

By the Committee on Agriculture; and Senator Dean

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1                   A bill to be entitled  
2           An act relating to the Department of Agriculture and  
3           Consumer Services; amending s. 373.1391, F.S.;  
4           requiring that the agricultural use of land present at  
5           the time of fee simple acquisition be given priority  
6           regarding the management of the land; amending s.  
7           403.9336, F.S.; revising a reference to the Model  
8           Ordinance for Florida-Friendly Fertilizer Use on Urban  
9           Landscapes; amending s. 403.9337, F.S.; providing  
10          criteria for the amendment of the model ordinance;  
11          authorizing the Department of Environmental Protection  
12          to adopt rules updating the model ordinance; revising  
13          the criteria for a local government's adoption of  
14          additional or more stringent standards; exempting  
15          lands used for certain research from provisions  
16          regulating fertilizer use on urban landscapes;  
17          amending s. 493.6102, F.S.; specifying that provisions  
18          regulating security officers do not apply to certain  
19          law enforcement, correctional, and probation officers  
20          performing off-duty activities; amending s. 493.6105,  
21          F.S.; revising the application requirements and  
22          procedures for certain private investigative, private  
23          security, recovery agent, and firearm licenses;  
24          specifying application requirements for firearms  
25          instructor licenses; amending s. 493.6106, F.S.;  
26          revising citizenship requirements and documentation  
27          for certain private investigative, private security,  
28          and recovery agent licenses; prohibiting the licensure  
29          of applicants for a statewide firearm license or

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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  
58 certain methods of payment for certain fees; amending

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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 s. 500.033, F.S.; revising the  
81 membership of the Florida Food Safety and Food Defense  
82 Advisory Council; amending ss. 501.605 and 501.607,  
83 F.S.; revising application requirements for commercial  
84 telephone seller and salesperson licenses; amending s.  
85 501.913, F.S.; specifying the sample size required for  
86 antifreeze registration application; amending s.  
87 525.01, F.S.; revising requirements for petroleum fuel

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88 affidavits; amending s. 525.09, F.S.; imposing an  
89 inspection fee on certain alternative fuels containing  
90 alcohol; amending s. 526.50, F.S.; defining terms  
91 applicable to regulation of the sale of brake fluid;  
92 amending s. 526.51, F.S.; revising application  
93 requirements for brake fluid permits; amending s.  
94 526.52, F.S.; revising requirements for printed  
95 statements on brake fluid containers; amending s.  
96 526.53, F.S.; revising requirements and procedures for  
97 brake fluid stop-sale orders; authorizing businesses  
98 to dispose of unregistered brake fluid under certain  
99 circumstances; amending s. 527.0201, F.S.; revising  
100 requirements for liquefied petroleum gas qualifying  
101 examinations; increasing continuing education  
102 requirements for certain liquefied petroleum gas  
103 qualifiers; amending s. 527.12, F.S.; providing for  
104 the issuance of certain stop orders; amending ss.  
105 559.805 and 559.928, F.S.; deleting social security  
106 numbers as a listing requirement on registration  
107 affidavits for independent agents of sellers of  
108 business opportunities; amending s. 570.0725, F.S.;  
109 revising provisions for public information about food  
110 banks and similar food recovery programs; authorizing  
111 the department to adopt rules; amending ss. 570.53 and  
112 570.54, F.S.; conforming cross-references; amending s.  
113 570.55, F.S.; revising requirements for identifying  
114 sellers or handlers of tropical or subtropical fruit  
115 or vegetables; amending s. 570.902, F.S.; conforming  
116 terminology to the repeal by the act of provisions

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

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

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175 amusement rides under certain circumstances; amending  
176 s. 686.201, F.S.; exempting contracts to which a  
177 seller of travel is a party from provisions governing  
178 certain contracts involving commissions; amending s.  
179 790.06, F.S.; authorizing a concealed firearm license  
180 applicant to submit fingerprints administered by the  
181 Division of Licensing; repealing ss. 570.071 and  
182 570.901, F.S., relating to the Florida Agricultural  
183 Exposition and the Florida Agricultural Museum;  
184 requiring that the department and representatives of  
185 the state pest control industry prepare a report for  
186 the President of the Senate, the Speaker of the House  
187 of Representatives, and the chairpersons of specified  
188 legislative committees by a certain date; requiring  
189 that the report include recommendations for changes in  
190 the law to provide for disciplinary action against  
191 licensees of the pest control industry under certain  
192 circumstances; providing that the report may also  
193 address additional issues of concern to members of the  
194 industry; providing an effective date.

195  
196 Be It Enacted by the Legislature of the State of Florida:

197  
198 Section 1. Paragraph (d) of subsection (1) of section  
199 373.1391, Florida Statutes, is amended to read:

200 373.1391 Management of real property.—

201 (1)

202 (d) For any fee simple acquisition of a parcel which is or  
203 will be leased back for agricultural purposes, or for any

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204 acquisition of a less-than-fee interest in lands that is or will  
205 be used for agricultural purposes, the district governing board  
206 shall first consider having a soil and water conservation  
207 district created pursuant to chapter 582 manage and monitor such  
208 interest. Priority shall be given to the agricultural use  
209 present at the time of fee simple acquisition of the parcel.

210 Section 2. Section 403.9336, Florida Statutes, is amended  
211 to read:

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

226 Section 3. Section 403.9337, Florida Statutes, is amended  
227 to read:

228 403.9337 Model Ordinance for Florida-Friendly Fertilizer  
229 Use on Urban Landscapes.—

230 (1) The Model Ordinance for Florida-Friendly Fertilizer Use  
231 on Urban Landscapes (2009) may be amended. All amendments made  
232 on or after July 1, 2010, shall be adopted by an order of the

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233 department. Before adoption, the department shall hold at least  
234 one public workshop to discuss and receive comments on the  
235 amended Model Ordinance for Florida-Friendly Fertilizer Use on  
236 Urban Landscapes. At a minimum, the department shall notify  
237 interested stakeholders, including representatives from the  
238 nursery and landscape industry, pest control industry, the  
239 Department of Agriculture and Consumer Services, the University  
240 of Florida's Institute of Food and Agricultural Sciences,  
241 environmental groups, and county and local governments,  
242 regarding the public workshop. The order is subject to challenge  
243 under chapter 120.

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

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

257 (a) The local government has implemented ~~demonstrated, as~~  
258 ~~part of~~ a comprehensive program to address nonpoint sources of  
259 nutrient pollution but ~~which is science-based, and economically~~  
260 ~~and technically feasible, that~~ additional or more stringent  
261 standards than the model ordinance are necessary in order to

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262 adequately address ~~urban fertilizer contributions to~~ nonpoint  
263 source nutrient loading to a water body. In all instances, the  
264 comprehensive program must be science-based and economically and  
265 technically feasible. A comprehensive program may include, but  
266 is not limited to:

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

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

272 3. The requirement for and enforcement of the  
273 implementation of low-impact development practices.

