

1 A bill to be entitled  
2 An act relating to agriculture; creating s. 15.0455, F.S.;  
3 designating the Florida Agricultural Museum in Flagler  
4 County as the official state agricultural museum;  
5 providing for future repeal; amending s. 369.20, F.S.;  
6 authorizing the Fish and Wildlife Conservation Commission  
7 to enter into an agreement with the Department of  
8 Environmental Protection for the uniform regulation of  
9 pesticides applied to the waters of the state; revising  
10 exemptions from water pollution permits; amending s.  
11 373.1391, F.S.; requiring water management districts to  
12 give priority to the agricultural use of certain parcels  
13 for purposes of management of such parcels; amending s.  
14 403.088, F.S.; providing permits for applying pesticides  
15 to the waters of the state; requiring the Department of  
16 Environmental Protection to enter into agreements with the  
17 Department of Agriculture and Consumer Services and the  
18 commission for the uniform regulation of pesticides  
19 applied to the waters of the state; authorizing temporary  
20 deviations from certain rule provisions adopted by the  
21 Department of Environmental Protection for certain  
22 pesticides under certain conditions; amending s. 403.9336,  
23 F.S.; revising a reference to the Model Ordinance for  
24 Florida-Friendly Fertilizer Use on Urban Landscapes;  
25 amending s. 403.9337, F.S.; providing for amendment of the  
26 model ordinance by the Department of Environmental  
27 Protection; revising the criteria for a local government's  
28 adoption of additional or more stringent standards;

29 providing exemptions; amending s. 487.163, F.S.; requiring  
30 the Department of Agriculture and Consumer Services to  
31 enter into an agreement with the Department of  
32 Environmental Protection for the uniform regulation of  
33 pesticides applied to the waters of the state; amending s.  
34 493.6102, F.S.; specifying that provisions regulating  
35 security officers do not apply to certain law enforcement,  
36 correctional, and probation officers performing off-duty  
37 activities; amending s. 493.6105, F.S.; revising the  
38 application requirements and procedures for certain  
39 private investigative, private security, recovery agent,  
40 and firearm licenses; specifying application requirements  
41 for firearms instructor licenses; amending s. 493.6106,  
42 F.S.; revising citizenship requirements and documentation  
43 for certain private investigative, private security, and  
44 recovery agent licenses; prohibiting the licensure of  
45 applicants for a statewide firearm license or firearms  
46 instructor license who are prohibited from purchasing or  
47 possessing firearms; requiring that private investigative,  
48 security, and recovery agencies notify the Department of  
49 Agriculture and Consumer Services of changes to their  
50 branch office locations; amending s. 493.6107, F.S.;  
51 requiring the department to accept certain methods of  
52 payment for certain fees; amending s. 493.6108, F.S.;  
53 revising requirements for criminal history checks of  
54 license applicants whose fingerprints are not legible;  
55 requiring the investigation of the mental and emotional  
56 fitness of applicants for firearms instructor licenses;

57 | amending s. 493.6111, F.S.; requiring a security officer  
58 | school or recovery agent school to obtain the department's  
59 | approval for use of a fictitious name; specifying that a  
60 | licensee may not conduct business under more than one  
61 | fictitious name; amending s. 493.6113, F.S.; revising  
62 | application renewal procedures and requirements; amending  
63 | s. 493.6115, F.S.; conforming cross-references; amending  
64 | s. 493.6118, F.S.; authorizing disciplinary action against  
65 | statewide firearm licensees and firearms instructor  
66 | licensees who are prohibited from purchasing or possessing  
67 | firearms; conforming a cross-reference; amending s.  
68 | 493.6121, F.S.; deleting provisions for the department's  
69 | access to certain criminal history records provided to  
70 | licensed gun dealers, manufacturers, and exporters;  
71 | amending s. 493.6202, F.S.; requiring the department to  
72 | accept certain methods of payment for certain fees;  
73 | amending s. 493.6203, F.S.; prohibiting bodyguard services  
74 | from being credited toward certain license requirements;  
75 | revising the training requirements for private  
76 | investigator intern license applicants; requiring the  
77 | automatic suspension of an intern's license under certain  
78 | circumstances; providing an exception; amending s.  
79 | 493.6302, F.S.; requiring the department to accept certain  
80 | methods of payment for certain fees; amending s. 493.6303,  
81 | F.S.; revising the training requirements for security  
82 | officer license applicants; amending s. 493.6304, F.S.;  
83 | revising application requirements and procedures for  
84 | security officer school licenses; amending s. 493.6401,

85 F.S.; revising terminology for recovery agent schools and  
86 training facilities; amending s. 493.6402, F.S.; revising  
87 terminology for recovery agent schools and training  
88 facilities; requiring the department to accept certain  
89 methods of payment for certain fees; amending s. 493.6406,  
90 F.S.; revising terminology; requiring the licensure of  
91 recovery agent schools and instructors; providing license  
92 application requirements and procedures; requiring license  
93 fees; amending s. 500.033, F.S.; revising the membership  
94 of the Florida Food Safety and Food Defense Advisory  
95 Council; amending ss. 501.605 and 501.607, F.S.; revising  
96 application requirements for commercial telephone seller  
97 and salesperson licenses; amending s. 501.913, F.S.;  
98 specifying the sample size required for an antifreeze  
99 registration application; amending s. 525.01, F.S.;  
100 revising requirements for petroleum fuel affidavits;  
101 amending s. 525.09, F.S.; imposing an inspection fee on  
102 certain alternative fuels containing alcohol; amending s.  
103 526.50, F.S.; defining terms applicable to regulation of  
104 the sale of brake fluid; amending s. 526.51, F.S.;  
105 revising brake fluid permit application requirements;  
106 amending s. 526.52, F.S.; revising requirements for  
107 printed statements on brake fluid containers; amending s.  
108 526.53, F.S.; revising requirements and procedures for  
109 brake fluid stop-sale orders; authorizing businesses to  
110 dispose of unregistered brake fluid under certain  
111 circumstances; amending s. 527.0201, F.S.; revising  
112 requirements for liquefied petroleum gas qualifying

113 examinations; increasing continuing education requirements  
114 for certain liquefied petroleum gas qualifiers; amending  
115 s. 527.12, F.S.; providing for the issuance of certain  
116 stop orders; amending ss. 559.805 and 559.928, F.S.;

117 deleting social security numbers as a listing requirement  
118 on registration affidavits for independent agents of  
119 sellers of business opportunities; amending s. 570.07,  
120 F.S.; revising the department's authority to enforce laws  
121 and rules relating to commercial stock feeds and  
122 commercial fertilizers; amending s. 570.0725, F.S.;

123 revising provisions for public information about food  
124 banks and similar food recovery programs; authorizing the  
125 department to adopt rules; amending ss. 570.53 and 570.54,  
126 F.S.; conforming cross-references; amending s. 570.55,  
127 F.S.; revising requirements for identifying sellers or  
128 handlers of tropical or subtropical fruit or vegetables;  
129 amending s. 570.902, F.S.; conforming terminology to the  
130 repeal by the act of provisions establishing the Florida  
131 Agricultural Museum; amending s. 570.903, F.S.; revising  
132 provisions for direct-support organizations for certain  
133 agricultural programs to conform to the repeal by the act  
134 of provisions establishing the Florida Agricultural  
135 Museum; deleting provisions for a direct-support  
136 organization for the Florida State Collection of  
137 Arthropods; amending s. 573.118, F.S.; requiring the  
138 department to maintain records of marketing orders;  
139 requiring an audit at the request of an advisory council;  
140 requiring that the advisory council receive a copy of the

141 | audit within a specified time; amending s. 581.011, F.S.;

142 | deleting terminology relating to the Florida State

143 | Collection of Arthropods; revising the term "nursery" for

144 | purposes of plant industry regulations; amending s.

145 | 581.211, F.S.; increasing the maximum fine for violations

146 | of plant industry regulations; amending s. 583.13, F.S.;

147 | deleting a prohibition on the sale of poultry without

148 | displaying the poultry grade; amending s. 585.61, F.S.;

149 | designating an animal disease diagnostic laboratory

150 | complex in Osceola County as the "Bronson Animal Disease

151 | Diagnostic Laboratory"; amending s. 590.125, F.S.;

152 | revising terminology for open burning authorizations;

153 | specifying purposes of certified prescribed burning;

154 | requiring the authorization of the Division of Forestry

155 | for certified pile burning; providing pile burning

156 | requirements; limiting the liability of property owners or

157 | agents engaged in pile burning; providing for the

158 | certification of pile burners; providing penalties for

159 | violations by certified pile burners; requiring rules;

160 | authorizing the division to adopt rules regulating

161 | certified pile burning; revising notice requirements for

162 | wildfire hazard reduction treatments; providing for

163 | approval of local government open burning authorization

164 | programs; providing program requirements; authorizing the

165 | division to close local government programs under certain

166 | circumstances; providing penalties for violations of local

167 | government open burning requirements; amending s. 590.14,

168 | F.S.; authorizing fines for violations of any division

169 rule; providing penalties for certain violations;  
170 providing legislative intent; amending s. 599.004, F.S.;  
171 revising standards that a winery must meet to qualify as a  
172 certified Florida Farm Winery; amending s. 604.15, F.S.;  
173 revising the term "agricultural products" to make tropical  
174 foliage exempt from regulation under provisions relating  
175 to dealers in agricultural products; defining the term  
176 "responsible position"; amending s. 604.19, F.S.; revising  
177 requirements for late fees on agricultural products dealer  
178 applications; amending s. 604.25, F.S.; revising  
179 conditions under which the department may deny, refuse to  
180 renew, suspend, or revoke agricultural products dealer  
181 licenses; deleting a provision prohibiting certain persons  
182 from holding a responsible position with a licensee;  
183 amending s. 616.242, F.S.; authorizing the issuance of  
184 stop-operation orders for amusement rides under certain  
185 circumstances; amending s. 624.4095, F.S.; requiring that  
186 gross written premiums for certain crop insurance not be  
187 included when calculating the insurer's gross writing  
188 ratio; requiring that liabilities for ceded reinsurance  
189 premiums be netted against the asset for amounts  
190 recoverable from reinsurers; requiring that insurers who  
191 write other insurance products disclose a breakout of the  
192 gross written premiums for crop insurance; amending s.  
193 686.201, F.S.; exempting contracts involving a seller of  
194 travel from requirements for certain sales representative  
195 contracts; amending s. 790.06, F.S.; authorizing a  
196 concealed firearm license applicant to submit fingerprints

197 administered by the Division of Licensing; creating s.  
 198 828.126, F.S.; providing definitions; prohibiting a person  
 199 from knowingly engaging in sexual activities with an  
 200 animal; prohibiting certain acts related to sexual  
 201 activities with animals; providing penalties; providing  
 202 exemptions; requiring the department and representatives  
 203 of the state pest control industry to submit a report to  
 204 the Legislature; requiring that the report include  
 205 recommendations for changes in the law to provide for  
 206 disciplinary action against licensees of the pest control  
 207 industry under certain circumstances; providing that the  
 208 report may also address additional issues of concern to  
 209 the department and members of the industry; repealing ss.  
 210 570.071 and 570.901, F.S., relating to the Florida  
 211 Agricultural Exposition and the Florida Agricultural  
 212 Museum; providing an effective date.

213

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

215

216 Section 1. Section 15.0455, Florida Statutes, is created  
 217 to read:

218 15.0455 Official state agricultural museum.—

219 (1) The Florida Agricultural Museum in Flagler County is  
 220 designated as the official state agricultural museum.

221 (2) This section is repealed July 1, 2020, unless reviewed  
 222 and reenacted by the Legislature before that date.

223 Section 2. Subsections (4) and (9) of section 369.20,  
 224 Florida Statutes, are amended to read:



225 | 369.20 Florida Aquatic Weed Control Act.—

226 | (4) The commission shall also promote, develop, and  
 227 | support research activities directed toward the more effective  
 228 | and efficient control of aquatic plants. In the furtherance of  
 229 | this purpose, the commission may ~~is authorized to~~:

230 | (a) Accept donations and grants of funds and services from  
 231 | both public and private sources;

232 | (b) Contract or enter into agreements with public or  
 233 | private agencies or corporations for research and development of  
 234 | aquatic plant control methods or for the performance of aquatic  
 235 | plant control activities. The commission may enter into an  
 236 | agreement with the Department of Environmental Protection to  
 237 | ensure that pesticides applied to the waters of the state are  
 238 | regulated uniformly, including provisions for the coordination  
 239 | of agency staff and resources, through the implementation of  
 240 | permitting, compliance, and enforcement activities under ss.  
 241 | 403.088 and 403.0885;

242 | (c) Construct, acquire, operate, and maintain facilities  
 243 | and equipment; and

244 | (d) Enter upon, or authorize the entry upon, private  
 245 | property for purposes of making surveys and examinations and to  
 246 | engage in aquatic plant control activities; and such entry shall  
 247 | not be deemed a trespass.

248 | (9) ~~A permit issued pursuant to this section for~~ The  
 249 | application of herbicides to waters of ~~in~~ the state for the  
 250 | control of aquatic plants, algae, or invasive exotic plants is  
 251 | exempt from the requirement to obtain a water pollution  
 252 | operation permit except as provided in ss. ~~pursuant to s.~~

253 | 403.088 and 403.0885.

