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Proposed Committee Substitute by the Committee on Agriculture

A bill to be entitled

An act relating to the Department of Agriculture and Consumer Services; amending s. 373.1391, F.S.; requiring that the agricultural use of land present at the time of fee simple acquisition be given priority regarding the management of the land; amending s. 403.9336, F.S.; revising a reference to the Model Ordinance for Florida-Friendly Fertilizer Use on Urban Landscapes; amending s. 403.9337, F.S.; providing criteria for the amendment of the model ordinance; authorizing the Department of Environmental Protection to adopt rules updating the model ordinance; revising the criteria for a local government's adoption of additional or more stringent standards; exempting lands used for certain research from provisions regulating fertilizer use on urban landscapes; amending s. 493.6102, F.S.; specifying that provisions regulating security officers do not apply to certain law enforcement, correctional, and probation officers performing off-duty activities; amending s. 493.6105, F.S.; revising the application requirements and procedures for certain private investigative, private security, recovery agent, and firearm licenses; specifying application requirements for firearms instructor licenses; amending s. 493.6106, F.S.; revising citizenship requirements and documentation for certain private investigative, private security, and recovery agent licenses; prohibiting the licensure



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29 of applicants for a statewide firearm license or
30 firearms instructor license who are prohibited from
31 purchasing or possessing firearms; requiring that
32 private investigative, security, and recovery agencies
33 notify the Department of Agriculture and Consumer
34 Services of changes to their branch office locations;
35 amending s. 493.6107, F.S.; requiring the department
36 to accept certain methods of payment for certain fees;
37 amending s. 493.6108, F.S.; revising requirements for
38 criminal history checks of license applicants whose
39 fingerprints are not legible; requiring the
40 investigation of the mental and emotional fitness of
41 applicants for firearms instructor licenses; amending
42 s. 493.6111, F.S.; requiring a security officer school
43 or recovery agent school to obtain the department's
44 approval for use of a fictitious name; specifying that
45 a licensee may not conduct business under more than
46 one fictitious name; amending s. 493.6113, F.S.;
47 revising application renewal procedures and
48 requirements; amending s. 493.6115, F.S.; conforming
49 cross-references; amending s. 493.6118, F.S.;
50 authorizing disciplinary action against statewide
51 firearm licensees and firearms instructor licensees
52 who are prohibited from purchasing or possessing
53 firearms; amending s. 493.6121, F.S.; deleting
54 provisions for the department's access to certain
55 criminal history records provided to licensed gun
56 dealers, manufacturers, and exporters; amending s.
57 493.6202, F.S.; requiring the department to accept



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58 certain methods of payment for certain fees; amending
59 s. 493.6203, F.S.; prohibiting bodyguard services from
60 being credited toward certain license requirements;
61 revising the training requirements for private
62 investigator intern license applicants; requiring the
63 automatic suspension of an intern's license under
64 certain circumstances; providing an exception;
65 amending s. 493.6302, F.S.; requiring the department
66 to accept certain methods of payment for certain fees;
67 amending s. 493.6303, F.S.; revising the training
68 requirements for security officer license applicants;
69 amending s. 493.6304, F.S.; revising application
70 requirements and procedures for security officer
71 school licenses; amending s. 493.6401, F.S.; revising
72 terminology for recovery agent schools and training
73 facilities; amending s. 493.6402, F.S.; revising
74 terminology for recovery agent schools and training
75 facilities; requiring the department to accept certain
76 methods of payment for certain fees; amending s.
77 493.6406, F.S.; revising terminology; requiring
78 recovery agent school and instructor licenses;
79 providing license application requirements and
80 procedures; amending ss. 501.605 and 501.607, F.S.;
81 revising application requirements for commercial
82 telephone seller and salesperson licenses; amending s.
83 501.913, F.S.; specifying the sample size required for
84 antifreeze registration application; amending s.
85 525.01, F.S.; revising requirements for petroleum fuel
86 affidavits; amending s. 525.09, F.S.; imposing an



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87 inspection fee on certain alternative fuels containing
88 alcohol; amending s. 526.50, F.S.; defining terms
89 applicable to regulation of the sale of brake fluid;
90 amending s. 526.51, F.S.; revising application
91 requirements for brake fluid permits; amending s.
92 526.52, F.S.; revising requirements for printed
93 statements on brake fluid containers; amending s.
94 526.53, F.S.; revising requirements and procedures for
95 brake fluid stop-sale orders; authorizing businesses
96 to dispose of unregistered brake fluid under certain
97 circumstances; amending s. 527.0201, F.S.; revising
98 requirements for liquefied petroleum gas qualifying
99 examinations; increasing continuing education
100 requirements for certain liquefied petroleum gas
101 qualifiers; amending s. 527.12, F.S.; providing for
102 the issuance of certain stop orders; amending ss.
103 559.805 and 559.928, F.S.; deleting social security
104 numbers as a listing requirement on registration
105 affidavits for independent agents of sellers of
106 business opportunities; amending s. 570.0725, F.S.;
107 revising provisions for public information about food
108 banks and similar food recovery programs; authorizing
109 the department to adopt rules; amending ss. 570.53 and
110 570.54, F.S.; conforming cross-references; amending s.
111 570.55, F.S.; revising requirements for identifying
112 sellers or handlers of tropical or subtropical fruit
113 or vegetables; amending s. 570.902, F.S.; conforming
114 terminology to the repeal by the act of provisions
115 establishing the Florida Agricultural Museum; amending



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116 s. 570.903, F.S.; revising provisions for direct-
117 support organizations for certain agricultural
118 programs to conform to the repeal by the act of
119 provisions establishing the Florida Agricultural
120 Museum; deleting provisions for a direct-support
121 organization for the Florida State Collection of
122 Arthropods; amending s. 573.118, F.S.; requiring the
123 department to maintain records of marketing orders;
124 requiring an audit at the request of an advisory
125 council; requiring that the advisory council receive a
126 copy of the audit within a specified time; amending s.
127 581.011, F.S.; deleting terminology relating to the
128 Florida State Collection of Arthropods; revising the
129 term "nursery" for purposes of plant industry
130 regulations; amending s. 581.211, F.S.; increasing the
131 maximum fine for violations of plant industry
132 regulations; amending s. 583.13, F.S.; deleting a
133 prohibition on the sale of poultry without displaying
134 the poultry grade; amending s. 585.61, F.S.;
135 designating the animal disease diagnostic laboratory
136 complex in Osceola County; amending s. 590.125, F.S.;
137 revising terminology for open burning authorizations;
138 specifying purposes of certified prescribed burning;
139 requiring the authorization of the Division of
140 Forestry for certified pile burning; providing pile
141 burning requirements; limiting the liability of
142 property owners or agents engaged in pile burning;
143 providing for the certification of pile burners;
144 providing penalties for violations by certified pile



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145 burners; requiring rules; authorizing the division to
146 adopt rules regulating certified pile burning;
147 revising notice requirements for wildfire hazard
148 reduction treatments; providing for approval of local
149 government open burning authorization programs;
150 providing program requirements; authorizing the
151 division to close local government programs under
152 certain circumstances; providing penalties for
153 violations of local government open burning
154 requirements; amending s. 590.14, F.S.; authorizing
155 fines for violations of any division rule; providing
156 penalties for certain violations; providing
157 legislative intent; amending s. 599.004, F.S.;
158 revising standards that a winery must meet to qualify
159 as a certified Florida Farm Winery; amending s.
160 604.15, F.S.; revising the term "agricultural
161 products" to make tropical foliage exempt from
162 regulation under provisions relating to dealers in
163 agricultural products; defining the term "responsible
164 position"; amending s. 604.19, F.S.; revising
165 requirements for late fees on agricultural products
166 dealer applications; amending s. 604.25, F.S.;
167 revising conditions under which the department may
168 deny, refuse to renew, suspend, or revoke agricultural
169 products dealer licenses; deleting a provision
170 prohibiting certain persons from holding a responsible
171 position with a licensee; amending s. 616.242, F.S.;
172 authorizing the issuance of stop-operation orders for
173 amusement rides under certain circumstances; amending



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174 s. 790.06, F.S.; authorizing a concealed firearm
175 license applicant to submit fingerprints administered
176 by the Division of Licensing; repealing ss. 570.071
177 and 570.901, F.S., relating to the Florida
178 Agricultural Exposition and the Florida Agricultural
179 Museum; requiring that the department and
180 representatives of the state pest control industry
181 prepare a report for the President of the Senate, the
182 Speaker of the House of Representatives, and the
183 chairpersons of specified legislative committees by a
184 certain date; requiring that the report include
185 recommendations for changes in the law to provide for
186 disciplinary action against licensees of the pest
187 control industry under certain circumstances;
188 providing that the report may also address additional
189 issues of concern to members of the industry;
190 providing an effective date.

191
192 Be It Enacted by the Legislature of the State of Florida:

193
194 Section 1. Paragraph (d) of subsection (1) of section
195 373.1391, Florida Statutes, is amended to read:

196 373.1391 Management of real property.—

197 (1)

198 (d) For any fee simple acquisition of a parcel which is or
199 will be leased back for agricultural purposes, or for any
200 acquisition of a less-than-fee interest in lands that is or will
201 be used for agricultural purposes, the district governing board
202 shall first consider having a soil and water conservation



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203 district created pursuant to chapter 582 manage and monitor such
204 interest. Priority shall be given to the agricultural use
205 present at the time of fee simple acquisition of the parcel.

206 Section 2. Section 403.9336, Florida Statutes, is amended
207 to read:

208 403.9336 Legislative findings.—The Legislature finds that
209 ~~the~~ implementation of the Model Ordinance for Florida-Friendly
210 Fertilizer Use on Urban Landscapes (2008), ~~which was developed~~
211 ~~by the department in conjunction with the Florida Consumer~~
212 ~~Fertilizer Task Force, the Department of Agriculture and~~
213 ~~Consumer Services, and the University of Florida Institute of~~
214 ~~Food and Agricultural Sciences,~~ will assist in protecting the
215 quality of Florida's surface water and groundwater resources.
216 The Legislature further finds that local conditions, including
217 variations in the types and quality of water bodies, site-
218 specific soils and geology, and urban or rural densities and
219 characteristics, may necessitate ~~the implementation of~~
220 additional or more stringent fertilizer management practices at
221 the local government level.

222 Section 3. Section 403.9337, Florida Statutes, is amended
223 to read:

224 403.9337 Model Ordinance for Florida-Friendly Fertilizer
225 Use on Urban Landscapes.—

226 (1) The Model Ordinance for Florida-Friendly Fertilizer Use
227 on Urban Landscapes (2009) may be amended. All amendments made
228 on or after July 1, 2010, shall be adopted by an order of the
229 department. Before adoption, the department shall hold at least
230 one public workshop to discuss and receive comments on the
231 amended Model Ordinance for Florida-Friendly Fertilizer Use on



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232 Urban Landscapes. At a minimum, the department shall notify
233 interested stakeholders, including representatives from the
234 nursery and landscape industry, pest control industry, the
235 Department of Agriculture and Consumer Services, the University
236 of Florida's Institute of Food and Agricultural Sciences,
237 environmental groups, and county and local governments,
238 regarding the public workshop. The order is subject to challenge
239 under chapter 120.

240 (2)(1) All county and municipal governments are encouraged
241 to adopt and enforce the Model Ordinance for Florida-Friendly
242 Fertilizer Use on Urban Landscapes or an equivalent requirement
243 as a mechanism for protecting local surface and groundwater
244 quality.

