitted to the department.
 713 An individual licensed on or before August 31, 2008, is not
 714 required to complete additional training hours in order to renew
 715 an active license beyond the required total amount of training,
 716 and within the timeframe, in effect at the time he or she was
 717 licensed.

718 Section 16. Subsection (3) of section 493.6302, Florida
 719 Statutes, is amended to read:

720 493.6302 Fees.—

721 (3) The fees set forth in this section must be paid by
 722 ~~certified~~ check or money order ~~or, at the discretion of the~~
 723 ~~department, by agency check~~ at the time the application is
 724 approved, except that the applicant for a Class "D," Class "G,"
 725 Class "M," or Class "MB" license must pay the license fee at the
 726 time the application is made. If a license is revoked or denied
 727 or if the application is withdrawn, the license fee shall not be
 728 refunded.

729 Section 17. Subsection (4) of section 493.6303, Florida
730 Statutes, is amended to read:

731 493.6303 License requirements.—In addition to the license
732 requirements set forth elsewhere in this chapter, each
733 individual or agency shall comply with the following additional
734 requirements:

735 (4) (a) Effective July 1, 2010, an applicant for a Class
736 "D" license must submit proof of successful completion of
737 ~~complete~~ a minimum of 40 hours of professional training at a
738 school or training facility licensed by the department. The
739 training must be provided in two parts, one 24-hour course and
740 one 16-hour course. The department shall by rule establish the
741 general content and number of hours of each subject area to be
742 taught.

743 (b) An individual who submits an application for a Class
744 "D" license on or after January 1, 2007, through June 30, 2010,
745 who has not completed the 16-hour course must submit proof of
746 successful completion of the course within 180 days after the
747 date the application is submitted. If documentation of
748 completion of the required training is not submitted by that
749 date, the individual's license is automatically suspended until
750 proof of the required training is submitted to the department.
751 This section does not require a person licensed before January
752 1, 2007, to complete additional training hours in order to renew
753 an active license beyond the required total amount of training
754 within the timeframe prescribed by law at the time he or she was
755 licensed. ~~An applicant may fulfill the training requirement~~
756 ~~prescribed in paragraph (a) by submitting proof of:~~

757 1. ~~Successful completion of the total number of required~~
758 ~~hours of training before initial application for a Class "D"~~
759 ~~license; or~~

760 2. ~~Successful completion of 24 hours of training before~~
761 ~~initial application for a Class "D" license and successful~~
762 ~~completion of the remaining 16 hours of training within 180 days~~
763 ~~after the date that the application is submitted. If~~
764 ~~documentation of completion of the required training is not~~
765 ~~submitted within the specified timeframe, the individual's~~
766 ~~license is automatically suspended until such time as proof of~~
767 ~~the required training is provided to the department.~~

768 (c) An individual ~~However, any person whose license is~~
769 ~~suspended or has been revoked, suspended pursuant to paragraph~~
770 ~~(b) subparagraph 2., or is expired for at least 1 year, or~~
771 ~~longer is considered, upon reapplication for a license, an~~
772 ~~initial applicant and must submit proof of successful completion~~
773 ~~of 40 hours of professional training at a school or training~~
774 ~~facility licensed by the department as provided ~~prescribed~~ in~~
775 ~~paragraph (a) before a license is ~~will be~~ issued. Any person~~
776 ~~whose license was issued before January 1, 2007, and whose~~
777 ~~license has been expired for less than 1 year must, upon~~
778 ~~reapplication for a license, submit documentation of completion~~
779 ~~of the total number of hours of training prescribed by law at~~
780 ~~the time her or his initial license was issued before another~~
781 ~~license will be issued. This subsection does not require an~~
782 ~~individual licensed before January 1, 2007, to complete~~
783 ~~additional training hours in order to renew an active license,~~
784 ~~beyond the required total amount of training within the~~

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785 ~~timeframe prescribed by law at the time she or he was licensed.~~

786 Section 18. Subsection (2) of section 493.6304, Florida
787 Statutes, is amended to read:

788 493.6304 Security officer school or training facility.—

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

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

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

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

799 Section 19. Subsections (7) and (8) of section 493.6401,
800 Florida Statutes, are amended to read:

801 493.6401 Classes of licenses.—

802 (7) Any person who operates a recovery agent ~~repossessor~~
803 school or training facility or who conducts an Internet-based
804 training course or a correspondence training course must have a
805 Class "RS" license.

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

809 Section 20. Paragraphs (f) and (g) of subsection (1) and
810 subsection (3) of section 493.6402, Florida Statutes, are
811 amended to read:

812 493.6402 Fees.—

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

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

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

819 (3) The fees set forth in this section must be paid by
820 ~~certified check or money order, or, at the discretion of the~~
821 ~~department, by agency check~~ at the time the application is
822 approved, except that the applicant for a Class "E," Class "EE,"
823 or Class "MR" license must pay the license fee at the time the
824 application is made. If a license is revoked or denied, or if an
825 application is withdrawn, the license fee shall not be refunded.

826 Section 21. Subsections (1) and (2) of section 493.6406,
827 Florida Statutes, are amended to read:

828 493.6406 Recovery agent ~~Repossession services~~ school or
829 training facility.—

830 (1) Any school, training facility, or instructor who
831 offers the training outlined in s. 493.6403(2) for Class "E" or
832 Class "EE" applicants shall, before licensure of such school,
833 training facility, or instructor, file with the department an
834 application accompanied by an application fee in an amount to be
835 determined by rule, not to exceed \$60. The fee shall not be
836 refundable. This training may be offered as face-to-face
837 training, Internet-based training, or correspondence training.

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

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

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

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

849 Section 22. Paragraph (a) of subsection (2) of section
 850 501.605, Florida Statutes, is amended to read:

851 501.605 Licensure of commercial telephone sellers.—

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

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

860
 861 The application shall be accompanied by a copy of any: Script,
 862 outline, or presentation the applicant will require or suggest a
 863 salesperson to use when soliciting, or, if no such document is
 864 used, a statement to that effect; sales information or
 865 literature to be provided by the applicant to a salesperson; and
 866 sales information or literature to be provided by the applicant
 867 to a purchaser in connection with any solicitation.