254 |       Section 3. Paragraph (d) of subsection (1) of section  
255 | 373.1391, Florida Statutes, is amended to read:

256 |       373.1391 Management of real property.—

257 |       (1)

258 |       (d) For any fee simple acquisition of a parcel which is or  
259 | will be leased back for agricultural purposes, or for any  
260 | acquisition of a less-than-fee interest in lands that is or will  
261 | be used for agricultural purposes, the district governing board  
262 | shall first consider having a soil and water conservation  
263 | district created pursuant to chapter 582 manage and monitor such  
264 | interest. Priority shall be given to the agricultural use  
265 | present at the time of fee simple acquisition of the parcel.

266 |       Section 4. Subsection (1) of section 403.088, Florida  
267 | Statutes, is amended to read:

268 |       403.088 Water pollution operation permits; conditions.—

269 |       (1) ~~No person,~~ Without the written authorization of the  
270 | department, a person may not ~~shall~~ discharge any waste into the  
271 | waters of ~~within~~ the state ~~any waste~~ which, by itself or in  
272 | combination with the wastes of other sources, reduces the  
273 | quality of the receiving waters below the classification  
274 | established for such waters ~~them~~. However, this section does  
275 | ~~shall not be deemed to~~ prohibit the application of pesticides to  
276 | such waters ~~in the state~~ for the control of insects, aquatic  
277 | weeds, ~~or~~ algae, or other pests if ~~provided~~ the application is  
278 | performed in accordance with this section.

279 |       (a) Upon execution of the agreement required in s.  
280 | 487.163(3), the department may develop a permit or other

281 authorization as required by 33 U.S.C. s. 1342 for the  
 282 application of pesticides. A person must obtain such permit or  
 283 other authorization before applying pesticides to the waters of  
 284 the state.

285 (b) In consultation with the Department of Agriculture and  
 286 Consumer Services and the Fish and Wildlife Conservation  
 287 Commission, the department shall also develop a general permit  
 288 under s. 403.0885(2), for the application of pesticides.

289 (c) The department shall also enter into agreements with  
 290 the Department of Agriculture and Consumer Services pursuant to  
 291 a program approved by the Department of Health, in the case of  
 292 insect or other pest control, and with ~~or~~ the Fish and Wildlife  
 293 Conservation Commission, in the case of aquatic weed, other  
 294 aquatic pests, or algae control. ~~The department is directed to~~  
 295 ~~enter into interagency agreements to establish the procedures~~  
 296 ~~for program approval.~~ Such agreements must ~~shall~~ provide for  
 297 public health, welfare, and safety, as well as environmental  
 298 factors, and must ensure that pesticides applied to waters of  
 299 the state are regulated uniformly, including provisions for the  
 300 coordination of agency staff and resources, through the  
 301 implementation of permitting, compliance, and enforcement  
 302 activities under s. 403.0885 and this section. Pesticides that  
 303 are ~~Approved programs must provide that only chemicals approved~~  
 304 for a ~~the~~ particular use by the United States Environmental  
 305 Protection Agency or by the Department of Agriculture and  
 306 Consumer Services ~~may be employed and that they be applied in~~  
 307 accordance with registered label instructions, state standards  
 308 for such application, including any permit or other

309 authorization required by this subsection, and the provisions of  
 310 the Florida Pesticide Law, part I of chapter 487, are allowed a  
 311 temporary deviation from the acute toxicity provisions of the  
 312 department's rule establishing surface water quality standards,  
 313 not to exceed the time necessary to control the target pests and  
 314 only if the application does not reduce the quality of the  
 315 receiving waters below the classification for such waters and is  
 316 not likely to adversely affect any threatened or endangered  
 317 species.

318 Section 5. Section 403.9336, Florida Statutes, is amended  
 319 to read:

320 403.9336 Legislative findings.—The Legislature finds that  
 321 ~~the implementation of the Model Ordinance for Florida-Friendly~~  
 322 ~~Fertilizer Use on Urban Landscapes (2008), which was developed~~  
 323 ~~by the department in conjunction with the Florida Consumer~~  
 324 ~~Fertilizer Task Force, the Department of Agriculture and~~  
 325 ~~Consumer Services, and the University of Florida Institute of~~  
 326 ~~Food and Agricultural Sciences,~~ will assist in protecting the  
 327 quality of Florida's surface water and groundwater resources.  
 328 The Legislature further finds that local conditions, including  
 329 variations in the types and quality of water bodies, site-  
 330 specific soils and geology, and urban or rural densities and  
 331 characteristics, may necessitate ~~the implementation of~~  
 332 additional or more stringent fertilizer management practices at  
 333 the local government level.

334 Section 6. Section 403.9337, Florida Statutes, is amended  
 335 to read:

336 403.9337 Model Ordinance for Florida-Friendly Fertilizer

337 Use on Urban Landscapes.—

338 (1) The department may amend its Model Ordinance for  
339 Florida-Friendly Fertilizer Use on Urban Landscapes (2009).  
340 However, any amendment of the model ordinance after July 1,  
341 2010, must be adopted by order of the department. Before  
342 adopting an amendment to the model ordinance, the department  
343 must hold at least one public workshop to discuss and receive  
344 comments on the proposed amendment. The department, at a  
345 minimum, must notify interested stakeholders of the public  
346 workshop, including representatives of the nursery and landscape  
347 industry, the pest control industry, the Department of  
348 Agriculture and Consumer Services, the University of Florida's  
349 Institute of Food and Agricultural Sciences, environmental  
350 groups, and county and local governments. Such an order amending  
351 the model ordinance is subject to challenge under chapter 120.

352 (2)-(1) All county and municipal governments are encouraged  
353 to adopt and enforce the Model Ordinance for Florida-Friendly  
354 Fertilizer Use on Urban Landscapes or an equivalent requirement  
355 as a mechanism for protecting local surface and groundwater  
356 quality.

357 (3)-(2) Each county and municipal government located within  
358 the watershed of a water body or water segment that is listed as  
359 impaired by nutrients pursuant to s. 403.067, must shall, at a  
360 minimum, adopt the most recent version of the department's Model  
361 Ordinance for Florida-Friendly Fertilizer Use on Urban  
362 Landscapes.

363 (4) A local government may adopt additional or more  
364 stringent standards than the model ordinance if, before

365 adoption, one of the following criteria are met:

366 (a) The local government has implemented ~~demonstrated, as~~  
367 ~~part of~~ a comprehensive program to address nonpoint sources of  
368 nutrient pollution but ~~which is science based, and economically~~  
369 ~~and technically feasible,~~ that additional or more stringent  
370 standards than the model ordinance are necessary in order to  
371 adequately address ~~urban fertilizer contributions to~~ nonpoint  
372 source nutrient loading to a water body. In any such instance,  
373 the comprehensive program must be scientifically based and  
374 economically and technically feasible. The comprehensive program  
375 may include, but is not limited to:

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

378 2. Adoption of Florida-friendly landscaping requirements,  
379 as provided in s. 373.185, into the local government's  
380 development code; and

381 3. The requirement for and enforcement of the  
382 implementation of low-impact development practices; or

383 (b) The local government documents in the public record  
384 the need for more stringent standards, including the  
385 scientifically documented impairment of waters within the local  
386 government's jurisdiction by nutrient enrichment due to  
387 landforms, soils, hydrology, climate, or geology.

388 (5) If the local government proposes more stringent  
389 standards, it must document ~~documents~~ that it has requested and  
390 considered all relevant scientific information, including input  
391 from the department, the institute, the Department of  
392 Agriculture and Consumer Services, and the University of

393 Florida's ~~Florida~~ Institute of Food and Agricultural Sciences,  
 394 if provided, on the need for additional or more stringent  
 395 provisions to address fertilizer use as a contributor to water  
 396 quality degradation. All documentation must become part of the  
 397 public record before adoption of the additional or more  
 398 stringent criteria.

399 (6)~~(3)~~ Any county or municipal government that adopted its  
 400 own fertilizer use ordinance before January 1, 2009, is exempt  
 401 from this section. Ordinances adopted or amended on or after  
 402 January 1, 2009, must substantively conform to the most recent  
 403 version of the model fertilizer ordinance and are subject to  
 404 subsections (2)-(5) ~~(1) and (2)~~, as applicable.

405 (7) A fertilizer ordinance adopted by a county or  
 406 municipal government may not prohibit an individual certified  
 407 pursuant to s. 482.1562 from applying fertilizer during any  
 408 specified period of the calendar year. However, a county or  
 409 municipal government may require a certified applicator to  
 410 perform a soil test or leaf tissue analysis to demonstrate the  
 411 need for nutrient application during any specified period of the  
 412 calendar year when the use of fertilizer is restricted or  
 413 prohibited by local ordinance. Notwithstanding subsection (6), a  
 414 county or municipal government exempt from this section pursuant  
 415 to subsection (6) remains exempt if it amends its fertilizer  
 416 ordinance on or after January 1, 2009, to comply with this  
 417 subsection.

418 (8)~~(4)~~ This section does not apply to the use of  
 419 fertilizer:

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

421           (b) On lands classified as agricultural lands pursuant to  
 422 s. 193.461; or

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

426           Section 7. Subsection (3) is added to section 487.163,  
 427 Florida Statutes, to read:

428           487.163 Information; interagency cooperation.—

429           (3) The department shall enter into an agreement with the  
 430 Department of Environmental Protection to ensure that pesticides  
 431 applied to waters of the state are regulated uniformly,  
 432 including provisions for the coordination of agency staff and  
 433 resources, through the implementation of permitting, compliance,  
 434 and enforcement activities under ss. 403.088 and 403.0885.

435           Section 8. Subsection (1) of section 493.6102, Florida  
 436 Statutes, is amended to read:

437           493.6102 Inapplicability of this chapter.—This chapter  
 438 shall not apply to:

439           (1) Any individual who is an "officer" as defined in s.  
 440 943.10(14), or is a law enforcement officer of the United States  
 441 Government, while the ~~such~~ local, state, or federal officer is  
 442 engaged in her or his official duties or when performing off-  
 443 duty as a security officer, if such activity is ~~activities~~  
 444 approved by her or his superiors.

445           Section 9. Section 493.6105, Florida Statutes, is amended  
 446 to read:

447           493.6105 Initial application for license.—

448           (1) Each individual, partner, or principal officer in a



449 corporation, shall file with the department a complete  
450 application accompanied by an application fee not to exceed \$60,  
451 except that the applicant for a Class "D" or Class "G" license  
452 is ~~shall~~ not be required to submit an application fee. The  
453 application fee is ~~shall~~ not be refundable.

454 (a) The application submitted by any individual, partner,  
455 or corporate officer must ~~shall~~ be approved by the department  
456 before the ~~prior to that~~ individual, partner, or corporate  
457 officer assumes ~~assuming~~ his or her duties.

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

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

465 (3) The application must ~~shall~~ contain the following  
466 information concerning the individual signing the application  
467 ~~same~~:

468 (a) Name and any aliases.

469 (b) Age and date of birth.

470 (c) Place of birth.

471 (d) Social security number or alien registration number,  
472 whichever is applicable.

473 (e) Current ~~Present~~ residence address and ~~his or her~~  
474 ~~residence addresses within the 5 years immediately preceding the~~  
475 ~~submission of the application.~~

476 ~~(f) Occupations held presently and within the 5 years~~

477 ~~immediately preceding the submission of the application.~~

478 (f) ~~(g)~~ A statement of all criminal convictions, findings  
479 of guilt, and pleas of guilty or nolo contendere, regardless of  
480 adjudication of guilt.

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

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

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

487 (j) A full set of fingerprints on a card provided by the  
488 department and a fingerprint fee to be established by rule of  
489 the department based upon costs determined by state and federal  
490 agency charges and department processing costs. An applicant who  
491 has, within the immediately preceding 6 months, submitted a  
492 fingerprint card and fee for licensing purposes under this  
493 chapter shall not be required to submit another fingerprint card  
494 or fee.

495 (k) A personal inquiry waiver which allows the department  
496 to conduct necessary investigations to satisfy the requirements  
497 of this chapter.

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

502 ~~(4) In addition to the application requirements outlined~~  
503 ~~in subsection (3), the applicant for a Class "C," Class "CC,"~~  
504 ~~Class "E," Class "EE," or Class "G" license shall submit two~~

505 ~~color photographs taken within the 6 months immediately~~  
506 ~~preceding the submission of the application, which meet~~  
507 ~~specifications prescribed by rule of the department. All other~~  
508 ~~applicants shall submit one photograph taken within the 6 months~~  
509 ~~immediately preceding the submission of the application.~~

510 (4)~~(5)~~ In addition to the application requirements  
511 outlined under subsection (3), the applicant for a Class "C,"  
512 Class "E," Class "M," Class "MA," Class "MB," or Class "MR"  
513 license shall include a statement on a form provided by the  
514 department of the experience which he or she believes will  
515 qualify him or her for such license.

516 (5)~~(6)~~ In addition to the requirements outlined in  
517 subsection (3), an applicant for a Class "G" license shall  
518 satisfy minimum training criteria for firearms established by  
519 rule of the department, which training criteria shall include,  
520 but is not limited to, 28 hours of range and classroom training  
521 taught and administered by a Class "K" licensee; however, no  
522 more than 8 hours of such training shall consist of range  
523 training. If the applicant can show proof that he or she is an  
524 active law enforcement officer currently certified under the  
525 Criminal Justice Standards and Training Commission or has  
526 completed the training required for that certification within  
527 the last 12 months, or if the applicant submits one of the  
528 certificates specified in paragraph (6) (a) ~~(7) (a)~~, the  
529 department may waive the foregoing firearms training  
530 requirement.