245 (3)(2) Each county and municipal government located within
246 the watershed of a water body or water segment that is listed as
247 impaired by nutrients pursuant to s. 403.067, must shall, at a
248 minimum, adopt the most recent version of the department's Model
249 Ordinance for Florida-Friendly Fertilizer Use on Urban
250 Landscapes. A local government may adopt additional or more
251 stringent standards than the model ordinance if, before
252 adoption, the following criteria are met:

253 (a) The local government has implemented demonstrated, ~~as~~
254 ~~part of~~ a comprehensive program to address nonpoint sources of
255 nutrient pollution but ~~which is science-based, and economically~~
256 ~~and technically feasible~~, that additional or more stringent
257 standards than the model ordinance are necessary in order to
258 adequately address ~~urban fertilizer contributions to~~ nonpoint
259 source nutrient loading to a water body. In all instances, the
260 comprehensive program must be science-based and economically and



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261 technically feasible. A comprehensive program may include, but
262 is not limited to:

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

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

268 3. The requirement for and enforcement of the
269 implementation of low-impact development practices.

270 (b) The local government documents in the public record the
271 need for more stringent standards, including the scientifically
272 documented impairment of waters within the local government's
273 jurisdiction due to nutrient enrichment attributable to
274 landforms, soils, hydrology, climate, or geology, and the local
275 government documents that it has requested and considered all
276 relevant scientific information, including input from the
277 department, ~~the institute,~~ the Department of Agriculture and
278 Consumer Services, and the University of Florida's ~~Florida~~
279 Institute of Food and Agricultural Sciences, if provided, on the
280 need for additional or more stringent provisions to address
281 fertilizer use as a contributor to water quality degradation.
282 All documentation must become part of the public record before
283 adoption of the additional or more stringent criteria.

284 (4) ~~(3)~~ Any county or municipal government that adopted its
285 own fertilizer use ordinance before January 1, 2009, is exempt
286 from this section. Ordinances adopted or amended on or after
287 January 1, 2009, must substantively conform to the most recent
288 version of the model fertilizer ordinance and are subject to
289 subsections (1) and (2), as applicable.



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290 (5) A fertilizer ordinance adopted by a county or municipal
291 government does not prohibit an individual licensed under s.
292 482.1562 from conducting his or her occupation, which may
293 include, based on site-specific assessment such as soil testing
294 or leaf tissue analysis, the application of macronutrients or
295 micronutrients throughout the calendar year.

296 (6)-(4) This section does not apply to the use of
297 fertilizer:

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

299 (b) On lands classified as agricultural lands pursuant to
300 s. 193.461; ~~or-~~

301 (c) On any lands utilized for scientific research, such as
302 urban stormwater, water quality, agronomic, or horticultural.

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

305 493.6102 Inapplicability of this chapter.—This chapter
306 shall not apply to:

307 (1) Any individual who is an "officer" as defined in s.
308 943.10(14), or ~~is~~ a law enforcement officer of the United States
309 Government, while the ~~such~~ local, state, or federal officer is
310 engaged in her or his official duties or, if approved by the
311 officer's supervisors, when performing off-duty activities as a
312 security officer ~~activities approved by her or his superiors.~~

313 Section 5. Section 493.6105, Florida Statutes, is amended
314 to read:

315 493.6105 Initial application for license.—

316 (1) Each individual, partner, or principal officer in a
317 corporation, shall file with the department a complete
318 application accompanied by an application fee not to exceed \$60,



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319 except that the applicant for a Class "D" or Class "G" license
320 ~~is shall~~ not be required to submit an application fee. The
321 application fee ~~is shall~~ not be refundable.

322 (a) The application submitted by any individual, partner,
323 or corporate officer must shall be approved by the department
324 before the ~~prior to that~~ individual, partner, or corporate
325 officer assumes assuming his or her duties.

326 (b) Individuals who invest in the ownership of a licensed
327 agency, but do not participate in, direct, or control the
328 operations of the agency are shall not be required to file an
329 application.

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

333 (3) The application must shall contain the following
334 information concerning the individual signing the application
335 ~~same~~:

336 (a) Name and any aliases.

337 (b) Age and date of birth.

338 (c) Place of birth.

339 (d) Social security number or alien registration number,
340 whichever is applicable.

341 (e) Current Present residence address ~~and his or her~~
342 ~~residence addresses within the 5 years immediately preceding the~~
343 ~~submission of the application~~.

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

346 ~~(f)(g)~~ A statement of all criminal convictions, findings of
347 guilt, and pleas of guilty or nolo contendere, regardless of



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348 adjudication of guilt.

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

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

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

355 (j) A full set of fingerprints on a card provided by the
356 department and a fingerprint fee to be established by rule of
357 the department based upon costs determined by state and federal
358 agency charges and department processing costs. An applicant who
359 has, within the immediately preceding 6 months, submitted a
360 fingerprint card and fee for licensing purposes under this
361 chapter shall not be required to submit another fingerprint card
362 or fee.

363 (k) A personal inquiry waiver which allows the department
364 to conduct necessary investigations to satisfy the requirements
365 of this chapter.

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

370 ~~(4) In addition to the application requirements outlined in~~
371 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
372 ~~"E," Class "EE," or Class "G" license shall submit two color~~
373 ~~photographs taken within the 6 months immediately preceding the~~
374 ~~submission of the application, which meet specifications~~
375 ~~prescribed by rule of the department. All other applicants shall~~
376 ~~submit one photograph taken within the 6 months immediately~~



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377 ~~preceding the submission of the application.~~

378 ~~(4)(5)~~ In addition to the application requirements outlined
379 under subsection (3), the applicant for a Class "C," Class "E,"
380 Class "M," Class "MA," Class "MB," or Class "MR" license shall
381 include a statement on a form provided by the department of the
382 experience which he or she believes will qualify him or her for
383 such license.

384 ~~(5)(6)~~ In addition to the requirements outlined in
385 subsection (3), an applicant for a Class "G" license shall
386 satisfy minimum training criteria for firearms established by
387 rule of the department, which training criteria shall include,
388 but is not limited to, 28 hours of range and classroom training
389 taught and administered by a Class "K" licensee; however, no
390 more than 8 hours of such training shall consist of range
391 training. If the applicant can show proof that he or she is an
392 active law enforcement officer currently certified under the
393 Criminal Justice Standards and Training Commission or has
394 completed the training required for that certification within
395 the last 12 months, or if the applicant submits one of the
396 certificates specified in paragraph ~~(6)(a)~~ ~~(7)(a)~~, the
397 department may waive the foregoing firearms training
398 requirement.

399 ~~(6)(7)~~ In addition to the requirements under subsection
400 (3), an applicant for a Class "K" license shall:

401 (a) Submit one of the following certificates:

402 1. The Florida Criminal Justice Standards and Training
403 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
404 the commission that the applicant is authorized to provide
405 firearms instruction.



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406 2. The National Rifle Association Law Enforcement Police
407 Firearms Instructor's Certificate.

408 ~~3. The National Rifle Association Security Firearms~~
409 ~~Instructor's Certificate.~~

410 ~~3.4.~~ A firearms instructor's training certificate issued by
411 any branch of the United States Armed Forces, from a federal law
412 enforcement academy or agency, state, county, or a law
413 enforcement municipal police academy or agency in this state
414 recognized as such by the Criminal Justice Standards and
415 Training Commission ~~or by the Department of Education.~~

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

420 ~~(7)-(8)~~ In addition to the application requirements for
421 individuals, partners, or officers outlined under subsection
422 (3), the application for an agency license shall contain the
423 following information:

424 (a) The proposed name under which the agency intends to
425 operate.

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

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

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

433 ~~(8)-(9)~~ Upon submission of a complete application, a Class
434 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"



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435 Class "MA," Class "MB," or Class "MR" applicant may commence
436 employment or appropriate duties for a licensed agency or branch
437 office. However, the Class "C" or Class "E" applicant must work
438 under the direction and control of a sponsoring licensee while
439 his or her application is being processed. If the department
440 denies application for licensure, the employment of the
441 applicant must be terminated immediately, unless he or she
442 performs only unregulated duties.

443 Section 6. Paragraph (f) of subsection (1) and paragraph
444 (a) of subsection (2) of section 493.6106, Florida Statutes, are
445 amended, and paragraph (g) is added to subsection (1) of that
446 section, to read:

447 493.6106 License requirements; posting.—

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

449 (f) Be a citizen or permanent legal resident alien of the
450 United States or have appropriate ~~been granted~~ authorization
451 issued to seek employment in this country by the United States
452 Bureau of Citizenship and Immigration Services of the United
453 States Department of Homeland Security.

454 1. An applicant for a Class "C," Class "CC," Class "D,"
455 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
456 "MB," Class "MR," or Class "RI" license who is not a United
457 States citizen must submit proof of current employment
458 authorization issued by the United States Bureau of Citizenship
459 and Immigration Services or proof that she or he is deemed a
460 permanent legal resident alien by the United States Bureau of
461 Citizenship and Immigration Services.

462 2. An applicant for a Class "G" or Class "K" license who is
463 not a United States citizen must submit proof that she or he is



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464 deemed a permanent legal resident alien by the United States
465 Bureau of Citizenship and Immigration Services, together with
466 additional documentation establishing that she or he has resided
467 in the state of residence shown on the application for at least
468 90 consecutive days before the date that the application is
469 submitted.

470 3. An applicant for an agency or school license who is not
471 a United States citizen or permanent legal resident alien must
472 submit documentation issued by the United States Bureau of
473 Citizenship and Immigration Services stating that she or he is
474 lawfully in the United States and is authorized to own and
475 operate the type of agency or school for which she or he is
476 applying. An employment authorization card issued by the United
477 States Bureau of Citizenship and Immigration Services is not
478 sufficient documentation.

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

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

486 (a) If an agency or branch office desires to change the
487 physical location of the business, as it appears on the ~~agency~~
488 license, the department must be notified within 10 days of the
489 change, and, except upon renewal, the fee prescribed in s.
490 493.6107 must be submitted for each license requiring revision.
491 Each license requiring revision must be returned with such
492 notification.



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

495 493.6107 Fees.—

496 (3) The fees set forth in this section must be paid by
497 ~~certified check or money order or, at the discretion of the~~
498 ~~department, by agency check~~ at the time the application is
499 approved, except that the applicant for a Class "G" or Class "M"
500 license must pay the license fee at the time the application is
501 made. If a license is revoked or denied or if the application is
502 withdrawn, the license fee shall not be refunded.

503 Section 8. Paragraph (a) of subsection (1) and subsection
504 (3) of section 493.6108, Florida Statutes, are amended to read:

505 493.6108 Investigation of applicants by Department of
506 Agriculture and Consumer Services.—

507 (1) Except as otherwise provided, prior to the issuance of
508 a license under this chapter, the department shall make an
509 investigation of the applicant for a license. The investigation
510 shall include:

511 (a)1. An examination of fingerprint records and police
512 records. When a criminal history analysis of any applicant under
513 this chapter is performed by means of fingerprint card
514 identification, the time limitations prescribed by s. 120.60(1)
515 shall be tolled during the time the applicant's fingerprint card
516 is under review by the Department of Law Enforcement or the
517 United States Department of Justice, Federal Bureau of
518 Investigation.