868 Section 23. Paragraph (a) of subsection (1) of section

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869 501.607, Florida Statutes, is amended to read:

870 501.607 Licensure of salespersons.—

871 (1) An applicant for a license as a salesperson must
 872 submit to the department, in such form as it prescribes, a
 873 written application for a license. The application must set
 874 forth the following information:

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

877 Section 24. Subsection (2) of section 501.913, Florida
 878 Statutes, is amended to read:

879 501.913 Registration.—

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

881 (a) Specimens or facsimiles of the label for each brand of
 882 antifreeze;

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

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

886 Section 25. Subsection (2) of section 525.01, Florida
 887 Statutes, is amended to read:

888 525.01 Gasoline and oil to be inspected.—

889 (2) All petroleum fuels are ~~shall be~~ subject to inspection
 890 and analysis by the department. Before selling or offering for
 891 sale in this state any petroleum fuel, all manufacturers,
 892 terminal suppliers, wholesalers, and importers as defined in s.
 893 206.01 ~~jobbers~~ shall file with the department:

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

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

899 Section 26. Subsections (1) and (3) of section 525.09,
900 Florida Statutes, are amended to read:

901 525.09 Inspection fee.—

902 (1) For the purpose of defraying the expenses incident to
903 inspecting, testing, and analyzing petroleum fuels in this
904 state, there shall be paid to the department a charge of one-
905 eighth cent per gallon on all gasoline, alternative fuel
906 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
907 kerosene (except when used as aviation turbine fuel), and #1
908 fuel oil for sale or use in this state. This inspection fee
909 shall be imposed in the same manner as the motor fuel tax
910 pursuant to s. 206.41. Payment shall be made on or before the
911 25th day of each month.

912 (3) All remittances to the department for the inspection
913 tax herein provided shall be accompanied by a detailed report
914 under oath showing the number of gallons of gasoline,
915 alternative fuel containing alcohol as defined in s.
916 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
917 in each county.

918 Section 27. Section 526.50, Florida Statutes, is amended
919 to read:

920 526.50 Definition of terms.—As used in this part:

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

924 (2) "Brand" means the product name appearing on the label

925 of a container of brake fluid.

926 (3)~~(5)~~ "Container" means any receptacle in which brake
 927 fluid is immediately contained when sold, but does not mean a
 928 carton or wrapping in which a number of such receptacles are
 929 shipped or stored or a tank car or truck.

930 (4)~~(2)~~ "Department" means the Department of Agriculture
 931 and Consumer Services.

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

934 (6)~~(4)~~ "Labeling" includes all written, printed or graphic
 935 representations, in any form whatsoever, imprinted upon or
 936 affixed to any container of brake fluid.

937 (7)~~(6)~~ "Permit year" means a period of 12 months
 938 commencing July 1 and ending on the next succeeding June 30.

939 (8)~~(7)~~ "Registrant" means any manufacturer, packer,
 940 distributor, seller, or other person who has registered a brake
 941 fluid with the department.

942 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
 943 trade, keep for sale, offer for sale or expose for sale, in any
 944 of their variant forms.

945 Section 28. Paragraph (a) of subsection (1) of section
 946 526.51, Florida Statutes, is amended to read:

947 526.51 Registration; renewal and fees; departmental
 948 expenses; cancellation or refusal to issue or renew.—

949 (1) (a) Application for registration of each brand of brake
 950 fluid shall be made on forms to be supplied by the department.
 951 The applicant shall give his or her name and address and the
 952 brand name of the brake fluid, state that he or she owns the

953 brand name and has complete control over the product sold
954 thereunder in Florida, and provide the name and address of the
955 resident agent in Florida. If the applicant does not own the
956 brand name but wishes to register the product with the
957 department, a notarized affidavit that gives the applicant full
958 authorization to register the brand name and that is signed by
959 the owner of the brand name must accompany the application for
960 registration. The affidavit must include all affected brand
961 names, the owner's company or corporate name and address, the
962 applicant's company or corporate name and address, and a
963 statement from the owner authorizing the applicant to register
964 the product with the department. The owner of the brand name
965 shall maintain complete control over each product sold under
966 that brand name in this state. All first-time brand-formula
967 combination ~~new-product~~ applications must be accompanied by a
968 certified report from an independent testing laboratory, setting
969 forth the analysis of the brake fluid which shall show its
970 quality to be not less than the specifications established by
971 the department for brake fluids. A sample of not less than 24
972 fluid ounces of brake fluid shall be submitted, in a container
973 or containers, with labels representing exactly how the
974 containers of brake fluid will be labeled when sold, and the
975 sample and container shall be analyzed and inspected by the
976 Division of Standards in order that compliance with the
977 department's specifications and labeling requirements may be
978 verified. Upon approval of the application, the department shall
979 register the brand name of the brake fluid and issue to the
980 applicant a permit authorizing the registrant to sell the brake

981 fluid in this state during the permit year specified in the
 982 permit.

983 Section 29. Paragraph (a) of subsection (3) of section
 984 526.52, Florida Statutes, is amended to read:

985 526.52 Specifications; adulteration and misbranding.—

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

987 (a) If its container does not bear on its side or top a
 988 label on which is printed the name and place of business of the
 989 registrant of the product, the words "brake fluid," and a
 990 statement that the product therein equals or exceeds the minimum
 991 specification of the Society of Automotive Engineers for heavy-
 992 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
 993 Safety Standard No. 116 adopted by the United States Department
 994 of Transportation, ~~heavy-duty-type~~. By regulation the department
 995 may require that the duty-type classification appear on the
 996 label.

997 Section 30. Subsection (2) of section 526.53, Florida
 998 Statutes, is amended to read:

999 526.53 Enforcement; inspection and analysis, stop-sale and
 1000 disposition, regulations.—

1001 (2) (a) When any brake fluid is sold in violation of any of
 1002 the provisions of this part, all such affected brake fluid of
 1003 the same brand name ~~on the same premises on which the violation~~
 1004 ~~occurred~~ shall be placed under a stop-sale order by the
 1005 department by serving the owner of the brand name, distributor,
 1006 or other entity responsible for selling or distributing the
 1007 product in the state with the stop-sale order. The department
 1008 shall withdraw its stop-sale order upon the removal of the

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1009 violation or upon voluntary destruction of the product, or other
 1010 disposal approved by the department, under the supervision of
 1011 the department.

1012 (b) In addition to being subject to the stop-sale
 1013 procedures above, unregistered brake fluid shall be held by the
 1014 department or its representative, at a place to be designated in
 1015 the stop-sale order, until properly registered and released in
 1016 writing by the department or its representative. If application
 1017 is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within
 1018 30 days after issue of the stop-sale order, such product shall
 1019 be disposed of by the department, or, with the department's
 1020 consent, by the business, to any tax-supported institution or
 1021 agency of the state if the brake fluid meets legal
 1022 specifications or by other disposal authorized by rule of the
 1023 department if it fails to meet legal specifications.

1024 Section 31. Subsections (1) and (3) and paragraphs (a) and
 1025 (c) of subsection (5) of section 527.0201, Florida Statutes, are
 1026 amended to read:

1027 527.0201 Qualifiers; master qualifiers; examinations.—

1028 (1) In addition to the requirements of s. 527.02, any
 1029 person applying for a license to engage in the activities of a
 1030 pipeline system operator, category I liquefied petroleum gas
 1031 dealer, category II liquefied petroleum gas dispenser, category
 1032 IV liquefied petroleum gas dispenser and recreational vehicle
 1033 servicer, category V liquefied petroleum gases dealer for
 1034 industrial uses only, LP gas installer, specialty installer,
 1035 requalifier ~~requalification~~ of cylinders, or fabricator,
 1036 repairer, and tester of vehicles and cargo tanks must prove

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1037 competency by passing a written examination administered by the
1038 department or its agent with a grade of at least 75 percent in
1039 each area tested ~~or above~~. Each applicant for examination shall
1040 submit a \$20 nonrefundable fee. The department shall by rule
1041 specify the general areas of competency to be covered by each
1042 examination and the relative weight to be assigned in grading
1043 each area tested.