531 (6)~~(7)~~ In addition to the requirements under subsection  
532 (3), an applicant for a Class "K" license shall:

533 (a) Submit one of the following certificates:

534 1. The Florida Criminal Justice Standards and Training  
 535 Commission ~~Firearms~~ Instructor's Certificate and confirmation by  
 536 the commission that the applicant is authorized to provide  
 537 firearms instruction.

538 2. The National Rifle Association Law Enforcement Police  
 539 Firearms Instructor's Certificate.

540 ~~3. The National Rifle Association Security Firearms~~  
 541 ~~Instructor's Certificate.~~

542 ~~3.4.~~ A firearms instructor's training certificate issued  
 543 by any branch of the United States Armed Forces, from a federal  
 544 law enforcement academy or agency, state, county, or a law  
 545 enforcement municipal police academy in this state recognized as  
 546 such by the Criminal Justice Standards and Training Commission  
 547 ~~or by the Department of Education.~~

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

552 ~~(7)(8)~~ In addition to the application requirements for  
 553 individuals, partners, or officers outlined under subsection  
 554 (3), the application for an agency license shall contain the  
 555 following information:

556 (a) The proposed name under which the agency intends to  
 557 operate.

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

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

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

566 ~~(8)-(9)~~ Upon submission of a complete application, a Class  
567 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"  
568 Class "MA," Class "MB," or Class "MR" applicant may commence  
569 employment or appropriate duties for a licensed agency or branch  
570 office. However, the Class "C" or Class "E" applicant must work  
571 under the direction and control of a sponsoring licensee while  
572 his or her application is being processed. If the department  
573 denies application for licensure, the employment of the  
574 applicant must be terminated immediately, unless he or she  
575 performs only unregulated duties.

576 Section 10. Paragraph (f) of subsection (1) and paragraph  
577 (a) of subsection (2) of section 493.6106, Florida Statutes, are  
578 amended, and paragraph (g) is added to subsection (1) of that  
579 section, to read:

580 493.6106 License requirements; posting.—

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

582 (f) Be a citizen or permanent legal resident alien of the  
583 United States or have appropriate ~~been granted~~ authorization  
584 issued to seek employment in this country by the United States  
585 Bureau of Citizenship and Immigration Services.

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

589 States citizen must submit proof of current employment  
590 authorization issued by the United States Citizenship and  
591 Immigration Services or proof that she or he is deemed a  
592 permanent legal resident alien by the United States Citizenship  
593 and Immigration Services.

594 2. An applicant for a Class "G" or Class "K" license who  
595 is not a United States citizen must submit proof that she or he  
596 is deemed a permanent legal resident alien by the United States  
597 Citizenship and Immigration Services, together with additional  
598 documentation establishing that she or he has resided in the  
599 state of residence shown on the application for at least 90  
600 consecutive days before the date that the application is  
601 submitted.

602 3. An applicant for an agency or school license who is not  
603 a United States citizen or permanent legal resident alien must  
604 submit documentation issued by the United States Citizenship and  
605 Immigration Services stating that she or he is lawfully in the  
606 United States and is authorized to own and operate the type of  
607 agency or school for which she or he is applying. An employment  
608 authorization card issued by the United States Citizenship and  
609 Immigration Services is not sufficient documentation.

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

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

617 (a) If an agency or branch office desires to change the  
 618 physical location of the business, as it appears on the ~~agency~~  
 619 license, the department must be notified within 10 days of the  
 620 change, and, except upon renewal, the fee prescribed in s.  
 621 493.6107 must be submitted for each license requiring revision.  
 622 Each license requiring revision must be returned with such  
 623 notification.

624 Section 11. Subsection (3) of section 493.6107, Florida  
 625 Statutes, is amended to read:

626 493.6107 Fees.—

627 (3) The fees set forth in this section must be paid by  
 628 ~~certified check or money order or, at the discretion of the~~  
 629 ~~department, by agency check~~ at the time the application is  
 630 approved, except that the applicant for a Class "G" or Class "M"  
 631 license must pay the license fee at the time the application is  
 632 made. If a license is revoked or denied or if the application is  
 633 withdrawn, the license fee shall not be refunded.

634 Section 12. Paragraph (a) of subsection (1) and subsection  
 635 (3) of section 493.6108, Florida Statutes, are amended to read:

636 493.6108 Investigation of applicants by Department of  
 637 Agriculture and Consumer Services.—

638 (1) Except as otherwise provided, prior to the issuance of  
 639 a license under this chapter, the department shall make an  
 640 investigation of the applicant for a license. The investigation  
 641 shall include:

642 (a)1. An examination of fingerprint records and police  
 643 records. When a criminal history analysis of any applicant under  
 644 this chapter is performed by means of fingerprint card

645 identification, the time limitations prescribed by s. 120.60(1)  
646 shall be tolled during the time the applicant's fingerprint card  
647 is under review by the Department of Law Enforcement or the  
648 United States Department of Justice, Federal Bureau of  
649 Investigation.

650 2. If a legible set of fingerprints, as determined by the  
651 Department of Law Enforcement or the Federal Bureau of  
652 Investigation, cannot be obtained after two attempts, the  
653 Department of Agriculture and Consumer Services may determine  
654 the applicant's eligibility based upon a criminal history record  
655 check under the applicant's name conducted by the Department of  
656 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~  
657 ~~A set of fingerprints are taken by a law enforcement agency or~~  
658 the department and the applicant submits a written statement  
659 signed by the fingerprint technician or a licensed physician  
660 stating that there is a physical condition that precludes  
661 obtaining a legible set of fingerprints or that the fingerprints  
662 taken are the best that can be obtained ~~is sufficient to meet~~  
663 ~~this requirement.~~

664 (3) The department shall also investigate the mental  
665 history and current mental and emotional fitness of any Class  
666 "G" or Class "K" applicant, and may deny a Class "G" or Class  
667 "K" license to anyone who has a history of mental illness or  
668 drug or alcohol abuse.

669 Section 13. Subsection (4) of section 493.6111, Florida  
670 Statutes, is amended to read:

671 493.6111 License; contents; identification card.—

672 (4) Notwithstanding the existence of a valid Florida



673 corporate registration, an ~~ne~~ agency or school licensee may not  
 674 conduct activities regulated under this chapter under any  
 675 fictitious name without prior written authorization from the  
 676 department to use that name in the conduct of activities  
 677 regulated under this chapter. The department may not authorize  
 678 the use of a name which is so similar to that of a public  
 679 officer or agency, or of that used by another licensee, that the  
 680 public may be confused or misled thereby. The authorization for  
 681 the use of a fictitious name shall require, as a condition  
 682 precedent to the use of such name, the filing of a certificate  
 683 of engaging in business under a fictitious name under s. 865.09.  
 684 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business  
 685 under more than one fictitious name except as separately  
 686 licensed nor shall the license be valid to protect any licensee  
 687 who is engaged in ~~the~~ business under any name other than that  
 688 specified in the license. An agency desiring to change its  
 689 licensed name shall notify the department and, except upon  
 690 renewal, pay a fee not to exceed \$30 for each license requiring  
 691 revision including those of all licensed employees except Class  
 692 "D" or Class "G" licensees. Upon the return of such licenses to  
 693 the department, revised licenses shall be provided.

694 Section 14. Subsection (2) and paragraph (a) of subsection  
 695 (3) of section 493.6113, Florida Statutes, are amended to read:

696 493.6113 Renewal application for licensure.—

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

701 ~~agency address for agencies.~~

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

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

710 Section 15. Subsection (8), paragraph (d) of subsection  
 711 (12), and subsection (16) of section 493.6115, Florida Statutes,  
 712 are amended to read:

713 493.6115 Weapons and firearms.—

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

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

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

722 (16) If the criminal history record check program  
 723 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the  
 724 department may issue a temporary "G" license on a case-by-case  
 725 basis, provided that the applicant has met all statutory  
 726 requirements for the issuance of a temporary "G" license as  
 727 specified in subsection (12), excepting the criminal history  
 728 record check stipulated there; provided, that the department

729 requires that the licensed employer of the applicant conduct a  
 730 criminal history record check of the applicant pursuant to  
 731 standards set forth in rule by the department, and provide to  
 732 the department an affidavit containing such information and  
 733 statements as required by the department, including a statement  
 734 that the criminal history record check did not indicate the  
 735 existence of any criminal history that would prohibit licensure.  
 736 Failure to properly conduct such a check, or knowingly providing  
 737 incorrect or misleading information or statements in the  
 738 affidavit shall constitute grounds for disciplinary action  
 739 against the licensed agency, including revocation of license.

740 Section 16. Paragraph (u) of subsection (1) of section  
 741 493.6118, Florida Statutes, is redesignated as paragraph (v) and  
 742 amended, and a new paragraph (u) is added to that subsection, to  
 743 read:

744 493.6118 Grounds for disciplinary action.—

745 (1) The following constitute grounds for which  
 746 disciplinary action specified in subsection (2) may be taken by  
 747 the department against any licensee, agency, or applicant  
 748 regulated by this chapter, or any unlicensed person engaged in  
 749 activities regulated under this chapter.

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

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

757 1. Recovering a motor vehicle, mobile home, motorboat,  
758 aircraft, personal watercraft, all-terrain vehicle, farm  
759 equipment, or industrial equipment that has been sold under a  
760 conditional sales agreement or under the terms of a chattel  
761 mortgage before authorization has been received from the legal  
762 owner or mortgagee.

763 2. Charging for expenses not actually incurred in  
764 connection with the recovery, transportation, storage, or  
765 disposal of repossessed property or personal property obtained  
766 in a repossession.

767 3. Using any repossessed property or personal property  
768 obtained in a repossession for the personal benefit of a  
769 licensee or an officer, director, partner, manager, or employee  
770 of a licensee.

771 4. Selling property recovered under the provisions of this  
772 chapter, except with written authorization from the legal owner  
773 or the mortgagee thereof.

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

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

781 7. Failing to deliver to the client a negotiable  
782 instrument that is payable to the client, within 10 working days  
783 after receipt of such instrument.

784 8. Falsifying, altering, or failing to maintain any

785 required inventory or records regarding disposal of personal  
 786 property contained in or on repossessed property pursuant to s.  
 787 493.6404(1).

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

791 10. Soliciting from the legal owner the recovery of  
 792 property subject to repossession after such property has been  
 793 seen or located on public or private property if the amount  
 794 charged or requested for such recovery is more than the amount  
 795 normally charged for such a recovery.

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

798 Section 17. Subsections (7) and (8) of section 493.6121,  
 799 Florida Statutes, are renumbered as subsections (6) and (7),  
 800 respectively, and present subsection (6) of that section is  
 801 amended, to read:

802 493.6121 Enforcement; investigation.-

803 ~~(6) The department shall be provided access to the program~~  
 804 ~~that is operated by the Department of Law Enforcement, pursuant~~  
 805 ~~to s. 790.065, for providing criminal history record information~~  
 806 ~~to licensed gun dealers, manufacturers, and exporters. The~~  
 807 ~~department may make inquiries, and shall receive responses in~~  
 808 ~~the same fashion as provided under s. 790.065. The department~~  
 809 ~~shall be responsible for payment to the Department of Law~~  
 810 ~~Enforcement of the same fees as charged to others afforded~~  
 811 ~~access to the program.~~

812 Section 18. Subsection (3) of section 493.6202, Florida

813 Statutes, is amended to read:

814 493.6202 Fees.—

815 (3) The fees set forth in this section must be paid by  
 816 ~~certified check or money order or, at the discretion of the~~  
 817 ~~department, by agency check~~ at the time the application is  
 818 approved, except that the applicant for a Class "G," Class "C,"  
 819 Class "CC," Class "M," or Class "MA" license must pay the  
 820 license fee at the time the application is made. If a license is  
 821 revoked or denied or if the application is withdrawn, the  
 822 license fee shall not be refunded.

823 Section 19. Subsections (2), (4), and (6) of section  
 824 493.6203, Florida Statutes, are amended to read:

825 493.6203 License requirements.—In addition to the license  
 826 requirements set forth elsewhere in this chapter, each  
 827 individual or agency shall comply with the following additional  
 828 requirements:

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

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

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

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

836 (d) Experience described in paragraph (a) for 1 year and  
 837 experience described in paragraph (e) for 1 year;

838 (e) No more than 1 year using:

839 1. College coursework related to criminal justice,  
 840 criminology, or law enforcement administration; or

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

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

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

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

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

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

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

861  
 862 However, experience in performing bodyguard services is not  
 863 creditable toward the requirements of this subsection.

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

867           (b) Effective January 1, 2011 ~~September 1, 2008~~, before  
 868 submission of an application to the department, the an applicant

869 for a Class "CC" license must have completed a minimum of 40 at  
 870 ~~least 24~~ hours of professional training ~~a 40-hour course~~  
 871 pertaining to general investigative techniques and this chapter,  
 872 which course is offered by a state university or by a school,  
 873 community college, college, or university under the purview of  
 874 the Department of Education, and the applicant must pass an  
 875 examination. The training must be provided in two parts, one 24-  
 876 hour course and one 16-hour course. The certificate evidencing  
 877 satisfactory completion of the 40 at least 24 hours of  
 878 professional training ~~a 40-hour course~~ must be submitted with  
 879 the application for a Class "CC" license. ~~The remaining 16 hours~~  
 880 ~~must be completed and an examination passed within 180 days. If~~  
 881 ~~documentation of completion of the required training is not~~  
 882 ~~submitted within the specified timeframe, the individual's~~  
 883 ~~license is automatically suspended or his or her authority to~~  
 884 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~  
 885 ~~until such time as proof of certificate of completion is~~  
 886 ~~provided to the department.~~ The training ~~course~~ specified in  
 887 this paragraph may be provided by face-to-face presentation,  
 888 online technology, or a home study course in accordance with  
 889 rules and procedures of the Department of Education. The  
 890 administrator of the examination must verify the identity of  
 891 each applicant taking the examination.