519 2. If a legible set of fingerprints, as determined by the
520 Department of Law Enforcement or the Federal Bureau of
521 Investigation, cannot be obtained after two attempts, the



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522 Department of Agriculture and Consumer Services may determine
523 the applicant's eligibility based upon a criminal history record
524 check under the applicant's name conducted by the Department of
525 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~
526 ~~A set of~~ fingerprints are taken by a law enforcement agency or
527 the department and the applicant submits a written statement
528 signed by the fingerprint technician or a licensed physician
529 stating that there is a physical condition that precludes
530 obtaining a legible set of fingerprints or that the fingerprints
531 taken are the best that can be obtained ~~is sufficient to meet~~
532 ~~this requirement.~~

533 (3) The department shall also investigate the mental
534 history and current mental and emotional fitness of any Class
535 "G" or Class "K" applicant, and may deny a Class "G" or Class
536 "K" license to anyone who has a history of mental illness or
537 drug or alcohol abuse.

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

540 493.6111 License; contents; identification card.—

541 (4) Notwithstanding the existence of a valid Florida
542 corporate registration, an ~~no~~ agency or school licensee may not
543 conduct activities regulated under this chapter under any
544 fictitious name without prior written authorization from the
545 department to use that name in the conduct of activities
546 regulated under this chapter. The department may not authorize
547 the use of a name which is so similar to that of a public
548 officer or agency, or of that used by another licensee, that the
549 public may be confused or misled thereby. The authorization for
550 the use of a fictitious name shall require, as a condition



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551 precedent to the use of such name, the filing of a certificate
552 of engaging in business under a fictitious name under s. 865.09.
553 ~~A No~~ licensee may not ~~shall be permitted to~~ conduct business
554 under more than one fictitious name except as separately
555 licensed nor shall the license be valid to protect any licensee
556 who is engaged in ~~the~~ business under any name other than that
557 specified in the license. An agency desiring to change its
558 licensed name shall notify the department and, except upon
559 renewal, pay a fee not to exceed \$30 for each license requiring
560 revision including those of all licensed employees except Class
561 "D" or Class "G" licensees. Upon the return of such licenses to
562 the department, revised licenses shall be provided.

563 Section 10. Subsection (2) and paragraph (a) of subsection
564 (3) of section 493.6113, Florida Statutes, are amended to read:
565 493.6113 Renewal application for licensure.—

566 (2) At least ~~No less than~~ 90 days before ~~prior to~~ the
567 expiration date of the license, the department shall mail a
568 written notice to the last known mailing ~~residence~~ address of
569 the licensee for individual licensees ~~and to the last known~~
570 ~~agency address for agencies.~~

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

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

579 Section 11. Subsection (8), paragraph (d) of subsection



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580 (12), and subsection (16) of section 493.6115, Florida Statutes,
581 are amended to read:

582 493.6115 Weapons and firearms.—

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

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

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

591 (16) If the criminal history record check program
592 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
593 department may issue a temporary "G" license on a case-by-case
594 basis, provided that the applicant has met all statutory
595 requirements for the issuance of a temporary "G" license as
596 specified in subsection (12), excepting the criminal history
597 record check stipulated there; provided, that the department
598 requires that the licensed employer of the applicant conduct a
599 criminal history record check of the applicant pursuant to
600 standards set forth in rule by the department, and provide to
601 the department an affidavit containing such information and
602 statements as required by the department, including a statement
603 that the criminal history record check did not indicate the
604 existence of any criminal history that would prohibit licensure.
605 Failure to properly conduct such a check, or knowingly providing
606 incorrect or misleading information or statements in the
607 affidavit shall constitute grounds for disciplinary action
608 against the licensed agency, including revocation of license.



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609 Section 12. Paragraph (u) of subsection (1) of section
610 493.6118, Florida Statutes, is redesignated as paragraph (v),
611 and a new paragraph (u) is added to that subsection to read:

612 493.6118 Grounds for disciplinary action.—

613 (1) The following constitute grounds for which disciplinary
614 action specified in subsection (2) may be taken by the
615 department against any licensee, agency, or applicant regulated
616 by this chapter, or any unlicensed person engaged in activities
617 regulated under this chapter.

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

621 Section 13. Subsections (7) and (8) of section 493.6121,
622 Florida Statutes, are renumbered as subsections (6) and (7),
623 respectively, and present subsection (6) of that section is
624 amended, to read:

625 493.6121 Enforcement; investigation.—

626 ~~(6) The department shall be provided access to the program~~
627 ~~that is operated by the Department of Law Enforcement, pursuant~~
628 ~~to s. 790.065, for providing criminal history record information~~
629 ~~to licensed gun dealers, manufacturers, and exporters. The~~
630 ~~department may make inquiries, and shall receive responses in~~
631 ~~the same fashion as provided under s. 790.065. The department~~
632 ~~shall be responsible for payment to the Department of Law~~
633 ~~Enforcement of the same fees as charged to others afforded~~
634 ~~access to the program.~~

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

637 493.6202 Fees.—



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638 (3) The fees set forth in this section must be paid by
639 ~~certified check or money order or, at the discretion of the~~
640 ~~department, by agency check~~ at the time the application is
641 approved, except that the applicant for a Class "G," Class "C,"
642 Class "CC," Class "M," or Class "MA" license must pay the
643 license fee at the time the application is made. If a license is
644 revoked or denied or if the application is withdrawn, the
645 license fee shall not be refunded.

646 Section 15. Subsections (2), (4), and (6) of section
647 493.6203, Florida Statutes, are amended to read:

648 493.6203 License requirements.—In addition to the license
649 requirements set forth elsewhere in this chapter, each
650 individual or agency shall comply with the following additional
651 requirements:

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

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

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

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

659 (d) Experience described in paragraph (a) for 1 year and
660 experience described in paragraph (e) for 1 year;

661 (e) No more than 1 year using:

662 1. College coursework related to criminal justice,
663 criminology, or law enforcement administration; or

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



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

669

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

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

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

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

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

684

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

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

690 (b) Effective July 1, 2010 ~~September 1, 2008~~, before
691 submission of an application to the department, the an applicant
692 for a Class "CC" license must have completed a minimum of 40 at
693 least 24 hours of professional training a 40-hour course
694 pertaining to general investigative techniques and this chapter,
695 which course is offered by a state university or by a school,



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696 community college, college, or university under the purview of
697 the Department of Education, and the applicant must pass an
698 examination. The training must be provided in two parts, one 24-
699 hour course and one 16-hour course. The certificate evidencing
700 satisfactory completion of the 40 ~~at least 24~~ hours of
701 professional training ~~a 40-hour course~~ must be submitted with
702 the application for a Class "CC" license. ~~The remaining 16 hours~~
703 ~~must be completed and an examination passed within 180 days. If~~
704 ~~documentation of completion of the required training is not~~
705 ~~submitted within the specified timeframe, the individual's~~
706 ~~license is automatically suspended or his or her authority to~~
707 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
708 ~~until such time as proof of certificate of completion is~~
709 ~~provided to the department.~~ The training ~~course~~ specified in
710 this paragraph may be provided by face-to-face presentation,
711 online technology, or a home study course in accordance with
712 rules and procedures of the Department of Education. The
713 administrator of the examination must verify the identity of
714 each applicant taking the examination.

715 1. Upon an applicant's successful completion of each part
716 of the approved training ~~course~~ and passage of any required
717 examination, the school, community college, college, or
718 university shall issue a certificate of completion to the
719 applicant. The certificates must be on a form established by
720 rule of the department.

721 2. The department shall establish by rule the general
722 content of the professional training ~~course~~ and the examination
723 criteria.

724 3. If the license of an applicant for relicensure is ~~has~~



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725 ~~been~~ invalid for more than 1 year, the applicant must complete
726 the required training and pass any required examination.

727 (c) An individual who submits an application for a Class
728 "CC" license on or after September 1, 2008, through June 30,
729 2010, who has not completed the 16-hour course must submit proof
730 of successful completion of the course within 180 days after the
731 date the application is submitted. If documentation of
732 completion of the required training is not submitted by that
733 date, the individual's license is automatically suspended until
734 proof of the required training is submitted to the department.
735 An individual licensed on or before August 31, 2008, is not
736 required to complete additional training hours in order to renew
737 an active license beyond the required total amount of training,
738 and within the timeframe, in effect at the time he or she was
739 licensed.

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

742 493.6302 Fees.—

743 (3) The fees set forth in this section must be paid by
744 ~~certified check or money order or, at the discretion of the~~
745 ~~department, by agency check~~ at the time the application is
746 approved, except that the applicant for a Class "D," Class "G,"
747 Class "M," or Class "MB" license must pay the license fee at the
748 time the application is made. If a license is revoked or denied
749 or if the application is withdrawn, the license fee shall not be
750 refunded.

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

753 493.6303 License requirements.—In addition to the license



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754 requirements set forth elsewhere in this chapter, each
755 individual or agency shall comply with the following additional
756 requirements:

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

764 (b) An individual who submits an application for a Class
765 "D" license on or after January 1, 2007, through June 30, 2010,
766 who has not completed the 16-hour course must submit proof of
767 successful completion of the course within 180 days after the
768 date the application is submitted. If documentation of
769 completion of the required training is not submitted by that
770 date, the individual's license is automatically suspended until
771 proof of the required training is submitted to the department.
772 This section does not require a person licensed before January
773 1, 2007, to complete additional training hours in order to renew
774 an active license beyond the required total amount of training
775 within the timeframe prescribed by law at the time he or she was
776 licensed. An applicant may fulfill the training requirement
777 ~~prescribed in paragraph (a) by submitting proof of:~~

778 ~~1. Successful completion of the total number of required~~
779 ~~hours of training before initial application for a Class "D"~~
780 ~~license; or~~

781 ~~2. Successful completion of 24 hours of training before~~
782 ~~initial application for a Class "D" license and successful~~



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783 ~~completion of the remaining 16 hours of training within 180 days~~
784 ~~after the date that the application is submitted. If~~
785 ~~documentation of completion of the required training is not~~
786 ~~submitted within the specified timeframe, the individual's~~
787 ~~license is automatically suspended until such time as proof of~~
788 ~~the required training is provided to the department.~~

789 (c) An individual ~~However, any person~~ whose license is
790 suspended or has been ~~revoked, suspended~~ pursuant to paragraph
791 (b) subparagraph 2., or is expired for at least 1 year, ~~or~~
792 ~~longer~~ is considered, upon reapplication for a license, an
793 initial applicant and must submit proof of successful completion
794 of 40 hours of professional training at a school or training
795 facility licensed by the department as provided ~~prescribed~~ in
796 paragraph (a) before a license is ~~will be~~ issued. Any person
797 ~~whose license was issued before January 1, 2007, and whose~~
798 ~~license has been expired for less than 1 year must, upon~~
799 ~~reapplication for a license, submit documentation of completion~~
800 ~~of the total number of hours of training prescribed by law at~~
801 ~~the time her or his initial license was issued before another~~
802 ~~license will be issued. This subsection does not require an~~
803 ~~individual licensed before January 1, 2007, to complete~~
804 ~~additional training hours in order to renew an active license,~~
805 ~~beyond the required total amount of training within the~~
806 ~~timeframe prescribed by law at the time she or he was licensed.~~

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

809 493.6304 Security officer school or training facility.—

810 (2) The application shall be signed and verified by the
811 applicant under oath as provided in s. 92.525 ~~notarized~~ and



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812 shall contain, at a minimum, the following information:

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

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

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

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

822 493.6401 Classes of licenses.—

823 (7) Any person who operates a recovery agent ~~repossessor~~
824 school or training facility or who conducts an Internet-based
825 training course or a correspondence training course must have a
826 Class "RS" license.