1044 (3) Qualifier cards issued to category I liquefied
1045 petroleum gas dealers and liquefied petroleum gas installers
1046 shall expire 3 years after the date of issuance. All category I
1047 liquefied petroleum gas dealer qualifiers and liquefied
1048 petroleum gas installer qualifiers holding a valid qualifier
1049 card upon the effective date of this act shall retain their
1050 qualifier status until July 1, 2003, and may sit for the master
1051 qualifier examination at any time during that time period. All
1052 such category I liquefied petroleum gas dealer qualifiers and
1053 liquefied petroleum gas installer qualifiers may renew their
1054 qualification on or before July 1, 2003, upon application to the
1055 department, payment of a \$20 renewal fee, and documentation of
1056 the completion of a minimum of 16 ~~12~~ hours of approved
1057 continuing education courses, as defined by department rule,
1058 during the previous 3-year period. Applications for renewal must
1059 be made 30 calendar days prior to expiration. Persons failing to
1060 renew prior to the expiration date must reapply and take a
1061 qualifier competency examination in order to reestablish
1062 category I liquefied petroleum gas dealer qualifier and
1063 liquefied petroleum gas installer qualifier status. If a
1064 category I liquefied petroleum gas qualifier or liquefied

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1065 petroleum gas installer qualifier becomes a master qualifier at
1066 any time during the effective date of the qualifier card, the
1067 card shall remain in effect until expiration of the master
1068 qualifier certification.

1069 (5) In addition to all other licensing requirements, each
1070 category I liquefied petroleum gas dealer and liquefied
1071 petroleum gas installer must, at the time of application for
1072 licensure, identify to the department one master qualifier who
1073 is a full-time employee at the licensed location. This person
1074 shall be a manager, owner, or otherwise primarily responsible
1075 for overseeing the operations of the licensed location and must
1076 provide documentation to the department as provided by rule. The
1077 master qualifier requirement shall be in addition to the
1078 requirements of subsection (1).

1079 (a) In order to apply for certification as a master
1080 qualifier, each applicant must be a category I liquefied
1081 petroleum gas dealer qualifier or liquefied petroleum gas
1082 installer qualifier, must be employed by a licensed category I
1083 liquefied petroleum gas dealer, liquefied petroleum gas
1084 installer, or applicant for such license, must provide
1085 documentation of a minimum of 1 year's work experience in the
1086 gas industry, and must pass a master qualifier competency
1087 examination. Master qualifier examinations shall be based on
1088 Florida's laws, rules, and adopted codes governing liquefied
1089 petroleum gas safety, general industry safety standards, and
1090 administrative procedures. The examination must be successfully
1091 passed ~~completed~~ by the applicant with a grade of at least 75
1092 percent ~~or more~~. Each applicant for master qualifier status

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1093 shall submit to the department a nonrefundable \$30 examination
 1094 fee prior to the examination.

1095 (c) Master qualifier status shall expire 3 years after the
 1096 date of issuance of the certificate and may be renewed by
 1097 submission to the department of documentation of completion of
 1098 at least 16 ~~12~~ hours of approved continuing education courses
 1099 during the 3-year period; proof of employment with a licensed
 1100 category I liquefied petroleum gas dealer, liquefied petroleum
 1101 gas installer, or applicant; and a \$30 certificate renewal fee.
 1102 The department shall define, by rule, approved courses of
 1103 continuing education.

1104 Section 32. Section 527.12, Florida Statutes, is amended
 1105 to read:

1106 527.12 Cease and desist orders; stop-use orders; stop-
 1107 operation orders; stop-sale orders; administrative fines.-

1108 (1) Whenever the department has ~~shall have~~ reason to
 1109 believe that any person is violating or has violated ~~been~~
 1110 ~~violating provisions of~~ this chapter or any rules adopted under
 1111 this chapter pursuant thereto, the department ~~it~~ may issue a
 1112 cease and desist order, ~~or~~ impose a civil penalty, or do both
 1113 ~~may issue such cease and desist order and impose a civil~~
 1114 ~~penalty.~~

1115 (2) Whenever a person or liquefied petroleum gas system or
 1116 storage facility, or any part or component thereof, fails to
 1117 comply with this chapter or any rules adopted under this
 1118 chapter, the department may issue a stop-use order, stop-
 1119 operation order, or stop-sale order.

1120 Section 33. Subsection (1) of section 559.805, Florida

1121 Statutes, is amended to read:

1122 559.805 Filings with the department; disclosure of
 1123 advertisement identification number.—

1124 (1) Every seller of a business opportunity shall annually
 1125 file with the department a copy of the disclosure statement
 1126 required by s. 559.803 before ~~prior to~~ placing an advertisement
 1127 or making any other representation designed to offer to, sell
 1128 to, or solicit an offer to buy a business opportunity from a
 1129 prospective purchaser in this state and shall update this filing
 1130 by reporting any material change in the required information
 1131 within 30 days after the material change occurs. An
 1132 advertisement is not placed in the state merely because the
 1133 publisher circulates, or there is circulated on his or her
 1134 behalf in the state, any bona fide newspaper or other
 1135 publication of general, regular, and paid circulation which has
 1136 had more than two-thirds of its circulation during the past 12
 1137 months outside the state or because a radio or television
 1138 program originating outside the state is received in the state.
 1139 If the seller is required by s. 559.807 to provide a bond or
 1140 establish a trust account or guaranteed letter of credit, he or
 1141 she shall contemporaneously file with the department a copy of
 1142 the bond, a copy of the formal notification by the depository
 1143 that the trust account is established, or a copy of the
 1144 guaranteed letter of credit. Every seller of a business
 1145 opportunity shall file with the department a list of independent
 1146 agents who will engage in the offer or sale of business
 1147 opportunities on behalf of the seller in this state. This list
 1148 must be kept current and shall include the following

1149 information: name, home and business address, telephone number,
 1150 present employer, ~~social security number~~, and birth date. A ~~No~~
 1151 person may not ~~shall be allowed to~~ offer or sell business
 1152 opportunities unless the required information is ~~has been~~
 1153 provided to the department.