892 1. Upon an applicant's successful completion of each part  
 893 of the approved training ~~course~~ and passage of any required  
 894 examination, the school, community college, college, or  
 895 university shall issue a certificate of completion to the  
 896 applicant. The certificates must be on a form established by



897 rule of the department.

898 2. The department shall establish by rule the general  
899 content of the professional training ~~course~~ and the examination  
900 criteria.

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

904 (c) An individual who submits an application for a Class  
905 "CC" license on or after September 1, 2008, through December 31,  
906 2010, who has not completed the 16-hour course must submit proof  
907 of successful completion of the course within 180 days after the  
908 date the application is submitted. If documentation of  
909 completion of the required training is not submitted by that  
910 date, the individual's license is automatically suspended until  
911 proof of the required training is submitted to the department.  
912 An individual licensed on or before August 31, 2008, is not  
913 required to complete additional training hours in order to renew  
914 an active license beyond the required total amount of training,  
915 and within the timeframe, in effect at the time he or she was  
916 licensed.

917 Section 20. Subsection (3) of section 493.6302, Florida  
918 Statutes, is amended to read:

919 493.6302 Fees.—

920 (3) The fees set forth in this section must be paid by  
921 ~~certified~~ check or money order ~~or, at the discretion of the~~  
922 ~~department, by agency check~~ at the time the application is  
923 approved, except that the applicant for a Class "D," Class "G,"  
924 Class "M," or Class "MB" license must pay the license fee at the

925 time the application is made. If a license is revoked or denied  
926 or if the application is withdrawn, the license fee shall not be  
927 refunded.

928 Section 21. Subsection (4) of section 493.6303, Florida  
929 Statutes, is amended to read:

930 493.6303 License requirements.—In addition to the license  
931 requirements set forth elsewhere in this chapter, each  
932 individual or agency shall comply with the following additional  
933 requirements:

934 (4) (a) Effective January 1, 2011, an applicant for a Class  
935 "D" license must submit proof of successful completion of  
936 ~~complete~~ a minimum of 40 hours of professional training at a  
937 school or training facility licensed by the department. The  
938 training must be provided in two parts, one 24-hour course and  
939 one 16-hour course. The department shall by rule establish the  
940 general content and number of hours of each subject area to be  
941 taught.

942 (b) An individual who submits an application for a Class  
943 "D" license on or after January 1, 2007, through December 31,  
944 2010, who has not completed the 16-hour course must submit proof  
945 of successful completion of the course within 180 days after the  
946 date the application is submitted. If documentation of  
947 completion of the required training is not submitted by that  
948 date, the individual's license is automatically suspended until  
949 proof of the required training is submitted to the department.  
950 This section does not require a person licensed before January  
951 1, 2007, to complete additional training hours in order to renew  
952 an active license beyond the required total amount of training

953 within the timeframe prescribed by law at the time he or she was  
 954 licensed. ~~An applicant may fulfill the training requirement~~  
 955 ~~prescribed in paragraph (a) by submitting proof of:~~

956 ~~1. Successful completion of the total number of required~~  
 957 ~~hours of training before initial application for a Class "D"~~  
 958 ~~license; or~~

959 ~~2. Successful completion of 24 hours of training before~~  
 960 ~~initial application for a Class "D" license and successful~~  
 961 ~~completion of the remaining 16 hours of training within 180 days~~  
 962 ~~after the date that the application is submitted. If~~  
 963 ~~documentation of completion of the required training is not~~  
 964 ~~submitted within the specified timeframe, the individual's~~  
 965 ~~license is automatically suspended until such time as proof of~~  
 966 ~~the required training is provided to the department.~~

967 (c) An individual ~~However, any person whose license is~~  
 968 ~~suspended or has been revoked, suspended pursuant to paragraph~~  
 969 ~~(b) subparagraph 2., or is expired for at least 1 year, or~~  
 970 ~~longer is considered, upon reapplication for a license, an~~  
 971 ~~initial applicant and must submit proof of successful completion~~  
 972 ~~of 40 hours of professional training at a school or training~~  
 973 ~~facility licensed by the department as provided ~~prescribed~~ in~~  
 974 ~~paragraph (a) before a license is will be issued. Any person~~  
 975 ~~whose license was issued before January 1, 2007, and whose~~  
 976 ~~license has been expired for less than 1 year must, upon~~  
 977 ~~reapplication for a license, submit documentation of completion~~  
 978 ~~of the total number of hours of training prescribed by law at~~  
 979 ~~the time her or his initial license was issued before another~~  
 980 ~~license will be issued. This subsection does not require an~~

981 ~~individual licensed before January 1, 2007, to complete~~  
 982 ~~additional training hours in order to renew an active license,~~  
 983 ~~beyond the required total amount of training within the~~  
 984 ~~timeframe prescribed by law at the time she or he was licensed.~~

985 Section 22. Subsection (2) of section 493.6304, Florida  
 986 Statutes, is amended to read:

987 493.6304 Security officer school or training facility.—

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

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

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

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

998 Section 23. Subsections (7) and (8) of section 493.6401,  
 999 Florida Statutes, are amended to read:

1000 493.6401 Classes of licenses.—

1001 (7) Any person who operates a recovery agent ~~repossessor~~  
 1002 school or training facility or who conducts an Internet-based  
 1003 training course or a correspondence training course must have a  
 1004 Class "RS" license.

1005 (8) Any individual who teaches or instructs at a Class  
 1006 "RS" recovery agent ~~repossessor~~ school or training facility  
 1007 shall have a Class "RI" license.

1008 Section 24. Paragraphs (f) and (g) of subsection (1) and

1009 subsection (3) of section 493.6402, Florida Statutes, are  
 1010 amended to read:

1011 493.6402 Fees.—

1012 (1) The department shall establish by rule biennial  
 1013 license fees which shall not exceed the following:

1014 (f) Class "RS" license recovery agent ~~repossessor~~ school  
 1015 or training facility: \$60.

1016 (g) Class "RI" license recovery agent ~~repossessor~~ school  
 1017 or training facility instructor: \$60.

1018 (3) The fees set forth in this section must be paid by  
 1019 ~~certified check or money order, or, at the discretion of the~~  
 1020 ~~department, by agency check~~ at the time the application is  
 1021 approved, except that the applicant for a Class "E," Class "EE,"  
 1022 or Class "MR" license must pay the license fee at the time the  
 1023 application is made. If a license is revoked or denied, or if an  
 1024 application is withdrawn, the license fee shall not be refunded.

1025 Section 25. Subsections (1) and (2) of section 493.6406,  
 1026 Florida Statutes, are amended to read:

1027 493.6406 Recovery agent ~~Repossession services~~ school or  
 1028 training facility.—

1029 (1) Any school, training facility, or instructor who  
 1030 offers the training outlined in s. 493.6403(2) for Class "E" or  
 1031 Class "EE" applicants shall, before licensure of such school,  
 1032 training facility, or instructor, file with the department an  
 1033 application accompanied by an application fee in an amount to be  
 1034 determined by rule, not to exceed \$60. The fee shall not be  
 1035 refundable. This training may be offered as face-to-face  
 1036 training, Internet-based training, or correspondence training.

1037 (2) The application shall be signed and verified by the  
 1038 applicant under oath as provided in s. 92.525 ~~notarized~~ and  
 1039 shall contain, at a minimum, the following information:

1040 (a) The name and address of the school or training  
 1041 facility and, if the applicant is an individual, his or her  
 1042 name, address, and social security or alien registration number.

1043 (b) The street address of the place at which the training  
 1044 is to be conducted or the street address of the Class "RS"  
 1045 school offering Internet-based or correspondence training.

1046 (c) A copy of the training curriculum and final  
 1047 examination to be administered.

1048 Section 26. Subsection (1) of section 500.033, Florida  
 1049 Statutes, is amended to read:

1050 500.033 Florida Food Safety and Food Defense Advisory  
 1051 Council.—

1052 (1) There is created the Florida Food Safety and Food  
 1053 Defense Advisory Council for the purpose of serving as a forum  
 1054 for presenting, investigating, and evaluating issues of current  
 1055 importance to the assurance of a safe and secure food supply to  
 1056 the citizens of Florida. The Florida Food Safety and Food  
 1057 Defense Advisory Council shall consist of, but not be limited  
 1058 to: the Commissioner of Agriculture or his or her designee; the  
 1059 State Surgeon General or his or her designee; the Secretary of  
 1060 Business and Professional Regulation or his or her designee; the  
 1061 person responsible for domestic security with the Department of  
 1062 Law Enforcement; members representing the production,  
 1063 processing, distribution, and sale of foods; members  
 1064 representing small farmers; consumers or members of citizens

1065 groups; representatives of food industry groups; scientists or  
1066 other experts in aspects of food safety from state universities;  
1067 representatives from local, state, and federal agencies that are  
1068 charged with responsibilities for food safety or food defense;  
1069 the chairs of the Agriculture Committees of the Senate and the  
1070 House of Representatives or their designees; and the chairs of  
1071 the committees of the Senate and the House of Representatives  
1072 with jurisdictional oversight of home defense issues or their  
1073 designees. The Commissioner of Agriculture shall appoint the  
1074 remaining members. The council shall make periodic reports to  
1075 the Department of Agriculture and Consumer Services concerning  
1076 findings and recommendations in the area of food safety and food  
1077 defense.

1078 Section 27. Paragraph (a) of subsection (2) of section  
1079 501.605, Florida Statutes, is amended to read:

1080 501.605 Licensure of commercial telephone sellers.—

1081 (2) An applicant for a license as a commercial telephone  
1082 seller must submit to the department, in such form as it  
1083 prescribes, a written application for the license. The  
1084 application must set forth the following information:

1085 (a) The true name, date of birth, driver's license number,  
1086 ~~social security number~~, and home address of the applicant,  
1087 including each name under which he or she intends to do  
1088 business.

1089  
1090 The application shall be accompanied by a copy of any: Script,  
1091 outline, or presentation the applicant will require or suggest a  
1092 salesperson to use when soliciting, or, if no such document is

1093 used, a statement to that effect; sales information or  
 1094 literature to be provided by the applicant to a salesperson; and  
 1095 sales information or literature to be provided by the applicant  
 1096 to a purchaser in connection with any solicitation.

1097 Section 28. Paragraph (a) of subsection (1) of section  
 1098 501.607, Florida Statutes, is amended to read:

1099 501.607 Licensure of salespersons.—

1100 (1) An applicant for a license as a salesperson must  
 1101 submit to the department, in such form as it prescribes, a  
 1102 written application for a license. The application must set  
 1103 forth the following information:

1104 (a) The true name, date of birth, driver's license number,  
 1105 ~~social security number,~~ and home address of the applicant.

1106 Section 29. Subsection (2) of section 501.913, Florida  
 1107 Statutes, is amended to read:

1108 501.913 Registration.—

1109 (2) The completed application shall be accompanied by:

1110 (a) Specimens or facsimiles of the label for each brand of  
 1111 antifreeze;

1112 (b) An application fee of \$200 for each brand; and

1113 (c) A properly labeled sample of at least 1 gallon, but  
 1114 not more than 2 gallons, of each brand of antifreeze.

1115 Section 30. Subsection (2) of section 525.01, Florida  
 1116 Statutes, is amended to read:

1117 525.01 Gasoline and oil to be inspected.—

1118 (2) All petroleum fuels are ~~shall be~~ subject to inspection  
 1119 and analysis by the department. Before selling or offering for  
 1120 sale in this state any petroleum fuel, all manufacturers,



1121 terminal suppliers, wholesalers, and importers as defined in s.  
 1122 206.01 ~~jobbers~~ shall file with the department:

1123 (a) An affidavit that they desire to do business in this  
 1124 state, and the name and address of the manufacturer of the  
 1125 petroleum fuel.

1126 (b) An affidavit stating that the petroleum fuel is in  
 1127 conformity with the standards prescribed by department rule.

1128 Section 31. Subsections (1) and (3) of section 525.09,  
 1129 Florida Statutes, are amended to read:

1130 525.09 Inspection fee.—

1131 (1) For the purpose of defraying the expenses incident to  
 1132 inspecting, testing, and analyzing petroleum fuels in this  
 1133 state, there shall be paid to the department a charge of one-  
 1134 eighth cent per gallon on all gasoline, alternative fuel  
 1135 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,  
 1136 kerosene (except when used as aviation turbine fuel), and #1  
 1137 fuel oil for sale or use in this state. This inspection fee  
 1138 shall be imposed in the same manner as the motor fuel tax  
 1139 pursuant to s. 206.41. Payment shall be made on or before the  
 1140 25th day of each month.

1141 (3) All remittances to the department for the inspection  
 1142 tax herein provided shall be accompanied by a detailed report  
 1143 under oath showing the number of gallons of gasoline,  
 1144 alternative fuel containing alcohol as defined in s.  
 1145 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered  
 1146 in each county.