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

288 (4) ~~(3)~~ Any county or municipal government that adopted its  
289 own fertilizer use ordinance before January 1, 2009, is exempt  
290 from this section. Ordinances adopted or amended on or after

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291 January 1, 2009, must substantively conform to the most recent  
292 version of the model fertilizer ordinance and are subject to  
293 subsections (1) and (2), as applicable.

294 (5) A fertilizer ordinance adopted by a county or municipal  
295 government does not prohibit an individual licensed under s.  
296 482.1562 from conducting his or her occupation, which may  
297 include, based on site-specific assessment such as soil testing  
298 or leaf tissue analysis, the application of macronutrients or  
299 micronutrients throughout the calendar year.

300 (6)-(4) This section does not apply to the use of  
301 fertilizer:

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

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

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

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

309 493.6102 Inapplicability of this chapter.—This chapter  
310 shall not apply to:

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

317 Section 5. Section 493.6105, Florida Statutes, is amended  
318 to read:

319 493.6105 Initial application for license.—

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320 (1) Each individual, partner, or principal officer in a  
321 corporation, shall file with the department a complete  
322 application accompanied by an application fee not to exceed \$60,  
323 except that the applicant for a Class "D" or Class "G" license  
324 is shall not ~~be~~ required to submit an application fee. The  
325 application fee is shall not ~~be~~ refundable.

326 (a) The application submitted by any individual, partner,  
327 or corporate officer must shall be approved by the department  
328 before the ~~prior to that~~ individual, partner, or corporate  
329 officer assumes assuming his or her duties.

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

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

337 (3) The application must shall contain the following  
338 information concerning the individual signing the application  
339 ~~same~~:

340 (a) Name and any aliases.

341 (b) Age and date of birth.

342 (c) Place of birth.

343 (d) Social security number or alien registration number,  
344 whichever is applicable.

345 (e) Current Present residence address ~~and his or her~~  
346 ~~residence addresses within the 5 years immediately preceding the~~  
347 ~~submission of the application~~.

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

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

350 ~~(f)-(g)~~ A statement of all criminal convictions, findings of  
351 guilt, and pleas of guilty or nolo contendere, regardless of  
352 adjudication of guilt.

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

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

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

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

367 (k) A personal inquiry waiver which allows the department  
368 to conduct necessary investigations to satisfy the requirements  
369 of this chapter.

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

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

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378 ~~submission of the application, which meet specifications~~  
379 ~~prescribed by rule of the department. All other applicants shall~~  
380 ~~submit one photograph taken within the 6 months immediately~~  
381 ~~preceding the submission of the application.~~

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

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

403 (6)~~(7)~~ In addition to the requirements under subsection  
404 (3), an applicant for a Class "K" license shall:

405 (a) Submit one of the following certificates:

406 1. The Florida Criminal Justice Standards and Training

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407 Commission ~~Firearms~~ Instructor's Certificate and confirmation by  
408 the commission that the applicant is authorized to provide  
409 firearms instruction.

410 2. The National Rifle Association Law Enforcement ~~Police~~  
411 Firearms Instructor's Certificate.

412 ~~3. The National Rifle Association Security Firearms~~  
413 ~~Instructor's Certificate.~~

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

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

424 ~~(7)-(8)~~ In addition to the application requirements for  
425 individuals, partners, or officers outlined under subsection  
426 (3), the application for an agency license shall contain the  
427 following information:

428 (a) The proposed name under which the agency intends to  
429 operate.

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

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

435 (d) The names and titles of all partners or, in the case of

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436 a corporation, the names and titles of its principal officers.

437 ~~(8)-(9)~~ Upon submission of a complete application, a Class  
438 "CC," Class "C," Class "D," Class "EE," Class "E," Class "M,"  
439 Class "MA," Class "MB," or Class "MR" applicant may commence  
440 employment or appropriate duties for a licensed agency or branch  
441 office. However, the Class "C" or Class "E" applicant must work  
442 under the direction and control of a sponsoring licensee while  
443 his or her application is being processed. If the department  
444 denies application for licensure, the employment of the  
445 applicant must be terminated immediately, unless he or she  
446 performs only unregulated duties.

447 Section 6. Paragraph (f) of subsection (1) and paragraph  
448 (a) of subsection (2) of section 493.6106, Florida Statutes, are  
449 amended, and paragraph (g) is added to subsection (1) of that  
450 section, to read:

451 493.6106 License requirements; posting.—

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

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

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

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465 Citizenship and Immigration Services.

466 2. An applicant for a Class "G" or Class "K" license who is  
467 not a United States citizen must submit proof that she or he is  
468 deemed a permanent legal resident alien by the United States  
469 Bureau of Citizenship and Immigration Services, together with  
470 additional documentation establishing that she or he has resided  
471 in the state of residence shown on the application for at least  
472 90 consecutive days before the date that the application is  
473 submitted.

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

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

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

490 (a) If an agency or branch office desires to change the  
491 physical location of the business, as it appears on the ~~agency~~  
492 license, the department must be notified within 10 days of the  
493 change, and, except upon renewal, the fee prescribed in s.

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494 493.6107 must be submitted for each license requiring revision.  
495 Each license requiring revision must be returned with such  
496 notification.

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

499 493.6107 Fees.—

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

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

509 493.6108 Investigation of applicants by Department of  
510 Agriculture and Consumer Services.—

511 (1) Except as otherwise provided, prior to the issuance of  
512 a license under this chapter, the department shall make an  
513 investigation of the applicant for a license. The investigation  
514 shall include:

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

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523           2. If a legible set of fingerprints, as determined by the  
524 Department of Law Enforcement or the Federal Bureau of  
525 Investigation, cannot be obtained after two attempts, the  
526 Department of Agriculture and Consumer Services may determine  
527 the applicant's eligibility based upon a criminal history record  
528 check under the applicant's name conducted by the Department of  
529 Law Enforcement if the ~~and the Federal Bureau of Investigation.~~  
530 ~~A set of fingerprints are taken by a law enforcement agency or~~  
531 the department and the applicant submits a written statement  
532 signed by the fingerprint technician or a licensed physician  
533 stating that there is a physical condition that precludes  
534 obtaining a legible set of fingerprints or that the fingerprints  
535 taken are the best that can be obtained ~~is sufficient to meet~~  
536 ~~this requirement.~~

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

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

544           493.6111 License; contents; identification card.—

545           (4) Notwithstanding the existence of a valid Florida  
546 corporate registration, an ~~no~~ agency or school licensee may not  
547 conduct activities regulated under this chapter under any  
548 fictitious name without prior written authorization from the  
549 department to use that name in the conduct of activities  
550 regulated under this chapter. The department may not authorize  
551 the use of a name which is so similar to that of a public

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

567 Section 10. Subsection (2) and paragraph (a) of subsection  
568 (3) of section 493.6113, Florida Statutes, are amended to read:  
569 493.6113 Renewal application for licensure.-

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

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

579 (a) Each Class "B" ~~Class "A," Class "B," or Class "R"~~  
580 licensee shall additionally submit on a form prescribed by the

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581 department a certification of insurance which evidences that the  
582 licensee maintains coverage as required under s. 493.6110.