1154 Section 34. Subsection (3) of section 559.928, Florida
 1155 Statutes, is amended to read:

1156 559.928 Registration.—

1157 (3) Each independent agent shall annually file an
 1158 affidavit with the department before ~~prior to~~ engaging in
 1159 business in this state. This affidavit must include the
 1160 independent agent's full name, legal business or trade name,
 1161 mailing address, business address, telephone number, ~~social~~
 1162 ~~security number~~, and the name or names and addresses of each
 1163 seller of travel represented by the independent agent. A letter
 1164 evidencing proof of filing must be issued by the department and
 1165 must be prominently displayed in the independent agent's primary
 1166 place of business. Each independent agent must also submit an
 1167 annual registration fee of \$50. All moneys collected pursuant to
 1168 the imposition of the fee shall be deposited by the Chief
 1169 Financial Officer into the General Inspection Trust Fund of the
 1170 Department of Agriculture and Consumer Services for the sole
 1171 purpose of administrating this part. As used in this subsection,
 1172 the term "independent agent" means a person who represents a
 1173 seller of travel by soliciting persons on its behalf; who has a
 1174 written contract with a seller of travel which is operating in
 1175 compliance with this part and any rules adopted thereunder; who
 1176 does not receive a fee, commission, or other valuable

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1177 | consideration directly from the purchaser for the seller of
1178 | travel; who does not at any time have any unissued ticket stock
1179 | or travel documents in his or her possession; and who does not
1180 | have the ability to issue tickets, vacation certificates, or any
1181 | other travel document. The term "independent agent" does not
1182 | include an affiliate of the seller of travel, as that term is
1183 | used in s. 559.935(3), or the employees of the seller of travel
1184 | or of such affiliates.

1185 | Section 35. Subsection (7) of section 570.0725, Florida
1186 | Statutes, is amended to read:

1187 | 570.0725 Food recovery; legislative intent; department
1188 | functions.—

1189 | (7) For public information purposes, the department may
1190 | ~~shall~~ develop and provide a public information ~~brochure~~
1191 | detailing the need for food banks and similar ~~of~~ food recovery
1192 | programs, the benefit of such ~~food recovery~~ programs, the manner
1193 | in which ~~such~~ organizations may become involved in such ~~food~~
1194 | ~~recovery~~ programs, and the protection afforded to such programs
1195 | under s. 768.136, ~~and the food recovery entities or food banks~~
1196 | ~~that exist in the state. This brochure must be updated annually.~~
1197 | A food bank or similar food recovery organization seeking to be
1198 | included on a list of such organizations must notify the
1199 | department and provide the information required by rule of the
1200 | department. Such organizations are responsible for updating the
1201 | information and providing the updated information to the
1202 | department. The department may adopt rules to implement this
1203 | section.

1204 | Section 36. Paragraph (e) of subsection (6) of section

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1205 570.53, Florida Statutes, is amended to read:

1206 570.53 Division of Marketing and Development; powers and
 1207 duties.—The powers and duties of the Division of Marketing and
 1208 Development include, but are not limited to:

1209 (6)

1210 (e) Extending in every practicable way the distribution
 1211 and sale of Florida agricultural products throughout the markets
 1212 of the world as required of the department by s. ss. 570.07(7),
 1213 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1214 Section 37. Subsection (2) of section 570.54, Florida
 1215 Statutes, is amended to read:

1216 570.54 Director; duties.—

1217 (2) It shall be the duty of the director of this division
 1218 to supervise, direct, and coordinate the activities authorized
 1219 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
 1220 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
 1221 chapters 504, 571, 573, and 574 and to exercise other powers and
 1222 authority as authorized by the department.

1223 Section 38. Subsection (4) of section 570.55, Florida
 1224 Statutes, is amended to read:

1225 570.55 Identification of sellers or handlers of tropical
 1226 or subtropical fruit and vegetables; containers specified;
 1227 penalties.—

1228 (4) IDENTIFICATION OF HANDLER.—At the time of each
 1229 transaction involving the handling or sale of 55 pounds or more
 1230 of tropical or subtropical fruit or vegetables in the primary
 1231 channel of trade, the buyer or receiver of the tropical or
 1232 subtropical fruit or vegetables shall demand a bill of sale,

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1233 invoice, sales memorandum, or other document listing the date of
 1234 the transaction, the quantity of the tropical or subtropical
 1235 fruit or vegetables involved in the transaction, and the
 1236 identification of the seller or handler as it appears on the
 1237 driver's license of the seller or handler, including the
 1238 driver's license number. If the seller or handler does not
 1239 possess a driver's license, the buyer or receiver shall use any
 1240 other acceptable means of identification, which may include, but
 1241 is not limited to, i.e., voter's registration card and number,
 1242 draft card, ~~social security card,~~ or other identification.
 1243 However, no less than two identification documents shall be
 1244 used. The identification of the seller or handler shall be
 1245 recorded on the bill of sale, sales memorandum, invoice, or
 1246 voucher, which shall be retained by the buyer or receiver for a
 1247 period of not less than 1 year from the date of the transaction.

1248 Section 39. Subsection (3) of section 570.902, Florida
 1249 Statutes, is amended to read:

1250 570.902 Definitions; ss. 570.902 and 570.903.—For the
 1251 purpose of ss. 570.902 and 570.903:

1252 ~~(3) "Museum" means the Florida Agricultural Museum which~~
 1253 ~~is designated as the museum for agriculture and rural history of~~
 1254 ~~the State of Florida.~~

1255 Section 40. Section 570.903, Florida Statutes, is amended
 1256 to read:

1257 570.903 Direct-support organization.—

1258 (1) When the Legislature authorizes the establishment of a
 1259 direct-support organization to provide assistance for ~~the~~
 1260 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~

1261 ~~Florida State Collection of Arthropods,~~ the Friends of the
 1262 Florida State Forests Program of the Division of Forestry, and
 1263 the Forestry Arson Alert Program, and other programs of the
 1264 department, the following provisions shall govern the creation,
 1265 use, powers, and duties of the direct-support organization.

1266 (a) The department shall enter into a memorandum or letter
 1267 of agreement with the direct-support organization, which shall
 1268 specify the approval of the department, the powers and duties of
 1269 the direct-support organization, and rules with which the
 1270 direct-support organization shall comply.

1271 (b) The department may permit, without charge, appropriate
 1272 use of property, facilities, and personnel of the department by
 1273 a direct-support organization, subject to the provisions of ss.
 1274 570.902 and 570.903. The use shall be directly in keeping with
 1275 the approved purposes of the direct-support organization and
 1276 shall not be made at times or places that would unreasonably
 1277 interfere with opportunities for the general public to use
 1278 department facilities for established purposes.

1279 (c) The department shall prescribe by contract or by rule
 1280 conditions with which a direct-support organization shall comply
 1281 in order to use property, facilities, or personnel of the
 1282 department ~~or museum~~. Such rules shall provide for budget and
 1283 audit review and oversight by the department.

1284 (d) The department shall not permit the use of property,
 1285 facilities, or personnel of the ~~museum,~~ department, or
 1286 designated program by a direct-support organization which does
 1287 not provide equal employment opportunities to all persons
 1288 regardless of race, color, religion, sex, age, or national

1289 origin.

1290 (2) (a) The direct-support organization shall be empowered
1291 to conduct programs and activities; raise funds; request and
1292 receive grants, gifts, and bequests of money; acquire, receive,
1293 hold, invest, and administer, in its own name, securities,
1294 funds, objects of value, or other property, real or personal;
1295 and make expenditures to or for the direct or indirect benefit
1296 of the ~~museum or~~ designated program.