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

830 Section 20. Paragraphs (f) and (g) of subsection (1) and
831 subsection (3) of section 493.6402, Florida Statutes, are
832 amended to read:

833 493.6402 Fees.—

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

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

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

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



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841 ~~certified check or money order, or, at the discretion of the~~
842 ~~department, by agency check~~ at the time the application is
843 approved, except that the applicant for a Class "E," Class "EE,"
844 or Class "MR" license must pay the license fee at the time the
845 application is made. If a license is revoked or denied, or if an
846 application is withdrawn, the license fee shall not be refunded.

847 Section 21. Section 493.6406, Florida Statutes, is amended
848 to read:

849 493.6406 Recovery agent ~~Repossession services~~ school or
850 training facility.-

851 (1) Any school, training facility, or instructor who offers
852 the training outlined in s. 493.6403(2) for Class "E" or Class
853 "EE" applicants shall, before licensure of such school, training
854 facility, or instructor, file with the department an application
855 accompanied by an application fee in an amount to be determined
856 by rule, not to exceed \$60. The fee shall not be refundable.
857 This training may be offered as face-to-face training, Internet-
858 based training, or correspondence training.

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

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

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

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



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870 (3) The department shall adopt rules establishing the
871 criteria for approval of schools, training facilities, and
872 instructors.

873 Section 22. Paragraph (a) of subsection (2) of section
874 501.605, Florida Statutes, is amended to read:

875 501.605 Licensure of commercial telephone sellers.—

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

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

884
885 The application shall be accompanied by a copy of any: Script,
886 outline, or presentation the applicant will require or suggest a
887 salesperson to use when soliciting, or, if no such document is
888 used, a statement to that effect; sales information or
889 literature to be provided by the applicant to a salesperson; and
890 sales information or literature to be provided by the applicant
891 to a purchaser in connection with any solicitation.

892 Section 23. Paragraph (a) of subsection (1) of section
893 501.607, Florida Statutes, is amended to read:

894 501.607 Licensure of salespersons.—

895 (1) An applicant for a license as a salesperson must submit
896 to the department, in such form as it prescribes, a written
897 application for a license. The application must set forth the
898 following information:



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

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

903 501.913 Registration.—

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

905 (a) Specimens or facsimiles of the label for each brand of
906 antifreeze;

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

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

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

912 525.01 Gasoline and oil to be inspected.—

913 (2) All petroleum fuels are ~~shall be~~ subject to inspection
914 and analysis by the department. Before selling or offering for
915 sale in this state any petroleum fuel, all manufacturers,
916 terminal suppliers, wholesalers, and importers as defined in s.
917 206.01 jobbers shall file with the department:

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

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

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

925 525.09 Inspection fee.—

926 (1) For the purpose of defraying the expenses incident to
927 inspecting, testing, and analyzing petroleum fuels in this



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928 state, there shall be paid to the department a charge of one-
929 eighth cent per gallon on all gasoline, alternative fuel
930 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
931 kerosene (except when used as aviation turbine fuel), and #1
932 fuel oil for sale or use in this state. This inspection fee
933 shall be imposed in the same manner as the motor fuel tax
934 pursuant to s. 206.41. Payment shall be made on or before the
935 25th day of each month.

936 (3) All remittances to the department for the inspection
937 tax herein provided shall be accompanied by a detailed report
938 under oath showing the number of gallons of gasoline,
939 alternative fuel containing alcohol as defined in s.
940 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
941 in each county.

942 Section 27. Section 526.50, Florida Statutes, is amended to
943 read:

944 526.50 Definition of terms.—As used in this part:

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

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

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

954 (4) ~~(2)~~ "Department" means the Department of Agriculture and
955 Consumer Services.

956 (5) "Formula" means the name of the chemical mixture or



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957 composition of the brake fluid product.

958 (6) "Labeling" includes all written, printed or graphic
959 representations, in any form whatsoever, imprinted upon or
960 affixed to any container of brake fluid.

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

963 (8) "Registrant" means any manufacturer, packer,
964 distributor, seller, or other person who has registered a brake
965 fluid with the department.

966 (9)(3) "Sell" includes give, distribute, barter, exchange,
967 trade, keep for sale, offer for sale or expose for sale, in any
968 of their variant forms.

969 ~~(4) "Labeling" includes all written, printed or graphic~~
970 ~~representations, in any form whatsoever, imprinted upon or~~
971 ~~affixed to any container of brake fluid.~~

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

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

978 ~~(7) "Registrant" means any manufacturer, packer,~~
979 ~~distributor, seller, or other person who has registered a brake~~
980 ~~fluid with the department.~~

981 Section 28. Section 526.51, Florida Statutes, is amended to
982 read:

983 526.51 Registration; renewal and fees; departmental
984 expenses; cancellation or refusal to issue or renew.-

985 (1) (a) Application for registration of each brand of brake



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986 fluid shall be made on forms to be supplied by the department.
987 The applicant shall give his or her name and address and the
988 brand name of the brake fluid, state that he or she owns the
989 brand name and has complete control over the product sold
990 thereunder in Florida, and provide the name and address of the
991 resident agent in Florida. If the applicant does not own the
992 brand name but wishes to register the product with the
993 department, a notarized affidavit that gives the applicant full
994 authorization to register the brand name and that is signed by
995 the owner of the brand name must accompany the application for
996 registration. The affidavit must include all affected brand
997 names, the owner's company or corporate name and address, the
998 applicant's company or corporate name and address, and a
999 statement from the owner authorizing the applicant to register
1000 the product with the department. The owner of the brand name
1001 shall maintain complete control over each product sold under
1002 that brand name in this state. All first-time brand-formula
1003 combination ~~new product~~ applications must be accompanied by a
1004 certified report from an independent testing laboratory, setting
1005 forth the analysis of the brake fluid which shall show its
1006 quality to be not less than the specifications established by
1007 the department for brake fluids. A sample of not less than 24
1008 fluid ounces of brake fluid shall be submitted, in a container
1009 or containers, with labels representing exactly how the
1010 containers of brake fluid will be labeled when sold, and the
1011 sample and container shall be analyzed and inspected by the
1012 Division of Standards in order that compliance with the
1013 department's specifications and labeling requirements may be
1014 verified. Upon approval of the application, the department shall



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1015 register the brand name of the brake fluid and issue to the
1016 applicant a permit authorizing the registrant to sell the brake
1017 fluid in this state during the permit year specified in the
1018 permit.

1019 (b) Each applicant shall pay a fee of \$100 with each
1020 application. A permit may be renewed by application to the
1021 department, accompanied by a renewal fee of \$50 on or before the
1022 last day of the permit year immediately preceding the permit
1023 year for which application is made for renewal of registration.
1024 To any fee not paid when due, there shall accrue a penalty of
1025 \$25, which shall be added to the renewal fee. Renewals will be
1026 accepted only on brake fluids that have no change in formula,
1027 composition, or brand name. Any change in formula, composition,
1028 or brand name of any brake fluid constitutes a new product that
1029 must be registered in accordance with this part.

1030 (2) All fees collected under the provisions of this section
1031 shall be credited to the General Inspection Trust Fund of the
1032 department and all expenses incurred in the enforcement of this
1033 part shall be paid from said fund.

1034 (3) The department may cancel or refuse to issue ~~or refuse~~
1035 ~~to renew~~ any registration and permit after due notice and
1036 opportunity to be heard if it finds that the brake fluid is
1037 adulterated or misbranded or that the registrant has failed to
1038 comply with the provisions of this part or the rules and
1039 regulations promulgated thereunder.

1040 Section 29. Paragraph (a) of subsection (3) of section
1041 526.52, Florida Statutes, is amended to read:

1042 526.52 Specifications; adulteration and misbranding.-

1043 (3) Brake fluid is deemed to be misbranded:



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1044 (a) If its container does not bear on its side or top a
1045 label on which is printed the name and place of business of the
1046 registrant of the product, the words "brake fluid," and a
1047 statement that the product therein equals or exceeds the minimum
1048 specification of the Society of Automotive Engineers for heavy-
1049 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
1050 Safety Standard No. 116 adopted by the United States Department
1051 of Transportation, ~~heavy-duty-type~~. By regulation the department
1052 may require that the duty-type classification appear on the
1053 label.

1054 Section 30. Subsection (2) of section 526.53, Florida
1055 Statutes, is amended to read:

1056 526.53 Enforcement; inspection and analysis, stop-sale and
1057 disposition, regulations.-

1058 (2) (a) When any brake fluid is sold in violation of any of
1059 the provisions of this part, all such affected brake fluid of
1060 the same brand name ~~on the same premises on which the violation~~
1061 ~~occurred~~ shall be placed under a stop-sale order by the
1062 department by serving the owner of the brand name, distributor,
1063 or other entity responsible for selling or distributing the
1064 product in the state with the stop-sale order. The department
1065 shall withdraw its stop-sale order upon the removal of the
1066 violation or upon voluntary destruction of the product, or other
1067 disposal approved by the department, under the supervision of
1068 the department.

1069 (b) In addition to being subject to the stop-sale
1070 procedures above, unregistered brake fluid shall be held by the
1071 department or its representative, at a place to be designated in
1072 the stop-sale order, until properly registered and released in



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1073 writing by the department or its representative. If application
1074 is ~~has not been~~ made for registration of the ~~such~~ product within
1075 30 days after issue of the stop-sale order, such product shall
1076 be disposed of by the department, or, with the department's
1077 consent, by the business, to any tax-supported institution or
1078 agency of the state if the brake fluid meets legal
1079 specifications or by other disposal authorized by rule of the
1080 department if it fails to meet legal specifications.

1081 Section 31. Subsections (1) and (3) and paragraphs (a) and
1082 (c) of subsection (5) of section 527.0201, Florida Statutes, are
1083 amended to read:

1084 527.0201 Qualifiers; master qualifiers; examinations.—

1085 (1) In addition to the requirements of s. 527.02, any
1086 person applying for a license to engage in the activities of a
1087 pipeline system operator, category I liquefied petroleum gas
1088 dealer, category II liquefied petroleum gas dispenser, category
1089 IV liquefied petroleum gas dispenser and recreational vehicle
1090 servicer, category V liquefied petroleum gases dealer for
1091 industrial uses only, LP gas installer, specialty installer,
1092 requalifier ~~requalification~~ of cylinders, or fabricator,
1093 repairer, and tester of vehicles and cargo tanks must prove
1094 competency by passing a written examination administered by the
1095 department or its agent with a grade of at least 75 percent in
1096 each area tested ~~or above~~. Each applicant for examination shall
1097 submit a \$20 nonrefundable fee. The department shall by rule
1098 specify the general areas of competency to be covered by each
1099 examination and the relative weight to be assigned in grading
1100 each area tested.