1147 Section 32. Section 526.50, Florida Statutes, is amended  
 1148 to read:

1149           526.50 Definition of terms.—As used in this part:  
 1150           (1) "Brake fluid" means the fluid intended for use as the  
 1151 liquid medium through which force is transmitted in the  
 1152 hydraulic brake system of a vehicle operated upon the highways.  
 1153           (2) "Brand" means the product name appearing on the label  
 1154 of a container of brake fluid.  
 1155           (3)~~(5)~~ "Container" means any receptacle in which brake  
 1156 fluid is immediately contained when sold, but does not mean a  
 1157 carton or wrapping in which a number of such receptacles are  
 1158 shipped or stored or a tank car or truck.  
 1159           (4)~~(2)~~ "Department" means the Department of Agriculture  
 1160 and Consumer Services.  
 1161           (5) "Formula" means the name of the chemical mixture or  
 1162 composition of the brake fluid product.  
 1163           (6)~~(4)~~ "Labeling" includes all written, printed or graphic  
 1164 representations, in any form whatsoever, imprinted upon or  
 1165 affixed to any container of brake fluid.  
 1166           (7)~~(6)~~ "Permit year" means a period of 12 months  
 1167 commencing July 1 and ending on the next succeeding June 30.  
 1168           (8)~~(7)~~ "Registrant" means any manufacturer, packer,  
 1169 distributor, seller, or other person who has registered a brake  
 1170 fluid with the department.  
 1171           (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,  
 1172 trade, keep for sale, offer for sale or expose for sale, in any  
 1173 of their variant forms.

1174           Section 33. Paragraph (a) of subsection (1) of section  
 1175 526.51, Florida Statutes, is amended to read:

1176           526.51 Registration; renewal and fees; departmental

1177 expenses; cancellation or refusal to issue or renew.-  
 1178 (1) (a) Application for registration of each brand of brake  
 1179 fluid shall be made on forms to be supplied by the department.  
 1180 The applicant shall give his or her name and address and the  
 1181 brand name of the brake fluid, state that he or she owns the  
 1182 brand name and has complete control over the product sold  
 1183 thereunder in Florida, and provide the name and address of the  
 1184 resident agent in Florida. If the applicant does not own the  
 1185 brand name but wishes to register the product with the  
 1186 department, a notarized affidavit that gives the applicant full  
 1187 authorization to register the brand name and that is signed by  
 1188 the owner of the brand name must accompany the application for  
 1189 registration. The affidavit must include all affected brand  
 1190 names, the owner's company or corporate name and address, the  
 1191 applicant's company or corporate name and address, and a  
 1192 statement from the owner authorizing the applicant to register  
 1193 the product with the department. The owner of the brand name  
 1194 shall maintain complete control over each product sold under  
 1195 that brand name in this state. All first-time brand-formula  
 1196 combination ~~new-product~~ applications must be accompanied by a  
 1197 certified report from an independent testing laboratory, setting  
 1198 forth the analysis of the brake fluid which shall show its  
 1199 quality to be not less than the specifications established by  
 1200 the department for brake fluids. A sample of not less than 24  
 1201 fluid ounces of brake fluid shall be submitted, in a container  
 1202 or containers, with labels representing exactly how the  
 1203 containers of brake fluid will be labeled when sold, and the  
 1204 sample and container shall be analyzed and inspected by the

1205 Division of Standards in order that compliance with the  
 1206 department's specifications and labeling requirements may be  
 1207 verified. Upon approval of the application, the department shall  
 1208 register the brand name of the brake fluid and issue to the  
 1209 applicant a permit authorizing the registrant to sell the brake  
 1210 fluid in this state during the permit year specified in the  
 1211 permit.

1212 Section 34. Paragraph (a) of subsection (3) of section  
 1213 526.52, Florida Statutes, is amended to read:

1214 526.52 Specifications; adulteration and misbranding.—

1215 (3) Brake fluid is deemed to be misbranded:

1216 (a) If its container does not bear on its side or top a  
 1217 label on which is printed the name and place of business of the  
 1218 registrant of the product, the words "brake fluid," and a  
 1219 statement that the product therein equals or exceeds the minimum  
 1220 specification of the Society of Automotive Engineers for heavy-  
 1221 duty-type brake fluid or equals or exceeds Federal Motor Vehicle  
 1222 Safety Standard No. 116 adopted by the United States Department  
 1223 of Transportation, ~~heavy-duty-type~~. By regulation the department  
 1224 may require that the duty-type classification appear on the  
 1225 label.

1226 Section 35. Subsection (2) of section 526.53, Florida  
 1227 Statutes, is amended to read:

1228 526.53 Enforcement; inspection and analysis, stop-sale and  
 1229 disposition, regulations.—

1230 (2) (a) When any brake fluid is sold in violation of any of  
 1231 the provisions of this part, all such affected brake fluid of  
 1232 the same brand name ~~on the same premises on which the violation~~

1233 ~~occurred~~ shall be placed under a stop-sale order by the  
 1234 department by serving the owner of the brand name, distributor,  
 1235 or other entity responsible for selling or distributing the  
 1236 product in the state with the stop-sale order. The department  
 1237 shall withdraw its stop-sale order upon the removal of the  
 1238 violation or upon voluntary destruction of the product, or other  
 1239 disposal approved by the department, under the supervision of  
 1240 the department.

1241 (b) In addition to being subject to the stop-sale  
 1242 procedures above, unregistered brake fluid shall be held by the  
 1243 department or its representative, at a place to be designated in  
 1244 the stop-sale order, until properly registered and released in  
 1245 writing by the department or its representative. If application  
 1246 is ~~has not been~~ made for registration of the ~~such~~ product within  
 1247 30 days after issue of the stop-sale order, such product shall  
 1248 be disposed of by the department, or, with the department's  
 1249 consent, by the business, to any tax-supported institution or  
 1250 agency of the state if the brake fluid meets legal  
 1251 specifications or by other disposal authorized by rule of the  
 1252 department if it fails to meet legal specifications.

1253 Section 36. Subsections (1) and (3) and paragraphs (a) and  
 1254 (c) of subsection (5) of section 527.0201, Florida Statutes, are  
 1255 amended to read:

1256 527.0201 Qualifiers; master qualifiers; examinations.—

1257 (1) In addition to the requirements of s. 527.02, any  
 1258 person applying for a license to engage in the activities of a  
 1259 pipeline system operator, category I liquefied petroleum gas  
 1260 dealer, category II liquefied petroleum gas dispenser, category

1261 IV liquefied petroleum gas dispenser and recreational vehicle  
 1262 servicer, category V liquefied petroleum gases dealer for  
 1263 industrial uses only, LP gas installer, specialty installer,  
 1264 requalifier ~~requalification~~ of cylinders, or fabricator,  
 1265 repairer, and tester of vehicles and cargo tanks must prove  
 1266 competency by passing a written examination administered by the  
 1267 department or its agent with a grade of at least 75 percent in  
 1268 each area tested ~~or above~~. Each applicant for examination shall  
 1269 submit a \$20 nonrefundable fee. The department shall by rule  
 1270 specify the general areas of competency to be covered by each  
 1271 examination and the relative weight to be assigned in grading  
 1272 each area tested.

1273 (3) Qualifier cards issued to category I liquefied  
 1274 petroleum gas dealers and liquefied petroleum gas installers  
 1275 shall expire 3 years after the date of issuance. All category I  
 1276 liquefied petroleum gas dealer qualifiers and liquefied  
 1277 petroleum gas installer qualifiers holding a valid qualifier  
 1278 card upon the effective date of this act shall retain their  
 1279 qualifier status until July 1, 2003, and may sit for the master  
 1280 qualifier examination at any time during that time period. All  
 1281 such category I liquefied petroleum gas dealer qualifiers and  
 1282 liquefied petroleum gas installer qualifiers may renew their  
 1283 qualification on or before July 1, 2003, upon application to the  
 1284 department, payment of a \$20 renewal fee, and documentation of  
 1285 the completion of a minimum of 16 ~~12~~ hours of approved  
 1286 continuing education courses, as defined by department rule,  
 1287 during the previous 3-year period. Applications for renewal must  
 1288 be made 30 calendar days prior to expiration. Persons failing to

1289 | renew prior to the expiration date must reapply and take a  
1290 | qualifier competency examination in order to reestablish  
1291 | category I liquefied petroleum gas dealer qualifier and  
1292 | liquefied petroleum gas installer qualifier status. If a  
1293 | category I liquefied petroleum gas qualifier or liquefied  
1294 | petroleum gas installer qualifier becomes a master qualifier at  
1295 | any time during the effective date of the qualifier card, the  
1296 | card shall remain in effect until expiration of the master  
1297 | qualifier certification.

1298 |         (5) In addition to all other licensing requirements, each  
1299 | category I liquefied petroleum gas dealer and liquefied  
1300 | petroleum gas installer must, at the time of application for  
1301 | licensure, identify to the department one master qualifier who  
1302 | is a full-time employee at the licensed location. This person  
1303 | shall be a manager, owner, or otherwise primarily responsible  
1304 | for overseeing the operations of the licensed location and must  
1305 | provide documentation to the department as provided by rule. The  
1306 | master qualifier requirement shall be in addition to the  
1307 | requirements of subsection (1).

1308 |         (a) In order to apply for certification as a master  
1309 | qualifier, each applicant must be a category I liquefied  
1310 | petroleum gas dealer qualifier or liquefied petroleum gas  
1311 | installer qualifier, must be employed by a licensed category I  
1312 | liquefied petroleum gas dealer, liquefied petroleum gas  
1313 | installer, or applicant for such license, must provide  
1314 | documentation of a minimum of 1 year's work experience in the  
1315 | gas industry, and must pass a master qualifier competency  
1316 | examination. Master qualifier examinations shall be based on

1317 Florida's laws, rules, and adopted codes governing liquefied  
1318 petroleum gas safety, general industry safety standards, and  
1319 administrative procedures. The examination must be successfully  
1320 passed ~~completed~~ by the applicant with a grade of at least 75  
1321 percent ~~or more~~. Each applicant for master qualifier status  
1322 shall submit to the department a nonrefundable \$30 examination  
1323 fee prior to the examination.

1324 (c) Master qualifier status shall expire 3 years after the  
1325 date of issuance of the certificate and may be renewed by  
1326 submission to the department of documentation of completion of  
1327 at least 16 ~~12~~ hours of approved continuing education courses  
1328 during the 3-year period; proof of employment with a licensed  
1329 category I liquefied petroleum gas dealer, liquefied petroleum  
1330 gas installer, or applicant; and a \$30 certificate renewal fee.  
1331 The department shall define, by rule, approved courses of  
1332 continuing education.

1333 Section 37. Section 527.12, Florida Statutes, is amended  
1334 to read:

1335 527.12 Cease and desist orders; stop-use orders; stop-  
1336 operation orders; stop-sale orders; administrative fines.-

1337 (1) Whenever the department has ~~shall have~~ reason to  
1338 believe that any person is violating or has violated ~~been~~  
1339 ~~violating provisions of~~ this chapter or any rules adopted under  
1340 this chapter pursuant thereto, the department ~~it~~ may issue a  
1341 cease and desist order, ~~or~~ impose a civil penalty, or do both  
1342 ~~may issue such cease and desist order and impose a civil~~  
1343 ~~penalty~~.

1344 (2) Whenever a person or liquefied petroleum gas system or



1345 storage facility, or any part or component thereof, fails to  
 1346 comply with this chapter or any rules adopted under this  
 1347 chapter, the department may issue a stop-use order, stop-  
 1348 operation order, or stop-sale order.

1349 Section 38. Subsection (1) of section 559.805, Florida  
 1350 Statutes, is amended to read:

1351 559.805 Filings with the department; disclosure of  
 1352 advertisement identification number.—

1353 (1) Every seller of a business opportunity shall annually  
 1354 file with the department a copy of the disclosure statement  
 1355 required by s. 559.803 before ~~prior to~~ placing an advertisement  
 1356 or making any other representation designed to offer to, sell  
 1357 to, or solicit an offer to buy a business opportunity from a  
 1358 prospective purchaser in this state and shall update this filing  
 1359 by reporting any material change in the required information  
 1360 within 30 days after the material change occurs. An  
 1361 advertisement is not placed in the state merely because the  
 1362 publisher circulates, or there is circulated on his or her  
 1363 behalf in the state, any bona fide newspaper or other  
 1364 publication of general, regular, and paid circulation which has  
 1365 had more than two-thirds of its circulation during the past 12  
 1366 months outside the state or because a radio or television  
 1367 program originating outside the state is received in the state.  
 1368 If the seller is required by s. 559.807 to provide a bond or  
 1369 establish a trust account or guaranteed letter of credit, he or  
 1370 she shall contemporaneously file with the department a copy of  
 1371 the bond, a copy of the formal notification by the depository  
 1372 that the trust account is established, or a copy of the

1373 guaranteed letter of credit. Every seller of a business  
 1374 opportunity shall file with the department a list of independent  
 1375 agents who will engage in the offer or sale of business  
 1376 opportunities on behalf of the seller in this state. This list  
 1377 must be kept current and shall include the following  
 1378 information: name, home and business address, telephone number,  
 1379 present employer, ~~social security number,~~ and birth date. A ~~No~~  
 1380 person may not ~~shall be allowed to~~ offer or sell business  
 1381 opportunities unless the required information is ~~has been~~  
 1382 provided to the department.