1297 (b) Notwithstanding the provisions of s. 287.057, the
1298 direct-support organization may enter into contracts or
1299 agreements with or without competitive bidding for the
1300 ~~restoration of objects, historical buildings, and other~~
1301 ~~historical materials or for the purchase of objects, historical~~
1302 ~~buildings, and other historical materials which are to be added~~
1303 ~~to the collections of the museum, or benefit of~~ of the designated
1304 program. However, before the direct-support organization may
1305 enter into a contract or agreement without competitive bidding,
1306 the direct-support organization shall file a certification of
1307 conditions and circumstances with the internal auditor of the
1308 department justifying each contract or agreement.

1309 (c) Notwithstanding the provisions of s. 287.025(1)(e),
1310 the direct-support organization may enter into contracts to
1311 insure property of the ~~museum or~~ designated programs ~~and may~~
1312 ~~insure objects or collections on loan from others in satisfying~~
1313 ~~security terms of the lender.~~

1314 (3) The direct-support organization shall provide for an
1315 annual financial audit in accordance with s. 215.981.

1316 (4) Neither a designated program ~~or a museum,~~ nor a

1317 nonprofit corporation trustee or employee may:

1318 (a) Receive a commission, fee, or financial benefit in
 1319 connection with the sale or exchange of property ~~historical~~
 1320 ~~objects or properties~~ to the direct-support organization, ~~the~~
 1321 ~~museum,~~ or the designated program; or

1322 (b) Be a business associate of any individual, firm, or
 1323 organization involved in the sale or exchange of property to the
 1324 direct-support organization, ~~the museum,~~ or the designated
 1325 program.

1326 (5) All moneys received by the direct-support organization
 1327 shall be deposited into an account of the direct-support
 1328 organization and shall be used by the organization in a manner
 1329 consistent with the goals of the ~~museum or~~ designated program.

1330 (6) The identity of a donor or prospective donor who
 1331 desires to remain anonymous and all information identifying such
 1332 donor or prospective donor are confidential and exempt from the
 1333 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
 1334 Constitution.

1335 (7) The Commissioner of Agriculture, or the commissioner's
 1336 designee, may serve on the board of trustees and the executive
 1337 committee of any direct-support organization established to
 1338 benefit ~~the museum or~~ any designated program.

1339 ~~(8) The department shall establish by rule archival~~
 1340 ~~procedures relating to museum artifacts and records. The rules~~
 1341 ~~shall provide procedures which protect the museum's artifacts~~
 1342 ~~and records equivalent to those procedures which have been~~
 1343 ~~established by the Department of State under chapters 257 and~~
 1344 ~~267.~~

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1345 Section 41. Subsection (4) of section 573.118, Florida
 1346 Statutes, is amended to read:

1347 573.118 Assessment; funds; audit; loans.—

1348 (4) In the event of levying and collecting of assessments,
 1349 for each fiscal year in which assessment funds are received by
 1350 the department, the department shall maintain records of
 1351 collections and expenditures for each marketing order separately
 1352 within the state's accounting system. If requested by an
 1353 advisory council, department staff shall cause to be made a
 1354 thorough annual audit of the books and accounts by a certified
 1355 public accountant, such audit to be completed within 60 days
 1356 after the request is received end of the fiscal year. The
 1357 advisory council department and all producers and handlers
 1358 covered by the marketing order shall be provided a copy of the
 1359 properly advised of the details of the annual official audit of
 1360 the accounts as shown by the certified public accountant within
 1361 30 days after completion of the audit.

1362 Section 42. Subsections (18) through (30) of section
 1363 581.011, Florida Statutes, are renumbered as subsections (17)
 1364 through (29), respectively, and present subsections (17) and
 1365 (20) of that section are amended to read:

1366 581.011 Definitions.—As used in this chapter:

1367 ~~(17) "Museum" means the Florida State Collection of~~
 1368 ~~Arthropods.~~

1369 (19)~~(20)~~ "Nursery" means any grounds or premises on or in
 1370 which nursery stock is grown, propagated, or held for sale or
 1371 distribution, including ~~except where~~ aquatic plant species are
 1372 tended for harvest in the natural environment.

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1373 Section 43. Paragraph (a) of subsection (3) of section
1374 581.211, Florida Statutes, is amended to read:

1375 581.211 Penalties for violations.—

1376 (3) (a) 1. In addition to any other provision of law, the
1377 department may, after notice and hearing, impose an
1378 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1379 violation of this chapter, upon any person, nurseryman, stock
1380 dealer, agent or plant broker. The fine, when paid, shall be
1381 deposited in the Plant Industry Trust Fund. In addition, the
1382 department may place the violator on probation for up to 1 year,
1383 with conditions.

1384 2. The imposition of a fine or probation pursuant to this
1385 subsection may be in addition to or in lieu of the suspension or
1386 revocation of a certificate of registration or certificate of
1387 inspection.

1388 Section 44. Section 583.13, Florida Statutes, is amended
1389 to read:

1390 583.13 Labeling and advertising requirements for dressed
1391 poultry; unlawful acts.—

1392 (1) It is unlawful for any dealer or broker to sell, offer
1393 for sale, or hold for the purpose of sale in the state any
1394 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1395 is packed in a container clearly bearing a label, not less than
1396 3 inches by 5 inches, on which shall be plainly and legibly
1397 printed, in letters of not less than 1/4 inch high ~~in height~~,
1398 ~~the grade and the part name or whole-bird statement of such~~
1399 ~~poultry. The grade may be expressed in the term "premium,"~~
1400 ~~"good," or "standard," or as the grade of another state or~~

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1401 ~~federal agency the standards of quality of which, by law, are~~
 1402 ~~equal to the standards of quality provided by this law and rules~~
 1403 ~~promulgated hereunder.~~

1404 (2) It is unlawful to sell unpackaged dressed or ready-to-
 1405 cook poultry at retail unless such poultry is labeled by a
 1406 placard immediately adjacent to the poultry or unless each bird
 1407 is individually labeled to show ~~the grade and~~ the part name or
 1408 whole-bird statement. The placard shall be no smaller than 7
 1409 inches by 7 inches in size, and the required labeling
 1410 information shall be legibly and plainly printed on the placard
 1411 in letters not smaller than 1 inch in height.

1412 (3) It is unlawful to sell packaged dressed or ready-to-
 1413 cook poultry at retail unless such poultry is labeled to show
 1414 ~~the grade,~~ the part name or whole-bird statement, the net weight
 1415 of the poultry, and the name and address of the dealer. The size
 1416 of the type on the label must be one-eighth inch or larger. A
 1417 placard immediately adjacent to such poultry may be used to
 1418 indicate ~~the grade and~~ the part name or whole-bird statement,
 1419 but not the net weight of the poultry or the name and address of
 1420 the dealer.

