

By Senator Baker

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1                                   A bill to be entitled  
2           An act relating to the Department of Agriculture and  
3           Consumer Services; creating the "Florida Food Freedom  
4           Act"; providing definitions; providing a purpose for  
5           the act; providing an exemption from licensure  
6           requirements for certain food producers that sell or  
7           deliver directly to the consumer; prohibiting state  
8           and local governmental agencies from requiring  
9           licensure, certification, or inspection of such  
10          producers under certain circumstances; amending s.  
11          403.9336, F.S.; revising a reference to the Model  
12          Ordinance for Florida-Friendly Fertilizer Use on Urban  
13          Landscapes; amending s. 403.9337, F.S.; revising the  
14          criteria for a local government's adoption of more  
15          stringent standards; amending s. 493.6102, F.S.;  
16          specifying that provisions regulating security  
17          officers do not apply to certain law enforcement,  
18          correctional, and probation officers performing off-  
19          duty activities; amending s. 493.6105, F.S.; revising  
20          the application requirements and procedures for  
21          certain private investigative, private security,  
22          recovery agent, and firearm licenses; specifying  
23          application requirements for firearms instructor  
24          licenses; amending s. 493.6106, F.S.; revising  
25          citizenship requirements and documentation for certain  
26          private investigative, private security, and recovery  
27          agent licenses; prohibiting the licensure of  
28          applicants for a statewide firearm license or firearms  
29          instructor license who are prohibited from purchasing

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30 or possessing firearms; requiring that private  
31 investigative, security, and recovery agencies notify  
32 the department of changes to their branch office  
33 locations; amending s. 493.6107, F.S.; requiring the  
34 department to accept certain methods of payment for  
35 certain fees; amending s. 493.6108, F.S.; revising  
36 requirements for criminal history checks of license  
37 applicants whose fingerprints are not legible;  
38 requiring the investigation of the mental and  
39 emotional fitness of applicants for firearms  
40 instructor licenses; amending s. 493.6111, F.S.;

41 requiring a security officer school or recovery agent  
42 school to obtain the department's approval for use of  
43 a fictitious name; specifying that a licensee may not  
44 conduct business under more than one fictitious name;  
45 amending s. 493.6113, F.S.; revising application  
46 renewal procedures and requirements; amending s.  
47 493.6115, F.S.; conforming cross-references; amending  
48 s. 493.6118, F.S.; authorizing disciplinary action  
49 against statewide firearm licensees and firearms  
50 instructor licensees who are prohibited from  
51 purchasing or possessing firearms; amending s.  
52 493.6121, F.S.; deleting provisions for the  
53 department's access to certain criminal history  
54 records provided to licensed gun dealers,  
55 manufacturers, and exporters; amending s. 493.6202,  
56 F.S.; requiring the department to accept certain  
57 methods of payment for certain fees; amending s.  
58 493.6203, F.S.; prohibiting bodyguard services from

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59 being credited toward certain license requirements;  
60 revising the training requirements for private  
61 investigator intern license applicants; requiring the  
62 automatic suspension of an intern's license under  
63 certain circumstances; providing an exception;  
64 amending s. 493.6302, F.S.; requiring the department  
65 to accept certain methods of payment for certain fees;  
66 amending s. 493.6303, F.S.; revising the training  
67 requirements for security officer license applicants;  
68 amending s. 493.6304, F.S.; revising application  
69 requirements and procedures for security officer  
70 school licenses; amending s. 493.6401, F.S.; revising  
71 terminology for recovery agent schools and training  
72 facilities; amending s. 493.6402, F.S.; revising  
73 terminology for recovery agent schools and training  
74 facilities; requiring the department to accept certain  
75 methods of payment for certain fees; amending s.  
76 493.6406, F.S.; revising terminology; requiring  
77 recovery agent school and instructor licenses;  
78 providing license application requirements and  
79 procedures; amending s. 500.03, F.S.; revising the  
80 term "food establishment" to include tomato repackers  
81 for purposes of the Florida Food Safety Act; amending  
82 s. 500.12, F.S.; providing that certain persons who  
83 sell directly to the consumer are exempt from food  
84 permit requirements; requiring persons who sell  
85 directly to the consumer to be trained and certified;  
86 creating s. 500.70, F.S.; defining terms; authorizing  
87 the department to adopt rules establishing food safety

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88 standards for tomatoes; authorizing the department to  
89 inspect tomato farms, greenhouses, packinghouses, and  
90 repacking locations; providing penalties; authorizing  
91 the department to establish good agricultural  
92 practices and best management practices for the tomato  
93 industry by rule; providing a presumption that  
94 tomatoes introduced into commerce are safe for human  
95 consumption under certain circumstances; providing  
96 exemptions; amending ss. 501.605 and 501.607, F.S.;  
97 revising application requirements for commercial  
98 telephone seller and salesperson licenses; amending s.  
99 501.913, F.S.; specifying the sample size required for  
100 antifreeze registration application; amending s.  
101 525.01, F.S.; revising requirements for petroleum fuel  
102 affidavits; amending s. 525.09, F.S.; imposing an  
103 inspection fee on certain alternative fuels containing  
104 alcohol; amending s. 526.50, F.S.; defining terms  
105 applicable to regulation of the sale of brake fluid;  
106 amending s. 526.51, F.S.; revising brake fluid permit  
107 application requirements; deleting permit renewal  
108 requirements; providing for reregistration of brake  
109 fluid; establishing fees; amending s. 526.52, F.S.;  
110 revising requirements for printed statements on brake  
111 fluid containers; amending s. 526.53, F.S.; revising  
112 requirements and procedures for brake fluid stop-sale  
113 orders; authorizing businesses to dispose of  
114 unregistered brake fluid under certain circumstances;  
115 amending s. 527.0201, F.S.; revising requirements for  
116 liquefied petroleum gas qualifying examinations;

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117 increasing continuing education requirements for  
118 certain liquefied petroleum gas qualifiers; amending  
119 s. 527.12, F.S.; providing for the issuance of certain  
120 stop orders; amending ss. 559.805 and 559.928, F.S.;  
121 deleting social security numbers as a listing  
122 requirement on registration affidavits for independent  
123 agents of sellers of business opportunities; amending  
124 s. 570.07, F.S.; authorizing the department to adopt  
125 best management practices for agricultural production  
126 and food safety; amending s. 570.0725, F.S.; revising  
127 provisions for public information about food banks and  
128 similar food recovery programs; authorizing the  
129 department to adopt rules; amending s. 570.48, F.S.;  
130 revising duties of the Division of Fruit and  
131 Vegetables for tomato food safety inspections;  
132 amending ss. 570.53 and 570.54, F.S.; conforming  
133 cross-references; amending s. 570.55, F.S.; revising  
134 requirements for identifying sellers or handlers of  
135 tropical or subtropical fruit or vegetables; amending  
136 s. 570.902, F.S.; conforming terminology to the repeal  
137 by the act of provisions establishing the Florida  
138 Agricultural Museum; amending s. 570.903, F.S.;  
139 revising provisions for direct-support organizations  
140 for certain agricultural programs to conform to the  
141 repeal by the act of provisions establishing the  
142 Florida Agricultural Museum; deleting provisions for a  
143 direct-support organization for the Florida State  
144 Collection of Arthropods; amending s. 573.118, F.S.;  
145 requiring the department to maintain records of

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146 marketing orders; requiring an audit at the request of  
147 an advisory council; requiring that the advisory  
148 council receive a copy of the audit within a specified  
149 time; amending s. 581.011, F.S.; deleting terminology  
150 relating to the Florida State Collection of  
151 Arthropods; revising the term "nursery" for purposes  
152 of plant industry regulations; amending s. 581.211,  
153 F.S.; increasing the maximum fine for violations of  
154 plant industry regulations; amending s. 583.01, F.S.;  
155 redefining the term "dealer" with regard to the sale  
156 of eggs and poultry; amending s. 583.13, F.S.;  
157 deleting a prohibition on the sale of poultry without  
158 displaying the poultry grade; amending s. 590.125,  
159 F.S.; revising terminology for open burning  
160 authorizations; specifying purposes of certified  
161 prescribed burning; requiring the authorization of the  
162 Division of Forestry for certified pile burning;  
163 providing pile burning requirements; limiting the  
164 liability of property owners or agents engaged in pile  
165 burning; providing for the certification of pile  
166 burners; providing penalties for violations by  
167 certified pile burners; requiring rules; authorizing  
168 the division to adopt rules regulating certified pile  
169 burning; revising notice requirements for wildfire  
170 hazard reduction treatments; providing for approval of  
171 local government open burning authorization programs;  
172 providing program requirements; authorizing the  
173 division to close local government programs under  
174 certain circumstances; providing penalties for

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175 violations of local government open burning  
176 requirements; amending s. 590.14, F.S.; authorizing  
177 fines for violations of any division rule; providing  
178 penalties for certain violations; providing  
179 legislative intent; amending s. 599.004, F.S.;  
180 revising standards that a winery must meet to qualify  
181 as a certified Florida Farm Winery; amending s.  
182 604.15, F.S.; revising the term "agricultural  
183 products" to make tropical foliage exempt from  
184 regulation under provisions relating to dealers in  
185 agricultural products; defining the term "responsible  
186 position"; amending s. 604.19, F.S.; revising  
187 requirements for late fees on agricultural products  
188 dealer applications; amending s. 604.20, F.S.;  
189 revising the minimum amount of the surety bond or  
190 certificate of deposit required for agricultural  
191 products dealer licenses; providing conditions for the  
192 payment of bond or certificate of deposit proceeds;  
193 requiring additional documentation for issuance of a  
194 conditional license; amending s. 604.25, F.S.;  
195 revising conditions under which the department may  
196 deny, refuse to renew, suspend, or revoke agricultural  
197 products dealer licenses; deleting a provision  
198 prohibiting certain persons from holding a responsible  
199 position with a licensee; amending s. 616.242, F.S.;  
200 authorizing alternative forms of insurance coverage  
201 required for amusement rides; authorizing the issuance  
202 of stop-operation orders for amusement rides under  
203 certain circumstances; amending s. 686.201, F.S.;

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204 exempting contracts involving a seller of travel from  
205 requirements for certain sales representative  
206 contracts; amending s. 790.06, F.S.; authorizing a  
207 concealed firearm license applicant to submit  
208 fingerprints administered by the Division of  
209 Licensing; repealing ss. 570.071 and 570.901, F.S.,  
210 relating to the Florida Agricultural Exposition and  
211 the Florida Agricultural Museum; providing an  
212 effective date.

213

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

215

216 Section 1. Florida Food Freedom Act.—

217 (1) SHORT TITLE.—This section may be cited as the “Florida  
218 Food Freedom Act.”

219 (2) DEFINITIONS.—As used in this section, the term:

220 (a) “Agent” means a person who conducts commerce on behalf  
221 of a producer.

222 (b) “Agritourism activity” has the same meaning as provided  
223 in s. 570.961, Florida Statutes. The term also means a style of  
224 vacation that normally takes place on a farm or ranch, and  
225 includes any farm or ranch that is open to the public at least  
226 part of the year. The term also includes the opportunity to  
227 participate in agricultural tasks, including, but not limited  
228 to, harvesting fruits and vegetables, riding horses, tasting  
229 honey, learning about wine, and shopping in farm or ranch gift  
230 shops and farm stands for local and regional agricultural  
231 produce or hand-crafted gifts.

232 (c) “End consumer” means a person who is the last person to



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233 purchase any product or preparation and who does not resell the  
234 product or preparation.

235 (d) "Home consumption" means consumed within a private  
236 home.

237 (e) "Producer" means any person who grows any plant or  
238 animal for food or drink.

239 (f) "Transaction" means the exchange of buying and selling.

240 (3) PURPOSE; LICENSURE EXEMPTION.-

241 (a) The purpose of this section is to encourage the  
242 expansion and accessibility of farmers' markets, roadside  
243 stands, ranch- and farm-based sales, and agricultural sales by:

244 1. Promoting the purchase and consumption of fresh and  
245 local agricultural products;

246 2. Enhancing the agricultural economy;

247 3. Encouraging agritourism activities in this state;

248 4. Providing this state's residents with unimpeded access  
249 to healthful food from known sources; and

250 5. Encouraging the expansion and accessibility of farmers'  
251 markets, roadside stands, ranch- and farm-based sales, and  
252 direct agricultural sales from the producer to the end consumer.

253 (b) Any producer who:

254 1. Sells his or her product at farmers' markets or at  
255 roadside stands;

256 2. Sells his or her product through ranch- and farm-based  
257 sales directly to the end consumer; or

258 3. Delivers his or her product directly to the end  
259 consumer,

260  
261 is exempt from permit requirements of s. 500.12, Florida

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262 Statutes.

263 (c) Notwithstanding any other provision of law, a state  
264 agency or an agency of any political subdivision of the state  
265 may not require any licensure, certification, or inspection if  
266 there is only one transaction between the producer or the  
267 producer's agent and the end consumer and the food is for home  
268 consumption.

269 Section 2. Section 403.9336, Florida Statutes, is amended  
270 to read:

271 403.9336 Legislative findings.—The Legislature finds that  
272 the implementation of the Model Ordinance for Florida-Friendly  
273 Fertilizer Use on Urban Landscapes (2009) ~~(2008)~~, which was  
274 developed by the department in conjunction with the Florida  
275 Consumer Fertilizer Task Force, the Department of Agriculture  
276 and Consumer Services, and the University of Florida Institute  
277 of Food and Agricultural Sciences, will assist in protecting the  
278 quality of Florida's surface water and groundwater resources.  
279 The Legislature further finds that local conditions, including  
280 variations in the types and quality of water bodies, site-  
281 specific soils and geology, and urban or rural densities and  
282 characteristics, may necessitate ~~the implementation of~~  
283 additional or more stringent fertilizer management practices at  
284 the local government level.