1383 Section 39. Subsection (3) of section 559.928, Florida  
 1384 Statutes, is amended to read:

1385 559.928 Registration.—

1386 (3) Each independent agent shall annually file an  
 1387 affidavit with the department before ~~prior to~~ engaging in  
 1388 business in this state. This affidavit must include the  
 1389 independent agent's full name, legal business or trade name,  
 1390 mailing address, business address, telephone number, ~~social~~  
 1391 ~~security number,~~ and the name or names and addresses of each  
 1392 seller of travel represented by the independent agent. A letter  
 1393 evidencing proof of filing must be issued by the department and  
 1394 must be prominently displayed in the independent agent's primary  
 1395 place of business. Each independent agent must also submit an  
 1396 annual registration fee of \$50. All moneys collected pursuant to  
 1397 the imposition of the fee shall be deposited by the Chief  
 1398 Financial Officer into the General Inspection Trust Fund of the  
 1399 Department of Agriculture and Consumer Services for the sole  
 1400 purpose of administrating this part. As used in this subsection,

1401 the term "independent agent" means a person who represents a  
 1402 seller of travel by soliciting persons on its behalf; who has a  
 1403 written contract with a seller of travel which is operating in  
 1404 compliance with this part and any rules adopted thereunder; who  
 1405 does not receive a fee, commission, or other valuable  
 1406 consideration directly from the purchaser for the seller of  
 1407 travel; who does not at any time have any unissued ticket stock  
 1408 or travel documents in his or her possession; and who does not  
 1409 have the ability to issue tickets, vacation certificates, or any  
 1410 other travel document. The term "independent agent" does not  
 1411 include an affiliate of the seller of travel, as that term is  
 1412 used in s. 559.935(3), or the employees of the seller of travel  
 1413 or of such affiliates.

1414 Section 40. Paragraph (c) of subsection (16) of section  
 1415 570.07, Florida Statutes, is amended to read:

1416 570.07 Department of Agriculture and Consumer Services;  
 1417 functions, powers, and duties.—The department shall have and  
 1418 exercise the following functions, powers, and duties:

1419 (16) To enforce the state laws and rules relating to:

1420 (c) Registration, labeling, inspection, sale, and analysis  
 1421 of commercial stock feeds and commercial fertilizers;

1422  
 1423 In order to ensure uniform health and safety standards, the  
 1424 adoption of standards and fines in the subject areas of  
 1425 paragraphs (a)-(n) is expressly preempted to the state and the  
 1426 department. Any local government enforcing the subject areas of  
 1427 paragraphs (a)-(n) must use the standards and fines set forth in  
 1428 the pertinent statutes or any rules adopted by the department

1429 pursuant to those statutes.

1430 Section 41. Subsection (7) of section 570.0725, Florida  
 1431 Statutes, is amended to read:

1432 570.0725 Food recovery; legislative intent; department  
 1433 functions.—

1434 (7) For public information purposes, the department may  
 1435 ~~shall~~ develop and provide a public information brochure  
 1436 detailing the need for food banks and similar ~~of~~ food recovery  
 1437 programs, the benefit of such ~~food recovery~~ programs, the manner  
 1438 in which ~~such~~ organizations may become involved in such ~~food~~  
 1439 ~~recovery~~ programs, and the protection afforded to such programs  
 1440 under s. 768.136, ~~and the food recovery entities or food banks~~  
 1441 ~~that exist in the state. This brochure must be updated annually.~~  
 1442 A food bank or similar food recovery organization seeking to be  
 1443 included on a list of such organizations must notify the  
 1444 department and provide the information required by rule of the  
 1445 department. Such organizations are responsible for updating the  
 1446 information and providing the updated information to the  
 1447 department. The department may adopt rules to implement this  
 1448 section.

1449 Section 42. Paragraph (e) of subsection (6) of section  
 1450 570.53, Florida Statutes, is amended to read:

1451 570.53 Division of Marketing and Development; powers and  
 1452 duties.—The powers and duties of the Division of Marketing and  
 1453 Development include, but are not limited to:

1454 (6)

1455 (e) Extending in every practicable way the distribution  
 1456 and sale of Florida agricultural products throughout the markets

1457 of the world as required of the department by s. ~~ss.~~ 570.07(7),  
 1458 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1459 Section 43. Subsection (2) of section 570.54, Florida  
 1460 Statutes, is amended to read:

1461 570.54 Director; duties.—

1462 (2) It shall be the duty of the director of this division  
 1463 to supervise, direct, and coordinate the activities authorized  
 1464 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and  
 1465 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and  
 1466 chapters 504, 571, 573, and 574 and to exercise other powers and  
 1467 authority as authorized by the department.

1468 Section 44. Subsection (4) of section 570.55, Florida  
 1469 Statutes, is amended to read:

1470 570.55 Identification of sellers or handlers of tropical  
 1471 or subtropical fruit and vegetables; containers specified;  
 1472 penalties.—

1473 (4) IDENTIFICATION OF HANDLER.—At the time of each  
 1474 transaction involving the handling or sale of 55 pounds or more  
 1475 of tropical or subtropical fruit or vegetables in the primary  
 1476 channel of trade, the buyer or receiver of the tropical or  
 1477 subtropical fruit or vegetables shall demand a bill of sale,  
 1478 invoice, sales memorandum, or other document listing the date of  
 1479 the transaction, the quantity of the tropical or subtropical  
 1480 fruit or vegetables involved in the transaction, and the  
 1481 identification of the seller or handler as it appears on the  
 1482 driver's license of the seller or handler, including the  
 1483 driver's license number. If the seller or handler does not  
 1484 possess a driver's license, the buyer or receiver shall use any

1485 other acceptable means of identification, which may include, but  
 1486 is not limited to, i.e., voter's registration card and number,  
 1487 draft card, ~~social security card,~~ or other identification.  
 1488 However, no less than two identification documents shall be  
 1489 used. The identification of the seller or handler shall be  
 1490 recorded on the bill of sale, sales memorandum, invoice, or  
 1491 voucher, which shall be retained by the buyer or receiver for a  
 1492 period of not less than 1 year from the date of the transaction.

1493 Section 45. Subsection (3) of section 570.902, Florida  
 1494 Statutes, is amended to read:

1495 570.902 Definitions; ss. 570.902 and 570.903.—For the  
 1496 purpose of ss. 570.902 and 570.903:

1497 ~~(3) "Museum" means the Florida Agricultural Museum which~~  
 1498 ~~is designated as the museum for agriculture and rural history of~~  
 1499 ~~the State of Florida.~~

1500 Section 46. Section 570.903, Florida Statutes, is amended  
 1501 to read:

1502 570.903 Direct-support organization.—

1503 (1) When the Legislature authorizes the establishment of a  
 1504 direct-support organization to provide assistance for ~~the~~  
 1505 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~  
 1506 ~~Florida State Collection of Arthropods,~~ the Friends of the  
 1507 Florida State Forests Program of the Division of Forestry, and  
 1508 the Forestry Arson Alert Program, and other programs of the  
 1509 department, the following provisions shall govern the creation,  
 1510 use, powers, and duties of the direct-support organization.

1511 (a) The department shall enter into a memorandum or letter  
 1512 of agreement with the direct-support organization, which shall

1513 specify the approval of the department, the powers and duties of  
 1514 the direct-support organization, and rules with which the  
 1515 direct-support organization shall comply.

1516 (b) The department may permit, without charge, appropriate  
 1517 use of property, facilities, and personnel of the department by  
 1518 a direct-support organization, subject to the provisions of ss.  
 1519 570.902 and 570.903. The use shall be directly in keeping with  
 1520 the approved purposes of the direct-support organization and  
 1521 shall not be made at times or places that would unreasonably  
 1522 interfere with opportunities for the general public to use  
 1523 department facilities for established purposes.

1524 (c) The department shall prescribe by contract or by rule  
 1525 conditions with which a direct-support organization shall comply  
 1526 in order to use property, facilities, or personnel of the  
 1527 department ~~or museum~~. Such rules shall provide for budget and  
 1528 audit review and oversight by the department.

1529 (d) The department shall not permit the use of property,  
 1530 facilities, or personnel of the ~~museum,~~ department, or  
 1531 designated program by a direct-support organization which does  
 1532 not provide equal employment opportunities to all persons  
 1533 regardless of race, color, religion, sex, age, or national  
 1534 origin.

1535 (2) (a) The direct-support organization shall be empowered  
 1536 to conduct programs and activities; raise funds; request and  
 1537 receive grants, gifts, and bequests of money; acquire, receive,  
 1538 hold, invest, and administer, in its own name, securities,  
 1539 funds, objects of value, or other property, real or personal;  
 1540 and make expenditures to or for the direct or indirect benefit

1541 of the ~~museum or~~ designated program.

1542 (b) Notwithstanding the provisions of s. 287.057, the  
 1543 direct-support organization may enter into contracts or  
 1544 agreements with or without competitive bidding for the  
 1545 ~~restoration of objects, historical buildings, and other~~  
 1546 ~~historical materials or for the purchase of objects, historical~~  
 1547 ~~buildings, and other historical materials which are to be added~~  
 1548 ~~to the collections of the museum, or~~ benefit of the designated  
 1549 program. However, before the direct-support organization may  
 1550 enter into a contract or agreement without competitive bidding,  
 1551 the direct-support organization shall file a certification of  
 1552 conditions and circumstances with the internal auditor of the  
 1553 department justifying each contract or agreement.

1554 (c) Notwithstanding the provisions of s. 287.025(1)(e),  
 1555 the direct-support organization may enter into contracts to  
 1556 insure property of the ~~museum or~~ designated programs ~~and may~~  
 1557 ~~insure objects or collections on loan from others in satisfying~~  
 1558 ~~security terms of the lender.~~

1559 (3) The direct-support organization shall provide for an  
 1560 annual financial audit in accordance with s. 215.981.

1561 (4) Neither a designated program ~~or a museum,~~ nor a  
 1562 nonprofit corporation trustee or employee may:

1563 (a) Receive a commission, fee, or financial benefit in  
 1564 connection with the sale or exchange of property ~~historical~~  
 1565 ~~objects or properties~~ to the direct-support organization, ~~the~~  
 1566 ~~museum,~~ or the designated program; or

1567 (b) Be a business associate of any individual, firm, or  
 1568 organization involved in the sale or exchange of property to the



1569 direct-support organization, ~~the museum,~~ or the designated  
 1570 program.

1571 (5) All moneys received by the direct-support organization  
 1572 shall be deposited into an account of the direct-support  
 1573 organization and shall be used by the organization in a manner  
 1574 consistent with the goals of the ~~museum or~~ designated program.

1575 (6) The identity of a donor or prospective donor who  
 1576 desires to remain anonymous and all information identifying such  
 1577 donor or prospective donor are confidential and exempt from the  
 1578 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 1579 Constitution.

1580 (7) The Commissioner of Agriculture, or the commissioner's  
 1581 designee, may serve on the board of trustees and the executive  
 1582 committee of any direct-support organization established to  
 1583 benefit ~~the museum or~~ any designated program.

1584 ~~(8) The department shall establish by rule archival~~  
 1585 ~~procedures relating to museum artifacts and records. The rules~~  
 1586 ~~shall provide procedures which protect the museum's artifacts~~  
 1587 ~~and records equivalent to those procedures which have been~~  
 1588 ~~established by the Department of State under chapters 257 and~~  
 1589 ~~267.~~

1590 Section 47. Subsection (4) of section 573.118, Florida  
 1591 Statutes, is amended to read:

1592 573.118 Assessment; funds; audit; loans.—

1593 (4) In the event of levying and collecting of assessments,  
 1594 for each fiscal year in which assessment funds are received by  
 1595 the department, the department shall maintain records of  
 1596 collections and expenditures for each marketing order separately

1597 within the state's accounting system. If requested by an  
 1598 advisory council, department staff shall cause to be made a  
 1599 thorough ~~annual~~ audit of the ~~books and accounts by a certified~~  
 1600 ~~public accountant~~, such audit to be completed within 60 days  
 1601 after the request is received ~~end of the fiscal year~~. The  
 1602 advisory council ~~department and all producers and handlers~~  
 1603 ~~covered by the marketing order~~ shall be provided a copy of the  
 1604 ~~properly advised of the details of the annual official~~ audit of  
 1605 the accounts ~~as shown by the certified public accountant~~ within  
 1606 30 days after completion of the audit.

1607 Section 48. Subsections (18) through (30) of section  
 1608 581.011, Florida Statutes, are renumbered as subsections (17)  
 1609 through (29), respectively, and present subsections (17) and  
 1610 (20) of that section are amended to read:

1611 581.011 Definitions.—As used in this chapter:

1612 ~~(17) "Museum" means the Florida State Collection of~~  
 1613 ~~Arthropods.~~

1614 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in  
 1615 which nursery stock is grown, propagated, or held for sale or  
 1616 distribution, including ~~except where~~ aquatic plant species are  
 1617 tended for harvest in the natural environment.

1618 Section 49. Paragraph (a) of subsection (3) of section  
 1619 581.211, Florida Statutes, is amended to read:

1620 581.211 Penalties for violations.—

1621 (3) (a) 1. In addition to any other provision of law, the  
 1622 department may, after notice and hearing, impose an  
 1623 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each  
 1624 violation of this chapter, upon any person, nurseryman, stock

1625 dealer, agent or plant broker. The fine, when paid, shall be  
1626 deposited in the Plant Industry Trust Fund. In addition, the  
1627 department may place the violator on probation for up to 1 year,  
1628 with conditions.

1629 2. The imposition of a fine or probation pursuant to this  
1630 subsection may be in addition to or in lieu of the suspension or  
1631 revocation of a certificate of registration or certificate of  
1632 inspection.