1421 (4) It is unlawful to use dressed or ready-to-cook poultry
 1422 in bulk in the preparation of food served to the public, or to
 1423 hold such poultry for the purpose of such use, unless the
 1424 poultry when received was packed in a container clearly bearing
 1425 a label, not less than 3 inches by 5 inches, on which was
 1426 plainly and legibly printed, in letters not less than 1/4 ~~one-~~
 1427 ~~fourth~~ inch high ~~in height,~~ ~~the grade and~~ the part name or
 1428 whole-bird statement of such poultry. ~~The grade may be expressed~~

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1429 ~~in the term "premium," "good," or "standard," or as the grade of~~
 1430 ~~another state or federal agency the standards of quality of~~
 1431 ~~which, by law, are equal to the standards of quality provided by~~
 1432 ~~this law and rules promulgated hereunder.~~

1433 (5) It is unlawful to offer dressed or ready-to-cook
 1434 poultry for sale in any advertisement in a newspaper or
 1435 circular, on radio or television, or in any other form of
 1436 advertising without plainly designating in such advertisement
 1437 ~~the grade and the part name or whole-bird statement of such~~
 1438 ~~poultry.~~

1439 Section 45. Subsections (4) and (5) of section 590.125,
 1440 Florida Statutes, are renumbered as subsections (5) and (6),
 1441 respectively, subsection (1), paragraph (b) of subsection (3),
 1442 and paragraph (c) of present subsection (4) are amended, and new
 1443 subsections (4) and (7) are added to that section, to read:

1444 590.125 Open burning authorized by the division.—

1445 (1) DEFINITIONS.—As used in this section, the term:

1446 (a) "Certified pile burner" means an individual who
 1447 successfully completes the division's pile burning certification
 1448 program and possesses a valid pile burner certification number.

1449 (b) "Certified prescribed burn manager" means an
 1450 individual who successfully completes the certified prescribed
 1451 burning certification program of the division and possesses a
 1452 valid certification number.

1453 (c) ~~(d)~~ "Extinguished" means:

1454 1. that no spreading flame For wild land burning or
 1455 certified prescribed burning, that no spreading flames exist.

1456 2. and no visible flame, smoke, or emissions For

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1457 vegetative land-clearing debris burning or pile burning, that no
1458 visible flames exist.

1459 3. For vegetative land-clearing debris burning or pile
1460 burning in an area designated as smoke sensitive by the
1461 division, that no visible flames, smoke, or emissions exist.

1462 (d) "Land-clearing operation" means the uprooting or
1463 clearing of vegetation in connection with the construction of
1464 buildings and rights-of-way, land development, and mineral
1465 operations. The term does not include the clearing of yard
1466 trash.

1467 (e) "Pile burning" means the burning of silvicultural,
1468 agricultural, or land-clearing and tree-cutting debris
1469 originating onsite, which is stacked together in a round or
1470 linear fashion, including, but not limited to, a windrow.

1471 (f)~~(a)~~ "Prescribed burning" means the controlled
1472 application of fire in accordance with a written prescription
1473 for vegetative fuels under specified environmental conditions
1474 while following appropriate precautionary measures that ensure
1475 that the fire is confined to a predetermined area to accomplish
1476 the planned fire or land-management objectives.

1477 (g)~~(e)~~ "Prescription" means a written plan establishing
1478 the criteria necessary for starting, controlling, and
1479 extinguishing a prescribed burn.

1480 (h) "Yard trash" means vegetative matter resulting from
1481 landscaping and yard maintenance operations and other such
1482 routine property cleanup activities. The term includes materials
1483 such as leaves, shrub trimmings, grass clippings, brush, and
1484 palm fronds.

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1485 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
 1486 PURPOSE.—

1487 (b) Certified prescribed burning pertains only to
 1488 broadcast burning for purposes of silviculture, wildlife
 1489 management, ecological maintenance and restoration, and range
 1490 and pasture management. It must be conducted in accordance with
 1491 this subsection and:

1492 1. May be accomplished only when a certified prescribed
 1493 burn manager is present on site with a copy of the prescription
 1494 from ignition of the burn to its completion.

1495 2. Requires that a written prescription be prepared before
 1496 receiving authorization to burn from the division.

1497 3. Requires that the specific consent of the landowner or
 1498 his or her designee be obtained before requesting an
 1499 authorization.

1500 4. Requires that an authorization to burn be obtained from
 1501 the division before igniting the burn.

1502 5. Requires that there be adequate firebreaks at the burn
 1503 site and sufficient personnel and firefighting equipment for the
 1504 control of the fire.

1505 6. Is considered to be in the public interest and does not
 1506 constitute a public or private nuisance when conducted under
 1507 applicable state air pollution statutes and rules.

1508 7. Is considered to be a property right of the property
 1509 owner if vegetative fuels are burned as required in this
 1510 subsection.

1511 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
 1512 PURPOSE.—

1513 (a) Pile burning is a tool that benefits current and
 1514 future generations in Florida by disposing of naturally
 1515 occurring vegetative debris through burning rather than
 1516 disposing of the debris in landfills.

1517 (b) Certified pile burning pertains to the disposal of
 1518 piled, naturally occurring debris from an agricultural,
 1519 silvicultural, or temporary land-clearing operation. A land-
 1520 clearing operation is temporary if it operates for 6 months or
 1521 less. Certified pile burning must be conducted in accordance
 1522 with this subsection, and:

1523 1. A certified pile burner must ensure, before ignition,
 1524 that the piles are properly placed and that the content of the
 1525 piles is conducive to efficient burning.

1526 2. A certified pile burner must ensure that the piles are
 1527 properly extinguished no later than 1 hour after sunset. If the
 1528 burn is conducted in an area designated by the division as smoke
 1529 sensitive, a certified pile burner must ensure that the piles
 1530 are properly extinguished at least 1 hour before sunset.

1531 3. A written pile burn plan must be prepared before
 1532 receiving authorization from the division to burn.

1533 4. The specific consent of the landowner or his or her
 1534 agent must be obtained before requesting authorization to burn.

1535 5. An authorization to burn must be obtained from the
 1536 division or its designated agent before igniting the burn.

1537 6. There must be adequate firebreaks and sufficient
 1538 personnel and firefighting equipment at the burn site to control
 1539 the fire.

1540 (c) If a burn is conducted in accordance with this

1541 subsection, the property owner and his or her agent are not
 1542 liable under s. 590.13 for damage or injury caused by the fire
 1543 or resulting smoke, and are not in violation of subsection (2),
 1544 unless gross negligence is proven.

1545 (d) A certified pile burner who violates this section
 1546 commits a misdemeanor of the second degree, punishable as
 1547 provided in s. 775.082 or s. 775.083.

1548 (e) The division shall adopt rules regulating certified
 1549 pile burning. The rules shall include procedures and criteria
 1550 for certifying and decertifying certified pile burn managers
 1551 based on past experience, training, and record of compliance
 1552 with this section.