285 Section 3. Subsection (2) of section 403.9337, Florida  
286 Statutes, is amended to read:

287 403.9337 Model Ordinance for Florida-Friendly Fertilizer  
288 Use on Urban Landscapes.—

289 (2) Each county and municipal government located within the  
290 watershed of a water body or water segment that is listed as

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291 impaired by nutrients pursuant to s. 403.067, must ~~shall~~, at a  
292 minimum, adopt the department's Model Ordinance for Florida-  
293 Friendly Fertilizer Use on Urban Landscapes. A local government  
294 may adopt additional or more stringent standards than the model  
295 ordinance if, before adoption, the following criteria are met:

296 (a) The local government has implemented ~~demonstrated~~, as  
297 ~~part of~~ a comprehensive program to address nonpoint sources of  
298 nutrient pollution but which is science-based, and ~~economically~~  
299 ~~and technically feasible~~, that additional or more stringent  
300 standards than the model ordinance are necessary in order to  
301 adequately address ~~urban fertilizer contributions to~~ nonpoint  
302 source nutrient loading to a water body. A comprehensive program  
303 may include:

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

306 2. Adoption of Florida-friendly landscaping requirements,  
307 as provided in s. 373.185, into the local government's  
308 development code;

309 3. The requirement for and enforcement of the  
310 implementation of low-impact development practices; and

311 4. Documenting in the public record the need for more  
312 stringent standards, including scientific documentation of the  
313 vulnerability of the waters within the local government's  
314 jurisdiction to nutrient enrichment due to landforms, soils,  
315 hydrology, climate, or geology.

316 (b) The local government documents that it has requested  
317 and considered all relevant scientific information, including  
318 input from the department, the institute, the Department of  
319 Agriculture and Consumer Services, and the University of Florida

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320 Institute of Food and Agricultural Sciences, if provided, on the  
321 need for additional or more stringent provisions to address  
322 fertilizer use as a contributor to water quality degradation.  
323 All documentation must become part of the public record before  
324 adoption of the additional or more stringent criteria.

325 Section 4. Subsection (1) of section 493.6102, Florida  
326 Statutes, is amended to read:

327 493.6102 Inapplicability of this chapter.—This chapter  
328 shall not apply to:

329 (1) Any individual who is an "officer" as defined in s.  
330 943.10(14), ~~or is~~ a law enforcement officer of the United States  
331 Government, while the ~~such~~ local, state, or federal officer is  
332 engaged in her or his official duties or, if approved by the  
333 officer's supervisors, when performing off-duty activities as a  
334 security officer ~~activities approved by her or his superiors.~~

335 Section 5. Section 493.6105, Florida Statutes, is amended  
336 to read:

337 493.6105 Initial application for license.—

338 (1) Each individual, partner, or principal officer in a  
339 corporation, shall file with the department a complete  
340 application accompanied by an application fee not to exceed \$60,  
341 except that the applicant for a Class "D" or Class "G" license  
342 is ~~shall~~ not be required to submit an application fee. The  
343 application fee is ~~shall~~ not be refundable.

344 (a) The application submitted by any individual, partner,  
345 or corporate officer must ~~shall~~ be approved by the department  
346 before the ~~prior to that~~ individual, partner, or corporate  
347 officer assumes ~~assuming~~ his or her duties.

348 (b) Individuals who invest in the ownership of a licensed

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349 agency, but do not participate in, direct, or control the  
350 operations of the agency are ~~shall~~ not be required to file an  
351 application.

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

355 (3) The application must ~~shall~~ contain the following  
356 information concerning the individual signing the application  
357 ~~same~~:

358 (a) Name and any aliases.

359 (b) Age and date of birth.

360 (c) Place of birth.

361 (d) Social security number or alien registration number,  
362 whichever is applicable.

363 (e) Current Present residence address ~~and his or her~~  
364 ~~residence addresses within the 5 years immediately preceding the~~  
365 ~~submission of the application.~~

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

368 ~~(f)(g)~~ A statement of all criminal convictions, findings of  
369 guilt, and pleas of guilty or nolo contendere, regardless of  
370 adjudication of guilt.

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

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

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

377 (j) A full set of fingerprints on a card provided by the

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378 department and a fingerprint fee to be established by rule of  
379 the department based upon costs determined by state and federal  
380 agency charges and department processing costs. An applicant who  
381 has, within the immediately preceding 6 months, submitted a  
382 fingerprint card and fee for licensing purposes under this  
383 chapter shall not be required to submit another fingerprint card  
384 or fee.

385 (k) A personal inquiry waiver which allows the department  
386 to conduct necessary investigations to satisfy the requirements  
387 of this chapter.

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

392 ~~(4) In addition to the application requirements outlined in~~  
393 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~  
394 ~~"E," Class "EE," or Class "G" license shall submit two color~~  
395 ~~photographs taken within the 6 months immediately preceding the~~  
396 ~~submission of the application, which meet specifications~~  
397 ~~prescribed by rule of the department. All other applicants shall~~  
398 ~~submit one photograph taken within the 6 months immediately~~  
399 ~~preceding the submission of the application.~~

400 (4)~~(5)~~ In addition to the application requirements outlined  
401 under subsection (3), the applicant for a Class "C," Class "E,"  
402 Class "M," Class "MA," Class "MB," or Class "MR" license shall  
403 include a statement on a form provided by the department of the  
404 experience which he or she believes will qualify him or her for  
405 such license.

406 (5)~~(6)~~ In addition to the requirements outlined in

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407 subsection (3), an applicant for a Class "G" license shall  
408 satisfy minimum training criteria for firearms established by  
409 rule of the department, which training criteria shall include,  
410 but is not limited to, 28 hours of range and classroom training  
411 taught and administered by a Class "K" licensee; however, no  
412 more than 8 hours of such training shall consist of range  
413 training. If the applicant can show proof that he or she is an  
414 active law enforcement officer currently certified under the  
415 Criminal Justice Standards and Training Commission or has  
416 completed the training required for that certification within  
417 the last 12 months, or if the applicant submits one of the  
418 certificates specified in paragraph (6)(a) ~~(7)(a)~~, the  
419 department may waive the foregoing firearms training  
420 requirement.

421 ~~(6)(7)~~ In addition to the requirements under subsection  
422 (3), an applicant for a Class "K" license shall:

423 (a) Submit one of the following certificates:

424 1. The Florida Criminal Justice Standards and Training  
425 Commission ~~Firearms~~ Instructor's Certificate and confirmation by  
426 the commission that the applicant is authorized to provide  
427 firearms instruction.

428 2. The National Rifle Association Law Enforcement ~~Police~~  
429 Firearms Instructor's Certificate.

430 ~~3. The National Rifle Association Security Firearms~~  
431 ~~Instructor's Certificate.~~

432 ~~3.4.~~ A firearms instructor's training certificate issued by  
433 any branch of the United States Armed Forces, from a federal law  
434 enforcement academy or agency, state, county, or a law  
435 enforcement municipal police academy or agency in this state

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436 recognized as such by the Criminal Justice Standards and  
437 Training Commission ~~or by the Department of Education.~~

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

442 (7)~~(8)~~ In addition to the application requirements for  
443 individuals, partners, or officers outlined under subsection  
444 (3), the application for an agency license shall contain the  
445 following information:

446 (a) The proposed name under which the agency intends to  
447 operate.

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

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

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

455 (8)~~(9)~~ Upon submission of a complete application, a Class  
456 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"  
457 Class "MA," Class "MB," or Class "MR" applicant may commence  
458 employment or appropriate duties for a licensed agency or branch  
459 office. However, the Class "C" or Class "E" applicant must work  
460 under the direction and control of a sponsoring licensee while  
461 his or her application is being processed. If the department  
462 denies application for licensure, the employment of the  
463 applicant must be terminated immediately, unless he or she  
464 performs only unregulated duties.



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465 Section 6. Paragraph (f) of subsection (1) and paragraph  
466 (a) of subsection (2) of section 493.6106, Florida Statutes, are  
467 amended, and paragraph (g) is added to subsection (1) of that  
468 section, to read:

469 493.6106 License requirements; posting.—

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

471 (f) Be a citizen or permanent legal resident alien of the  
472 United States or have appropriate ~~been granted~~ authorization  
473 issued to seek employment in this country by the United States  
474 Bureau of Citizenship and Immigration Services of the United  
475 States Department of Homeland Security.

476 1. An applicant for a Class "C," Class "CC," Class "D,"  
477 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class  
478 "MB," Class "MR," or Class "RI" license who is not a United  
479 States citizen must submit proof of current employment  
480 authorization issued by the United States Bureau of Citizenship  
481 and Immigration Services or proof that she or he is deemed a  
482 permanent legal resident alien by the United States Bureau of  
483 Citizenship and Immigration Services.

484 2. An applicant for a Class "G" or Class "K" license who is  
485 not a United States citizen must submit proof that she or he is  
486 deemed a permanent legal resident alien by the United States  
487 Bureau of Citizenship and Immigration Services, together with  
488 additional documentation establishing that she or he has resided  
489 in the state of residence shown on the application for at least  
490 90 consecutive days before the date that the application is  
491 submitted.

492 3. An applicant for an agency or school license who is not  
493 a United States citizen or permanent legal resident alien must

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494 submit documentation issued by the United States Bureau of  
495 Citizenship and Immigration Services stating that she or he is  
496 lawfully in the United States and is authorized to own and  
497 operate the type of agency or school for which she or he is  
498 applying. An employment authorization card issued by the United  
499 States Bureau of Citizenship and Immigration Services is not  
500 sufficient documentation.

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

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

508 (a) If an agency or branch office desires to change the  
509 physical location of the business, as it appears on the ~~agency~~  
510 license, the department must be notified within 10 days of the  
511 change, and, except upon renewal, the fee prescribed in s.  
512 493.6107 must be submitted for each license requiring revision.  
513 Each license requiring revision must be returned with such  
514 notification.

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

517 493.6107 Fees.—

518 (3) The fees set forth in this section must be paid by  
519 ~~certified check or money order or, at the discretion of the~~  
520 ~~department, by agency check~~ at the time the application is  
521 approved, except that the applicant for a Class "G" or Class "M"  
522 license must pay the license fee at the time the application is

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523 made. If a license is revoked or denied or if the application is  
524 withdrawn, the license fee shall not be refunded.

525 Section 8. Paragraph (a) of subsection (1) and subsection  
526 (3) of section 493.6108, Florida Statutes, are amended to read:  
527 493.6108 Investigation of applicants by Department of  
528 Agriculture and Consumer Services.—

529 (1) Except as otherwise provided, prior to the issuance of  
530 a license under this chapter, the department shall make an  
531 investigation of the applicant for a license. The investigation  
532 shall include:

533 (a)1. An examination of fingerprint records and police  
534 records. When a criminal history analysis of any applicant under  
535 this chapter is performed by means of fingerprint card  
536 identification, the time limitations prescribed by s. 120.60(1)  
537 shall be tolled during the time the applicant's fingerprint card  
538 is under review by the Department of Law Enforcement or the  
539 United States Department of Justice, Federal Bureau of  
540 Investigation.

541 2. If a legible set of fingerprints, as determined by the  
542 Department of Law Enforcement or the Federal Bureau of  
543 Investigation, cannot be obtained after two attempts, the  
544 Department of Agriculture and Consumer Services may determine  
545 the applicant's eligibility based upon a criminal history record  
546 check under the applicant's name conducted by the Department of  
547 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~  
548 ~~A set of fingerprints~~ are taken by a law enforcement agency or  
549 the department and the applicant submits a written statement  
550 signed by the fingerprint technician or a licensed physician  
551 stating that there is a physical condition that precludes

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552 obtaining a legible set of fingerprints or that the fingerprints  
553 taken are the best that can be obtained ~~is sufficient to meet~~  
554 ~~this requirement.~~

555 (3) The department shall also investigate the mental  
556 history and current mental and emotional fitness of any Class  
557 "G" or Class "K" applicant, and may deny a Class "G" or Class  
558 "K" license to anyone who has a history of mental illness or  
559 drug or alcohol abuse.

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

562 493.6111 License; contents; identification card.—

563 (4) Notwithstanding the existence of a valid Florida  
564 corporate registration, an ~~no~~ agency or school licensee may not  
565 conduct activities regulated under this chapter under any  
566 fictitious name without prior written authorization from the  
567 department to use that name in the conduct of activities  
568 regulated under this chapter. The department may not authorize  
569 the use of a name which is so similar to that of a public  
570 officer or agency, or of that used by another licensee, that the  
571 public may be confused or misled thereby. The authorization for  
572 the use of a fictitious name shall require, as a condition  
573 precedent to the use of such name, the filing of a certificate  
574 of engaging in business under a fictitious name under s. 865.09.  
575 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business  
576 under more than one fictitious name except as separately  
577 licensed nor shall the license be valid to protect any licensee  
578 who is engaged in ~~the~~ business under any name other than that  
579 specified in the license. An agency desiring to change its  
580 licensed name shall notify the department and, except upon

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581 renewal, pay a fee not to exceed \$30 for each license requiring  
582 revision including those of all licensed employees except Class  
583 "D" or Class "G" licensees. Upon the return of such licenses to  
584 the department, revised licenses shall be provided.

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

587 493.6113 Renewal application for licensure.—

588 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the  
589 expiration date of the license, the department shall mail a  
590 written notice to the last known mailing ~~residence~~ address of  
591 the licensee ~~for individual licensees and to the last known~~  
592 ~~agency address for agencies.~~

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

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

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

604 493.6115 Weapons and firearms.—

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

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

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

613 (16) If the criminal history record check program  
614 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the  
615 department may issue a temporary "G" license on a case-by-case  
616 basis, provided that the applicant has met all statutory  
617 requirements for the issuance of a temporary "G" license as  
618 specified in subsection (12), excepting the criminal history  
619 record check stipulated there; provided, that the department  
620 requires that the licensed employer of the applicant conduct a  
621 criminal history record check of the applicant pursuant to  
622 standards set forth in rule by the department, and provide to  
623 the department an affidavit containing such information and  
624 statements as required by the department, including a statement  
625 that the criminal history record check did not indicate the  
626 existence of any criminal history that would prohibit licensure.  
627 Failure to properly conduct such a check, or knowingly providing  
628 incorrect or misleading information or statements in the  
629 affidavit shall constitute grounds for disciplinary action  
630 against the licensed agency, including revocation of license.

631 Section 12. Paragraph (u) of subsection (1) of section  
632 493.6118, Florida Statutes, is redesignated as paragraph (v),  
633 and a new paragraph (u) is added to that subsection to read:

634 493.6118 Grounds for disciplinary action.—

635 (1) The following constitute grounds for which disciplinary  
636 action specified in subsection (2) may be taken by the  
637 department against any licensee, agency, or applicant regulated  
638 by this chapter, or any unlicensed person engaged in activities

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639 regulated under this chapter.