1101 (3) Qualifier cards issued to category I liquefied



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1102 petroleum gas dealers and liquefied petroleum gas installers
1103 shall expire 3 years after the date of issuance. All category I
1104 liquefied petroleum gas dealer qualifiers and liquefied
1105 petroleum gas installer qualifiers holding a valid qualifier
1106 card upon the effective date of this act shall retain their
1107 qualifier status until July 1, 2003, and may sit for the master
1108 qualifier examination at any time during that time period. All
1109 such category I liquefied petroleum gas dealer qualifiers and
1110 liquefied petroleum gas installer qualifiers may renew their
1111 qualification on or before July 1, 2003, upon application to the
1112 department, payment of a \$20 renewal fee, and documentation of
1113 the completion of a minimum of 16 ~~12~~ hours of approved
1114 continuing education courses, as defined by department rule,
1115 during the previous 3-year period. Applications for renewal must
1116 be made 30 calendar days prior to expiration. Persons failing to
1117 renew prior to the expiration date must reapply and take a
1118 qualifier competency examination in order to reestablish
1119 category I liquefied petroleum gas dealer qualifier and
1120 liquefied petroleum gas installer qualifier status. If a
1121 category I liquefied petroleum gas qualifier or liquefied
1122 petroleum gas installer qualifier becomes a master qualifier at
1123 any time during the effective date of the qualifier card, the
1124 card shall remain in effect until expiration of the master
1125 qualifier certification.

1126 (5) In addition to all other licensing requirements, each
1127 category I liquefied petroleum gas dealer and liquefied
1128 petroleum gas installer must, at the time of application for
1129 licensure, identify to the department one master qualifier who
1130 is a full-time employee at the licensed location. This person



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1131 shall be a manager, owner, or otherwise primarily responsible
1132 for overseeing the operations of the licensed location and must
1133 provide documentation to the department as provided by rule. The
1134 master qualifier requirement shall be in addition to the
1135 requirements of subsection (1).

1136 (a) In order to apply for certification as a master
1137 qualifier, each applicant must be a category I liquefied
1138 petroleum gas dealer qualifier or liquefied petroleum gas
1139 installer qualifier, must be employed by a licensed category I
1140 liquefied petroleum gas dealer, liquefied petroleum gas
1141 installer, or applicant for such license, must provide
1142 documentation of a minimum of 1 year's work experience in the
1143 gas industry, and must pass a master qualifier competency
1144 examination. Master qualifier examinations shall be based on
1145 Florida's laws, rules, and adopted codes governing liquefied
1146 petroleum gas safety, general industry safety standards, and
1147 administrative procedures. The examination must be successfully
1148 passed ~~completed~~ by the applicant with a grade of at least 75
1149 percent ~~or more~~. Each applicant for master qualifier status
1150 shall submit to the department a nonrefundable \$30 examination
1151 fee prior to the examination.

1152 (c) Master qualifier status shall expire 3 years after the
1153 date of issuance of the certificate and may be renewed by
1154 submission to the department of documentation of completion of
1155 at least 16 ~~12~~ hours of approved continuing education courses
1156 during the 3-year period; proof of employment with a licensed
1157 category I liquefied petroleum gas dealer, liquefied petroleum
1158 gas installer, or applicant; and a \$30 certificate renewal fee.
1159 The department shall define, by rule, approved courses of



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1160 continuing education.

1161 Section 32. Section 527.12, Florida Statutes, is amended to
1162 read:

1163 527.12 Cease and desist orders; stop-use orders; stop-
1164 operation orders; stop-sale orders; administrative fines.-

1165 (1) Whenever the department has ~~shall have~~ reason to
1166 believe that any person is violating or has violated ~~been~~
1167 ~~violating provisions of~~ this chapter or any rules adopted under
1168 this chapter pursuant thereto, the department ~~it~~ may issue a
1169 cease and desist order, or impose a civil penalty, or do both
1170 ~~may issue such cease and desist order and impose a civil~~
1171 ~~penalty.~~

1172 (2) Whenever a person or liquefied petroleum gas system or
1173 storage facility, or any part or component thereof, fails to
1174 comply with this chapter or any rules adopted under this
1175 chapter, the department may issue a stop-use order, stop-
1176 operation order, or stop-sale order.

1177 Section 33. Subsection (1) of section 559.805, Florida
1178 Statutes, is amended to read:

1179 559.805 Filings with the department; disclosure of
1180 advertisement identification number.-

1181 (1) Every seller of a business opportunity shall annually
1182 file with the department a copy of the disclosure statement
1183 required by s. 559.803 before ~~prior to~~ placing an advertisement
1184 or making any other representation designed to offer to, sell
1185 to, or solicit an offer to buy a business opportunity from a
1186 prospective purchaser in this state and shall update this filing
1187 by reporting any material change in the required information
1188 within 30 days after the material change occurs. An



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1189 advertisement is not placed in the state merely because the
1190 publisher circulates, or there is circulated on his or her
1191 behalf in the state, any bona fide newspaper or other
1192 publication of general, regular, and paid circulation which has
1193 had more than two-thirds of its circulation during the past 12
1194 months outside the state or because a radio or television
1195 program originating outside the state is received in the state.
1196 If the seller is required by s. 559.807 to provide a bond or
1197 establish a trust account or guaranteed letter of credit, he or
1198 she shall contemporaneously file with the department a copy of
1199 the bond, a copy of the formal notification by the depository
1200 that the trust account is established, or a copy of the
1201 guaranteed letter of credit. Every seller of a business
1202 opportunity shall file with the department a list of independent
1203 agents who will engage in the offer or sale of business
1204 opportunities on behalf of the seller in this state. This list
1205 must be kept current and shall include the following
1206 information: name, home and business address, telephone number,
1207 present employer, ~~social security number,~~ and birth date. A No
1208 person may not ~~shall be allowed to~~ offer or sell business
1209 opportunities unless the required information is ~~has been~~
1210 provided to the department.

1211 Section 34. Subsection (3) of section 559.928, Florida
1212 Statutes, is amended to read:

1213 559.928 Registration.-

1214 (3) Each independent agent shall annually file an affidavit
1215 with the department before ~~prior to~~ engaging in business in this
1216 state. This affidavit must include the independent agent's full
1217 name, legal business or trade name, mailing address, business



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1218 address, telephone number, ~~social security number~~, and the name
1219 or names and addresses of each seller of travel represented by
1220 the independent agent. A letter evidencing proof of filing must
1221 be issued by the department and must be prominently displayed in
1222 the independent agent's primary place of business. Each
1223 independent agent must also submit an annual registration fee of
1224 \$50. All moneys collected pursuant to the imposition of the fee
1225 shall be deposited by the Chief Financial Officer into the
1226 General Inspection Trust Fund of the Department of Agriculture
1227 and Consumer Services for the sole purpose of administrating
1228 this part. As used in this subsection, the term "independent
1229 agent" means a person who represents a seller of travel by
1230 soliciting persons on its behalf; who has a written contract
1231 with a seller of travel which is operating in compliance with
1232 this part and any rules adopted thereunder; who does not receive
1233 a fee, commission, or other valuable consideration directly from
1234 the purchaser for the seller of travel; who does not at any time
1235 have any unissued ticket stock or travel documents in his or her
1236 possession; and who does not have the ability to issue tickets,
1237 vacation certificates, or any other travel document. The term
1238 "independent agent" does not include an affiliate of the seller
1239 of travel, as that term is used in s. 559.935(3), or the
1240 employees of the seller of travel or of such affiliates.

1241 Section 35. Subsection (7) of section 570.0725, Florida
1242 Statutes, is amended to read:

1243 570.0725 Food recovery; legislative intent; department
1244 functions.—

1245 (7) For public information purposes, the department may
1246 ~~shall~~ develop and provide a public information ~~brochure~~



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1247 detailing the need for food banks and similar ~~of~~ food recovery
1248 programs, the benefit of such ~~food recovery~~ programs, the manner
1249 in which ~~such~~ organizations may become involved in such ~~food~~
1250 ~~recovery~~ programs, and the protection afforded to such programs
1251 under s. 768.136, ~~and the food recovery entities or food banks~~
1252 ~~that exist in the state. This brochure must be updated annually.~~
1253 A food bank or similar food recovery organization seeking to be
1254 included on a list of such organizations must notify the
1255 department and provide the information required by rule of the
1256 department. Such organizations are responsible for updating the
1257 information and providing the updated information to the
1258 department. The department may adopt rules to implement this
1259 section.

1260 Section 36. Paragraph (e) of subsection (6) of section
1261 570.53, Florida Statutes, is amended to read:

1262 570.53 Division of Marketing and Development; powers and
1263 duties.—The powers and duties of the Division of Marketing and
1264 Development include, but are not limited to:

1265 (6)

1266 (e) Extending in every practicable way the distribution and
1267 sale of Florida agricultural products throughout the markets of
1268 the world as required of the department by s. ~~ss.~~ 570.07(7),
1269 (8), (10), and (11) and ~~570.071~~ and chapters 571, 573, and 574.

1270 Section 37. Subsection (2) of section 570.54, Florida
1271 Statutes, is amended to read:

1272 570.54 Director; duties.—

1273 (2) It shall be the duty of the director of this division
1274 to supervise, direct, and coordinate the activities authorized
1275 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and



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1276 (20), ~~570.071,~~ 570.21, 534.47-534.53, and 604.15-604.34 and
1277 chapters 504, 571, 573, and 574 and to exercise other powers and
1278 authority as authorized by the department.

1279 Section 38. Subsection (4) of section 570.55, Florida
1280 Statutes, is amended to read:

1281 570.55 Identification of sellers or handlers of tropical or
1282 subtropical fruit and vegetables; containers specified;
1283 penalties.—

1284 (4) IDENTIFICATION OF HANDLER.—At the time of each
1285 transaction involving the handling or sale of 55 pounds or more
1286 of tropical or subtropical fruit or vegetables in the primary
1287 channel of trade, the buyer or receiver of the tropical or
1288 subtropical fruit or vegetables shall demand a bill of sale,
1289 invoice, sales memorandum, or other document listing the date of
1290 the transaction, the quantity of the tropical or subtropical
1291 fruit or vegetables involved in the transaction, and the
1292 identification of the seller or handler as it appears on the
1293 driver's license of the seller or handler, including the
1294 driver's license number. If the seller or handler does not
1295 possess a driver's license, the buyer or receiver shall use any
1296 other acceptable means of identification, which may include, but
1297 is not limited to, i.e., voter's registration card and number,
1298 draft card, ~~social security card,~~ or other identification.
1299 However, no less than two identification documents shall be
1300 used. The identification of the seller or handler shall be
1301 recorded on the bill of sale, sales memorandum, invoice, or
1302 voucher, which shall be retained by the buyer or receiver for a
1303 period of not less than 1 year from the date of the transaction.

1304 Section 39. Subsection (3) of section 570.902, Florida



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1305 Statutes, is amended to read:

1306 570.902 Definitions; ss. 570.902 and 570.903.—For the
1307 purpose of ss. 570.902 and 570.903:

1308 ~~(3) "Museum" means the Florida Agricultural Museum which is~~
1309 ~~designated as the museum for agriculture and rural history of~~
1310 ~~the State of Florida.~~

1311 Section 40. Section 570.903, Florida Statutes, is amended
1312 to read:

1313 570.903 Direct-support organization.—

1314 (1) When the Legislature authorizes the establishment of a
1315 direct-support organization to provide assistance for ~~the~~
1316 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
1317 ~~Florida State Collection of Arthropods,~~ the Friends of the
1318 Florida State Forests Program of the Division of Forestry, and
1319 the Forestry Arson Alert Program, and other programs of the
1320 department, the following provisions shall govern the creation,
1321 use, powers, and duties of the direct-support organization.

1322 (a) The department shall enter into a memorandum or letter
1323 of agreement with the direct-support organization, which shall
1324 specify the approval of the department, the powers and duties of
1325 the direct-support organization, and rules with which the
1326 direct-support organization shall comply.