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

586 493.6115 Weapons and firearms.—

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

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

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

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

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610 incorrect or misleading information or statements in the  
611 affidavit shall constitute grounds for disciplinary action  
612 against the licensed agency, including revocation of license.

613 Section 12. Paragraph (u) of subsection (1) of section  
614 493.6118, Florida Statutes, is redesignated as paragraph (v),  
615 and a new paragraph (u) is added to that subsection to read:

616 493.6118 Grounds for disciplinary action.—

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

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

625 Section 13. Subsections (7) and (8) of section 493.6121,  
626 Florida Statutes, are renumbered as subsections (6) and (7),  
627 respectively, and present subsection (6) of that section is  
628 amended, to read:

629 493.6121 Enforcement; investigation.—

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

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

641 493.6202 Fees.—

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

650 Section 15. Subsections (2), (4), and (6) of section  
651 493.6203, Florida Statutes, are amended to read:

652 493.6203 License requirements.—In addition to the license  
653 requirements set forth elsewhere in this chapter, each  
654 individual or agency shall comply with the following additional  
655 requirements:

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

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

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

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

663 (d) Experience described in paragraph (a) for 1 year and  
664 experience described in paragraph (e) for 1 year;

665 (e) No more than 1 year using:

666 1. College coursework related to criminal justice,  
667 criminology, or law enforcement administration; or

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

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

673

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

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

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

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

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

688

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

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

694 (b) Effective July 1, 2010 ~~September 1, 2008~~, before  
695 submission of an application to the department, the an applicant  
696 for a Class "CC" license must have completed a minimum of 40 at

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

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

725 2. The department shall establish by rule the general

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726 content of the professional training ~~course~~ and the examination  
727 criteria.

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

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

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

746 493.6302 Fees.—

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

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

757 493.6303 License requirements.—In addition to the license  
758 requirements set forth elsewhere in this chapter, each  
759 individual or agency shall comply with the following additional  
760 requirements:

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

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

782 ~~1. Successful completion of the total number of required~~  
783 ~~hours of training before initial application for a Class "D"~~

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784 ~~license; or~~

785 ~~2. Successful completion of 24 hours of training before~~  
786 ~~initial application for a Class "D" license and successful~~  
787 ~~completion of the remaining 16 hours of training within 180 days~~  
788 ~~after the date that the application is submitted. If~~  
789 ~~documentation of completion of the required training is not~~  
790 ~~submitted within the specified timeframe, the individual's~~  
791 ~~license is automatically suspended until such time as proof of~~  
792 ~~the required training is provided to the department.~~

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

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

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813 493.6304 Security officer school or training facility.—

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

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

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

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

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

826 493.6401 Classes of licenses.—

827 (7) Any person who operates a recovery agent ~~repossessor~~  
828 school or training facility or who conducts an Internet-based  
829 training course or a correspondence training course must have a  
830 Class "RS" license.

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

834 Section 20. Paragraphs (f) and (g) of subsection (1) and  
835 subsection (3) of section 493.6402, Florida Statutes, are  
836 amended to read:

837 493.6402 Fees.—

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

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

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

844 (3) The fees set forth in this section must be paid by  
845 ~~certified~~ check or money order, ~~or, at the discretion of the~~  
846 ~~department, by agency check~~ at the time the application is  
847 approved, except that the applicant for a Class "E," Class "EE,"  
848 or Class "MR" license must pay the license fee at the time the  
849 application is made. If a license is revoked or denied, or if an  
850 application is withdrawn, the license fee shall not be refunded.

851 Section 21. Section 493.6406, Florida Statutes, is amended  
852 to read:

853 493.6406 Recovery agent ~~Repossession services~~ school or  
854 training facility.-

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

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

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

869 (b) The street address of the place at which the training  
870 is to be conducted or the street address of the Class "RS"

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871 school offering Internet-based or correspondence training.

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

874 (3) The department shall adopt rules establishing the  
875 criteria for approval of schools, training facilities, and  
876 instructors.

877 Section 22. Section 500.033, Florida Statutes, is amended  
878 to read:

879 500.033 Florida Food Safety and Food Defense Advisory  
880 Council.—

881 (1) There is created the Florida Food Safety and Food  
882 Defense Advisory Council for the purpose of serving as a forum  
883 for presenting, investigating, and evaluating issues of current  
884 importance to the assurance of a safe and secure food supply to  
885 the citizens of Florida. The Florida Food Safety and Food  
886 Defense Advisory Council shall consist of, but not be limited  
887 to: the Commissioner of Agriculture or his or her designee; the  
888 State Surgeon General or his or her designee; the Secretary of  
889 Business and Professional Regulation or his or her designee; the  
890 person responsible for domestic security with the Department of  
891 Law Enforcement; members representing the production,  
892 processing, distribution, and sale of foods; members  
893 representing small farmers; consumers or members of citizens  
894 groups; representatives of food industry groups; scientists or  
895 other experts in aspects of food safety from state universities;  
896 representatives from local, state, and federal agencies that are  
897 charged with responsibilities for food safety or food defense;  
898 the chairs of the Agriculture Committees of the Senate and the  
899 House of Representatives or their designees; and the chairs of

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900 the committees of the Senate and the House of Representatives  
901 with jurisdictional oversight of home defense issues or their  
902 designees. The Commissioner of Agriculture shall appoint the  
903 remaining members. The council shall make periodic reports to  
904 the Department of Agriculture and Consumer Services concerning  
905 findings and recommendations in the area of food safety and food  
906 defense.

907 (2) The council shall consider the development of  
908 appropriate advice or recommendations on food safety or food  
909 defense issues. In the discharge of their duties, the council  
910 members may receive for review confidential data exempt from the  
911 provisions of s. 119.07(1); however, it is unlawful for any  
912 member of the council to use the data for his or her advantage  
913 or reveal the data to the general public.

914 Section 23. Paragraph (a) of subsection (2) of section  
915 501.605, Florida Statutes, is amended to read:

916 501.605 Licensure of commercial telephone sellers.—

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

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

925  
926 The application shall be accompanied by a copy of any: Script,  
927 outline, or presentation the applicant will require or suggest a  
928 salesperson to use when soliciting, or, if no such document is

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929 used, a statement to that effect; sales information or  
930 literature to be provided by the applicant to a salesperson; and  
931 sales information or literature to be provided by the applicant  
932 to a purchaser in connection with any solicitation.