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

643 Section 13. Subsections (7) and (8) of section 493.6121,  
644 Florida Statutes, are renumbered as subsections (6) and (7),  
645 respectively, and present subsection (6) of that section is  
646 amended, to read:

647 493.6121 Enforcement; investigation.-

648 ~~(6) The department shall be provided access to the program~~  
649 ~~that is operated by the Department of Law Enforcement, pursuant~~  
650 ~~to s. 790.065, for providing criminal history record information~~  
651 ~~to licensed gun dealers, manufacturers, and exporters. The~~  
652 ~~department may make inquiries, and shall receive responses in~~  
653 ~~the same fashion as provided under s. 790.065. The department~~  
654 ~~shall be responsible for payment to the Department of Law~~  
655 ~~Enforcement of the same fees as charged to others afforded~~  
656 ~~access to the program.~~

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

659 493.6202 Fees.-

660 (3) The fees set forth in this section must be paid by  
661 ~~certified check or money order or, at the discretion of the~~  
662 ~~department, by agency check~~ at the time the application is  
663 approved, except that the applicant for a Class "G," Class "C,"  
664 Class "CC," Class "M," or Class "MA" license must pay the  
665 license fee at the time the application is made. If a license is  
666 revoked or denied or if the application is withdrawn, the  
667 license fee shall not be refunded.

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668 Section 15. Subsections (2), (4), and (6) of section  
669 493.6203, Florida Statutes, are amended to read:

670 493.6203 License requirements.—In addition to the license  
671 requirements set forth elsewhere in this chapter, each  
672 individual or agency shall comply with the following additional  
673 requirements:

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

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

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

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

681 (d) Experience described in paragraph (a) for 1 year and  
682 experience described in paragraph (e) for 1 year;

683 (e) No more than 1 year using:

684 1. College coursework related to criminal justice,  
685 criminology, or law enforcement administration; or

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

688 or

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

691  
692 However, experience in performing bodyguard services is not  
693 creditable toward the requirements of this subsection.

694 (4) An applicant for a Class "C" license shall have 2 years  
695 of lawfully gained, verifiable, full-time experience, or  
696 training in one, or a combination of more than one, of the



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697 following:

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

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

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

706

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

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

712 (b) Effective July 1, 2010 ~~September 1, 2008~~, before  
713 submission of an application to the department, the an applicant  
714 for a Class "CC" license must have completed a minimum of 40 at  
715 least 24 hours of professional training a 40-hour course  
716 pertaining to general investigative techniques and this chapter,  
717 which course is offered by a state university or by a school,  
718 community college, college, or university under the purview of  
719 the Department of Education, and the applicant must pass an  
720 examination. The training must be provided in two parts, one 24-  
721 hour course and one 16-hour course. The certificate evidencing  
722 satisfactory completion of the 40 at least 24 hours of  
723 professional training a 40-hour course must be submitted with  
724 the application for a Class "CC" license. ~~The remaining 16 hours~~  
725 ~~must be completed and an examination passed within 180 days. If~~

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726 ~~documentation of completion of the required training is not~~  
727 ~~submitted within the specified timeframe, the individual's~~  
728 ~~license is automatically suspended or his or her authority to~~  
729 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~  
730 ~~until such time as proof of certificate of completion is~~  
731 ~~provided to the department.~~ The training course specified in  
732 this paragraph may be provided by face-to-face presentation,  
733 online technology, or a home study course in accordance with  
734 rules and procedures of the Department of Education. The  
735 administrator of the examination must verify the identity of  
736 each applicant taking the examination.

737 1. Upon an applicant's successful completion of each part  
738 of the approved training ~~course~~ and passage of any required  
739 examination, the school, community college, college, or  
740 university shall issue a certificate of completion to the  
741 applicant. The certificates must be on a form established by  
742 rule of the department.

743 2. The department shall establish by rule the general  
744 content of the professional ~~training~~ ~~course~~ and the examination  
745 criteria.

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

749 (c) An individual who submits an application for a Class  
750 "CC" license on or after September 1, 2008, through June 30,  
751 2010, who has not completed the 16-hour course must submit proof  
752 of successful completion of the course within 180 days after the  
753 date the application is submitted. If documentation of  
754 completion of the required training is not submitted by that

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755 date, the individual's license is automatically suspended until  
756 proof of the required training is submitted to the department.  
757 An individual licensed on or before August 31, 2008, is not  
758 required to complete additional training hours in order to renew  
759 an active license beyond the required total amount of training,  
760 and within the timeframe, in effect at the time he or she was  
761 licensed.

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

764 493.6302 Fees.—

765 (3) The fees set forth in this section must be paid by  
766 ~~certified check or money order or, at the discretion of the~~  
767 ~~department, by agency check~~ at the time the application is  
768 approved, except that the applicant for a Class "D," Class "G,"  
769 Class "M," or Class "MB" license must pay the license fee at the  
770 time the application is made. If a license is revoked or denied  
771 or if the application is withdrawn, the license fee shall not be  
772 refunded.

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

775 493.6303 License requirements.—In addition to the license  
776 requirements set forth elsewhere in this chapter, each  
777 individual or agency shall comply with the following additional  
778 requirements:

779 (4) (a) Effective July 1, 2010, an applicant for a Class "D"  
780 license must submit proof of successful completion of ~~complete~~ a  
781 minimum of 40 hours of professional training at a school or  
782 training facility licensed by the department. The training must  
783 be provided in two parts, one 24-hour course and one 16-hour

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784 course. The department shall by rule establish the general  
785 content and number of hours of each subject area to be taught.

786 (b) An individual who submits an application for a Class  
787 "D" license on or after January 1, 2007, through June 30, 2010,  
788 who has not completed the 16-hour course must submit proof of  
789 successful completion of the course within 180 days after the  
790 date the application is submitted. If documentation of  
791 completion of the required training is not submitted by that  
792 date, the individual's license is automatically suspended until  
793 proof of the required training is submitted to the department.  
794 This section does not require a person licensed before January  
795 1, 2007, to complete additional training hours in order to renew  
796 an active license beyond the required total amount of training  
797 within the timeframe prescribed by law at the time he or she was  
798 licensed. An applicant may fulfill the training requirement  
799 prescribed in paragraph (a) by submitting proof of:

800 1. ~~Successful completion of the total number of required~~  
801 ~~hours of training before initial application for a Class "D"~~  
802 ~~license; or~~

803 2. ~~Successful completion of 24 hours of training before~~  
804 ~~initial application for a Class "D" license and successful~~  
805 ~~completion of the remaining 16 hours of training within 180 days~~  
806 ~~after the date that the application is submitted. If~~  
807 ~~documentation of completion of the required training is not~~  
808 ~~submitted within the specified timeframe, the individual's~~  
809 ~~license is automatically suspended until such time as proof of~~  
810 ~~the required training is provided to the department.~~

811 (c) An individual ~~However, any person whose license is~~  
812 suspended or has been revoked, ~~suspended pursuant to paragraph~~

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813 ~~(b) subparagraph 2.,~~ or is expired for at least 1 year, ~~or~~  
 814 ~~longer~~ is considered, upon reapplication for a license, an  
 815 initial applicant and must submit proof of successful completion  
 816 of 40 hours of professional training at a school or training  
 817 facility licensed by the department as provided ~~prescribed~~ in  
 818 paragraph (a) before a license is ~~will be~~ issued. Any person  
 819 ~~whose license was issued before January 1, 2007, and whose~~  
 820 ~~license has been expired for less than 1 year must, upon~~  
 821 ~~reapplication for a license, submit documentation of completion~~  
 822 ~~of the total number of hours of training prescribed by law at~~  
 823 ~~the time her or his initial license was issued before another~~  
 824 ~~license will be issued. This subsection does not require an~~  
 825 ~~individual licensed before January 1, 2007, to complete~~  
 826 ~~additional training hours in order to renew an active license,~~  
 827 ~~beyond the required total amount of training within the~~  
 828 ~~timeframe prescribed by law at the time she or he was licensed.~~

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

831 493.6304 Security officer school or training facility.—

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

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

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

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

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

844 493.6401 Classes of licenses.—

845 (7) Any person who operates a recovery agent ~~repossessor~~  
846 school or training facility or who conducts an Internet-based  
847 training course or a correspondence training course must have a  
848 Class "RS" license.

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

852 Section 20. Paragraphs (f) and (g) of subsection (1) and  
853 subsection (3) of section 493.6402, Florida Statutes, are  
854 amended to read:

855 493.6402 Fees.—

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

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

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

862 (3) The fees set forth in this section must be paid by  
863 ~~certified check or money order, or, at the discretion of the~~  
864 ~~department, by agency check~~ at the time the application is  
865 approved, except that the applicant for a Class "E," Class "EE,"  
866 or Class "MR" license must pay the license fee at the time the  
867 application is made. If a license is revoked or denied, or if an  
868 application is withdrawn, the license fee shall not be refunded.

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

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871 493.6406 Recovery agent ~~Repossession services~~ school or  
872 training facility.-

873 (1) Any school, training facility, or instructor who offers  
874 the training outlined in s. 493.6403(2) for Class "E" or Class  
875 "EE" applicants shall, before licensure of such school, training  
876 facility, or instructor, file with the department an application  
877 accompanied by an application fee in an amount to be determined  
878 by rule, not to exceed \$60. The fee shall not be refundable.  
879 This training may be offered as face-to-face training, Internet-  
880 based training, or correspondence training.

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

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

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

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

892 Section 22. Paragraph (n) of subsection (1) of section  
893 500.03, Florida Statutes, is amended to read:

894 500.03 Definitions; construction; applicability.-

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

896 (n) "Food establishment" means any factory, food outlet, or  
897 any other facility manufacturing, processing, packing, holding,  
898 or preparing food, or selling food at wholesale or retail. The  
899 term does not include any business or activity that is regulated

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900 under chapter 509 or chapter 601. The term includes tomato  
901 packinghouses and repackers but does not include any other  
902 establishments that pack fruits and vegetables in their raw or  
903 natural states, including those fruits or vegetables that are  
904 washed, colored, or otherwise treated in their unpeeled, natural  
905 form before they are marketed.

906 Section 23. Paragraph (a) of subsection (1) of section  
907 500.12, Florida Statutes, is amended to read:

908 500.12 Food permits; building permits.—

909 (1) (a) A food permit from the department is required of any  
910 person who operates a food establishment or retail food store,  
911 except:

912 1. Persons operating minor food outlets, including, but not  
913 limited to, video stores, which ~~that~~ sell commercially  
914 prepackaged, nonpotentially hazardous candy, chewing gum, soda,  
915 or popcorn, provided the shelf space for those items does not  
916 exceed 12 linear feet and no other food is sold by the minor  
917 food outlet.

918 2. Persons subject to continuous, onsite federal or state  
919 inspection.

920 3. Persons selling only legumes in the shell, either  
921 parched, roasted, or boiled.

922 4. Persons selling food directly to the end consumer at  
923 farmers' markets, roadside stands, or from a ranch or farm which  
924 has been grown, washed, prepared, or packaged ~~sugar cane or~~  
925 ~~sorghum syrup that has been boiled and bottled~~ on a premise  
926 located within the state. The packaging ~~Such bottles~~ must  
927 contain a label listing the producer's name and street address,  
928 all added ingredients, the net weight or volume of product, and



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929 a statement that reads "This product has not been produced in a  
930 facility permitted by the Florida Department of Agriculture and  
931 Consumer Services." To ensure food safety protection standards,  
932 each person who sells food directly to the end consumer and who  
933 is responsible for the storage, preparation, display, or serving  
934 of foods to the end consumer shall be trained and certified  
935 consistent with the conference standards for Accreditation of  
936 Food Protection Manager Certification Programs adopted by the  
937 Conference for Food Protection.

938 Section 24. Section 500.70, Florida Statutes, is created to  
939 read:

940 500.70 Tomato food safety standards; inspections;  
941 penalties; tomato good agricultural practices; tomato best  
942 management practices.-

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

944 (a) "Field packing" means the packing of tomatoes on a  
945 tomato farm or in a tomato greenhouse into containers for sale  
946 for human consumption without transporting the tomatoes to a  
947 packinghouse.

948 (b) "Packing" or "repacking" means the packing of tomatoes  
949 into containers for sale for human consumption. The term  
950 includes the sorting or separating of tomatoes into grades and  
951 sizes. The term also includes field packing.

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

955 (2) The department may adopt rules establishing food safety  
956 standards to safeguard the public health and promote the public  
957 welfare by protecting the consuming public from injury caused by

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958 the adulteration or the microbiological, chemical, or  
959 radiological contamination of tomatoes. The rules must be based  
960 on federal requirements, available scientific research,  
961 generally accepted industry practices, or recommendations of  
962 food safety professionals. The rules shall apply to the  
963 producing, harvesting, packing, and repacking of tomatoes for  
964 sale for human consumption by a tomato farm, tomato greenhouse,  
965 or tomato packinghouse or repacker in this state. The rules may  
966 include, but are not limited to, standards for:

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

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

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

974 (d) Use of fertilizers.

975 (e) Cleaning and sanitation of containers, materials,  
976 equipment, vehicles, and facilities, including storage and  
977 ripening areas.

978 (f) Health, hygiene, and sanitation of employees who handle  
979 tomatoes.

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

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

985 (3) (a) The department may inspect tomato farms, tomato  
986 greenhouses, tomato packinghouses, repacking locations, or any

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987 vehicle being used to transport or hold tomatoes to ensure  
988 compliance with the applicable provisions of this chapter and  
989 the rules adopted under this chapter.

990 (b) The department may impose an administrative fine not to  
991 exceed \$5,000 per violation, or issue a written notice or  
992 warning under s. 500.179, against a person who violates any  
993 applicable provision of this section or any rule adopted under  
994 this section.

995 (4) (a) The department may adopt rules establishing tomato  
996 good agricultural practices and tomato best management practices  
997 for the state's tomato industry based on applicable federal  
998 requirements, available scientific research, generally accepted  
999 industry practices, or recommendations of food safety  
1000 professionals.

1001 (b) A person who documents compliance with the department's  
1002 rules, tomato good agricultural practices, and tomato best  
1003 management practices is presumed to introduce tomatoes into the  
1004 stream of commerce which are safe for human consumption, unless  
1005 the department identifies noncompliance through inspections.