1633 Section 50. Section 583.13, Florida Statutes, is amended  
1634 to read:

1635 583.13 Labeling and advertising requirements for dressed  
1636 poultry; unlawful acts.—

1637 (1) It is unlawful for any dealer or broker to sell, offer  
1638 for sale, or hold for the purpose of sale in the state any  
1639 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry  
1640 is packed in a container clearly bearing a label, not less than  
1641 3 inches by 5 inches, on which shall be plainly and legibly  
1642 printed, in letters of not less than 1/4 inch high ~~in height~~,  
1643 ~~the grade and the part name or whole-bird statement of such~~  
1644 ~~poultry. The grade may be expressed in the term "premium,"~~  
1645 ~~"good," or "standard," or as the grade of another state or~~  
1646 ~~federal agency the standards of quality of which, by law, are~~  
1647 ~~equal to the standards of quality provided by this law and rules~~  
1648 ~~promulgated hereunder.~~

1649 (2) It is unlawful to sell unpackaged dressed or ready-to-  
1650 cook poultry at retail unless such poultry is labeled by a  
1651 placard immediately adjacent to the poultry or unless each bird  
1652 is individually labeled to show ~~the grade and~~ the part name or

1653 whole-bird statement. The placard shall be no smaller than 7  
1654 inches by 7 inches in size, and the required labeling  
1655 information shall be legibly and plainly printed on the placard  
1656 in letters not smaller than 1 inch in height.

1657 (3) It is unlawful to sell packaged dressed or ready-to-  
1658 cook poultry at retail unless such poultry is labeled to show  
1659 ~~the grade,~~ the part name or whole-bird statement, the net weight  
1660 of the poultry, and the name and address of the dealer. The size  
1661 of the type on the label must be one-eighth inch or larger. A  
1662 placard immediately adjacent to such poultry may be used to  
1663 indicate ~~the grade and~~ the part name or whole-bird statement,  
1664 but not the net weight of the poultry or the name and address of  
1665 the dealer.

1666 (4) It is unlawful to use dressed or ready-to-cook poultry  
1667 in bulk in the preparation of food served to the public, or to  
1668 hold such poultry for the purpose of such use, unless the  
1669 poultry when received was packed in a container clearly bearing  
1670 a label, not less than 3 inches by 5 inches, on which was  
1671 plainly and legibly printed, in letters not less than 1/4 ~~one-~~  
1672 ~~fourth~~ inch high ~~in height,~~ the grade and the part name or  
1673 whole-bird statement of such poultry. ~~The grade may be expressed~~  
1674 ~~in the term "premium," "good," or "standard," or as the grade of~~  
1675 ~~another state or federal agency the standards of quality of~~  
1676 ~~which, by law, are equal to the standards of quality provided by~~  
1677 ~~this law and rules promulgated hereunder.~~

1678 (5) It is unlawful to offer dressed or ready-to-cook  
1679 poultry for sale in any advertisement in a newspaper or  
1680 circular, on radio or television, or in any other form of

1681 advertising without plainly designating in such advertisement  
 1682 ~~the grade and the part name or whole-bird statement of such~~  
 1683 poultry.

1684 Section 51. Subsection (1) of section 585.61, Florida  
 1685 Statutes, is amended to read:

1686 585.61 Animal disease diagnostic laboratories.—

1687 (1) There is hereby created and established an animal  
 1688 disease diagnostic laboratory in Osceola County and Suwannee  
 1689 County. The laboratory complex in Osceola County is designated  
 1690 as the "Bronson Animal Disease Diagnostic Laboratory."

1691 Section 52. Subsections (4) and (5) of section 590.125,  
 1692 Florida Statutes, are renumbered as subsections (5) and (6),  
 1693 respectively, subsection (1), paragraph (b) of subsection (3),  
 1694 and paragraph (c) of present subsection (4) are amended, and new  
 1695 subsections (4) and (7) are added to that section, to read:

1696 590.125 Open burning authorized by the division.—

1697 (1) DEFINITIONS.—As used in this section, the term:

1698 (a) "Certified pile burner" means an individual who  
 1699 successfully completes the division's pile burning certification  
 1700 program and possesses a valid pile burner certification number.

1701 (b) "Certified prescribed burn manager" means an  
 1702 individual who successfully completes the certified prescribed  
 1703 burning certification program of the division and possesses a  
 1704 valid certification number.

1705 (c) ~~(d)~~ "Extinguished" means:

1706 1. that no spreading flame For wild land burning or  
 1707 certified prescribed burning, that no spreading flames exist.

1708 2. and no visible flame, smoke, or emissions For

1709 vegetative land-clearing debris burning or pile burning, that no  
1710 visible flames exist.

1711 3. For vegetative land-clearing debris burning or pile  
1712 burning in an area designated as smoke sensitive by the  
1713 division, that no visible flames, smoke, or emissions exist.

1714 (d) "Land-clearing operation" means the uprooting or  
1715 clearing of vegetation in connection with the construction of  
1716 buildings and rights-of-way, land development, and mineral  
1717 operations. The term does not include the clearing of yard  
1718 trash.

1719 (e) "Pile burning" means the burning of silvicultural,  
1720 agricultural, or land-clearing and tree-cutting debris  
1721 originating onsite, which is stacked together in a round or  
1722 linear fashion, including, but not limited to, a windrow.

1723 (f)~~(a)~~ "Prescribed burning" means the controlled  
1724 application of fire in accordance with a written prescription  
1725 for vegetative fuels under specified environmental conditions  
1726 while following appropriate precautionary measures that ensure  
1727 that the fire is confined to a predetermined area to accomplish  
1728 the planned fire or land-management objectives.

1729 (g)~~(e)~~ "Prescription" means a written plan establishing  
1730 the criteria necessary for starting, controlling, and  
1731 extinguishing a prescribed burn.

1732 (h) "Yard trash" means vegetative matter resulting from  
1733 landscaping and yard maintenance operations and other such  
1734 routine property cleanup activities. The term includes materials  
1735 such as leaves, shrub trimmings, grass clippings, brush, and  
1736 palm fronds.

1737 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
 1738 PURPOSE.—

1739 (b) Certified prescribed burning pertains only to  
 1740 broadcast burning for purposes of silviculture, wildlife  
 1741 management, ecological maintenance and restoration, and range  
 1742 and pasture management. It must be conducted in accordance with  
 1743 this subsection and:

1744 1. May be accomplished only when a certified prescribed  
 1745 burn manager is present on site with a copy of the prescription  
 1746 from ignition of the burn to its completion.

1747 2. Requires that a written prescription be prepared before  
 1748 receiving authorization to burn from the division.

1749 3. Requires that the specific consent of the landowner or  
 1750 his or her designee be obtained before requesting an  
 1751 authorization.

1752 4. Requires that an authorization to burn be obtained from  
 1753 the division before igniting the burn.

1754 5. Requires that there be adequate firebreaks at the burn  
 1755 site and sufficient personnel and firefighting equipment for the  
 1756 control of the fire.

1757 6. Is considered to be in the public interest and does not  
 1758 constitute a public or private nuisance when conducted under  
 1759 applicable state air pollution statutes and rules.

1760 7. Is considered to be a property right of the property  
 1761 owner if vegetative fuels are burned as required in this  
 1762 subsection.

1763 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
 1764 PURPOSE.—

1765 (a) Pile burning is a tool that benefits current and  
1766 future generations in Florida by disposing of naturally  
1767 occurring vegetative debris through burning rather than  
1768 disposing of the debris in landfills.

1769 (b) Certified pile burning pertains to the disposal of  
1770 piled, naturally occurring debris from an agricultural,  
1771 silvicultural, or temporary land-clearing operation. A land-  
1772 clearing operation is temporary if it operates for 6 months or  
1773 less. Certified pile burning must be conducted in accordance  
1774 with this subsection, and:

1775 1. A certified pile burner must ensure, before ignition,  
1776 that the piles are properly placed and that the content of the  
1777 piles is conducive to efficient burning.

1778 2. A certified pile burner must ensure that the piles are  
1779 properly extinguished no later than 1 hour after sunset. If the  
1780 burn is conducted in an area designated by the division as smoke  
1781 sensitive, a certified pile burner must ensure that the piles  
1782 are properly extinguished at least 1 hour before sunset.

1783 3. A written pile burn plan must be prepared before  
1784 receiving authorization from the division to burn.

1785 4. The specific consent of the landowner or his or her  
1786 agent must be obtained before requesting authorization to burn.

1787 5. An authorization to burn must be obtained from the  
1788 division or its designated agent before igniting the burn.

1789 6. There must be adequate firebreaks and sufficient  
1790 personnel and firefighting equipment at the burn site to control  
1791 the fire.

1792 (c) If a burn is conducted in accordance with this



1793 subsection, the property owner and his or her agent are not  
 1794 liable under s. 590.13 for damage or injury caused by the fire  
 1795 or resulting smoke, and are not in violation of subsection (2),  
 1796 unless gross negligence is proven.

1797 (d) A certified pile burner who violates this section  
 1798 commits a misdemeanor of the second degree, punishable as  
 1799 provided in s. 775.082 or s. 775.083.

1800 (e) The division shall adopt rules regulating certified  
 1801 pile burning. The rules shall include procedures and criteria  
 1802 for certifying and decertifying certified pile burn managers  
 1803 based on past experience, training, and record of compliance  
 1804 with this section.

1805 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
 1806 DIVISION.—The division may conduct fuel reduction initiatives,  
 1807 including, but not limited to, burning and mechanical and  
 1808 chemical treatment, on any area of wild land within the state  
 1809 which is reasonably determined to be in danger of wildfire in  
 1810 accordance with the following procedures:

1811 (c) Prepare, and send the county tax collector shall  
 1812 include with the annual tax statement, a notice to be sent to  
 1813 all landowners in each area township designated by the division  
 1814 as a wildfire hazard area. The notice must describe particularly  
 1815 the area to be treated and the tentative date or dates of the  
 1816 treatment and must list the reasons for and the expected  
 1817 benefits from the wildfire hazard reduction.

1818 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
 1819 AUTHORIZATION PROGRAMS.—

1820 (a) A county or municipality may exercise the division's

1821 authority, if delegated by the division under this subsection,  
 1822 to issue authorizations for the burning of yard trash or debris  
 1823 from land-clearing operations. A county's or municipality's  
 1824 existing or proposed open burning authorization program must:

1825 1. Be approved by the division. The division shall not  
 1826 approve a program if it fails to meet the requirements of  
 1827 subsections (2) and (4) and any rules adopted under those  
 1828 subsections.

1829 2. Provide by ordinance or local law the requirements for  
 1830 obtaining and performing a burn authorization that comply with  
 1831 subsections (2) and (4) and any rules adopted under those  
 1832 subsections.

1833 3. Provide for the enforcement of the program's  
 1834 requirements.

1835 4. Provide financial, personnel, and other resources  
 1836 needed to carry out the program.

1837 (b) If the division determines that a county's or  
 1838 municipality's open burning authorization program does not  
 1839 comply with subsections (2) and (4) and any rules adopted under  
 1840 those subsections, the division shall require the county or  
 1841 municipality to take necessary corrective actions within a  
 1842 reasonable period, not to exceed 90 days.

1843 1. If the county or municipality fails to take the  
 1844 necessary corrective actions within the required period, the  
 1845 division shall resume administration of the open burning  
 1846 authorization program in the county or municipality and the  
 1847 county or municipality shall cease administration of its  
 1848 program.

1849           2. Each county and municipality administering an open  
 1850 burning authorization program must cooperate with and assist the  
 1851 division in carrying out the division's powers, duties, and  
 1852 functions.

1853           3. A person who violates the requirements of a county's or  
 1854 municipality's open burning authorization program, as provided  
 1855 by ordinance or local law enacted pursuant to this section,  
 1856 commits a violation of this chapter, punishable as provided in  
 1857 s. 590.14.

1858           Section 53. Section 590.14, Florida Statutes, is amended  
 1859 to read:

1860           590.14 Notice of violation; penalties.—

1861           (1) If a division employee determines that a person has  
 1862 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
 1863 the division to administer provisions of law conferring duties  
 1864 upon the division, the division employee ~~he or she~~ may issue a  
 1865 notice of violation indicating the statute violated. This notice  
 1866 will be filed with the division and a copy forwarded to the  
 1867 appropriate law enforcement entity for further action if  
 1868 necessary.

1869           (2) In addition to any penalties provided by law, any  
 1870 person who causes a wildfire or permits any authorized fire to  
 1871 escape the boundaries of the authorization or to burn past the  
 1872 time of the authorization is liable for the payment of all  
 1873 reasonable costs and expenses incurred in suppressing the fire  
 1874 or \$150, whichever is greater. All costs and expenses incurred  
 1875 by the division shall be payable to the division. When such  
 1876 costs and expenses are not paid within 30 days after demand, the

1877 | division may take proper legal proceedings for the collection of  
 1878 | the costs and expenses. Those costs incurred by an agency acting  
 1879 | at the division's direction are recoverable by that agency.

1880 |       (3) The department may also impose an administrative fine,  
 1881 | not to exceed \$1,000 per violation of any section of chapter 589  
 1882 | or this chapter or violation of any rule adopted by the division  
 1883 | to administer provisions of law conferring duties upon the  
 1884 | division. The fine shall be based upon the degree of damage, the  
 1885 | prior violation record of the person, and whether the person  
 1886 | knowingly provided false information to obtain an authorization.  
 1887 | The fines shall be deposited in the Incidental Trust Fund of the  
 1888 | division.

1889 |       (4) A person may not:

1890 |           (a) Fail to comply with any rule or order adopted by the  
 1891 | division to administer provisions of law conferring duties upon  
 1892 | the division; or

1893 |           (b) Knowingly make any false statement or representation  
 1894 | in any application, record, plan, or other document required by  
 1895 | this chapter or any rules adopted under this chapter.