933 Section 24. Paragraph (a) of subsection (1) of section  
934 501.607, Florida Statutes, is amended to read:

935 501.607 Licensure of salespersons.—

936 (1) An applicant for a license as a salesperson must submit  
937 to the department, in such form as it prescribes, a written  
938 application for a license. The application must set forth the  
939 following information:

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

942 Section 25. Subsection (2) of section 501.913, Florida  
943 Statutes, is amended to read:

944 501.913 Registration.—

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

946 (a) Specimens or facsimiles of the label for each brand of  
947 antifreeze;

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

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

951 Section 26. Subsection (2) of section 525.01, Florida  
952 Statutes, is amended to read:

953 525.01 Gasoline and oil to be inspected.—

954 (2) All petroleum fuels are ~~shall be~~ subject to inspection  
955 and analysis by the department. Before selling or offering for  
956 sale in this state any petroleum fuel, all manufacturers,  
957 terminal suppliers, wholesalers, and importers as defined in s.

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958 206.01 ~~jobbers~~ shall file with the department:

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

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

964 Section 27. Subsections (1) and (3) of section 525.09,  
965 Florida Statutes, are amended to read:

966 525.09 Inspection fee.—

967 (1) For the purpose of defraying the expenses incident to  
968 inspecting, testing, and analyzing petroleum fuels in this  
969 state, there shall be paid to the department a charge of one-  
970 eighth cent per gallon on all gasoline, alternative fuel  
971 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,  
972 kerosene (except when used as aviation turbine fuel), and #1  
973 fuel oil for sale or use in this state. This inspection fee  
974 shall be imposed in the same manner as the motor fuel tax  
975 pursuant to s. 206.41. Payment shall be made on or before the  
976 25th day of each month.

977 (3) All remittances to the department for the inspection  
978 tax herein provided shall be accompanied by a detailed report  
979 under oath showing the number of gallons of gasoline,  
980 alternative fuel containing alcohol as defined in s.  
981 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered  
982 in each county.

983 Section 28. Section 526.50, Florida Statutes, is amended to  
984 read:

985 526.50 Definition of terms.—As used in this part:

986 (1) "Brake fluid" means the fluid intended for use as the

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987 liquid medium through which force is transmitted in the  
988 hydraulic brake system of a vehicle operated upon the highways.

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

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

995 (4)~~(2)~~ "Department" means the Department of Agriculture and  
996 Consumer Services.

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

999 (6) "Labeling" includes all written, printed or graphic  
1000 representations, in any form whatsoever, imprinted upon or  
1001 affixed to any container of brake fluid.

1002 (7) "Permit year" means a period of 12 months commencing  
1003 July 1 and ending on the next succeeding June 30.

1004 (8) "Registrant" means any manufacturer, packer,  
1005 distributor, seller, or other person who has registered a brake  
1006 fluid with the department.

1007 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,  
1008 trade, keep for sale, offer for sale or expose for sale, in any  
1009 of their variant forms.

1010 ~~(4) "Labeling" includes all written, printed or graphic~~  
1011 ~~representations, in any form whatsoever, imprinted upon or~~  
1012 ~~affixed to any container of brake fluid.~~

1013 ~~(5) "Container" means any receptacle in which brake fluid~~  
1014 ~~is immediately contained when sold, but does not mean a carton~~  
1015 ~~or wrapping in which a number of such receptacles are shipped or~~

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1016 ~~stored or a tank car or truck.~~

1017 ~~(6) "Permit year" means a period of 12 months commencing~~  
1018 ~~July 1 and ending on the next succeeding June 30.~~

1019 ~~(7) "Registrant" means any manufacturer, packer,~~  
1020 ~~distributor, seller, or other person who has registered a brake~~  
1021 ~~fluid with the department.~~

1022 Section 29. Section 526.51, Florida Statutes, is amended to  
1023 read:

1024 526.51 Registration; renewal and fees; departmental  
1025 expenses; cancellation or refusal to issue or renew.-

1026 (1) (a) Application for registration of each brand of brake  
1027 fluid shall be made on forms to be supplied by the department.  
1028 The applicant shall give his or her name and address and the  
1029 brand name of the brake fluid, state that he or she owns the  
1030 brand name and has complete control over the product sold  
1031 thereunder in Florida, and provide the name and address of the  
1032 resident agent in Florida. If the applicant does not own the  
1033 brand name but wishes to register the product with the  
1034 department, a notarized affidavit that gives the applicant full  
1035 authorization to register the brand name and that is signed by  
1036 the owner of the brand name must accompany the application for  
1037 registration. The affidavit must include all affected brand  
1038 names, the owner's company or corporate name and address, the  
1039 applicant's company or corporate name and address, and a  
1040 statement from the owner authorizing the applicant to register  
1041 the product with the department. The owner of the brand name  
1042 shall maintain complete control over each product sold under  
1043 that brand name in this state. All first-time brand-formula  
1044 combination ~~new product~~ applications must be accompanied by a

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1045 certified report from an independent testing laboratory, setting  
1046 forth the analysis of the brake fluid which shall show its  
1047 quality to be not less than the specifications established by  
1048 the department for brake fluids. A sample of not less than 24  
1049 fluid ounces of brake fluid shall be submitted, in a container  
1050 or containers, with labels representing exactly how the  
1051 containers of brake fluid will be labeled when sold, and the  
1052 sample and container shall be analyzed and inspected by the  
1053 Division of Standards in order that compliance with the  
1054 department's specifications and labeling requirements may be  
1055 verified. Upon approval of the application, the department shall  
1056 register the brand name of the brake fluid and issue to the  
1057 applicant a permit authorizing the registrant to sell the brake  
1058 fluid in this state during the permit year specified in the  
1059 permit.

1060 (b) Each applicant shall pay a fee of \$100 with each  
1061 application. A permit may be renewed by application to the  
1062 department, accompanied by a renewal fee of \$50 on or before the  
1063 last day of the permit year immediately preceding the permit  
1064 year for which application is made for renewal of registration.  
1065 To any fee not paid when due, there shall accrue a penalty of  
1066 \$25, which shall be added to the renewal fee. Renewals will be  
1067 accepted only on brake fluids that have no change in formula,  
1068 composition, or brand name. Any change in formula, composition,  
1069 or brand name of any brake fluid constitutes a new product that  
1070 must be registered in accordance with this part.

1071 (2) All fees collected under the provisions of this section  
1072 shall be credited to the General Inspection Trust Fund of the  
1073 department and all expenses incurred in the enforcement of this

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1074 part shall be paid from said fund.

1075 (3) The department may cancel, refuse to issue or refuse to  
1076 renew any registration and permit after due notice and  
1077 opportunity to be heard if it finds that the brake fluid is  
1078 adulterated or misbranded or that the registrant has failed to  
1079 comply with the provisions of this part or the rules and  
1080 regulations promulgated thereunder.