1006 (5) Subsections (2) and (4) do not apply to tomatoes sold  
1007 by the grower on the premises at which the tomatoes are grown or  
1008 at a local farmers' market, if the quantity of tomatoes sold  
1009 does not exceed two 25-pound boxes per customer.

1010 (6) The department may adopt rules pursuant to ss.  
1011 120.536(1) and 120.54 to administer this section.

1012 Section 25. Paragraph (a) of subsection (2) of section  
1013 501.605, Florida Statutes, is amended to read:

1014 501.605 Licensure of commercial telephone sellers.—

1015 (2) An applicant for a license as a commercial telephone

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1016 seller must submit to the department, in such form as it  
1017 prescribes, a written application for the license. The  
1018 application must set forth the following information:

1019 (a) The true name, date of birth, driver's license number,  
1020 ~~social security number~~, and home address of the applicant,  
1021 including each name under which he or she intends to do  
1022 business.

1023

1024 The application shall be accompanied by a copy of any: Script,  
1025 outline, or presentation the applicant will require or suggest a  
1026 salesperson to use when soliciting, or, if no such document is  
1027 used, a statement to that effect; sales information or  
1028 literature to be provided by the applicant to a salesperson; and  
1029 sales information or literature to be provided by the applicant  
1030 to a purchaser in connection with any solicitation.

1031 Section 26. Paragraph (a) of subsection (1) of section  
1032 501.607, Florida Statutes, is amended to read:

1033 501.607 Licensure of salespersons.—

1034 (1) An applicant for a license as a salesperson must submit  
1035 to the department, in such form as it prescribes, a written  
1036 application for a license. The application must set forth the  
1037 following information:

1038 (a) The true name, date of birth, driver's license number,  
1039 ~~social security number~~, and home address of the applicant.

1040 Section 27. Subsection (2) of section 501.913, Florida  
1041 Statutes, is amended to read:

1042 501.913 Registration.—

1043 (2) The completed application shall be accompanied by:

1044 (a) Specimens or facsimiles of the label for each brand of

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1045 antifreeze;

1046 (b) An application fee of \$200 for each brand; and

1047 (c) A properly labeled sample of at least 1 gallon, but not  
1048 more than 2 gallons, of each brand of antifreeze.

1049 Section 28. Subsection (2) of section 525.01, Florida  
1050 Statutes, is amended to read:

1051 525.01 Gasoline and oil to be inspected.—

1052 (2) All petroleum fuels are ~~shall be~~ subject to inspection  
1053 and analysis by the department. Before selling or offering for  
1054 sale in this state any petroleum fuel, all manufacturers,  
1055 terminal suppliers, wholesalers, and importers as defined in s.  
1056 206.01 ~~jobbers~~ shall file with the department:

1057 (a) An affidavit stating that they desire to do business in  
1058 this state, and the name and address of the manufacturer of the  
1059 petroleum fuel.

1060 (b) An affidavit stating that the petroleum fuel is in  
1061 conformity with the standards prescribed by department rule.

1062 Section 29. Subsections (1) and (3) of section 525.09,  
1063 Florida Statutes, are amended to read:

1064 525.09 Inspection fee.—

1065 (1) For the purpose of defraying the expenses incident to  
1066 inspecting, testing, and analyzing petroleum fuels in this  
1067 state, there shall be paid to the department a charge of one-  
1068 eighth cent per gallon on all gasoline, alternative fuel  
1069 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,  
1070 kerosene (except when used as aviation turbine fuel), and #1  
1071 fuel oil for sale or use in this state. This inspection fee  
1072 shall be imposed in the same manner as the motor fuel tax  
1073 pursuant to s. 206.41. Payment shall be made on or before the

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1074 25th day of each month.

1075 (3) All remittances to the department for the inspection  
1076 tax herein provided shall be accompanied by a detailed report  
1077 under oath showing the number of gallons of gasoline,  
1078 alternative fuel containing alcohol as defined in s.  
1079 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered  
1080 in each county.

1081 Section 30. Section 526.50, Florida Statutes, is amended to  
1082 read:

1083 526.50 Definition of terms.—As used in this part:

1084 (1) "Brake fluid" means the fluid intended for use as the  
1085 liquid medium through which force is transmitted in the  
1086 hydraulic brake system of a vehicle operated upon the highways.

1087 (2) "Brand" means the product name appearing on the label  
1088 of a container of brake fluid.

1089 (3) "Container" means any receptacle in which brake fluid  
1090 is immediately contained when sold, but does not mean a carton  
1091 or wrapping in which a number of such receptacles are shipped or  
1092 stored or a tank car or truck.

1093 (4)-(2) "Department" means the Department of Agriculture and  
1094 Consumer Services.

1095 (5) "Formula" means the name of the chemical mixture or  
1096 composition of the brake fluid product.

1097 ~~(3) "Sell" includes give, distribute, barter, exchange,~~  
1098 ~~trade, keep for sale, offer for sale or expose for sale, in any~~  
1099 ~~of their variant forms.~~

1100 (6)-(4) "Labeling" includes all written, printed or graphic  
1101 representations, in any form whatsoever, imprinted upon or  
1102 affixed to any container of brake fluid.

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1103       ~~(5) "Container" means any receptacle in which brake fluid~~  
1104 ~~is immediately contained when sold, but does not mean a carton~~  
1105 ~~or wrapping in which a number of such receptacles are shipped or~~  
1106 ~~stored or a tank car or truck.~~

1107       (7)~~(6)~~ "Permit year" means a period of 12 months commencing  
1108 July 1 and ending on the next succeeding June 30.

1109       (8)~~(7)~~ "Registrant" means any manufacturer, packer,  
1110 distributor, seller, or other person who has registered a brake  
1111 fluid with the department.

1112       (9) "Sell" includes give, distribute, barter, exchange,  
1113 trade, keep for sale, offer for sale or expose for sale, in any  
1114 of their variant forms.

1115       Section 31. Section 526.51, Florida Statutes, is amended to  
1116 read:

1117       526.51 Registration;~~renewal and fees~~; departmental  
1118 expenses; cancellation or refusal to issue or renew.-

1119       (1) (a) Application for registration of each brand of brake  
1120 fluid shall be made on forms to be supplied by the department.  
1121 The applicant shall give his or her name and address and the  
1122 brand name of the brake fluid, state that he or she owns the  
1123 brand name and has complete control over the product sold  
1124 thereunder in Florida, and provide the name and address of the  
1125 resident agent in Florida. If the applicant does not own the  
1126 brand name but wishes to register the product with the  
1127 department, a notarized affidavit that gives the applicant full  
1128 authorization to register the brand name and that is signed by  
1129 the owner of the brand name must accompany the application for  
1130 registration. The affidavit must include all affected brand  
1131 names, the owner's company or corporate name and address, the

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1132 applicant's company or corporate name and address, and a  
1133 statement from the owner authorizing the applicant to register  
1134 the product with the department. The owner of the brand name  
1135 shall maintain complete control over each product sold under  
1136 that brand name in this state. All first-time brand-formula  
1137 combination ~~new-product~~ applications must be accompanied by a  
1138 certified report from an independent testing laboratory, setting  
1139 forth the analysis of the brake fluid which shall show its  
1140 quality to be not less than the specifications established by  
1141 the department for brake fluids. A sample of not less than 24  
1142 fluid ounces of brake fluid shall be submitted, in a container  
1143 or containers, with labels representing exactly how the  
1144 containers of brake fluid will be labeled when sold, and the  
1145 sample and container shall be analyzed and inspected by the  
1146 Division of Standards in order that compliance with the  
1147 department's specifications and labeling requirements may be  
1148 verified. Upon approval of the application, the department shall  
1149 register the brand name of the brake fluid and issue to the  
1150 applicant a permit authorizing the registrant to sell the brake  
1151 fluid in this state during the permit year specified in the  
1152 permit.

1153 (b) Each applicant shall pay a fee of \$100 with each  
1154 application. An applicant seeking reregistration of a previously  
1155 registered brand-formula combination must submit a completed  
1156 application and all materials required under this subsection to  
1157 the department before the first day of the permit year. A brand-  
1158 formula combination for which a completed application and all  
1159 materials required under this subsection are not received before  
1160 the first day of the permit year ceases to be registered with



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1161 the department until a completed application and all materials  
1162 required under this subsection are received and approved. Any  
1163 fee, application, or materials received after the first day of  
1164 the permit year, if the brand-formula combination was previously  
1165 registered with the department, A permit may be renewed by  
1166 application to the department, accompanied by a renewal fee of  
1167 \$50 on or before the last day of the permit year immediately  
1168 preceding the permit year for which application is made for  
1169 renewal of registration. To any fee not paid when due, there  
1170 shall accrue a penalty of \$25, which shall be added to the  
1171 renewal fee. Renewals will be accepted only on brake fluids that  
1172 have no change in formula, composition, or brand name. Any  
1173 change in formula, composition, or brand name of any brake fluid  
1174 constitutes a new product that must be registered in accordance  
1175 with this part.

1176 (2) All fees collected under the provisions of this section  
1177 shall be credited to the General Inspection Trust Fund of the  
1178 department and all expenses incurred in the enforcement of this  
1179 part shall be paid from said fund.

1180 (3) The department may cancel or, refuse to issue ~~or refuse~~  
1181 ~~to renew~~ any registration and permit after due notice and  
1182 opportunity to be heard if it finds that the brake fluid is  
1183 adulterated or misbranded or that the registrant has failed to  
1184 comply with the provisions of this part or the rules and  
1185 regulations promulgated thereunder.

1186 Section 32. Paragraph (a) of subsection (3) of section  
1187 526.52, Florida Statutes, is amended to read:

1188 526.52 Specifications; adulteration and misbranding.-

1189 (3) Brake fluid is deemed to be misbranded:

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1190 (a) If its container does not bear on its side or top a  
1191 label on which is printed the name and place of business of the  
1192 registrant of the product, the words "brake fluid," and a  
1193 statement that the product therein equals or exceeds the minimum  
1194 specification of the Society of Automotive Engineers for heavy-  
1195 duty-type brake fluid or equals or exceeds Federal Motor Vehicle  
1196 Safety Standard No. 116 adopted by the United States Department  
1197 of Transportation, ~~heavy-duty-type~~. By regulation the department  
1198 may require that the duty-type classification appear on the  
1199 label.

1200 Section 33. Subsection (2) of section 526.53, Florida  
1201 Statutes, is amended to read:

1202 526.53 Enforcement; inspection and analysis, stop-sale and  
1203 disposition, regulations.—

1204 (2) (a) When any brake fluid is sold in violation of any of  
1205 the provisions of this part, all such affected brake fluid of  
1206 the same brand name ~~on the same premises on which the violation~~  
1207 ~~occurred~~ shall be placed under a stop-sale order by the  
1208 department by serving the owner of the brand name, distributor,  
1209 or other entity responsible for selling or distributing the  
1210 product in the state with the stop-sale order. The department  
1211 shall withdraw its stop-sale order upon the removal of the  
1212 violation or upon voluntary destruction of the product, or other  
1213 disposal approved by the department, under the supervision of  
1214 the department.

1215 (b) In addition to being subject to the stop-sale  
1216 procedures above, unregistered brake fluid shall be held by the  
1217 department or its representative, at a place to be designated in  
1218 the stop-sale order, until properly registered and released in

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1219 writing by the department or its representative. If application  
1220 ~~is has~~ not been made for registration of the such product within  
1221 30 days after issue of the stop-sale order, such product shall  
1222 be disposed of by the department, or, with the department's  
1223 consent, by the business, to any tax-supported institution or  
1224 agency of the state if the brake fluid meets legal  
1225 specifications or by other disposal authorized by rule of the  
1226 department if it fails to meet legal specifications.

1227 Section 34. Subsections (1) and (3) and paragraphs (a) and  
1228 (c) of subsection (5) of section 527.0201, Florida Statutes, are  
1229 amended to read:

1230 527.0201 Qualifiers; master qualifiers; examinations.—

1231 (1) In addition to the requirements of s. 527.02, any  
1232 person applying for a license to engage in the activities of a  
1233 pipeline system operator, category I liquefied petroleum gas  
1234 dealer, category II liquefied petroleum gas dispenser, category  
1235 IV liquefied petroleum gas dispenser and recreational vehicle  
1236 servicer, category V liquefied petroleum gases dealer for  
1237 industrial uses only, LP gas installer, specialty installer,  
1238 requalifier ~~requalification~~ of cylinders, or fabricator,  
1239 repairer, and tester of vehicles and cargo tanks must prove  
1240 competency by passing a written examination administered by the  
1241 department or its agent with a grade of at least 75 percent in  
1242 each area tested ~~or above~~. Each applicant for examination shall  
1243 submit a \$20 nonrefundable fee. The department shall by rule  
1244 specify the general areas of competency to be covered by each  
1245 examination and the relative weight to be assigned in grading  
1246 each area tested.

1247 (3) Qualifier cards issued to category I liquefied

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1248 petroleum gas dealers and liquefied petroleum gas installers  
1249 shall expire 3 years after the date of issuance. All category I  
1250 liquefied petroleum gas dealer qualifiers and liquefied  
1251 petroleum gas installer qualifiers holding a valid qualifier  
1252 card upon the effective date of this act shall retain their  
1253 qualifier status until July 1, 2003, and may sit for the master  
1254 qualifier examination at any time during that time period. All  
1255 such category I liquefied petroleum gas dealer qualifiers and  
1256 liquefied petroleum gas installer qualifiers may renew their  
1257 qualification on or before July 1, 2003, upon application to the  
1258 department, payment of a \$20 renewal fee, and documentation of  
1259 the completion of a minimum of 16 ~~12~~ hours of approved  
1260 continuing education courses, as defined by department rule,  
1261 during the previous 3-year period. Applications for renewal must  
1262 be made 30 calendar days prior to expiration. Persons failing to  
1263 renew prior to the expiration date must reapply and take a  
1264 qualifier competency examination in order to reestablish  
1265 category I liquefied petroleum gas dealer qualifier and  
1266 liquefied petroleum gas installer qualifier status. If a  
1267 category I liquefied petroleum gas qualifier or liquefied  
1268 petroleum gas installer qualifier becomes a master qualifier at  
1269 any time during the effective date of the qualifier card, the  
1270 card shall remain in effect until expiration of the master  
1271 qualifier certification.