1327 (b) The department may permit, without charge, appropriate
1328 use of property, facilities, and personnel of the department by
1329 a direct-support organization, subject to the provisions of ss.
1330 570.902 and 570.903. The use shall be directly in keeping with
1331 the approved purposes of the direct-support organization and
1332 shall not be made at times or places that would unreasonably
1333 interfere with opportunities for the general public to use



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1334 department facilities for established purposes.

1335 (c) The department shall prescribe by contract or by rule
1336 conditions with which a direct-support organization shall comply
1337 in order to use property, facilities, or personnel of the
1338 department ~~or museum~~. Such rules shall provide for budget and
1339 audit review and oversight by the department.

1340 (d) The department shall not permit the use of property,
1341 facilities, or personnel of the ~~museum~~, department, or
1342 designated program by a direct-support organization which does
1343 not provide equal employment opportunities to all persons
1344 regardless of race, color, religion, sex, age, or national
1345 origin.

1346 (2) (a) The direct-support organization shall be empowered
1347 to conduct programs and activities; raise funds; request and
1348 receive grants, gifts, and bequests of money; acquire, receive,
1349 hold, invest, and administer, in its own name, securities,
1350 funds, objects of value, or other property, real or personal;
1351 and make expenditures to or for the direct or indirect benefit
1352 of the ~~museum or~~ designated program.

1353 (b) Notwithstanding the provisions of s. 287.057, the
1354 direct-support organization may enter into contracts or
1355 agreements with or without competitive bidding for the
1356 ~~restoration of objects, historical buildings, and other~~
1357 ~~historical materials or for the purchase of objects, historical~~
1358 ~~buildings, and other historical materials which are to be added~~
1359 ~~to the collections of the museum, or~~ benefit of the designated
1360 program. However, before the direct-support organization may
1361 enter into a contract or agreement without competitive bidding,
1362 the direct-support organization shall file a certification of



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1363 conditions and circumstances with the internal auditor of the
1364 department justifying each contract or agreement.

1365 (c) Notwithstanding the provisions of s. 287.025(1)(e), the
1366 direct-support organization may enter into contracts to insure
1367 property of the ~~museum or~~ designated programs and ~~may insure~~
1368 ~~objects or collections on loan from others in satisfying~~
1369 ~~security terms of the lender.~~

1370 (3) The direct-support organization shall provide for an
1371 annual financial audit in accordance with s. 215.981.

1372 (4) Neither a designated program ~~or a museum,~~ nor a
1373 nonprofit corporation trustee or employee may:

1374 (a) Receive a commission, fee, or financial benefit in
1375 connection with the sale or exchange of property ~~historical~~
1376 ~~objects or properties~~ to the direct-support organization, ~~the~~
1377 ~~museum,~~ or the designated program; or

1378 (b) Be a business associate of any individual, firm, or
1379 organization involved in the sale or exchange of property to the
1380 direct-support organization, ~~the museum,~~ or the designated
1381 program.

1382 (5) All moneys received by the direct-support organization
1383 shall be deposited into an account of the direct-support
1384 organization and shall be used by the organization in a manner
1385 consistent with the goals of the ~~museum or~~ designated program.

1386 (6) The identity of a donor or prospective donor who
1387 desires to remain anonymous and all information identifying such
1388 donor or prospective donor are confidential and exempt from the
1389 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1390 Constitution.

1391 (7) The Commissioner of Agriculture, or the commissioner's



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1392 designee, may serve on the board of trustees and the executive
1393 committee of any direct-support organization established to
1394 benefit ~~the museum or~~ any designated program.

1395 ~~(8) The department shall establish by rule archival~~
1396 ~~procedures relating to museum artifacts and records. The rules~~
1397 ~~shall provide procedures which protect the museum's artifacts~~
1398 ~~and records equivalent to those procedures which have been~~
1399 ~~established by the Department of State under chapters 257 and~~
1400 ~~267.~~

1401 Section 41. Subsection (4) of section 573.118, Florida
1402 Statutes, is amended to read:

1403 573.118 Assessment; funds; audit; loans.—

1404 (4) In the event of levying and collecting of assessments,
1405 for each fiscal year in which assessment funds are received by
1406 the department, the department shall maintain records of
1407 collections and expenditures for each marketing order separately
1408 within the state's accounting system. If requested by an
1409 advisory council, department staff shall cause to be made a
1410 thorough annual audit of the books and accounts by a certified
1411 public accountant, such audit to be completed within 60 days
1412 after the request is received end of the fiscal year. The
1413 advisory council department and all producers and handlers
1414 covered by the marketing order shall be provided a copy of the
1415 properly advised of the details of the annual official audit of
1416 the accounts as shown by the certified public accountant within
1417 30 days after completion of the audit.

1418 Section 42. Subsections (18) through (30) of section
1419 581.011, Florida Statutes, are renumbered as subsections (17)
1420 through (29), respectively, and present subsections (17) and



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1421 (20) of that section are amended to read:
1422 581.011 Definitions.—As used in this chapter:
1423 ~~(17) "Museum" means the Florida State Collection of~~
1424 ~~Arthropods.~~
1425 (19)~~(20)~~ "Nursery" means any grounds or premises on or in
1426 which nursery stock is grown, propagated, or held for sale or
1427 distribution, including ~~except where~~ aquatic plant species ~~are~~
1428 tended for harvest in the natural environment.
1429 Section 43. Paragraph (a) of subsection (3) of section
1430 581.211, Florida Statutes, is amended to read:
1431 581.211 Penalties for violations.—
1432 (3) (a) 1. In addition to any other provision of law, the
1433 department may, after notice and hearing, impose an
1434 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1435 violation of this chapter, upon any person, nurseryman, stock
1436 dealer, agent or plant broker. The fine, when paid, shall be
1437 deposited in the Plant Industry Trust Fund. In addition, the
1438 department may place the violator on probation for up to 1 year,
1439 with conditions.
1440 2. The imposition of a fine or probation pursuant to this
1441 subsection may be in addition to or in lieu of the suspension or
1442 revocation of a certificate of registration or certificate of
1443 inspection.
1444 Section 44. Section 583.13, Florida Statutes, is amended to
1445 read:
1446 583.13 Labeling and advertising requirements for dressed
1447 poultry; unlawful acts.—
1448 (1) It is unlawful for any dealer or broker to sell, offer
1449 for sale, or hold for the purpose of sale in the state any



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1450 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1451 is packed in a container clearly bearing a label, not less than
1452 3 inches by 5 inches, on which shall be plainly and legibly
1453 printed, in letters of not less than 1/4 inch high ~~in height~~,
1454 ~~the grade and the part name or whole-bird statement of such~~
1455 ~~poultry. The grade may be expressed in the term "premium,"~~
1456 ~~"good," or "standard," or as the grade of another state or~~
1457 ~~federal agency the standards of quality of which, by law, are~~
1458 ~~equal to the standards of quality provided by this law and rules~~
1459 ~~promulgated hereunder.~~

1460 (2) It is unlawful to sell unpackaged dressed or ready-to-
1461 cook poultry at retail unless such poultry is labeled by a
1462 placard immediately adjacent to the poultry or unless each bird
1463 is individually labeled to show ~~the grade and~~ the part name or
1464 whole-bird statement. The placard shall be no smaller than 7
1465 inches by 7 inches in size, and the required labeling
1466 information shall be legibly and plainly printed on the placard
1467 in letters not smaller than 1 inch in height.

1468 (3) It is unlawful to sell packaged dressed or ready-to-
1469 cook poultry at retail unless such poultry is labeled to show
1470 ~~the grade,~~ the part name or whole-bird statement, the net weight
1471 of the poultry, and the name and address of the dealer. The size
1472 of the type on the label must be one-eighth inch or larger. A
1473 placard immediately adjacent to such poultry may be used to
1474 indicate ~~the grade and~~ the part name or whole-bird statement,
1475 but not the net weight of the poultry or the name and address of
1476 the dealer.

1477 (4) It is unlawful to use dressed or ready-to-cook poultry
1478 in bulk in the preparation of food served to the public, or to



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1479 hold such poultry for the purpose of such use, unless the
1480 poultry when received was packed in a container clearly bearing
1481 a label, not less than 3 inches by 5 inches, on which was
1482 plainly and legibly printed, in letters not less than 1/4 ~~one-~~
1483 ~~fourth~~ inch high ~~in height~~, ~~the grade and~~ the part name or
1484 whole-bird statement of such poultry. ~~The grade may be expressed~~
1485 ~~in the term "premium," "good," or "standard," or as the grade of~~
1486 ~~another state or federal agency the standards of quality of~~
1487 ~~which, by law, are equal to the standards of quality provided by~~
1488 ~~this law and rules promulgated hereunder.~~

1489 (5) It is unlawful to offer dressed or ready-to-cook
1490 poultry for sale in any advertisement in a newspaper or
1491 circular, on radio or television, or in any other form of
1492 advertising without plainly designating in such advertisement
1493 ~~the grade and~~ the part name or whole-bird statement of such
1494 poultry.

1495 Section 45. Subsection (1) of section 585.61, Florida
1496 Statutes, is amended to read:

1497 585.61 Animal disease diagnostic laboratories.—

1498 (1) There is hereby created and established an animal
1499 disease diagnostic laboratory in Osceola County and Suwannee
1500 County. The laboratory complex in Osceola County is designated
1501 as "The Bronson Animal Disease Diagnostic Laboratory."

1502 Section 46. Section 590.125, Florida Statutes, is amended
1503 to read:

1504 590.125 Open burning authorized by the division.—

1505 (1) DEFINITIONS.—As used in this section, the term:

1506 (a) "Certified pile burner" means an individual who
1507 successfully completes the division's pile burning certification



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1508 program and possesses a valid pile burner certification number.

1509 ~~(a) "Prescribed burning" means the controlled application~~
1510 ~~of fire in accordance with a written prescription for vegetative~~
1511 ~~fuels under specified environmental conditions while following~~
1512 ~~appropriate precautionary measures that ensure that the fire is~~
1513 ~~confined to a predetermined area to accomplish the planned fire~~
1514 ~~or land management objectives.~~

1515 (b) "Certified prescribed burn manager" means an individual
1516 who successfully completes the certified prescribed burning
1517 ~~certification~~ program of the division and possesses a valid
1518 certification number.

1519 ~~(c) "Prescription" means a written plan establishing the~~
1520 ~~criteria necessary for starting, controlling, and extinguishing~~
1521 ~~a prescribed burn.~~

1522 (c)-(d) "Extinguished" means: ~~that no spreading flame~~

1523 1. For wild land burning or certified prescribed burning,
1524 that no spreading flames exist. ~~and no visible flame, smoke, or~~
1525 ~~emissions~~

1526 2. For vegetative land-clearing debris burning or pile
1527 burning, that no visible flames exist.

1528 3. For vegetative land-clearing debris burning or pile
1529 burning in an area designated as smoke sensitive by the
1530 division, that no visible flames, smoke, or emissions exist.

1531 (d) "Land-clearing operation" means the uprooting or
1532 clearing of vegetation in connection with the construction of
1533 buildings and rights-of-way, land development, and mineral
1534 operations. The term does not include the clearing of yard
1535 trash.

1536 (e) "Pile burning" means the burning of silvicultural,



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1537 agricultural, or land-clearing and tree-cutting debris
1538 originating onsite, which is stacked together in a round or
1539 linear fashion, including, but not limited to, a windrow.