1081 Section 30. Paragraph (a) of subsection (3) of section  
1082 526.52, Florida Statutes, is amended to read:

1083 526.52 Specifications; adulteration and misbranding.—

1084 (3) Brake fluid is deemed to be misbranded:

1085 (a) If its container does not bear on its side or top a  
1086 label on which is printed the name and place of business of the  
1087 registrant of the product, the words "brake fluid," and a  
1088 statement that the product therein equals or exceeds the minimum  
1089 specification of the Society of Automotive Engineers for heavy-  
1090 duty-type brake fluid or equals or exceeds Federal Motor Vehicle  
1091 Safety Standard No. 116 adopted by the United States Department  
1092 of Transportation, ~~heavy-duty-type~~. By regulation the department  
1093 may require that the duty-type classification appear on the  
1094 label.

1095 Section 31. Subsection (2) of section 526.53, Florida  
1096 Statutes, is amended to read:

1097 526.53 Enforcement; inspection and analysis, stop-sale and  
1098 disposition, regulations.—

1099 (2) (a) When any brake fluid is sold in violation of any of  
1100 the provisions of this part, all such affected brake fluid of  
1101 the same brand name ~~on the same premises on which the violation~~  
1102 ~~occurred~~ shall be placed under a stop-sale order by the

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1103 department by serving the owner of the brand name, distributor,  
1104 or other entity responsible for selling or distributing the  
1105 product in the state with the stop-sale order. The department  
1106 shall withdraw its stop-sale order upon the removal of the  
1107 violation or upon voluntary destruction of the product, or other  
1108 disposal approved by the department, under the supervision of  
1109 the department.

1110 (b) In addition to being subject to the stop-sale  
1111 procedures above, unregistered brake fluid shall be held by the  
1112 department or its representative, at a place to be designated in  
1113 the stop-sale order, until properly registered and released in  
1114 writing by the department or its representative. If application  
1115 is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within  
1116 30 days after issue of the stop-sale order, such product shall  
1117 be disposed of by the department, or, with the department's  
1118 consent, by the business, to any tax-supported institution or  
1119 agency of the state if the brake fluid meets legal  
1120 specifications or by other disposal authorized by rule of the  
1121 department if it fails to meet legal specifications.

1122 Section 32. Subsections (1) and (3) and paragraphs (a) and  
1123 (c) of subsection (5) of section 527.0201, Florida Statutes, are  
1124 amended to read:

1125 527.0201 Qualifiers; master qualifiers; examinations.—

1126 (1) In addition to the requirements of s. 527.02, any  
1127 person applying for a license to engage in the activities of a  
1128 pipeline system operator, category I liquefied petroleum gas  
1129 dealer, category II liquefied petroleum gas dispenser, category  
1130 IV liquefied petroleum gas dispenser and recreational vehicle  
1131 servicer, category V liquefied petroleum gases dealer for

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1132 industrial uses only, LP gas installer, specialty installer,  
1133 requalifier ~~requalification~~ of cylinders, or fabricator,  
1134 repairer, and tester of vehicles and cargo tanks must prove  
1135 competency by passing a written examination administered by the  
1136 department or its agent with a grade of at least 75 percent in  
1137 each area tested ~~or above~~. Each applicant for examination shall  
1138 submit a \$20 nonrefundable fee. The department shall by rule  
1139 specify the general areas of competency to be covered by each  
1140 examination and the relative weight to be assigned in grading  
1141 each area tested.

1142 (3) Qualifier cards issued to category I liquefied  
1143 petroleum gas dealers and liquefied petroleum gas installers  
1144 shall expire 3 years after the date of issuance. All category I  
1145 liquefied petroleum gas dealer qualifiers and liquefied  
1146 petroleum gas installer qualifiers holding a valid qualifier  
1147 card upon the effective date of this act shall retain their  
1148 qualifier status until July 1, 2003, and may sit for the master  
1149 qualifier examination at any time during that time period. All  
1150 such category I liquefied petroleum gas dealer qualifiers and  
1151 liquefied petroleum gas installer qualifiers may renew their  
1152 qualification on or before July 1, 2003, upon application to the  
1153 department, payment of a \$20 renewal fee, and documentation of  
1154 the completion of a minimum of 16 ~~12~~ hours of approved  
1155 continuing education courses, as defined by department rule,  
1156 during the previous 3-year period. Applications for renewal must  
1157 be made 30 calendar days prior to expiration. Persons failing to  
1158 renew prior to the expiration date must reapply and take a  
1159 qualifier competency examination in order to reestablish  
1160 category I liquefied petroleum gas dealer qualifier and

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1161 liquefied petroleum gas installer qualifier status. If a  
1162 category I liquefied petroleum gas qualifier or liquefied  
1163 petroleum gas installer qualifier becomes a master qualifier at  
1164 any time during the effective date of the qualifier card, the  
1165 card shall remain in effect until expiration of the master  
1166 qualifier certification.

1167 (5) In addition to all other licensing requirements, each  
1168 category I liquefied petroleum gas dealer and liquefied  
1169 petroleum gas installer must, at the time of application for  
1170 licensure, identify to the department one master qualifier who  
1171 is a full-time employee at the licensed location. This person  
1172 shall be a manager, owner, or otherwise primarily responsible  
1173 for overseeing the operations of the licensed location and must  
1174 provide documentation to the department as provided by rule. The  
1175 master qualifier requirement shall be in addition to the  
1176 requirements of subsection (1).

1177 (a) In order to apply for certification as a master  
1178 qualifier, each applicant must be a category I liquefied  
1179 petroleum gas dealer qualifier or liquefied petroleum gas  
1180 installer qualifier, must be employed by a licensed category I  
1181 liquefied petroleum gas dealer, liquefied petroleum gas  
1182 installer, or applicant for such license, must provide  
1183 documentation of a minimum of 1 year's work experience in the  
1184 gas industry, and must pass a master qualifier competency  
1185 examination. Master qualifier examinations shall be based on  
1186 Florida's laws, rules, and adopted codes governing liquefied  
1187 petroleum gas safety, general industry safety standards, and  
1188 administrative procedures. The examination must be successfully  
1189 passed ~~completed~~ by the applicant with a grade of at least 75

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1190 percent ~~or more~~. Each applicant for master qualifier status  
1191 shall submit to the department a nonrefundable \$30 examination  
1192 fee prior to the examination.

1193 (c) Master qualifier status shall expire 3 years after the  
1194 date of issuance of the certificate and may be renewed by  
1195 submission to the department of documentation of completion of  
1196 at least 16 ~~12~~ hours of approved continuing education courses  
1197 during the 3-year period; proof of employment with a licensed  
1198 category I liquefied petroleum gas dealer, liquefied petroleum  
1199 gas installer, or applicant; and a \$30 certificate renewal fee.  
1200 The department shall define, by rule, approved courses of  
1201 continuing education.