1272 (5) In addition to all other licensing requirements, each  
1273 category I liquefied petroleum gas dealer and liquefied  
1274 petroleum gas installer must, at the time of application for  
1275 licensure, identify to the department one master qualifier who  
1276 is a full-time employee at the licensed location. This person

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1277 shall be a manager, owner, or otherwise primarily responsible  
1278 for overseeing the operations of the licensed location and must  
1279 provide documentation to the department as provided by rule. The  
1280 master qualifier requirement shall be in addition to the  
1281 requirements of subsection (1).

1282 (a) In order to apply for certification as a master  
1283 qualifier, each applicant must be a category I liquefied  
1284 petroleum gas dealer qualifier or liquefied petroleum gas  
1285 installer qualifier, must be employed by a licensed category I  
1286 liquefied petroleum gas dealer, liquefied petroleum gas  
1287 installer, or applicant for such license, must provide  
1288 documentation of a minimum of 1 year's work experience in the  
1289 gas industry, and must pass a master qualifier competency  
1290 examination. Master qualifier examinations shall be based on  
1291 Florida's laws, rules, and adopted codes governing liquefied  
1292 petroleum gas safety, general industry safety standards, and  
1293 administrative procedures. The examination must be successfully  
1294 passed ~~completed~~ by the applicant with a grade of at least 75  
1295 percent ~~or more~~. Each applicant for master qualifier status  
1296 shall submit to the department a nonrefundable \$30 examination  
1297 fee prior to the examination.

1298 (c) Master qualifier status shall expire 3 years after the  
1299 date of issuance of the certificate and may be renewed by  
1300 submission to the department of documentation of completion of  
1301 at least 16 ~~12~~ hours of approved continuing education courses  
1302 during the 3-year period; proof of employment with a licensed  
1303 category I liquefied petroleum gas dealer, liquefied petroleum  
1304 gas installer, or applicant; and a \$30 certificate renewal fee.  
1305 The department shall define, by rule, approved courses of

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1306 continuing education.

1307 Section 35. Section 527.12, Florida Statutes, is amended to  
1308 read:

1309 527.12 Cease and desist orders; stop-use orders; stop-  
1310 operation orders; stop-sale orders; administrative fines.-

1311 (1) Whenever the department has ~~shall have~~ reason to  
1312 believe that any person is violating or has violated ~~been~~  
1313 ~~violating provisions of~~ this chapter or any rules adopted under  
1314 this chapter pursuant thereto, the department ~~it~~ may issue a  
1315 cease and desist order, ~~or~~ impose a civil penalty, or do both  
1316 ~~may issue such cease and desist order and impose a civil~~  
1317 ~~penalty.~~

1318 (2) Whenever a person or liquefied petroleum gas system or  
1319 storage facility, or any part or component thereof, fails to  
1320 comply with this chapter or any rules adopted under this  
1321 chapter, the department may issue a stop-use order, stop-  
1322 operation order, or stop-sale order.

1323 Section 36. Subsection (1) of section 559.805, Florida  
1324 Statutes, is amended to read:

1325 559.805 Filings with the department; disclosure of  
1326 advertisement identification number.-

1327 (1) Every seller of a business opportunity shall annually  
1328 file with the department a copy of the disclosure statement  
1329 required by s. 559.803 before ~~prior to~~ placing an advertisement  
1330 or making any other representation designed to offer to, sell  
1331 to, or solicit an offer to buy a business opportunity from a  
1332 prospective purchaser in this state and shall update this filing  
1333 by reporting any material change in the required information  
1334 within 30 days after the material change occurs. An

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1335 advertisement is not placed in the state merely because the  
1336 publisher circulates, or there is circulated on his or her  
1337 behalf in the state, any bona fide newspaper or other  
1338 publication of general, regular, and paid circulation which has  
1339 had more than two-thirds of its circulation during the past 12  
1340 months outside the state or because a radio or television  
1341 program originating outside the state is received in the state.  
1342 If the seller is required by s. 559.807 to provide a bond or  
1343 establish a trust account or guaranteed letter of credit, he or  
1344 she shall contemporaneously file with the department a copy of  
1345 the bond, a copy of the formal notification by the depository  
1346 that the trust account is established, or a copy of the  
1347 guaranteed letter of credit. Every seller of a business  
1348 opportunity shall file with the department a list of independent  
1349 agents who will engage in the offer or sale of business  
1350 opportunities on behalf of the seller in this state. This list  
1351 must be kept current and shall include the following  
1352 information: name, home and business address, telephone number,  
1353 present employer, ~~social security number~~, and birth date. A ~~No~~  
1354 person may not ~~shall be allowed to~~ offer or sell business  
1355 opportunities unless the required information is ~~has been~~  
1356 provided to the department.

1357 Section 37. Subsection (3) of section 559.928, Florida  
1358 Statutes, is amended to read:

1359 559.928 Registration.—

1360 (3) Each independent agent shall annually file an affidavit  
1361 with the department before ~~prior to~~ engaging in business in this  
1362 state. This affidavit must include the independent agent's full  
1363 name, legal business or trade name, mailing address, business

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1364 address, telephone number, ~~social security number~~, and the name  
1365 or names and addresses of each seller of travel represented by  
1366 the independent agent. A letter evidencing proof of filing must  
1367 be issued by the department and must be prominently displayed in  
1368 the independent agent's primary place of business. Each  
1369 independent agent must also submit an annual registration fee of  
1370 \$50. All moneys collected pursuant to the imposition of the fee  
1371 shall be deposited by the Chief Financial Officer into the  
1372 General Inspection Trust Fund of the Department of Agriculture  
1373 and Consumer Services for the sole purpose of administrating  
1374 this part. As used in this subsection, the term "independent  
1375 agent" means a person who represents a seller of travel by  
1376 soliciting persons on its behalf; who has a written contract  
1377 with a seller of travel which is operating in compliance with  
1378 this part and any rules adopted thereunder; who does not receive  
1379 a fee, commission, or other valuable consideration directly from  
1380 the purchaser for the seller of travel; who does not at any time  
1381 have any unissued ticket stock or travel documents in his or her  
1382 possession; and who does not have the ability to issue tickets,  
1383 vacation certificates, or any other travel document. The term  
1384 "independent agent" does not include an affiliate of the seller  
1385 of travel, as that term is used in s. 559.935(3), or the  
1386 employees of the seller of travel or of such affiliates.

1387 Section 38. Subsection (10) of section 570.07, Florida  
1388 Statutes, is amended to read:

1389 570.07 Department of Agriculture and Consumer Services;  
1390 functions, powers, and duties.—The department shall have and  
1391 exercise the following functions, powers, and duties:

1392 (10) To act as adviser to producers and distributors, when



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1393 requested, ~~and~~ to assist them in the economical and efficient  
1394 distribution of their agricultural products, ~~and~~ to encourage  
1395 cooperative effort among producers to gain economical and  
1396 efficient production of agricultural products, and to adopt  
1397 rules establishing comprehensive best management practices for  
1398 agricultural production and food safety.

1399 Section 39. Subsection (7) of section 570.0725, Florida  
1400 Statutes, is amended to read:

1401 570.0725 Food recovery; legislative intent; department  
1402 functions.—

1403 (7) For public information purposes, the department may  
1404 ~~shall~~ develop and provide a public information brochure  
1405 detailing the need for food banks and similar ~~of~~ food recovery  
1406 programs, the benefit of such ~~food recovery~~ programs, the manner  
1407 in which ~~such~~ organizations may become involved in such ~~food~~  
1408 ~~recovery~~ programs, and the protection afforded to such programs  
1409 under s. 768.136, ~~and the food recovery entities or food banks~~  
1410 ~~that exist in the state. This brochure must be updated annually.~~  
1411 A food bank or similar food recovery organization seeking to be  
1412 included on a list of such organizations must notify the  
1413 department and provide the information required by rule of the  
1414 department. Such organizations are responsible for updating the  
1415 information and providing the updated information to the  
1416 department. The department may adopt rules to implement this  
1417 section.

1418 Section 40. Paragraph (e) of subsection (2) of section  
1419 570.48, Florida Statutes, is amended to read:

1420 570.48 Division of Fruit and Vegetables; powers and duties;  
1421 records.—The duties of the Division of Fruit and Vegetables

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1422 include, but are not limited to:

1423 (2)

1424 (e) Performing tomato food safety inspections under s.  
1425 500.70 on tomato farms, in tomato greenhouses, and in tomato  
1426 packinghouses and repackers.

1427 Section 41. Paragraph (e) of subsection (6) of section  
1428 570.53, Florida Statutes, is amended to read:

1429 570.53 Division of Marketing and Development; powers and  
1430 duties.—The powers and duties of the Division of Marketing and  
1431 Development include, but are not limited to:

1432 (6)

1433 (e) Extending in every practicable way the distribution and  
1434 sale of Florida agricultural products throughout the markets of  
1435 the world as required of the department by s. ss. ~~570.07(7),~~  
1436 ~~(8), (10), and (11) and 570.071~~ and chapters 571, 573, and 574.

1437 Section 42. Subsection (2) of section 570.54, Florida  
1438 Statutes, is amended to read:

1439 570.54 Director; duties.—

1440 (2) It shall be the duty of the director of this division  
1441 to supervise, direct, and coordinate the activities authorized  
1442 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and  
1443 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and  
1444 chapters 504, 571, 573, and 574 and to exercise other powers and  
1445 authority as authorized by the department.

1446 Section 43. Subsection (4) of section 570.55, Florida  
1447 Statutes, is amended to read:

1448 570.55 Identification of sellers or handlers of tropical or  
1449 subtropical fruit and vegetables; containers specified;  
1450 penalties.—

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1451 (4) IDENTIFICATION OF HANDLER.—At the time of each  
 1452 transaction involving the handling or sale of 55 pounds or more  
 1453 of tropical or subtropical fruit or vegetables in the primary  
 1454 channel of trade, the buyer or receiver of the tropical or  
 1455 subtropical fruit or vegetables shall demand a bill of sale,  
 1456 invoice, sales memorandum, or other document listing the date of  
 1457 the transaction, the quantity of the tropical or subtropical  
 1458 fruit or vegetables involved in the transaction, and the  
 1459 identification of the seller or handler as it appears on the  
 1460 driver's license of the seller or handler, including the  
 1461 driver's license number. If the seller or handler does not  
 1462 possess a driver's license, the buyer or receiver shall use any  
 1463 other acceptable means of identification, which may include, but  
 1464 is not limited to, i.e., voter's registration card and number,  
 1465 draft card, ~~social security card,~~ or other identification.  
 1466 However, no less than two identification documents shall be  
 1467 used. The identification of the seller or handler shall be  
 1468 recorded on the bill of sale, sales memorandum, invoice, or  
 1469 voucher, which shall be retained by the buyer or receiver for a  
 1470 period of not less than 1 year from the date of the transaction.

1471 Section 44. Subsection (3) of section 570.902, Florida  
 1472 Statutes, is amended to read:

1473 570.902 Definitions; ss. 570.902 and 570.903.—For the  
 1474 purpose of ss. 570.902 and 570.903:

1475 ~~(3) "Museum" means the Florida Agricultural Museum which is~~  
 1476 ~~designated as the museum for agriculture and rural history of~~  
 1477 ~~the State of Florida.~~

1478 Section 45. Section 570.903, Florida Statutes, is amended  
 1479 to read:

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1480 570.903 Direct-support organization.—

1481 (1) When the Legislature authorizes the establishment of a  
 1482 direct-support organization to provide assistance for ~~the~~  
 1483 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~  
 1484 ~~Florida State Collection of Arthropods,~~ the Friends of the  
 1485 Florida State Forests Program of the Division of Forestry, and  
 1486 the Forestry Arson Alert Program, and other programs of the  
 1487 department, the following provisions shall govern the creation,  
 1488 use, powers, and duties of the direct-support organization.

1489 (a) The department shall enter into a memorandum or letter  
 1490 of agreement with the direct-support organization, which shall  
 1491 specify the approval of the department, the powers and duties of  
 1492 the direct-support organization, and rules with which the  
 1493 direct-support organization shall comply.

1494 (b) The department may permit, without charge, appropriate  
 1495 use of property, facilities, and personnel of the department by  
 1496 a direct-support organization, subject to the provisions of ss.  
 1497 570.902 and 570.903. The use shall be directly in keeping with  
 1498 the approved purposes of the direct-support organization and  
 1499 shall not be made at times or places that would unreasonably  
 1500 interfere with opportunities for the general public to use  
 1501 department facilities for established purposes.

1502 (c) The department shall prescribe by contract or by rule  
 1503 conditions with which a direct-support organization shall comply  
 1504 in order to use property, facilities, or personnel of the  
 1505 department ~~or museum~~. Such rules shall provide for budget and  
 1506 audit review and oversight by the department.

1507 (d) The department shall not permit the use of property,  
 1508 facilities, or personnel of the ~~museum,~~ department, or

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1509 designated program by a direct-support organization which does  
1510 not provide equal employment opportunities to all persons  
1511 regardless of race, color, religion, sex, age, or national  
1512 origin.

1513 (2) (a) The direct-support organization shall be empowered  
1514 to conduct programs and activities; raise funds; request and  
1515 receive grants, gifts, and bequests of money; acquire, receive,  
1516 hold, invest, and administer, in its own name, securities,  
1517 funds, objects of value, or other property, real or personal;  
1518 and make expenditures to or for the direct or indirect benefit  
1519 of the ~~museum or~~ designated program.

1520 (b) Notwithstanding the provisions of s. 287.057, the  
1521 direct-support organization may enter into contracts or  
1522 agreements with or without competitive bidding for the  
1523 ~~restoration of objects, historical buildings, and other~~  
1524 ~~historical materials or for the purchase of objects, historical~~  
1525 ~~buildings, and other historical materials which are to be added~~  
1526 ~~to the collections of the museum, or benefit of~~ of the designated  
1527 program. However, before the direct-support organization may  
1528 enter into a contract or agreement without competitive bidding,  
1529 the direct-support organization shall file a certification of  
1530 conditions and circumstances with the internal auditor of the  
1531 department justifying each contract or agreement.

1532 (c) Notwithstanding the provisions of s. 287.025(1)(e), the  
1533 direct-support organization may enter into contracts to insure  
1534 property of the ~~museum or~~ designated programs and ~~may insure~~  
1535 ~~objects or collections on loan from others in satisfying~~  
1536 ~~security terms of the lender.~~

1537 (3) The direct-support organization shall provide for an

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1538 annual financial audit in accordance with s. 215.981.