1896 |       (5) A person who violates paragraph (4) (a) or paragraph  
 1897 | (4) (b) commits a misdemeanor of the second degree, punishable as  
 1898 | provided in s. 775.082 or s. 775.083.

1899 |       (6) It is the intent of the Legislature that a penalty  
 1900 | imposed by a court under subsection (5) be of a severity that  
 1901 | ensures immediate and continued compliance with this section.

1902 |       ~~(7)-(4)~~ The penalties provided in this section shall extend  
 1903 | to both the actual violator and the person or persons, firm, or  
 1904 | corporation causing, directing, or permitting the violation.

1905 Section 54. Paragraph (a) of subsection (1) of section  
 1906 599.004, Florida Statutes, is amended to read:

1907 599.004 Florida Farm Winery Program; registration; logo;  
 1908 fees.—

1909 (1) The Florida Farm Winery Program is established within  
 1910 the Department of Agriculture and Consumer Services. Under this  
 1911 program, a winery may qualify as a tourist attraction only if it  
 1912 is registered with and certified by the department as a Florida  
 1913 Farm Winery. A winery may not claim to be certified unless it  
 1914 has received written approval from the department.

1915 (a) To qualify as a certified Florida Farm Winery, a  
 1916 winery shall meet the following standards:

1917 1. Produce or sell less than 250,000 gallons of wine  
 1918 annually.

1919 2. Maintain a minimum of 10 acres of owned or managed land  
 1920 ~~vineyards~~ in Florida which produces commodities used in the  
 1921 production of wine.

1922 3. Be open to the public for tours, tastings, and sales at  
 1923 least 30 hours each week.

1924 4. Make annual application to the department for  
 1925 recognition as a Florida Farm Winery, on forms provided by the  
 1926 department.

1927 5. Pay an annual application and registration fee of \$100.

1928 Section 55. Subsection (1) of section 604.15, Florida  
 1929 Statutes, is amended, and subsection (11) is added to that  
 1930 section, to read:

1931 604.15 Dealers in agricultural products; definitions.—For  
 1932 the purpose of ss. 604.15-604.34, the following words and terms,

1933 when used, shall be construed to mean:

1934 (1) "Agricultural products" means the natural products of  
 1935 the farm, nursery, grove, orchard, vineyard, garden, and apiary  
 1936 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
 1937 livestock; milk and milk products; poultry and poultry products;  
 1938 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*  
 1939 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety  
 1940 Persian, Tahiti, Bearss, or Florida Key limes); and any other  
 1941 nonexempt agricultural products produced in the state, except  
 1942 tobacco, sugarcane, tropical foliage, timber and timber  
 1943 byproducts, forest products as defined in s. 591.17, and citrus  
 1944 other than limes.

1945 (11) "Responsible position" means a position within the  
 1946 business of a dealer in agricultural products that has the  
 1947 authority to negotiate or make the purchase of agricultural  
 1948 products on behalf of the dealer's business or has principal  
 1949 active management authority over the business decisions,  
 1950 actions, and activities of the dealer's business in this state.

1951 Section 56. Section 604.19, Florida Statutes, is amended  
 1952 to read:

1953 604.19 License; fee; bond; certificate of deposit;  
 1954 penalty.—Unless the department refuses the application on one or  
 1955 more of the grounds provided in this section, it shall issue to  
 1956 an applicant, upon the payment of required fees and the  
 1957 execution and delivery of a bond or certificate of deposit as  
 1958 provided in this section, a state license entitling the  
 1959 applicant to conduct business as a dealer in agricultural  
 1960 products for a 1-year period to coincide with the effective

1961 period of the bond or certificate of deposit furnished by the  
1962 applicant. During the 1-year period covered by a license, if the  
1963 supporting surety bond or certificate of deposit is canceled for  
1964 any reason, the license shall automatically expire on the date  
1965 the surety bond or certificate of deposit terminates, unless an  
1966 acceptable replacement is in effect before the date of  
1967 termination so that continual coverage occurs for the remaining  
1968 period of the license. A surety company shall give the  
1969 department a 30-day written notice of cancellation by certified  
1970 mail in order to cancel a bond. Cancellation of a bond or  
1971 certificate of deposit does ~~shall~~ not relieve a surety company  
1972 or financial institution of liability for purchases or sales  
1973 occurring while the bond or certificate of deposit was in  
1974 effect. The license fee, which must be paid for the principal  
1975 place of business for a dealer in agricultural products, shall  
1976 be based upon the amount of the dealer's surety bond or  
1977 certificate of deposit furnished by each dealer under the  
1978 provisions of s. 604.20 and may not exceed \$500. For each  
1979 additional place in which the applicant desires to conduct  
1980 business and which the applicant names in the application, the  
1981 additional license fee must be paid but may not exceed \$100  
1982 annually. If a ~~Should any~~ dealer in agricultural products fails,  
1983 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and  
1984 qualify for the renewal of a license on or before its ~~the date~~  
1985 ~~of expiration~~ date ~~thereof~~, a penalty not to exceed \$100 shall  
1986 apply to and be added to the ~~original~~ license fee for the  
1987 principal place of business and to the license fee for each  
1988 additional place of business named in the application and shall

1989 | be paid by the applicant before the renewal license may be  
 1990 | issued. The department by rule shall prescribe fee amounts  
 1991 | sufficient to fund ss. 604.15-604.34.

1992 | Section 57. Section 604.25, Florida Statutes, is amended  
 1993 | to read:

1994 | 604.25 Denial of, refusal to renew ~~grant~~, or suspension or  
 1995 | revocation of ~~7~~ license.-

1996 | ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~  
 1997 | ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~  
 1998 | ~~granted~~ if the applicant or licensee has:

1999 | (1) ~~(a)~~ Suffered a monetary judgment entered against the  
 2000 | applicant or licensee ~~upon which is execution has been returned~~  
 2001 | unsatisfied;

2002 | (2) ~~(b)~~ Made false charges for handling or services  
 2003 | rendered;

2004 | (3) ~~(c)~~ Failed to account promptly and properly or to make  
 2005 | settlements with any producer;

2006 | (4) ~~(d)~~ Made any false statement or statements as to  
 2007 | condition, quality, or quantity of goods received or held for  
 2008 | sale when the true condition, quality, or quantity could have  
 2009 | been ascertained by reasonable inspection;

2010 | (5) ~~(e)~~ Made any false or misleading statement or  
 2011 | statements as to market conditions or service rendered;

2012 | (6) ~~(f)~~ Been guilty of a fraud in the attempt to procure,  
 2013 | or the procurement of, a license;

2014 | (7) ~~(g)~~ Directly or indirectly sold agricultural products  
 2015 | received on consignment or on a net return basis for her or his  
 2016 | own account, without prior authority from the producer



2017 consigning the same, or without notifying such producer;  
 2018 (8)-(h) Failed to prevent a person from holding a position  
 2019 as the applicant's or licensee's owner, officer, director,  
 2020 general or managing partner, or employee ~~Employed~~ in a  
 2021 responsible position ~~a person~~, or holding any other similarly  
 2022 situated position, if the person holds or has held a similar  
 2023 position with any entity that an officer of a corporation, who  
 2024 has failed to fully comply with an order of the department, has  
 2025 not satisfied a civil judgment held by the department, has  
 2026 pending any administrative or civil enforcement action by the  
 2027 department, or has pending any criminal charges pursuant to s.  
 2028 604.30 at any time within 1 year after issuance;

2029 (9)-(i) Violated any statute or rule relating to the  
 2030 purchase or sale of any agricultural product, whether or not  
 2031 such transaction is subject to the provisions of this chapter;  
 2032 ~~or~~

2033 (10)-(j) Failed to submit to the department an application,  
 2034 appropriate license fees, and an acceptable surety bond or  
 2035 certificate of deposit; or-

2036 (11)-(2) Failed If a licensee fails or refused ~~refuses~~ to  
 2037 comply in full with an order of the department or failed to  
 2038 satisfy a civil judgment owed to the department, her or his  
 2039 license may be suspended or revoked, in which case she or he  
 2040 shall not be eligible for license for a period of 1 year or  
 2041 until she or he has fully complied with the order of the  
 2042 department.

2043 ~~(3) No person, or officer of a corporation, whose license~~  
 2044 ~~has been suspended or revoked for failure to comply with an~~

2045 ~~order of the department may hold a responsible position with a~~  
 2046 ~~licensee for a period of 1 year or until the order of the~~  
 2047 ~~department has been fully complied with.~~

2048 Section 58. Subsections (18) and (19) of section 616.242,  
 2049 Florida Statutes, are renumbered as subsections (19) and (20),  
 2050 respectively, and a new subsection (18) is added to that section  
 2051 to read:

2052 616.242 Safety standards for amusement rides.—

2053 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride  
 2054 fails to comply with this chapter or any rule adopted under this  
 2055 chapter, the department may issue a stop-operation order.

2056 Section 59. Subsection (7) is added to section 624.4095,  
 2057 Florida Statutes, to read:

2058 624.4095 Premiums written; restrictions.—

2059 (7) For purposes of ss. 624.407 and 624.408 and this  
 2060 section, with regard to capital and surplus required, gross  
 2061 written premiums for federal multiple-peril crop insurance that  
 2062 is ceded to the Federal Crop Insurance Corporation and  
 2063 authorized reinsurers shall not be included when calculating the  
 2064 insurer's gross writing ratio. The liabilities for ceded  
 2065 reinsurance premiums payable for federal multiple-peril crop  
 2066 insurance ceded to the Federal Crop Insurance Corporation and  
 2067 authorized reinsurers shall be netted against the asset for  
 2068 amounts recoverable from reinsurers. Each insurer that writes  
 2069 other insurance products together with federal multiple-peril  
 2070 crop insurance shall disclose in the notes to the annual and  
 2071 quarterly financial statement, or file a supplement to the  
 2072 financial statement that discloses, a breakout of the gross

2073 written premiums for federal multiple-peril crop insurance.

2074 Section 60. Subsection (4) of section 686.201, Florida  
2075 Statutes, is amended to read:

2076 686.201 Sales representative contracts involving  
2077 commissions; requirements; termination of agreement; civil  
2078 remedies.—

2079 (4) This section does not apply to:

2080 (a) Persons licensed pursuant to chapter 475 who are  
2081 performing services within the scope of their license.

2082 (b) Contracts to which a seller of travel as defined in s.  
2083 559.927 is a party.

2084 Section 61. Paragraph (c) of subsection (5) of section  
2085 790.06, Florida Statutes, is amended to read:

2086 790.06 License to carry concealed weapon or firearm.—

2087 (5) The applicant shall submit to the Department of  
2088 Agriculture and Consumer Services:

2089 (c) A full set of fingerprints of the applicant  
2090 administered by a law enforcement agency or the Division of  
2091 Licensing of the Department of Agriculture and Consumer  
2092 Services.

2093 Section 62. Section 828.126, Florida Statutes, is created  
2094 to read:

2095 828.126 Sexual activities involving animals.—

2096 (1) As used in this section, the term "sexual activities"  
2097 means oral, anal, or vaginal penetration by, or union with, the  
2098 sexual organ of an animal or the anal or vaginal penetration of  
2099 any animal by any object.

2100 (2) A person may not:

2101        (a) Knowingly engage in sexual activities with an animal.  
 2102        (b) Knowingly cause, aid, or abet another person to engage  
 2103 in sexual activities with an animal.  
 2104        (c) Knowingly permit any sexual activities with an animal  
 2105 to be conducted on any premises under his or her control.  
 2106        (d) Knowingly organize, promote, conduct, advertise, aid,  
 2107 abet, participate as an observer, or perform any service in the  
 2108 furtherance of an act involving any sexual activities with an  
 2109 animal for a commercial or recreational purpose.  
 2110        (3) A person who violates this section commits a  
 2111 misdemeanor of the first degree, punishable as provided in s.  
 2112 775.082 or s. 775.083.  
 2113        (4) This section does not apply to normal and ordinary  
 2114 animal husbandry practices, conformation judging practices, or  
 2115 accepted veterinary medical practices.  
 2116        (5) For purposes of this section, the term "animal" means  
 2117 any living or dead dumb creature.  
 2118        Section 63. The Department of Agriculture and Consumer  
 2119 Services shall meet with duly authorized representatives of  
 2120 established organizations representing the state's pest control  
 2121 industry and shall prepare and submit a report to the President  
 2122 of the Senate, the Speaker of the House of Representatives, the  
 2123 chair of the Senate Committee on Agriculture, and the chair of  
 2124 the House Agriculture and Natural Resources Policy Committee by  
 2125 January 1, 2011. The report shall include recommended amendments  
 2126 to chapter 482, Florida Statutes, that provide for disciplinary  
 2127 action to be taken against licensees who violate laws or rules  
 2128 pertaining to the pretreatment of soil to protect newly

2129 constructed homes, pest control at sensitive facilities such as  
2130 schools and nursing homes, and the fumigation of existing homes  
2131 for protection against termite damage, thereby providing  
2132 additional safeguards for consumers. The report may also address  
2133 other issues of concern to the department and to members of the  
2134 industry, such as changes to requirements for professional  
2135 liability insurance coverage or the amount of bond required,  
2136 duties and responsibilities of a certified operator, issuance of  
2137 a centralized pest control service center license, and limited  
2138 certification for commercial wildlife management personnel.

2139 Section 64. Sections 570.071 and 570.901, Florida  
2140 Statutes, are repealed.

2141 Section 65. This act shall take effect July 1, 2010.