1553 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
 1554 DIVISION.—The division may conduct fuel reduction initiatives,
 1555 including, but not limited to, burning and mechanical and
 1556 chemical treatment, on any area of wild land within the state
 1557 which is reasonably determined to be in danger of wildfire in
 1558 accordance with the following procedures:

1559 (c) Prepare, and send the county tax collector shall
 1560 include with the annual tax statement, a notice to be sent to
 1561 all landowners in each area township designated by the division
 1562 as a wildfire hazard area. The notice must describe particularly
 1563 the area to be treated and the tentative date or dates of the
 1564 treatment and must list the reasons for and the expected
 1565 benefits from the wildfire hazard reduction.

1566 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
 1567 AUTHORIZATION PROGRAMS.—

1568 (a) A county or municipality may exercise the division's

1569 authority, if delegated by the division under this subsection,
 1570 to issue authorizations for the burning of yard trash or debris
 1571 from land-clearing operations. A county's or municipality's
 1572 existing or proposed open burning authorization program must:

1573 1. Be approved by the division. The division shall not
 1574 approve a program if it fails to meet the requirements of
 1575 subsections (2) and (4) and any rules adopted under those
 1576 subsections.

1577 2. Provide by ordinance or local law the requirements for
 1578 obtaining and performing a burn authorization that comply with
 1579 subsections (2) and (4) and any rules adopted under those
 1580 subsections.

1581 3. Provide for the enforcement of the program's
 1582 requirements.

1583 4. Provide financial, personnel, and other resources
 1584 needed to carry out the program.

1585 (b) If the division determines that a county's or
 1586 municipality's open burning authorization program does not
 1587 comply with subsections (2) and (4) and any rules adopted under
 1588 those subsections, the division shall require the county or
 1589 municipality to take necessary corrective actions within a
 1590 reasonable period, not to exceed 90 days.

1591 1. If the county or municipality fails to take the
 1592 necessary corrective actions within the required period, the
 1593 division shall resume administration of the open burning
 1594 authorization program in the county or municipality and the
 1595 county or municipality shall cease administration of its
 1596 program.

1597 2. Each county and municipality administering an open
 1598 burning authorization program must cooperate with and assist the
 1599 division in carrying out the division's powers, duties, and
 1600 functions.

1601 3. A person who violates the requirements of a county's or
 1602 municipality's open burning authorization program, as provided
 1603 by ordinance or local law enacted pursuant to this section,
 1604 commits a violation of this chapter, punishable as provided in
 1605 s. 590.14.

1606 Section 46. Section 590.14, Florida Statutes, is amended
 1607 to read:

1608 590.14 Notice of violation; penalties.—

1609 (1) If a division employee determines that a person has
 1610 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
 1611 the division to administer provisions of law conferring duties
 1612 upon the division, the division employee ~~he or she~~ may issue a
 1613 notice of violation indicating the statute violated. This notice
 1614 will be filed with the division and a copy forwarded to the
 1615 appropriate law enforcement entity for further action if
 1616 necessary.

1617 (2) In addition to any penalties provided by law, any
 1618 person who causes a wildfire or permits any authorized fire to
 1619 escape the boundaries of the authorization or to burn past the
 1620 time of the authorization is liable for the payment of all
 1621 reasonable costs and expenses incurred in suppressing the fire
 1622 or \$150, whichever is greater. All costs and expenses incurred
 1623 by the division shall be payable to the division. When such
 1624 costs and expenses are not paid within 30 days after demand, the

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1625 division may take proper legal proceedings for the collection of
1626 the costs and expenses. Those costs incurred by an agency acting
1627 at the division's direction are recoverable by that agency.

1628 (3) The department may also impose an administrative fine,
1629 not to exceed \$1,000 per violation of any section of chapter 589
1630 or this chapter or violation of any rule adopted by the division
1631 to administer provisions of law conferring duties upon the
1632 division. The fine shall be based upon the degree of damage, the
1633 prior violation record of the person, and whether the person
1634 knowingly provided false information to obtain an authorization.
1635 The fines shall be deposited in the Incidental Trust Fund of the
1636 division.

1637 (4) A person may not:

1638 (a) Fail to comply with any rule or order adopted by the
1639 division to administer provisions of law conferring duties upon
1640 the division; or

1641 (b) Knowingly make any false statement or representation
1642 in any application, record, plan, or other document required by
1643 this chapter or any rules adopted under this chapter.

1644 (5) A person who violates paragraph (4) (a) or paragraph
1645 (4) (b) commits a misdemeanor of the second degree, punishable as
1646 provided in s. 775.082 or s. 775.083.

1647 (6) It is the intent of the Legislature that a penalty
1648 imposed by a court under subsection (5) be of a severity that
1649 ensures immediate and continued compliance with this section.

1650 (7)-(4) The penalties provided in this section shall extend
1651 to both the actual violator and the person or persons, firm, or
1652 corporation causing, directing, or permitting the violation.

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1653 Section 47. Paragraph (a) of subsection (1) of section
 1654 599.004, Florida Statutes, is amended to read:

1655 599.004 Florida Farm Winery Program; registration; logo;
 1656 fees.—

1657 (1) The Florida Farm Winery Program is established within
 1658 the Department of Agriculture and Consumer Services. Under this
 1659 program, a winery may qualify as a tourist attraction only if it
 1660 is registered with and certified by the department as a Florida
 1661 Farm Winery. A winery may not claim to be certified unless it
 1662 has received written approval from the department.

1663 (a) To qualify as a certified Florida Farm Winery, a
 1664 winery shall meet the following standards:

1665 1. Produce or sell less than 250,000 gallons of wine
 1666 annually.

1667 2. Maintain a minimum of 10 acres of owned or managed land
 1668 ~~vineyards~~ in Florida which produces commodities used in the
 1669 production of wine.

1670 3. Be open to the public for tours, tastings, and sales at
 1671 least 30 hours each week.

1672 4. Make annual application to the department for
 1673 recognition as a Florida Farm Winery, on forms provided by the
 1674 department.

1675 5. Pay an annual application and registration fee of \$100.

1676 Section 48. Subsection (1) of section 604.15, Florida
 1677 Statutes, is amended, and subsection (11) is added to that
 1678 section, to read:

1679 604.15 Dealers in agricultural products; definitions.—For
 1680 the purpose of ss. 604.15-604.34, the following words and terms,

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1681 when used, shall be construed to mean:

1682 (1) "Agricultural products" means the natural products of
 1683 the farm, nursery, grove, orchard, vineyard, garden, and apiary
 1684 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
 1685 livestock; milk and milk products; poultry and poultry products;
 1686 the fruit of the saw palmetto (meaning the fruit of the Serenoa
 1687 repens); limes (meaning the fruit Citrus aurantifolia, variety
 1688 Persian, Tahiti, Bearss, or Florida Key limes); and any other
 1689 nonexempt agricultural products produced in the state, except
 1690 tobacco, sugarcane, tropical foliage, timber and timber
 1691 byproducts, forest products as defined in s. 591.17, and citrus
 1692 other than limes.

1693 (11) "Responsible position" means a position within the
 1694 business of a dealer in agricultural products that has the
 1695 authority to negotiate or make the purchase of agricultural
 1696 products on behalf of the dealer's business or has principal
 1697 active management authority over the business decisions,
 1698 actions, and activities of the dealer's business in this state.