1202 Section 33. Section 527.12, Florida Statutes, is amended to  
1203 read:

1204 527.12 Cease and desist orders; stop-use orders; stop-  
1205 operation orders; stop-sale orders; administrative fines.-

1206 (1) Whenever the department has ~~shall have~~ reason to  
1207 believe that any person is violating or has violated ~~been~~  
1208 ~~violating provisions of this chapter or any rules adopted under~~  
1209 this chapter pursuant thereto, the department ~~it~~ may issue a  
1210 cease and desist order, ~~or~~ impose a civil penalty, or do both  
1211 ~~may issue such cease and desist order and impose a civil~~  
1212 ~~penalty.~~

1213 (2) Whenever a person or liquefied petroleum gas system or  
1214 storage facility, or any part or component thereof, fails to  
1215 comply with this chapter or any rules adopted under this  
1216 chapter, the department may issue a stop-use order, stop-  
1217 operation order, or stop-sale order.

1218 Section 34. Subsection (1) of section 559.805, Florida

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1219 Statutes, is amended to read:

1220       559.805 Filings with the department; disclosure of  
1221 advertisement identification number.-

1222       (1) Every seller of a business opportunity shall annually  
1223 file with the department a copy of the disclosure statement  
1224 required by s. 559.803 before ~~prior to~~ placing an advertisement  
1225 or making any other representation designed to offer to, sell  
1226 to, or solicit an offer to buy a business opportunity from a  
1227 prospective purchaser in this state and shall update this filing  
1228 by reporting any material change in the required information  
1229 within 30 days after the material change occurs. An  
1230 advertisement is not placed in the state merely because the  
1231 publisher circulates, or there is circulated on his or her  
1232 behalf in the state, any bona fide newspaper or other  
1233 publication of general, regular, and paid circulation which has  
1234 had more than two-thirds of its circulation during the past 12  
1235 months outside the state or because a radio or television  
1236 program originating outside the state is received in the state.  
1237 If the seller is required by s. 559.807 to provide a bond or  
1238 establish a trust account or guaranteed letter of credit, he or  
1239 she shall contemporaneously file with the department a copy of  
1240 the bond, a copy of the formal notification by the depository  
1241 that the trust account is established, or a copy of the  
1242 guaranteed letter of credit. Every seller of a business  
1243 opportunity shall file with the department a list of independent  
1244 agents who will engage in the offer or sale of business  
1245 opportunities on behalf of the seller in this state. This list  
1246 must be kept current and shall include the following  
1247 information: name, home and business address, telephone number,

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1248 present employer, ~~social security number~~, and birth date. A ~~No~~  
1249 person may not ~~shall be allowed to~~ offer or sell business  
1250 opportunities unless the required information is ~~has been~~  
1251 provided to the department.

1252 Section 35. Subsection (3) of section 559.928, Florida  
1253 Statutes, is amended to read:

1254 559.928 Registration.—

1255 (3) Each independent agent shall annually file an affidavit  
1256 with the department before ~~prior to~~ engaging in business in this  
1257 state. This affidavit must include the independent agent's full  
1258 name, legal business or trade name, mailing address, business  
1259 address, telephone number, ~~social security number~~, and the name  
1260 or names and addresses of each seller of travel represented by  
1261 the independent agent. A letter evidencing proof of filing must  
1262 be issued by the department and must be prominently displayed in  
1263 the independent agent's primary place of business. Each  
1264 independent agent must also submit an annual registration fee of  
1265 \$50. All moneys collected pursuant to the imposition of the fee  
1266 shall be deposited by the Chief Financial Officer into the  
1267 General Inspection Trust Fund of the Department of Agriculture  
1268 and Consumer Services for the sole purpose of administering  
1269 this part. As used in this subsection, the term "independent  
1270 agent" means a person who represents a seller of travel by  
1271 soliciting persons on its behalf; who has a written contract  
1272 with a seller of travel which is operating in compliance with  
1273 this part and any rules adopted thereunder; who does not receive  
1274 a fee, commission, or other valuable consideration directly from  
1275 the purchaser for the seller of travel; who does not at any time  
1276 have any unissued ticket stock or travel documents in his or her

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1277 possession; and who does not have the ability to issue tickets,  
1278 vacation certificates, or any other travel document. The term  
1279 "independent agent" does not include an affiliate of the seller  
1280 of travel, as that term is used in s. 559.935(3), or the  
1281 employees of the seller of travel or of such affiliates.

1282 Section 36. Subsection (7) of section 570.0725, Florida  
1283 Statutes, is amended to read:

1284 570.0725 Food recovery; legislative intent; department  
1285 functions.—

1286 (7) For public information purposes, the department may  
1287 ~~shall~~ develop and provide a public information brochure  
1288 detailing the need for food banks and similar ~~of~~ food recovery  
1289 programs, the benefit of such ~~food recovery~~ programs, the manner  
1290 in which ~~such~~ organizations may become involved in such ~~food~~  
1291 ~~recovery~~ programs, and the protection afforded to such programs  
1292 under s. 768.136, ~~and the food recovery entities or food banks~~  
1293 ~~that exist in the state. This brochure must be updated annually.~~  
1294 A food bank or similar food recovery organization seeking to be  
1295 included on a list of such organizations must notify the  
1296 department and provide the information required by rule of the  
1297 department. Such organizations are responsible for updating the  
1298 information and providing the updated information to the  
1299 department. The department may adopt rules to implement this  
1300 section.

1301 Section 37. Paragraph (e) of subsection (6) of section  
1302 570.53, Florida Statutes, is amended to read:

1303 570.53 Division of Marketing and Development; powers and  
1304 duties.—The powers and duties of the Division of Marketing and  
1305 Development include, but are not limited to:

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1306 (6)  
1307 (e) Extending in every practicable way the distribution and  
1308 sale of Florida agricultural products throughout the markets of  
1309 the world as required of the department by s. ss. 570.07(7),  
1310 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1311 Section 38. Subsection (2) of section 570.54, Florida  
1312 Statutes, is amended to read:

1313 570.54 Director; duties.—

1314 (2) It shall be the duty of the director of this division  
1315 to supervise, direct, and coordinate the activities authorized  
1316 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and  
1317 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and  
1318 chapters 504, 571, 573, and 574 and to exercise other powers and  
1319 authority as authorized by the department.

1320 Section 39. Subsection (4) of section 570.55, Florida  
1321 Statutes, is amended to read:

1322 570.55 Identification of sellers or handlers of tropical or  
1323 subtropical fruit and vegetables; containers specified;  
1324 penalties.—

1325 (4) IDENTIFICATION OF HANDLER.—At the time of each  
1326 transaction involving the handling or sale of 55 pounds or more  
1327 of tropical or subtropical fruit or vegetables in the primary  
1328 channel of trade, the buyer or receiver of the tropical or  
1329 subtropical fruit or vegetables shall demand a bill of sale,  
1330 invoice, sales memorandum, or other document listing the date of  
1331 the transaction, the quantity of the tropical or subtropical  
1332 fruit or vegetables involved in the transaction, and the  
1333 identification of the seller or handler as it appears on the  
1334 driver's license of the seller or handler, including the

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1335 driver's license number. If the seller or handler does not  
1336 possess a driver's license, the buyer or receiver shall use any  
1337 other acceptable means of identification, which may include, but  
1338 is not limited to, i.e., voter's registration card and number,  
1339 draft card, ~~social security card,~~ or other identification.  
1340 However, no less than two identification documents shall be  
1341 used. The identification of the seller or handler shall be  
1342 recorded on the bill of sale, sales memorandum, invoice, or  
1343 voucher, which shall be retained by the buyer or receiver for a  
1344 period of not less than 1 year from the date of the transaction.