1539 (4) Neither a designated program ~~or a museum~~, nor a  
1540 nonprofit corporation trustee or employee may:

1541 (a) Receive a commission, fee, or financial benefit in  
1542 connection with the sale or exchange of property ~~historical~~  
1543 ~~objects or properties~~ to the direct-support organization, ~~the~~  
1544 ~~museum~~, or the designated program; or

1545 (b) Be a business associate of any individual, firm, or  
1546 organization involved in the sale or exchange of property to the  
1547 direct-support organization, ~~the museum~~, or the designated  
1548 program.

1549 (5) All moneys received by the direct-support organization  
1550 shall be deposited into an account of the direct-support  
1551 organization and shall be used by the organization in a manner  
1552 consistent with the goals of the ~~museum or~~ designated program.

1553 (6) The identity of a donor or prospective donor who  
1554 desires to remain anonymous and all information identifying such  
1555 donor or prospective donor are confidential and exempt from the  
1556 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1557 Constitution.

1558 (7) The Commissioner of Agriculture, or the commissioner's  
1559 designee, may serve on the board of trustees and the executive  
1560 committee of any direct-support organization established to  
1561 benefit ~~the museum or~~ any designated program.

1562 ~~(8) The department shall establish by rule archival~~  
1563 ~~procedures relating to museum artifacts and records. The rules~~  
1564 ~~shall provide procedures which protect the museum's artifacts~~  
1565 ~~and records equivalent to those procedures which have been~~  
1566 ~~established by the Department of State under chapters 257 and~~

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1567 ~~267.~~

1568 Section 46. Subsection (4) of section 573.118, Florida  
1569 Statutes, is amended to read:

1570 573.118 Assessment; funds; audit; loans.—

1571 (4) In the event of levying and collecting of assessments,  
1572 for each fiscal year in which assessment funds are received by  
1573 the department, the department shall maintain records of  
1574 collections and expenditures for each marketing order separately  
1575 within the state's accounting system. If requested by an  
1576 advisory council, department staff shall cause to be made a  
1577 thorough annual audit of the books and accounts by a certified  
1578 public accountant, such audit to be completed within 60 days  
1579 after the request is received end of the fiscal year. The  
1580 advisory council department and all producers and handlers  
1581 covered by the marketing order shall be provided a copy of the  
1582 properly advised of the details of the annual official audit of  
1583 the accounts as shown by the certified public accountant within  
1584 30 days after completion of the audit.

1585 Section 47. Subsections (18) through (30) of section  
1586 581.011, Florida Statutes, are renumbered as subsections (17)  
1587 through (29), respectively, and present subsections (17) and  
1588 (20) of that section are amended to read:

1589 581.011 Definitions.—As used in this chapter:

1590 ~~(17) "Museum" means the Florida State Collection of~~  
1591 ~~Arthropods.~~

1592 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in  
1593 which nursery stock is grown, propagated, or held for sale or  
1594 distribution, including ~~except where~~ aquatic plant species ~~are~~  
1595 tended for harvest in the natural environment.

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1596 Section 48. Paragraph (a) of subsection (3) of section  
1597 581.211, Florida Statutes, is amended to read:

1598 581.211 Penalties for violations.—

1599 (3) (a) 1. In addition to any other provision of law, the  
1600 department may, after notice and hearing, impose an  
1601 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each  
1602 violation of this chapter, upon any person, nurseryman, stock  
1603 dealer, agent or plant broker. The fine, when paid, shall be  
1604 deposited in the Plant Industry Trust Fund. In addition, the  
1605 department may place the violator on probation for up to 1 year,  
1606 with conditions.

1607 2. The imposition of a fine or probation pursuant to this  
1608 subsection may be in addition to or in lieu of the suspension or  
1609 revocation of a certificate of registration or certificate of  
1610 inspection.

1611 Section 49. Subsection (4) of section 583.01, Florida  
1612 Statutes, is amended to read:

1613 583.01 Definitions.—For the purpose of this chapter, unless  
1614 elsewhere indicated, the term:

1615 (4) "Dealer" means any person, firm, or corporation,  
1616 including a producer, processor, retailer, or wholesaler, which  
1617 ~~that~~ sells, offers for sale, or holds for the purpose of sale in  
1618 this state:

1619 (a) The eggs of a flock of more than 3,000 birds; or

1620 (b) More than 20,000 head of dressed poultry that is  
1621 produced or processed per calendar year ~~30 dozen or more eggs or~~  
1622 ~~its equivalent in any one week, or in excess of 100 pounds of~~  
1623 ~~dressed poultry in any one week.~~

1624 Section 50. Section 583.13, Florida Statutes, is amended to



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1625 read:

1626 583.13 Labeling and advertising requirements for dressed  
1627 poultry; unlawful acts.—

1628 (1) It is unlawful for any dealer or broker to sell, offer  
1629 for sale, or hold for the purpose of sale in the state any  
1630 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry  
1631 is packed in a container clearly bearing a label, not less than  
1632 3 inches by 5 inches, on which shall be plainly and legibly  
1633 printed, in letters of not less than 1/4 inch high ~~in height~~,  
1634 ~~the grade and the part name or whole-bird statement of such~~  
1635 ~~poultry. The grade may be expressed in the term "premium,"~~  
1636 ~~"good," or "standard," or as the grade of another state or~~  
1637 ~~federal agency the standards of quality of which, by law, are~~  
1638 ~~equal to the standards of quality provided by this law and rules~~  
1639 ~~promulgated hereunder.~~

1640 (2) It is unlawful to sell unpackaged dressed or ready-to-  
1641 cook poultry at retail unless such poultry is labeled by a  
1642 placard immediately adjacent to the poultry or unless each bird  
1643 is individually labeled to show ~~the grade and the part name or~~  
1644 ~~whole-bird statement.~~ The placard shall be no smaller than 7  
1645 inches by 7 inches in size, and the required labeling  
1646 information shall be legibly and plainly printed on the placard  
1647 in letters not smaller than 1 inch in height.

1648 (3) It is unlawful to sell packaged dressed or ready-to-  
1649 cook poultry at retail unless such poultry is labeled to show  
1650 ~~the grade,~~ the part name or whole-bird statement, the net weight  
1651 of the poultry, and the name and address of the dealer. The size  
1652 of the type on the label must be one-eighth inch or larger. A  
1653 placard immediately adjacent to such poultry may be used to

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1654 indicate ~~the grade and~~ the part name or whole-bird statement,  
1655 but not the net weight of the poultry or the name and address of  
1656 the dealer.

1657 (4) It is unlawful to use dressed or ready-to-cook poultry  
1658 in bulk in the preparation of food served to the public, or to  
1659 hold such poultry for the purpose of such use, unless the  
1660 poultry when received was packed in a container clearly bearing  
1661 a label, not less than 3 inches by 5 inches, on which was  
1662 plainly and legibly printed, in letters not less than 1/4 ~~one-~~  
1663 ~~fourth~~ inch high in height, ~~the grade and~~ the part name or  
1664 whole-bird statement of such poultry. ~~The grade may be expressed~~  
1665 ~~in the term "premium," "good," or "standard," or as the grade of~~  
1666 ~~another state or federal agency the standards of quality of~~  
1667 ~~which, by law, are equal to the standards of quality provided by~~  
1668 ~~this law and rules promulgated hereunder.~~

1669 (5) It is unlawful to offer dressed or ready-to-cook  
1670 poultry for sale in any advertisement in a newspaper or  
1671 circular, on radio or television, or in any other form of  
1672 advertising without plainly designating in such advertisement  
1673 ~~the grade and~~ the part name or whole-bird statement of such  
1674 poultry.

1675 Section 51. Section 590.125, Florida Statutes, is amended  
1676 to read:

1677 590.125 Open burning authorized by the division.—

1678 (1) DEFINITIONS.—As used in this section, the term:

1679 (a) "Certified pile burner" means an individual who  
1680 successfully completes the division's pile burning certification  
1681 program and possesses a valid pile burner certification number.

1682 ~~"Prescribed burning" means the controlled application of fire in~~

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1683 ~~accordance with a written prescription for vegetative fuels~~  
1684 ~~under specified environmental conditions while following~~  
1685 ~~appropriate precautionary measures that ensure that the fire is~~  
1686 ~~confined to a predetermined area to accomplish the planned fire~~  
1687 ~~or land-management objectives.~~

1688 (b) "Certified prescribed burn manager" means an individual  
1689 who successfully completes the certified prescribed burning  
1690 ~~certification~~ program of the division and possesses a valid  
1691 certification number.

1692 ~~(c) "Prescription" means a written plan establishing the~~  
1693 ~~criteria necessary for starting, controlling, and extinguishing~~  
1694 ~~a prescribed burn.~~

1695 ~~(c)(d)~~ "Extinguished" means: that no spreading flame

1696 1. For wild land burning or certified prescribed burning,  
1697 that spreading flames do not and no visible flame, smoke, or  
1698 emissions for vegetative land-clearing debris burning, exist.

1699 2. For vegetative land-clearing debris burning or pile  
1700 burning, that visible flames do not exist.

1701 3. For vegetative land-clearing debris burning or pile  
1702 burning in an area designated as smoke sensitive by the  
1703 division, that no visible flames, smoke, or emissions exist.

1704 (d) "Land-clearing operation" means the uprooting or  
1705 clearing of vegetation in connection with the construction of  
1706 buildings and rights-of-way, land development, and mineral  
1707 operations. The term does not include the clearing of yard  
1708 trash.

1709 (e) "Pile burning" means the burning of silvicultural,  
1710 agricultural, or land-clearing and tree-cutting debris  
1711 originating onsite, which is stacked together in a round or

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1712 linear fashion, including, but not limited to, a windrow.

1713 (f) "Prescribed burning" means the controlled application  
1714 of fire in accordance with a written prescription for vegetative  
1715 fuels under specified environmental conditions while following  
1716 appropriate precautionary measures that ensure that the fire is  
1717 confined to a predetermined area to accomplish the planned fire  
1718 or land-management objectives.

1719 (g) "Prescription" means a written plan establishing the  
1720 criteria necessary for starting, controlling, and extinguishing  
1721 a prescribed burn.

1722 (h) "Yard trash" means vegetative matter resulting from  
1723 landscaping and yard maintenance operations and other such  
1724 routine property cleanup activities. The term includes materials  
1725 such as leaves, shrub trimmings, grass clippings, brush, and  
1726 palm fronds.

1727 (2) NONCERTIFIED BURNING.—

1728 (a) Persons may be authorized to burn wild land or  
1729 vegetative land-clearing debris in accordance with this  
1730 subsection if:

1731 1. There is specific consent of the landowner or his or her  
1732 designee;

1733 2. Authorization has been obtained from the division or its  
1734 designated agent before starting the burn;

1735 3. There are adequate firebreaks at the burn site and  
1736 sufficient personnel and firefighting equipment for the control  
1737 of the fire;

1738 4. The fire remains within the boundary of the authorized  
1739 area;

1740 5. Someone is present at the burn site until the fire is

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1741 extinguished;

1742 6. The division does not cancel the authorization; and

1743 7. The division determines that air quality and fire danger  
1744 are favorable for safe burning.

1745 (b) A person who burns wild land or vegetative land-  
1746 clearing debris in a manner that violates any requirement of  
1747 this subsection commits a misdemeanor of the second degree,  
1748 punishable as provided in s. 775.082 or s. 775.083.

1749 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1750 PURPOSE.—

1751 (a) The application of prescribed burning is a land  
1752 management tool that benefits the safety of the public, the  
1753 environment, and the economy of the state. The Legislature finds  
1754 that:

1755 1. Prescribed burning reduces vegetative fuels within wild  
1756 land areas. Reduction of the fuel load reduces the risk and  
1757 severity of wildfire, thereby reducing the threat of loss of  
1758 life and property, particularly in urban areas.

1759 2. Most of Florida's natural communities require periodic  
1760 fire for maintenance of their ecological integrity. Prescribed  
1761 burning is essential to the perpetuation, restoration, and  
1762 management of many plant and animal communities. Significant  
1763 loss of the state's biological diversity will occur if fire is  
1764 excluded from fire-dependent systems.

1765 3. Forestland and rangeland constitute significant  
1766 economic, biological, and aesthetic resources of statewide  
1767 importance. Prescribed burning on forestland prepares sites for  
1768 reforestation, removes undesirable competing vegetation,  
1769 expedites nutrient cycling, and controls or eliminates certain

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1770 forest pathogens. On rangeland, prescribed burning improves the  
1771 quality and quantity of herbaceous vegetation necessary for  
1772 livestock production.

1773 4. The state purchased hundreds of thousands of acres of  
1774 land for parks, preserves, wildlife management areas, forests,  
1775 and other public purposes. The use of prescribed burning for  
1776 management of public lands is essential to maintain the specific  
1777 resource values for which these lands were acquired.

1778 5. A public education program is necessary to make citizens  
1779 and visitors aware of the public safety, resource, and economic  
1780 benefits of prescribed burning.

1781 6. Proper training in the use of prescribed burning is  
1782 necessary to ensure maximum benefits and protection for the  
1783 public.

1784 7. As Florida's population continues to grow, pressures  
1785 from liability issues and nuisance complaints inhibit the use of  
1786 prescribed burning. Therefore, the division is urged to maximize  
1787 the opportunities for prescribed burning conducted during its  
1788 daytime and nighttime authorization process.

1789 (b) Certified prescribed burning pertains only to broadcast  
1790 burning for purposes of silviculture, wildlife management,  
1791 ecological maintenance and restoration, and range and pasture  
1792 management. It must be conducted in accordance with this  
1793 subsection and:

1794 1. May be accomplished only when a certified prescribed  
1795 burn manager is present on site with a copy of the prescription  
1796 from ignition of the burn to its completion.

1797 2. Requires that a written prescription be prepared before  
1798 receiving authorization to burn from the division.

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1799           3. Requires that the specific consent of the landowner or  
1800 his or her designee be obtained before requesting an  
1801 authorization.

1802           4. Requires that an authorization to burn be obtained from  
1803 the division before igniting the burn.

1804           5. Requires that there be adequate firebreaks at the burn  
1805 site and sufficient personnel and firefighting equipment for the  
1806 control of the fire.