1540 (f) "Prescribed burning" means the controlled application
1541 of fire in accordance with a written prescription for vegetative
1542 fuels under specified environmental conditions while following
1543 appropriate precautionary measures that ensure that the fire is
1544 confined to a predetermined area to accomplish the planned fire
1545 or land-management objectives.

1546 (g) "Prescription" means a written plan establishing the
1547 criteria necessary for starting, controlling, and extinguishing
1548 a prescribed burn.

1549 (h) "Yard trash" means vegetative matter resulting from
1550 landscaping and yard maintenance operations and other such
1551 routine property cleanup activities. The term includes materials
1552 such as leaves, shrub trimmings, grass clippings, brush, and
1553 palm fronds.

1554 (2) NONCERTIFIED BURNING.—

1555 (a) Persons may be authorized to burn wild land or
1556 vegetative land-clearing debris in accordance with this
1557 subsection if:

1558 1. There is specific consent of the landowner or his or her
1559 designee;

1560 2. Authorization has been obtained from the division or its
1561 designated agent before starting the burn;

1562 3. There are adequate firebreaks at the burn site and
1563 sufficient personnel and firefighting equipment for the control
1564 of the fire;

1565 4. The fire remains within the boundary of the authorized



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1566 area;

1567 5. Someone is present at the burn site until the fire is
1568 extinguished;

1569 6. The division does not cancel the authorization; and

1570 7. The division determines that air quality and fire danger
1571 are favorable for safe burning.

1572 (b) A person who burns wild land or vegetative land-
1573 clearing debris in a manner that violates any requirement of
1574 this subsection commits a misdemeanor of the second degree,
1575 punishable as provided in s. 775.082 or s. 775.083.

1576 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1577 PURPOSE.—

1578 (a) The application of prescribed burning is a land
1579 management tool that benefits the safety of the public, the
1580 environment, and the economy of the state. The Legislature finds
1581 that:

1582 1. Prescribed burning reduces vegetative fuels within wild
1583 land areas. Reduction of the fuel load reduces the risk and
1584 severity of wildfire, thereby reducing the threat of loss of
1585 life and property, particularly in urban areas.

1586 2. Most of Florida's natural communities require periodic
1587 fire for maintenance of their ecological integrity. Prescribed
1588 burning is essential to the perpetuation, restoration, and
1589 management of many plant and animal communities. Significant
1590 loss of the state's biological diversity will occur if fire is
1591 excluded from fire-dependent systems.

1592 3. Forestland and rangeland constitute significant
1593 economic, biological, and aesthetic resources of statewide
1594 importance. Prescribed burning on forestland prepares sites for



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1595 reforestation, removes undesirable competing vegetation,
1596 expedites nutrient cycling, and controls or eliminates certain
1597 forest pathogens. On rangeland, prescribed burning improves the
1598 quality and quantity of herbaceous vegetation necessary for
1599 livestock production.

1600 4. The state purchased hundreds of thousands of acres of
1601 land for parks, preserves, wildlife management areas, forests,
1602 and other public purposes. The use of prescribed burning for
1603 management of public lands is essential to maintain the specific
1604 resource values for which these lands were acquired.

1605 5. A public education program is necessary to make citizens
1606 and visitors aware of the public safety, resource, and economic
1607 benefits of prescribed burning.

1608 6. Proper training in the use of prescribed burning is
1609 necessary to ensure maximum benefits and protection for the
1610 public.

1611 7. As Florida's population continues to grow, pressures
1612 from liability issues and nuisance complaints inhibit the use of
1613 prescribed burning. Therefore, the division is urged to maximize
1614 the opportunities for prescribed burning conducted during its
1615 daytime and nighttime authorization process.

1616 (b) Certified prescribed burning pertains only to broadcast
1617 burning for purposes of silviculture, wildlife management,
1618 ecological maintenance and restoration, and range and pasture
1619 management. It must be conducted in accordance with this
1620 subsection and:

1621 1. May be accomplished only when a certified prescribed
1622 burn manager is present on site with a copy of the prescription
1623 from ignition of the burn to its completion.



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1624 2. Requires that a written prescription be prepared before
1625 receiving authorization to burn from the division.

1626 3. Requires that the specific consent of the landowner or
1627 his or her designee be obtained before requesting an
1628 authorization.

1629 4. Requires that an authorization to burn be obtained from
1630 the division before igniting the burn.

1631 5. Requires that there be adequate firebreaks at the burn
1632 site and sufficient personnel and firefighting equipment for the
1633 control of the fire.

1634 6. Is considered to be in the public interest and does not
1635 constitute a public or private nuisance when conducted under
1636 applicable state air pollution statutes and rules.

1637 7. Is considered to be a property right of the property
1638 owner if vegetative fuels are burned as required in this
1639 subsection.

1640 (c) Neither a property owner nor his or her agent is liable
1641 pursuant to s. 590.13 for damage or injury caused by the fire or
1642 resulting smoke or considered to be in violation of subsection
1643 (2) for burns conducted in accordance with this subsection
1644 unless gross negligence is proven.

1645 (d) Any certified burner who violates this section commits
1646 a misdemeanor of the second degree, punishable as provided in s.
1647 775.082 or s. 775.083.

1648 (e) The division shall adopt rules for the use of
1649 prescribed burning and for certifying and decertifying certified
1650 prescribed burn managers based on their past experience,
1651 training, and record of compliance with this section.

1652 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND



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1653 PURPOSE.—

1654 (a) Pile burning is a tool that benefits current and future
1655 generations in Florida by disposing of naturally occurring
1656 vegetative debris through burning rather than disposing of the
1657 debris in landfills.

1658 (b) Certified pile burning pertains to the disposal of
1659 piled, naturally occurring debris from an agricultural,
1660 silvicultural, or temporary land-clearing operation. A land-
1661 clearing operation is temporary if it operates for 6 months or
1662 less. Certified pile burning must be conducted in accordance
1663 with this subsection, and:

1664 1. A certified pile burner must ensure, before ignition,
1665 that the piles are properly placed and that the content of the
1666 piles is conducive to efficient burning.

1667 2. A certified pile burner must ensure that the piles are
1668 properly extinguished no later than 1 hour after sunset. If the
1669 burn is conducted in an area designated by the division as smoke
1670 sensitive, a certified pile burner must ensure that the piles
1671 are properly extinguished at least 1 hour before sunset.

1672 3. A written pile burn plan must be prepared before
1673 receiving authorization from the division to burn.

1674 4. The specific consent of the landowner or his or her
1675 agent must be obtained before requesting authorization to burn.

1676 5. An authorization to burn must be obtained from the
1677 division or its designated agent before igniting the burn.

1678 6. There must be adequate firebreaks and sufficient
1679 personnel and firefighting equipment at the burn site to control
1680 the fire.

1681 (c) If a burn is conducted in accordance with this



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1682 subsection, the property owner and his or her agent are not
1683 liable under s. 590.13 for damage or injury caused by the fire
1684 or resulting smoke, and are not in violation of subsection (2),
1685 unless gross negligence is proven.

1686 (d) A certified pile burner who violates this section
1687 commits a misdemeanor of the second degree, punishable as
1688 provided in s. 775.082 or s. 775.083.

1689 (e) The division shall adopt rules regulating certified
1690 pile burning. The rules shall include procedures and criteria
1691 for certifying and decertifying certified pile burn managers
1692 based on past experience, training, and record of compliance
1693 with this section.

1694 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1695 DIVISION.—The division may conduct fuel reduction initiatives,
1696 including, but not limited to, burning and mechanical and
1697 chemical treatment, on any area of wild land within the state
1698 which is reasonably determined to be in danger of wildfire in
1699 accordance with the following procedures:

1700 (a) Describe the areas that will receive fuels treatment to
1701 the affected local governmental entity.

1702 (b) Publish a treatment notice, including a description of
1703 the area to be treated, in a conspicuous manner in at least one
1704 newspaper of general circulation in the area of the treatment
1705 not less than 10 days before the treatment.

1706 (c) Prepare, and send ~~the county tax collector shall~~
1707 ~~include with the annual tax statement,~~ a notice to be sent to
1708 all landowners in each area ~~township~~ designated by the division
1709 as a wildfire hazard area. The notice must describe particularly
1710 the area to be treated and the tentative date or dates of the



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1711 treatment and must list the reasons for and the expected
1712 benefits from the wildfire hazard reduction.

1713 (d) Consider any landowner objections to the fuels
1714 treatment of his or her property. The landowner may apply to the
1715 director of the division for a review of alternative methods of
1716 fuel reduction on the property. If the director or his or her
1717 designee does not resolve the landowner objection, the director
1718 shall convene a panel made up of the local forestry unit
1719 manager, the fire chief of the jurisdiction, and the affected
1720 county or city manager, or any of their designees. If the
1721 panel's recommendation is not acceptable to the landowner, the
1722 landowner may request further consideration by the Commissioner
1723 of Agriculture or his or her designee and shall thereafter be
1724 entitled to an administrative hearing pursuant to the provisions
1725 of chapter 120.

1726 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1727 AUTHORIZATION PROGRAMS.-

1728 (a) A county or municipality may exercise the division's
1729 authority, if delegated by the division under this subsection,
1730 to issue authorizations for the burning of yard trash or debris
1731 from land-clearing operations. A county's or municipality's
1732 existing or proposed open burning authorization program must:

1733 1. Be approved by the division. The division shall not
1734 approve a program if it fails to meet the requirements of
1735 subsections (2) and (4) and any rules adopted under those
1736 subsections.

1737 2. Provide by ordinance or local law the requirements for
1738 obtaining and performing a burn authorization that comply with
1739 subsections (2) and (4) and any rules adopted under those



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1740 subsections.

1741 3. Provide for the enforcement of the program's
1742 requirements.

1743 4. Provide financial, personnel, and other resources needed
1744 to carry out the program.

1745 (b) If the division determines that a county's or
1746 municipality's open burning authorization program does not
1747 comply with subsections (2) and (4) and any rules adopted under
1748 those subsections, the division shall require the county or
1749 municipality to take necessary corrective actions within a
1750 reasonable period, not to exceed 90 days.

1751 1. If the county or municipality fails to take the
1752 necessary corrective actions within the required period, the
1753 division shall resume administration of the open burning
1754 authorization program in the county or municipality and the
1755 county or municipality shall cease administration of its
1756 program.

1757 2. Each county and municipality administering an open
1758 burning authorization program must cooperate with and assist the
1759 division in carrying out the division's powers, duties, and
1760 functions.

1761 3. A person who violates the requirements of a county's or
1762 municipality's open burning authorization program, as provided
1763 by ordinance or local law enacted pursuant to this section,
1764 commits a violation of this chapter, punishable as provided in
1765 s. 590.14.

1766 (7) ~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
1767 shall incorporate, where feasible and appropriate, the issues of
1768 fuels treatment, including prescribed burning, into its



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1769 educational materials.

1770 Section 47. Section 590.14, Florida Statutes, is amended to
1771 read:

1772 590.14 Notice of violation; penalties.-

1773 (1) If a division employee determines that a person has
1774 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1775 the division to administer provisions of law conferring duties
1776 upon the division, the division employee ~~he or she~~ may issue a
1777 notice of violation indicating the statute violated. This notice
1778 will be filed with the division and a copy forwarded to the
1779 appropriate law enforcement entity for further action if
1780 necessary.