1345 Section 40. Subsection (3) of section 570.902, Florida  
1346 Statutes, is amended to read:

1347 570.902 Definitions; ss. 570.902 and 570.903.—For the  
1348 purpose of ss. 570.902 and 570.903:

1349 ~~(3) "Museum" means the Florida Agricultural Museum which is~~  
1350 ~~designated as the museum for agriculture and rural history of~~  
1351 ~~the State of Florida.~~

1352 Section 41. Section 570.903, Florida Statutes, is amended  
1353 to read:

1354 570.903 Direct-support organization.—

1355 (1) When the Legislature authorizes the establishment of a  
1356 direct-support organization to provide assistance for ~~the~~  
1357 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~  
1358 ~~Florida State Collection of Arthropods,~~ the Friends of the  
1359 Florida State Forests Program of the Division of Forestry, and  
1360 the Forestry Arson Alert Program, and other programs of the  
1361 department, the following provisions shall govern the creation,  
1362 use, powers, and duties of the direct-support organization.

1363 (a) The department shall enter into a memorandum or letter

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1364 of agreement with the direct-support organization, which shall  
1365 specify the approval of the department, the powers and duties of  
1366 the direct-support organization, and rules with which the  
1367 direct-support organization shall comply.

1368 (b) The department may permit, without charge, appropriate  
1369 use of property, facilities, and personnel of the department by  
1370 a direct-support organization, subject to the provisions of ss.  
1371 570.902 and 570.903. The use shall be directly in keeping with  
1372 the approved purposes of the direct-support organization and  
1373 shall not be made at times or places that would unreasonably  
1374 interfere with opportunities for the general public to use  
1375 department facilities for established purposes.

1376 (c) The department shall prescribe by contract or by rule  
1377 conditions with which a direct-support organization shall comply  
1378 in order to use property, facilities, or personnel of the  
1379 department ~~or museum~~. Such rules shall provide for budget and  
1380 audit review and oversight by the department.

1381 (d) The department shall not permit the use of property,  
1382 facilities, or personnel of the ~~museum,~~ department, or  
1383 designated program by a direct-support organization which does  
1384 not provide equal employment opportunities to all persons  
1385 regardless of race, color, religion, sex, age, or national  
1386 origin.

1387 (2) (a) The direct-support organization shall be empowered  
1388 to conduct programs and activities; raise funds; request and  
1389 receive grants, gifts, and bequests of money; acquire, receive,  
1390 hold, invest, and administer, in its own name, securities,  
1391 funds, objects of value, or other property, real or personal;  
1392 and make expenditures to or for the direct or indirect benefit

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1393 of the ~~museum or~~ designated program.

1394 (b) Notwithstanding the provisions of s. 287.057, the  
1395 direct-support organization may enter into contracts or  
1396 agreements with or without competitive bidding for the  
1397 ~~restoration of objects, historical buildings, and other~~  
1398 ~~historical materials or for the purchase of objects, historical~~  
1399 ~~buildings, and other historical materials which are to be added~~  
1400 ~~to the collections of the museum, or benefit of~~ of the designated  
1401 program. However, before the direct-support organization may  
1402 enter into a contract or agreement without competitive bidding,  
1403 the direct-support organization shall file a certification of  
1404 conditions and circumstances with the internal auditor of the  
1405 department justifying each contract or agreement.

1406 (c) Notwithstanding the provisions of s. 287.025(1)(e), the  
1407 direct-support organization may enter into contracts to insure  
1408 property of the ~~museum or~~ designated programs ~~and may insure~~  
1409 ~~objects or collections on loan from others in satisfying~~  
1410 ~~security terms of the lender.~~

1411 (3) The direct-support organization shall provide for an  
1412 annual financial audit in accordance with s. 215.981.

1413 (4) Neither a designated program ~~or a museum,~~ nor a  
1414 nonprofit corporation trustee or employee may:

1415 (a) Receive a commission, fee, or financial benefit in  
1416 connection with the sale or exchange of property ~~historical~~  
1417 ~~objects or properties~~ to the direct-support organization, ~~the~~  
1418 ~~museum,~~ or the designated program; or

1419 (b) Be a business associate of any individual, firm, or  
1420 organization involved in the sale or exchange of property to the  
1421 direct-support organization, ~~the museum,~~ or the designated

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1422 program.

1423 (5) All moneys received by the direct-support organization  
1424 shall be deposited into an account of the direct-support  
1425 organization and shall be used by the organization in a manner  
1426 consistent with the goals of the ~~museum or~~ designated program.

1427 (6) The identity of a donor or prospective donor who  
1428 desires to remain anonymous and all information identifying such  
1429 donor or prospective donor are confidential and exempt from the  
1430 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
1431 Constitution.

1432 (7) The Commissioner of Agriculture, or the commissioner's  
1433 designee, may serve on the board of trustees and the executive  
1434 committee of any direct-support organization established to  
1435 benefit ~~the museum or~~ any designated program.

1436 ~~(8) The department shall establish by rule archival~~  
1437 ~~procedures relating to museum artifacts and records. The rules~~  
1438 ~~shall provide procedures which protect the museum's artifacts~~  
1439 ~~and records equivalent to those procedures which have been~~  
1440 ~~established by the Department of State under chapters 257 and~~  
1441 ~~267.~~

1442 Section 42. Subsection (4) of section 573.118, Florida  
1443 Statutes, is amended to read:

1444 573.118 Assessment; funds; audit; loans.—

1445 (4) In the event of levying and collecting of assessments,  
1446 for each fiscal year in which assessment funds are received by  
1447 the department, the department shall maintain records of  
1448 collections and expenditures for each marketing order separately  
1449 within the state's accounting system. If requested by an  
1450 advisory council, department staff shall cause to be made a

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1451 thorough annual audit of the ~~books and accounts by a certified~~  
1452 ~~public accountant~~, such audit to be completed within 60 days  
1453 after the request is received ~~end of the fiscal year~~. The  
1454 advisory council ~~department and all producers and handlers~~  
1455 ~~covered by the marketing order~~ shall be provided a copy of the  
1456 ~~properly advised of the details of the annual official~~ audit of  
1457 the accounts as ~~shown by the certified public accountant~~ within  
1458 30 days after completion of the audit.