1807           6. Is considered to be in the public interest and does not  
1808 constitute a public or private nuisance when conducted under  
1809 applicable state air pollution statutes and rules.

1810           7. Is considered to be a property right of the property  
1811 owner if vegetative fuels are burned as required in this  
1812 subsection.

1813           (c) Neither a property owner nor his or her agent is liable  
1814 pursuant to s. 590.13 for damage or injury caused by the fire or  
1815 resulting smoke or considered to be in violation of subsection  
1816 (2) for burns conducted in accordance with this subsection  
1817 unless gross negligence is proven.

1818           (d) Any certified burner who violates this section commits  
1819 a misdemeanor of the second degree, punishable as provided in s.  
1820 775.082 or s. 775.083.

1821           (e) The division shall adopt rules for the use of  
1822 prescribed burning and for certifying and decertifying certified  
1823 prescribed burn managers based on their past experience,  
1824 training, and record of compliance with this section.

1825           (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
1826 PURPOSE.—

1827           (a) Pile burning is a tool that benefits current and future

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1828 generations in Florida by disposing of naturally occurring  
1829 vegetative debris through burning rather than disposing of the  
1830 debris in landfills.

1831 (b) Certified pile burning pertains to the disposal of  
1832 piled, naturally occurring debris from an agricultural,  
1833 silvicultural, or temporary land-clearing operation. A land-  
1834 clearing operation is temporary if it operates for 6 months or  
1835 less. Certified pile burning must be conducted in accordance  
1836 with this subsection, and:

1837 1. A certified pile burner must ensure, before ignition,  
1838 that the piles are properly placed and that the content of the  
1839 piles is conducive to efficient burning.

1840 2. A certified pile burner must ensure that the piles are  
1841 properly extinguished no later than 1 hour after sunset. If the  
1842 burn is conducted in an area designated by the division as smoke  
1843 sensitive, a certified pile burner must ensure that the piles  
1844 are properly extinguished at least 1 hour before sunset.

1845 3. A written pile burn plan must be prepared before  
1846 receiving authorization from the division to burn.

1847 4. The specific consent of the landowner or his or her  
1848 agent must be obtained before requesting authorization to burn.

1849 5. An authorization to burn must be obtained from the  
1850 division or its designated agent before igniting the burn.

1851 6. There must be adequate firebreaks and sufficient  
1852 personnel and firefighting equipment at the burn site to control  
1853 the fire.

1854 (c) If a burn is conducted in accordance with this  
1855 subsection, the property owner and his or her agent are not  
1856 liable under s. 590.13 for damage or injury caused by the fire



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1857 or resulting smoke, and are not in violation of subsection (2),  
1858 unless gross negligence is proven.

1859 (d) A certified pile burner who violates this section  
1860 commits a misdemeanor of the second degree, punishable as  
1861 provided in s. 775.082 or s. 775.083.

1862 (e) The division shall adopt rules regulating certified  
1863 pile burning. The rules shall include procedures and criteria  
1864 for certifying and decertifying certified pile burn managers  
1865 based on past experience, training, and record of compliance  
1866 with this section.

1867 (5)~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
1868 DIVISION.—The division may conduct fuel reduction initiatives,  
1869 including, but not limited to, burning and mechanical and  
1870 chemical treatment, on any area of wild land within the state  
1871 which is reasonably determined to be in danger of wildfire in  
1872 accordance with the following procedures:

1873 (a) Describe the areas that will receive fuels treatment to  
1874 the affected local governmental entity.

1875 (b) Publish a treatment notice, including a description of  
1876 the area to be treated, in a conspicuous manner in at least one  
1877 newspaper of general circulation in the area of the treatment  
1878 not less than 10 days before the treatment.

1879 (c) Prepare, and send ~~the county tax collector shall~~  
1880 ~~include with the annual tax statement,~~ a notice to be sent to  
1881 all landowners in each area ~~township~~ designated by the division  
1882 as a wildfire hazard area. The notice must describe particularly  
1883 the area to be treated and the tentative date or dates of the  
1884 treatment and must list the reasons for and the expected  
1885 benefits from the wildfire hazard reduction.

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1886 (d) Consider any landowner objections to the fuels  
1887 treatment of his or her property. The landowner may apply to the  
1888 director of the division for a review of alternative methods of  
1889 fuel reduction on the property. If the director or his or her  
1890 designee does not resolve the landowner objection, the director  
1891 shall convene a panel made up of the local forestry unit  
1892 manager, the fire chief of the jurisdiction, and the affected  
1893 county or city manager, or any of their designees. If the  
1894 panel's recommendation is not acceptable to the landowner, the  
1895 landowner may request further consideration by the Commissioner  
1896 of Agriculture or his or her designee and shall thereafter be  
1897 entitled to an administrative hearing pursuant to the provisions  
1898 of chapter 120.

1899 (6)-(5) DUTIES OF AGENCIES.—The Department of Education  
1900 shall incorporate, where feasible and appropriate, the issues of  
1901 fuels treatment, including prescribed burning, into its  
1902 educational materials.

1903 (7) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
1904 AUTHORIZATION PROGRAMS.—

1905 (a) A county or municipality may exercise the division's  
1906 authority, if delegated by the division under this subsection,  
1907 to issue authorizations for the burning of yard trash or debris  
1908 from land-clearing operations. A county's or municipality's  
1909 existing or proposed open burning authorization program must:

1910 1. Be approved by the division. The division shall not  
1911 approve a program if it fails to meet the requirements of  
1912 subsections (2) and (4) and any rules adopted under those  
1913 subsections.

1914 2. Provide by ordinance or local law the requirements for

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1915 obtaining and performing a burn authorization which comply with  
1916 subsections (2) and (4) and any rules adopted under those  
1917 subsections.

1918 3. Provide for the enforcement of the program's  
1919 requirements.

1920 4. Provide financial, personnel, and other resources needed  
1921 to carry out the program.

1922 (b) If the division determines that a county's or  
1923 municipality's open burning authorization program does not  
1924 comply with subsections (2) and (4) and any rules adopted under  
1925 those subsections, the division shall require the county or  
1926 municipality to take necessary corrective actions within a  
1927 reasonable period, not to exceed 90 days.

1928 1. If the county or municipality fails to take the  
1929 necessary corrective actions within the required period, the  
1930 division shall resume administration of the open burning  
1931 authorization program in the county or municipality and the  
1932 county or municipality shall cease administration of its  
1933 program.

1934 2. Each county and municipality administering an open  
1935 burning authorization program must cooperate with and assist the  
1936 division in carrying out the division's powers, duties, and  
1937 functions.

1938 3. A person who violates the requirements of a county's or  
1939 municipality's open burning authorization program, as provided  
1940 by ordinance or local law enacted pursuant to this section,  
1941 commits a violation of this chapter, punishable as provided in  
1942 s. 590.14.

1943 Section 52. Section 590.14, Florida Statutes, is amended to

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1944 read:

1945 590.14 Notice of violation; penalties.-

1946 (1) If a division employee determines that a person has  
1947 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
1948 the division to administer provisions of law conferring duties  
1949 upon the division, the division employee ~~he or she~~ may issue a  
1950 notice of violation indicating the statute violated. This notice  
1951 will be filed with the division and a copy forwarded to the  
1952 appropriate law enforcement entity for further action if  
1953 necessary.

1954 (2) In addition to any penalties provided by law, any  
1955 person who causes a wildfire or permits any authorized fire to  
1956 escape the boundaries of the authorization or to burn past the  
1957 time of the authorization is liable for the payment of all  
1958 reasonable costs and expenses incurred in suppressing the fire  
1959 or \$150, whichever is greater. All costs and expenses incurred  
1960 by the division shall be payable to the division. When such  
1961 costs and expenses are not paid within 30 days after demand, the  
1962 division may take proper legal proceedings for the collection of  
1963 the costs and expenses. Those costs incurred by an agency acting  
1964 at the division's direction are recoverable by that agency.

1965 (3) The department may also impose an administrative fine,  
1966 not to exceed \$1,000 per violation of any section of chapter 589  
1967 or this chapter or violation of any rule adopted by the division  
1968 to administer provisions of law conferring duties upon the  
1969 division. The fine shall be based upon the degree of damage, the  
1970 prior violation record of the person, and whether the person  
1971 knowingly provided false information to obtain an authorization.  
1972 The fines shall be deposited in the Incidental Trust Fund of the

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1973 division.

1974 (4) A person may not:

1975 (a) Fail to comply with any rule or order adopted by the  
 1976 division to administer provisions of law conferring duties upon  
 1977 the division; or

1978 (b) Knowingly make any false statement or representation in  
 1979 any application, record, plan, or other document required by  
 1980 this chapter or any rules adopted under this chapter.

1981 (5) A person who violates paragraph (4) (a) or paragraph  
 1982 (4) (b) commits a misdemeanor of the second degree, punishable as  
 1983 provided in s. 775.082 or s. 775.083.

1984 (6) It is the intent of the Legislature that a penalty  
 1985 imposed by a court under subsection (5) be of a severity that  
 1986 ensures immediate and continued compliance with this section.

1987 (7)~~(4)~~ The penalties provided in this section shall extend  
 1988 to both the actual violator and the person or persons, firm, or  
 1989 corporation causing, directing, or permitting the violation.

1990 Section 53. Paragraph (a) of subsection (1) of section  
 1991 599.004, Florida Statutes, is amended to read:

1992 599.004 Florida Farm Winery Program; registration; logo;  
 1993 fees.—

1994 (1) The Florida Farm Winery Program is established within  
 1995 the Department of Agriculture and Consumer Services. Under this  
 1996 program, a winery may qualify as a tourist attraction only if it  
 1997 is registered with and certified by the department as a Florida  
 1998 Farm Winery. A winery may not claim to be certified unless it  
 1999 has received written approval from the department.

2000 (a) To qualify as a certified Florida Farm Winery, a winery  
 2001 shall meet the following standards:

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2002 1. Produce or sell less than 250,000 gallons of wine  
2003 annually.

2004 2. Maintain a minimum of 10 acres of owned or managed land  
2005 ~~vineyards~~ in Florida which produces commodities used in the  
2006 production of wine.

2007 3. Be open to the public for tours, tastings, and sales at  
2008 least 30 hours each week.

2009 4. Make annual application to the department for  
2010 recognition as a Florida Farm Winery, on forms provided by the  
2011 department.

2012 5. Pay an annual application and registration fee of \$100.

2013 Section 54. Subsection (1) of section 604.15, Florida  
2014 Statutes, is amended, and subsection (11) is added to that  
2015 section, to read:

2016 604.15 Dealers in agricultural products; definitions.—For  
2017 the purpose of ss. 604.15-604.34, the following words and terms,  
2018 when used, shall be construed to mean:

2019 (1) "Agricultural products" means the natural products of  
2020 the farm, nursery, grove, orchard, vineyard, garden, and apiary  
2021 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
2022 livestock; milk and milk products; poultry and poultry products;  
2023 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*  
2024 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety  
2025 Persian, Tahiti, Bearss, or Florida Key limes); and any other  
2026 nonexempt agricultural products produced in the state, except  
2027 tobacco, sugarcane, tropical foliage, timber and timber  
2028 byproducts, forest products as defined in s. 591.17, and citrus  
2029 other than limes.

2030 (11) "Responsible position" means a position within the

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2031 business of a dealer in agricultural products which has the  
2032 authority to negotiate or make the purchase of agricultural  
2033 products on behalf of the dealer's business or has principal  
2034 active management authority over the business decisions,  
2035 actions, and activities of the dealer's business in this state.

2036 Section 55. Section 604.19, Florida Statutes, is amended to  
2037 read:

2038 604.19 License; fee; bond; certificate of deposit;  
2039 penalty.—Unless the department refuses the application on one or  
2040 more of the grounds provided in this section, it shall issue to  
2041 an applicant, upon the payment of required fees and the  
2042 execution and delivery of a bond or certificate of deposit as  
2043 provided in this section, a state license entitling the  
2044 applicant to conduct business as a dealer in agricultural  
2045 products for a 1-year period to coincide with the effective  
2046 period of the bond or certificate of deposit furnished by the  
2047 applicant. During the 1-year period covered by a license, if the  
2048 supporting surety bond or certificate of deposit is canceled for  
2049 any reason, the license shall automatically expire on the date  
2050 the surety bond or certificate of deposit terminates, unless an  
2051 acceptable replacement is in effect before the date of  
2052 termination so that continual coverage occurs for the remaining  
2053 period of the license. A surety company shall give the  
2054 department a 30-day written notice of cancellation by certified  
2055 mail in order to cancel a bond. Cancellation of a bond or  
2056 certificate of deposit does ~~shall~~ not relieve a surety company  
2057 or financial institution of liability for purchases or sales  
2058 occurring while the bond or certificate of deposit was in  
2059 effect. The license fee, which must be paid for the principal

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2060 place of business for a dealer in agricultural products, shall  
 2061 be based upon the amount of the dealer's surety bond or  
 2062 certificate of deposit furnished by each dealer under the  
 2063 provisions of s. 604.20 and may not exceed \$500. For each  
 2064 additional place in which the applicant desires to conduct  
 2065 business and which the applicant names in the application, the  
 2066 additional license fee must be paid but may not exceed \$100  
 2067 annually. If a ~~Should any~~ dealer in agricultural products ~~fails,~~  
 2068 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and  
 2069 qualify for the renewal of a license on or before its ~~the date~~  
 2070 ~~of expiration date thereof,~~ a penalty not to exceed \$100 shall  
 2071 apply to and be added to the ~~original~~ license fee for the  
 2072 principal place of business and to the license fee for each  
 2073 additional place of business named in the application and shall  
 2074 be paid by the applicant before the renewal license may be  
 2075 issued. The department by rule shall prescribe fee amounts  
 2076 sufficient to fund ss. 604.15-604.34.