1699 Section 49. Section 604.19, Florida Statutes, is amended
 1700 to read:

1701 604.19 License; fee; bond; certificate of deposit;
 1702 penalty.—Unless the department refuses the application on one or
 1703 more of the grounds provided in this section, it shall issue to
 1704 an applicant, upon the payment of required fees and the
 1705 execution and delivery of a bond or certificate of deposit as
 1706 provided in this section, a state license entitling the
 1707 applicant to conduct business as a dealer in agricultural
 1708 products for a 1-year period to coincide with the effective

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1709 | period of the bond or certificate of deposit furnished by the
1710 | applicant. During the 1-year period covered by a license, if the
1711 | supporting surety bond or certificate of deposit is canceled for
1712 | any reason, the license shall automatically expire on the date
1713 | the surety bond or certificate of deposit terminates, unless an
1714 | acceptable replacement is in effect before the date of
1715 | termination so that continual coverage occurs for the remaining
1716 | period of the license. A surety company shall give the
1717 | department a 30-day written notice of cancellation by certified
1718 | mail in order to cancel a bond. Cancellation of a bond or
1719 | certificate of deposit does ~~shall~~ not relieve a surety company
1720 | or financial institution of liability for purchases or sales
1721 | occurring while the bond or certificate of deposit was in
1722 | effect. The license fee, which must be paid for the principal
1723 | place of business for a dealer in agricultural products, shall
1724 | be based upon the amount of the dealer's surety bond or
1725 | certificate of deposit furnished by each dealer under the
1726 | provisions of s. 604.20 and may not exceed \$500. For each
1727 | additional place in which the applicant desires to conduct
1728 | business and which the applicant names in the application, the
1729 | additional license fee must be paid but may not exceed \$100
1730 | annually. If a ~~Should any~~ dealer in agricultural products fails,
1731 | refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
1732 | qualify for the renewal of a license on or before its ~~the date~~
1733 | ~~of expiration~~ date ~~thereof~~, a penalty not to exceed \$100 shall
1734 | apply to and be added to the ~~original~~ license fee for the
1735 | principal place of business and to the license fee for each
1736 | additional place of business named in the application and shall

1737 | be paid by the applicant before the renewal license may be
 1738 | issued. The department by rule shall prescribe fee amounts
 1739 | sufficient to fund ss. 604.15-604.34.

1740 | Section 50. Section 604.25, Florida Statutes, is amended
 1741 | to read:

1742 | 604.25 Denial of, refusal to renew ~~grant~~, or suspension or
 1743 | revocation of, license.-

1744 | ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
 1745 | ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
 1746 | ~~granted~~ if the applicant or licensee has:

1747 | (1) ~~(a)~~ Suffered a monetary judgment entered against the
 1748 | applicant or licensee ~~upon which is execution has been returned~~
 1749 | unsatisfied;

1750 | (2) ~~(b)~~ Made false charges for handling or services
 1751 | rendered;

1752 | (3) ~~(c)~~ Failed to account promptly and properly or to make
 1753 | settlements with any producer;

1754 | (4) ~~(d)~~ Made any false statement or statements as to
 1755 | condition, quality, or quantity of goods received or held for
 1756 | sale when the true condition, quality, or quantity could have
 1757 | been ascertained by reasonable inspection;

1758 | (5) ~~(e)~~ Made any false or misleading statement or
 1759 | statements as to market conditions or service rendered;

1760 | (6) ~~(f)~~ Been guilty of a fraud in the attempt to procure,
 1761 | or the procurement of, a license;

1762 | (7) ~~(g)~~ Directly or indirectly sold agricultural products
 1763 | received on consignment or on a net return basis for her or his
 1764 | own account, without prior authority from the producer

1765 consigning the same, or without notifying such producer;
 1766 (8)-(h) Failed to prevent a person from holding a position
 1767 as the applicant's or licensee's owner, officer, director,
 1768 general or managing partner, or employee ~~Employed~~ in a
 1769 responsible position ~~a person~~, or holding any other similarly
 1770 situated position, if the person holds or has held a similar
 1771 position with any entity that an officer of a corporation, who
 1772 has failed to fully comply with an order of the department, has
 1773 not satisfied a civil judgment held by the department, has
 1774 pending any administrative or civil enforcement action by the
 1775 department, or has pending any criminal charges pursuant to s.
 1776 604.30 at any time within 1 year after issuance;

1777 (9)-(i) Violated any statute or rule relating to the
 1778 purchase or sale of any agricultural product, whether or not
 1779 such transaction is subject to the provisions of this chapter;
 1780 ~~or~~

1781 (10)-(j) Failed to submit to the department an application,
 1782 appropriate license fees, and an acceptable surety bond or
 1783 certificate of deposit; or-

1784 (11)-(2) Failed If a licensee fails or refused ~~refuses~~ to
 1785 comply in full with an order of the department or failed to
 1786 satisfy a civil judgment owed to the department, her or his
 1787 license may be suspended or revoked, in which case she or he
 1788 shall not be eligible for license for a period of 1 year or
 1789 until she or he has fully complied with the order of the
 1790 department.

1791 ~~(3) No person, or officer of a corporation, whose license~~
 1792 ~~has been suspended or revoked for failure to comply with an~~

1793 ~~order of the department may hold a responsible position with a~~
 1794 ~~licensee for a period of 1 year or until the order of the~~
 1795 ~~department has been fully complied with.~~

1796 Section 51. Subsections (18) and (19) of section 616.242,
 1797 Florida Statutes, are renumbered as subsections (19) and (20),
 1798 respectively, and a new subsection (18) is added to that section
 1799 to read:

1800 616.242 Safety standards for amusement rides.—

1801 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride
 1802 fails to comply with this chapter or any rule adopted under this
 1803 chapter, the department may issue a stop-operation order.

1804 Section 52. Subsection (4) of section 686.201, Florida
 1805 Statutes, is amended to read:

1806 686.201 Sales representative contracts involving
 1807 commissions; requirements; termination of agreement; civil
 1808 remedies.—

1809 (4) This section does not apply to:

1810 (a) Persons licensed pursuant to chapter 475 who are
 1811 performing services within the scope of their license.

1812 (b) Contracts to which a seller of travel as defined in s.
 1813 559.927 is a party.

1814 Section 53. Paragraph (c) of subsection (5) of section
 1815 790.06, Florida Statutes, is amended to read:

1816 790.06 License to carry concealed weapon or firearm.—

1817 (5) The applicant shall submit to the Department of
 1818 Agriculture and Consumer Services:

1819 (c) A full set of fingerprints of the applicant
 1820 administered by a law enforcement agency or the Division of

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1821 | Licensing of the Department of Agriculture and Consumer
1822 | Services.

1823 | Section 54. Sections 570.071 and 570.901, Florida
1824 | Statutes, are repealed.

1825 | Section 55. This act shall take effect July 1, 2010.