1781 (2) In addition to any penalties provided by law, any
1782 person who causes a wildfire or permits any authorized fire to
1783 escape the boundaries of the authorization or to burn past the
1784 time of the authorization is liable for the payment of all
1785 reasonable costs and expenses incurred in suppressing the fire
1786 or \$150, whichever is greater. All costs and expenses incurred
1787 by the division shall be payable to the division. When such
1788 costs and expenses are not paid within 30 days after demand, the
1789 division may take proper legal proceedings for the collection of
1790 the costs and expenses. Those costs incurred by an agency acting
1791 at the division's direction are recoverable by that agency.

1792 (3) The department may also impose an administrative fine,
1793 not to exceed \$1,000 per violation of any section of chapter 589
1794 or this chapter or violation of any rule adopted by the division
1795 to administer provisions of law conferring duties upon the
1796 division. The fine shall be based upon the degree of damage, the
1797 prior violation record of the person, and whether the person



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1798 knowingly provided false information to obtain an authorization.
1799 The fines shall be deposited in the Incidental Trust Fund of the
1800 division.

1801 (4) A person may not:

1802 (a) Fail to comply with any rule or order adopted by the
1803 division to administer provisions of law conferring duties upon
1804 the division; or

1805 (b) Knowingly make any false statement or representation in
1806 any application, record, plan, or other document required by
1807 this chapter or any rules adopted under this chapter.

1808 (5) A person who violates paragraph (4) (a) or paragraph
1809 (4) (b) commits a misdemeanor of the second degree, punishable as
1810 provided in s. 775.082 or s. 775.083.

1811 (6) It is the intent of the Legislature that a penalty
1812 imposed by a court under subsection (5) be of a severity that
1813 ensures immediate and continued compliance with this section.

1814 (7)-(4) The penalties provided in this section shall extend
1815 to both the actual violator and the person or persons, firm, or
1816 corporation causing, directing, or permitting the violation.

1817 Section 48. Paragraph (a) of subsection (1) of section
1818 599.004, Florida Statutes, is amended to read:

1819 599.004 Florida Farm Winery Program; registration; logo;
1820 fees.—

1821 (1) The Florida Farm Winery Program is established within
1822 the Department of Agriculture and Consumer Services. Under this
1823 program, a winery may qualify as a tourist attraction only if it
1824 is registered with and certified by the department as a Florida
1825 Farm Winery. A winery may not claim to be certified unless it
1826 has received written approval from the department.



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1827 (a) To qualify as a certified Florida Farm Winery, a winery
1828 shall meet the following standards:

1829 1. Produce or sell less than 250,000 gallons of wine
1830 annually.

1831 2. Maintain a minimum of 10 acres of owned or managed land
1832 ~~vineyards~~ in Florida which produces commodities used in the
1833 production of wine.

1834 3. Be open to the public for tours, tastings, and sales at
1835 least 30 hours each week.

1836 4. Make annual application to the department for
1837 recognition as a Florida Farm Winery, on forms provided by the
1838 department.

1839 5. Pay an annual application and registration fee of \$100.

1840 Section 49. Subsection (1) of section 604.15, Florida
1841 Statutes, is amended, and subsection (11) is added to that
1842 section, to read:

1843 604.15 Dealers in agricultural products; definitions.—For
1844 the purpose of ss. 604.15-604.34, the following words and terms,
1845 when used, shall be construed to mean:

1846 (1) "Agricultural products" means the natural products of
1847 the farm, nursery, grove, orchard, vineyard, garden, and apiary
1848 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
1849 livestock; milk and milk products; poultry and poultry products;
1850 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
1851 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
1852 Persian, Tahiti, Bearss, or Florida Key limes); and any other
1853 nonexempt agricultural products produced in the state, except
1854 tobacco, sugarcane, tropical foliage, timber and timber
1855 byproducts, forest products as defined in s. 591.17, and citrus



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1856 other than limes.

1857 (11) "Responsible position" means a position within the
1858 business of a dealer in agricultural products that has the
1859 authority to negotiate or make the purchase of agricultural
1860 products on behalf of the dealer's business or has principal
1861 active management authority over the business decisions,
1862 actions, and activities of the dealer's business in this state.

1863 Section 50. Section 604.19, Florida Statutes, is amended to
1864 read:

1865 604.19 License; fee; bond; certificate of deposit;
1866 penalty.—Unless the department refuses the application on one or
1867 more of the grounds provided in this section, it shall issue to
1868 an applicant, upon the payment of required fees and the
1869 execution and delivery of a bond or certificate of deposit as
1870 provided in this section, a state license entitling the
1871 applicant to conduct business as a dealer in agricultural
1872 products for a 1-year period to coincide with the effective
1873 period of the bond or certificate of deposit furnished by the
1874 applicant. During the 1-year period covered by a license, if the
1875 supporting surety bond or certificate of deposit is canceled for
1876 any reason, the license shall automatically expire on the date
1877 the surety bond or certificate of deposit terminates, unless an
1878 acceptable replacement is in effect before the date of
1879 termination so that continual coverage occurs for the remaining
1880 period of the license. A surety company shall give the
1881 department a 30-day written notice of cancellation by certified
1882 mail in order to cancel a bond. Cancellation of a bond or
1883 certificate of deposit does ~~shall~~ not relieve a surety company
1884 or financial institution of liability for purchases or sales



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1885 occurring while the bond or certificate of deposit was in
1886 effect. The license fee, which must be paid for the principal
1887 place of business for a dealer in agricultural products, shall
1888 be based upon the amount of the dealer's surety bond or
1889 certificate of deposit furnished by each dealer under the
1890 provisions of s. 604.20 and may not exceed \$500. For each
1891 additional place in which the applicant desires to conduct
1892 business and which the applicant names in the application, the
1893 additional license fee must be paid but may not exceed \$100
1894 annually. If a ~~Should any~~ dealer in agricultural products fails,
1895 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
1896 qualify for the renewal of a license on or before its ~~the date~~
1897 ~~of expiration date thereof,~~ a penalty not to exceed \$100 shall
1898 apply to and be added to the ~~original~~ license fee for the
1899 principal place of business and to the license fee for each
1900 additional place of business named in the application and shall
1901 be paid by the applicant before the renewal license may be
1902 issued. The department by rule shall prescribe fee amounts
1903 sufficient to fund ss. 604.15-604.34.

1904 Section 51. Section 604.25, Florida Statutes, is amended to
1905 read:

1906 604.25 Denial of, refusal to renew ~~grant,~~ or suspension or
1907 revocation of ~~7~~ license.-

1908 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
1909 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
1910 ~~granted~~ if the applicant or licensee has:

1911 (1) ~~(a)~~ Suffered a monetary judgment entered against the
1912 applicant or licensee ~~upon~~ which is ~~execution has been returned~~
1913 unsatisfied;



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- 1914 (2)~~(b)~~ Made false charges for handling or services
1915 rendered;
- 1916 (3)~~(c)~~ Failed to account promptly and properly or to make
1917 settlements with any producer;
- 1918 (4)~~(d)~~ Made any false statement or statements as to
1919 condition, quality, or quantity of goods received or held for
1920 sale when the true condition, quality, or quantity could have
1921 been ascertained by reasonable inspection;
- 1922 (5)~~(e)~~ Made any false or misleading statement or statements
1923 as to market conditions or service rendered;
- 1924 (6)~~(f)~~ Been guilty of a fraud in the attempt to procure, or
1925 the procurement of, a license;
- 1926 (7)~~(g)~~ Directly or indirectly sold agricultural products
1927 received on consignment or on a net return basis for her or his
1928 own account, without prior authority from the producer
1929 consigning the same, or without notifying such producer;
- 1930 (8)~~(h)~~ Failed to prevent a person from holding a position
1931 as the applicant's or licensee's owner, officer, director,
1932 general or managing partner, or employee ~~Employed~~ in a
1933 responsible position ~~a person~~, or holding any other similarly
1934 situated position, if the person holds or has held a similar
1935 position with any entity that ~~an officer of a corporation, who~~
1936 has failed to fully comply with an order of the department, has
1937 not satisfied a civil judgment held by the department, has
1938 pending any administrative or civil enforcement action by the
1939 department, or has pending any criminal charges pursuant to s.
1940 604.30 at any time within 1 year after issuance;
- 1941 (9)~~(i)~~ Violated any statute or rule relating to the
1942 purchase or sale of any agricultural product, whether or not



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1943 such transaction is subject to the provisions of this chapter;
1944 ~~or~~

1945 ~~(10)(j)~~ Failed to submit to the department an application,
1946 appropriate license fees, and an acceptable surety bond or
1947 certificate of deposit; ~~or.~~

1948 ~~(11)(2)~~ Failed ~~If a licensee fails or refused~~ refuses to
1949 comply in full with an order of the department or failed to
1950 satisfy a civil judgment owed to the department, ~~her or his~~
1951 ~~license may be suspended or revoked, in which case she or he~~
1952 ~~shall not be eligible for license for a period of 1 year or~~
1953 ~~until she or he has fully complied with the order of the~~
1954 ~~department.~~

1955 ~~(3) No person, or officer of a corporation, whose license~~
1956 ~~has been suspended or revoked for failure to comply with an~~
1957 ~~order of the department may hold a responsible position with a~~
1958 ~~licensee for a period of 1 year or until the order of the~~
1959 ~~department has been fully complied with.~~

1960 Section 52. Subsections (18) and (19) of section 616.242,
1961 Florida Statutes, are renumbered as subsections (19) and (20),
1962 respectively, and a new subsection (18) is added to that section
1963 to read:

1964 616.242 Safety standards for amusement rides.—

1965 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride
1966 fails to comply with this chapter or any rule adopted under this
1967 chapter, the department may issue a stop-operation order.

1968 Section 53. Paragraph (c) of subsection (5) of section
1969 790.06, Florida Statutes, is amended to read:

1970 790.06 License to carry concealed weapon or firearm.—

1971 (5) The applicant shall submit to the Department of



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1972 Agriculture and Consumer Services:

1973 (c) A full set of fingerprints of the applicant
1974 administered by a law enforcement agency or the Division of
1975 Licensing of the Department of Agriculture and Consumer
1976 Services.

1977 Section 54. Sections 570.071 and 570.901, Florida Statutes,
1978 are repealed.

1979 Section 55. The Department of Agriculture and Consumer
1980 Services shall meet with duly authorized representatives of
1981 established organizations representing the Florida pest control
1982 industry and prepare a report that shall be submitted to the
1983 President of the Senate, the Speaker of the House of
1984 Representatives, the chairperson of the Senate Committee on
1985 Agriculture, and the chairperson of the House Committee on
1986 Agribusiness by January 1, 2011. The report shall include
1987 recommended amendments to chapter 482, Florida Statutes, which
1988 provide for disciplinary action to be taken against licensees
1989 who violate laws or rules pertaining to the pretreatment of soil
1990 to protect newly constructed homes, pest control at sensitive
1991 facilities such as schools and nursing homes, and also the
1992 fumigation of existing homes for protection against termite
1993 damage, thereby providing additional safeguards for consumers.
1994 The report may also address other issues of concern to the
1995 department and to members of the industry, such as changes to
1996 requirements for professional liability insurance coverage or
1997 the amount of bond required, duties and responsibilities of a
1998 certified operator, issuance of a centralized pest control
1999 service center license, and limited certification for commercial
2000 wildlife management personnel.



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Section 56. This act shall take effect July 1, 2010.