2077 Section 56. Subsections (1) and (4) of section 604.20,  
 2078 Florida Statutes, are amended to read:

2079 604.20 Bond or certificate of deposit prerequisite; amount;  
 2080 form.—

2081 (1) Before any license is issued, the applicant therefor  
 2082 shall make and deliver to the department a surety bond or  
 2083 certificate of deposit in the amount of at least \$5,000 or in  
 2084 such greater amount as the department may determine. No bond or  
 2085 certificate of deposit may be in an amount less than \$5,000. The  
 2086 penal sum of the bond or certificate of deposit to be furnished  
 2087 to the department by an applicant for license as a dealer in  
 2088 agricultural products shall be in an amount equal to twice the



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2089 average of the monthly dollar amounts ~~amount~~ of agricultural  
2090 products handled for a Florida producer or a producer's agent or  
2091 representative, by purchase or otherwise, ~~during the month of~~  
2092 ~~maximum transaction in such products~~ during the preceding 12-  
2093 month period. Only those months in which the applicant handled,  
2094 by purchase or otherwise, amounts equal to or greater than  
2095 \$1,000 shall be used to calculate the penal sum of the required  
2096 bond or certificate of deposit. An applicant for license who has  
2097 not handled agricultural products for a Florida producer or a  
2098 producer's agent or representative, by purchase or otherwise,  
2099 during the preceding 12-month period shall furnish a bond or  
2100 certificate of deposit in an amount equal to twice the estimated  
2101 average of the monthly dollar amounts ~~amount~~ of such  
2102 agricultural products to be handled, by purchase or otherwise,  
2103 ~~during the month of maximum transaction~~ during the next  
2104 immediate 12 months. Only those months in which the applicant  
2105 anticipates handling, by purchase or otherwise, amounts equal to  
2106 or greater than \$1,000 shall be used to calculate the penal sum  
2107 of the required bond or certificate of deposit. Such bond or  
2108 certificate of deposit shall be provided or assigned in the  
2109 exact name in which the dealer will conduct business subject to  
2110 the provisions of ss. 604.15-604.34. Such bond must be executed  
2111 by a surety company authorized to transact business in the  
2112 state. For the purposes of ss. 604.19-604.21, the term  
2113 "certificate of deposit" means a certificate of deposit at any  
2114 recognized financial institution doing business in the United  
2115 States. No certificate of deposit may be accepted in connection  
2116 with an application for a dealer's license unless the issuing  
2117 institution is properly insured by either the Federal Deposit

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2118 Insurance Corporation or the Federal Savings and Loan Insurance  
2119 Corporation. Such bond or any certificate of deposit assignment  
2120 or agreement shall be upon a form prescribed or approved by the  
2121 department and shall be conditioned to secure the faithful  
2122 accounting for and payment, in the manner prescribed by s.  
2123 604.21(9), to producers or their agents or representatives of  
2124 the proceeds of all agricultural products handled or purchased  
2125 by such dealer, ~~and~~ to secure payment to dealers who sell  
2126 agricultural products to such dealer, and to pay any claims or  
2127 costs ordered under s. 604.21 as the result of a complaint. Such  
2128 bond or certificate of deposit assignment or agreement shall  
2129 include terms binding the instrument to the Commissioner of  
2130 Agriculture. A certificate of deposit shall be presented with an  
2131 assignment of applicant's rights in the certificate in favor of  
2132 the Commissioner of Agriculture on a form prescribed by the  
2133 department and with a letter from the issuing institution  
2134 acknowledging that the assignment has been properly recorded on  
2135 the books of the issuing institution and will be honored by the  
2136 issuing institution. Such assignment shall be irrevocable while  
2137 the dealer's license is in effect and for an additional period  
2138 of 6 months after the termination or expiration of the dealer's  
2139 license, provided no complaint is pending against the licensee.  
2140 If a complaint is pending, the assignment shall remain in effect  
2141 until all actions on the complaint have been finalized. The  
2142 certificate of deposit may be released by the assignee of the  
2143 financial institution to the licensee or the licensee's  
2144 successors, assignee, or heirs if no claims are pending against  
2145 the licensee before the department at the conclusion of 6 months  
2146 after the last effective date of the license. No certificate of

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2147 deposit shall be accepted that contains any provision that would  
2148 give the issuing institution any prior rights or claim on the  
2149 proceeds or principal of such certificate of deposit. The  
2150 department shall determine by rule the maximum amount of bond or  
2151 certificate of deposit required of a dealer and whether an  
2152 annual bond or certificate of deposit will be required.

2153 (4) The department may issue a conditional license to an  
2154 applicant who is unable to provide a single bond or certificate  
2155 of deposit in the full amount required by the calculation in  
2156 subsection (1). The conditional license shall remain in effect  
2157 for a 1-year period to coincide with the effective period of the  
2158 bond or certificate of deposit furnished by the applicant. The  
2159 applicant must provide at least the minimum \$5,000 bond or  
2160 certificate of deposit as provided in subsection (1) together  
2161 with documentation from each of three separate bonding companies  
2162 denying the applicant's request for a surety bond in the full  
2163 amount required in subsection (1) and one of the following:

2164 (a) A notarized affidavit limiting the handling of  
2165 agricultural products, by purchase or otherwise, during their  
2166 largest month to a minimum of one-half the amount of the bond or  
2167 certificate of deposit provided by the applicant;

2168 (b) A notarized affidavit stating that any subject  
2169 agricultural products, handled by purchase or otherwise,  
2170 exceeding one-half of the amount of the bond or certificate of  
2171 deposit will be handled under the exemption provisions set forth  
2172 in s. 604.16(2); or

2173 (c) A second bond or certificate of deposit in such an  
2174 amount that, when the penal sum of the second bond or  
2175 certificate of deposit is added to the penal sum of the first

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2176 bond or certificate of deposit, the combined penal sum will  
 2177 equal twice the dollar amount of agricultural products handled  
 2178 for a Florida producer or a producer's agent or representative,  
 2179 by purchase or otherwise, during the month of maximum  
 2180 transaction in such products during the preceding 12-month  
 2181 period.

2182  
 2183 The department or its agents may require from any licensee who  
 2184 is issued a conditional license verified statements of the  
 2185 volume of the licensee's business or may review the licensee's  
 2186 records at the licensee's place of business during normal  
 2187 business hours to determine the licensee's adherence to the  
 2188 conditions of the license. The failure of a licensee to furnish  
 2189 such statement or to make such records available shall be cause  
 2190 for suspension of the licensee's conditional license. If the  
 2191 department finds such failure to be willful, the conditional  
 2192 license may be revoked.

2193 Section 57. Section 604.25, Florida Statutes, is amended to  
 2194 read:

2195 604.25 Denial of, refusal to renew ~~grant,~~ or suspension or  
 2196 revocation of ~~7~~ license.-

2197 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~  
 2198 ~~grant a license~~ or may suspend or revoke a license ~~already~~  
 2199 ~~granted~~ if the applicant or licensee has:

2200 (1)(a) Suffered a monetary judgment entered against the  
 2201 applicant or licensee ~~upon which is execution has been returned~~  
 2202 unsatisfied;

2203 (2)(b) Made false charges for handling or services  
 2204 rendered;

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2205        (3)~~(e)~~ Failed to account promptly and properly or to make  
2206 settlements with any producer;

2207        (4)~~(d)~~ Made any false statement or statements as to  
2208 condition, quality, or quantity of goods received or held for  
2209 sale when the true condition, quality, or quantity could have  
2210 been ascertained by reasonable inspection;

2211        (5)~~(e)~~ Made any false or misleading statement or statements  
2212 as to market conditions or service rendered;

2213        (6)~~(f)~~ Been guilty of a fraud in the attempt to procure, or  
2214 the procurement of, a license;

2215        (7)~~(g)~~ Directly or indirectly sold agricultural products  
2216 received on consignment or on a net return basis for her or his  
2217 own account, without prior authority from the producer  
2218 consigning the same, or without notifying such producer;

2219        (8)~~(h)~~ Failed to prevent a person from holding a position  
2220 as the applicant's or licensee's owner, officer, director,  
2221 general or managing partner, or employee Employed in a  
2222 responsible position a person, or holding any other similarly  
2223 situated position, if the person holds or has held a similar  
2224 position with any entity that an officer of a corporation, who  
2225 has failed to fully comply with an order of the department, has  
2226 not satisfied a civil judgment held by the department, has  
2227 pending any administrative or civil enforcement action by the  
2228 department, or has pending any criminal charges pursuant to s.  
2229 604.30 at any time within 1 year after issuance;

2230        (9)~~(i)~~ Violated any statute or rule relating to the  
2231 purchase or sale of any agricultural product, whether or not  
2232 such transaction is subject to the provisions of this chapter;  
2233 ~~or~~

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2234        (10)~~(j)~~ Failed to submit to the department an application,  
 2235 appropriate license fees, and an acceptable surety bond or  
 2236 certificate of deposit; or~~;~~

2237        (11)~~(2)~~ Failed ~~If a licensee fails or refused~~ refuses to  
 2238 comply ~~in full~~ with an order of the department or failed to  
 2239 satisfy a civil judgment owed to the department, ~~her or his~~  
 2240 ~~license may be suspended or revoked, in which case she or he~~  
 2241 ~~shall not be eligible for license for a period of 1 year or~~  
 2242 ~~until she or he has fully complied with the order of the~~  
 2243 ~~department.~~

2244        ~~(3) No person, or officer of a corporation, whose license~~  
 2245 ~~has been suspended or revoked for failure to comply with an~~  
 2246 ~~order of the department may hold a responsible position with a~~  
 2247 ~~licensee for a period of 1 year or until the order of the~~  
 2248 ~~department has been fully complied with.~~

2249        Section 58. Paragraph (b) of subsection (5) and paragraph  
 2250 (a) of subsection (9) of section 616.242, Florida Statutes, are  
 2251 amended, subsections (18) and (19) are renumbered as subsections  
 2252 (19) and (20), respectively, and a new subsection (18) is added  
 2253 to that section, to read:

2254        616.242 Safety standards for amusement rides.—

2255        (5) ANNUAL PERMIT.—

2256        (b) To apply for an annual permit an owner must submit to  
 2257 the department a written application on a form prescribed by  
 2258 rule of the department, which must include the following:

2259        1. The legal name, address, and primary place of business  
 2260 of the owner.

2261        2. A description, manufacturer's name, serial number, model  
 2262 number and, if previously assigned, the United States Amusement

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2263 Identification Number of the amusement ride.

2264 3. A valid certificate of insurance, ~~or~~ escrow  
2265 account, or unexpired irrevocable letter of credit for each  
2266 amusement ride.

2267 4. An affidavit of compliance stating that the amusement  
2268 ride was inspected in person by the affiant and that the  
2269 amusement ride is in general conformance with the requirements  
2270 of this section and all applicable rules adopted by the  
2271 department. The affidavit must be executed by a professional  
2272 engineer or a qualified inspector no earlier than 60 days  
2273 before, but not later than, the date of the filing of the  
2274 application with the department. The owner shall request  
2275 inspection and permitting of the amusement ride within 60 days  
2276 of the date of filing the application with the department. The  
2277 department shall inspect and permit the amusement ride within 60  
2278 days after filing the application with the department.

2279 5. If required by subsection (6), an affidavit of  
2280 nondestructive testing dated and executed no earlier than 60  
2281 days prior to, but not later than, the date of the filing of the  
2282 application with the department. The owner shall request  
2283 inspection and permitting of the amusement ride within 60 days  
2284 of the date of filing the application with the department. The  
2285 department shall inspect and permit the amusement ride within 60  
2286 days after filing the application with the department.

2287 6. A request for inspection.

2288 7. Upon request, the owner shall, at no cost to the  
2289 department, provide the department a copy of the manufacturer's  
2290 current recommended operating instructions in the possession of  
2291 the owner, the owner's operating fact sheet, and any written

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2292 bulletins in the possession of the owner concerning the safety,  
2293 operation, or maintenance of the amusement ride.

2294 (9) INSURANCE REQUIREMENTS.—

2295 (a) An owner may not operate an amusement ride unless the  
2296 owner has in effect at all times of operation insurance meeting  
2297 the following requirements:

2298 1. An insurance policy in an amount of not less than \$1  
2299 million per occurrence, \$1 million in the aggregate, which  
2300 insures the owner of the amusement ride against liability for  
2301 injury to persons arising out of the use of the amusement ride;  
2302 ~~or~~

2303 2. A bond in a like amount; however, the aggregate  
2304 liability of the surety under the bond may not exceed the face  
2305 amount thereof;~~—~~

2306 3. An escrow account consisting of cash or assets in a like  
2307 amount deposited with any bank, credit union, or savings  
2308 association organized and doing business under the laws of this  
2309 state or the United States; however, the aggregate liability of  
2310 the account may not exceed the face amount thereof; or

2311 4. An unexpired irrevocable letter of credit in a like  
2312 amount; however, the aggregate liability of the letter of credit  
2313 may not exceed the face amount thereof. The letter of credit  
2314 must:

2315 a. Be issued by any bank or savings association organized  
2316 and doing business under the laws of this state or the United  
2317 States.

2318 b. Be payable to the owner of the amusement ride as the  
2319 beneficiary upon presentment of a final judgment indicating  
2320 liability and awarding damages to be paid by the owner of the



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2321 amusement ride or upon presentment of a settlement agreement  
2322 signed by all parties to the agreement when such final judgment  
2323 or settlement is a result of a claim arising out of liability.

2324 c. Not be used for litigation costs or attorney's fees.

2325 d. Be nonassignable and nontransferable.

2326 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride  
2327 fails to comply with this chapter or any rule adopted under this  
2328 chapter, the department may issue a stop-operation order.

2329 Section 59. Subsection (4) of section 686.201, Florida  
2330 Statutes, is amended to read:

2331 686.201 Sales representative contracts involving  
2332 commissions; requirements; termination of agreement; civil  
2333 remedies.—

2334 (4) This section does not apply to:

2335 (a) Persons licensed pursuant to chapter 475 who are  
2336 performing services within the scope of their license.

2337 (b) Contracts to which a seller of travel as defined in s.  
2338 559.927 is a party.

2339 Section 60. Paragraph (c) of subsection (5) of section  
2340 790.06, Florida Statutes, is amended to read:

2341 790.06 License to carry concealed weapon or firearm.—

2342 (5) The applicant shall submit to the Department of  
2343 Agriculture and Consumer Services:

2344 (c) A full set of fingerprints of the applicant  
2345 administered by a law enforcement agency or the Division of  
2346 Licensing of the Department of Agriculture and Consumer  
2347 Services.

2348 Section 61. Sections 570.071 and 570.901, Florida Statutes,  
2349 are repealed.

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2350

Section 62. This act shall take effect July 1, 2010.