1459 Section 43. Subsections (18) through (30) of section  
1460 581.011, Florida Statutes, are renumbered as subsections (17)  
1461 through (29), respectively, and present subsections (17) and  
1462 (20) of that section are amended to read:

1463 581.011 Definitions.—As used in this chapter:

1464 ~~(17) "Museum" means the Florida State Collection of~~  
1465 ~~Arthropods.~~

1466 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in  
1467 which nursery stock is grown, propagated, or held for sale or  
1468 distribution, including ~~except where~~ aquatic plant species are  
1469 tended for harvest in the natural environment.

1470 Section 44. Paragraph (a) of subsection (3) of section  
1471 581.211, Florida Statutes, is amended to read:

1472 581.211 Penalties for violations.—

1473 (3) (a) 1. In addition to any other provision of law, the  
1474 department may, after notice and hearing, impose an  
1475 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each  
1476 violation of this chapter, upon any person, nurseryman, stock  
1477 dealer, agent or plant broker. The fine, when paid, shall be  
1478 deposited in the Plant Industry Trust Fund. In addition, the  
1479 department may place the violator on probation for up to 1 year,

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1480 with conditions.

1481         2. The imposition of a fine or probation pursuant to this  
1482 subsection may be in addition to or in lieu of the suspension or  
1483 revocation of a certificate of registration or certificate of  
1484 inspection.

1485         Section 45. Section 583.13, Florida Statutes, is amended to  
1486 read:

1487         583.13 Labeling and advertising requirements for dressed  
1488 poultry; unlawful acts.—

1489         (1) It is unlawful for any dealer or broker to sell, offer  
1490 for sale, or hold for the purpose of sale in the state any  
1491 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry  
1492 is packed in a container clearly bearing a label, not less than  
1493 3 inches by 5 inches, on which shall be plainly and legibly  
1494 printed, in letters of not less than 1/4 inch high ~~in height~~,  
1495 ~~the grade and the part name or whole-bird statement of such~~  
1496 ~~poultry. The grade may be expressed in the term "premium,"~~  
1497 ~~"good," or "standard," or as the grade of another state or~~  
1498 ~~federal agency the standards of quality of which, by law, are~~  
1499 ~~equal to the standards of quality provided by this law and rules~~  
1500 ~~promulgated hereunder.~~

1501         (2) It is unlawful to sell unpackaged dressed or ready-to-  
1502 cook poultry at retail unless such poultry is labeled by a  
1503 placard immediately adjacent to the poultry or unless each bird  
1504 is individually labeled to show ~~the grade and the part name or~~  
1505 whole-bird statement. The placard shall be no smaller than 7  
1506 inches by 7 inches in size, and the required labeling  
1507 information shall be legibly and plainly printed on the placard  
1508 in letters not smaller than 1 inch in height.

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1509 (3) It is unlawful to sell packaged dressed or ready-to-  
1510 cook poultry at retail unless such poultry is labeled to show  
1511 ~~the grade,~~ the part name or whole-bird statement, the net weight  
1512 of the poultry, and the name and address of the dealer. The size  
1513 of the type on the label must be one-eighth inch or larger. A  
1514 placard immediately adjacent to such poultry may be used to  
1515 indicate ~~the grade and~~ the part name or whole-bird statement,  
1516 but not the net weight of the poultry or the name and address of  
1517 the dealer.

1518 (4) It is unlawful to use dressed or ready-to-cook poultry  
1519 in bulk in the preparation of food served to the public, or to  
1520 hold such poultry for the purpose of such use, unless the  
1521 poultry when received was packed in a container clearly bearing  
1522 a label, not less than 3 inches by 5 inches, on which was  
1523 plainly and legibly printed, in letters not less than 1/4 ~~one-~~  
1524 ~~fourth~~ inch high ~~in height,~~ ~~the grade and~~ the part name or  
1525 whole-bird statement of such poultry. ~~The grade may be expressed~~  
1526 ~~in the term "premium," "good," or "standard," or as the grade of~~  
1527 ~~another state or federal agency the standards of quality of~~  
1528 ~~which, by law, are equal to the standards of quality provided by~~  
1529 ~~this law and rules promulgated hereunder.~~

1530 (5) It is unlawful to offer dressed or ready-to-cook  
1531 poultry for sale in any advertisement in a newspaper or  
1532 circular, on radio or television, or in any other form of  
1533 advertising without plainly designating in such advertisement  
1534 ~~the grade and~~ the part name or whole-bird statement of such  
1535 poultry.

1536 Section 46. Subsection (1) of section 585.61, Florida  
1537 Statutes, is amended to read:

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1538 585.61 Animal disease diagnostic laboratories.—

1539 (1) There is hereby created and established an animal  
 1540 disease diagnostic laboratory in Osceola County and Suwannee  
 1541 County. The laboratory complex in Osceola County is designated  
 1542 as "The Bronson Animal Disease Diagnostic Laboratory."

1543 Section 47. Section 590.125, Florida Statutes, is amended  
 1544 to read:

1545 590.125 Open burning authorized by the division.—

1546 (1) DEFINITIONS.—As used in this section, the term:

1547 (a) "Certified pile burner" means an individual who  
 1548 successfully completes the division's pile burning certification  
 1549 program and possesses a valid pile burner certification number.

1550 ~~(a) "Prescribed burning" means the controlled application~~  
 1551 ~~of fire in accordance with a written prescription for vegetative~~  
 1552 ~~fuels under specified environmental conditions while following~~  
 1553 ~~appropriate precautionary measures that ensure that the fire is~~  
 1554 ~~confined to a predetermined area to accomplish the planned fire~~  
 1555 ~~or land-management objectives.~~

1556 (b) "Certified prescribed burn manager" means an individual  
 1557 who successfully completes the certified prescribed burning  
 1558 ~~certification~~ program of the division and possesses a valid  
 1559 certification number.

1560 ~~(c) "Prescription" means a written plan establishing the~~  
 1561 ~~criteria necessary for starting, controlling, and extinguishing~~  
 1562 ~~a prescribed burn.~~

1563 (c)-(d) "Extinguished" means: ~~that no spreading flame~~

1564 1. For wild land burning or certified prescribed burning,  
 1565 that no spreading flames exist. ~~and no visible flame, smoke, or~~  
 1566 ~~emissions~~

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1567       2. For vegetative land-clearing debris burning or pile  
1568 burning, that no visible flames exist.

1569       3. For vegetative land-clearing debris burning or pile  
1570 burning in an area designated as smoke sensitive by the  
1571 division, that no visible flames, smoke, or emissions exist.

1572       (d) "Land-clearing operation" means the uprooting or  
1573 clearing of vegetation in connection with the construction of  
1574 buildings and rights-of-way, land development, and mineral  
1575 operations. The term does not include the clearing of yard  
1576 trash.

1577       (e) "Pile burning" means the burning of silvicultural,  
1578 agricultural, or land-clearing and tree-cutting debris  
1579 originating onsite, which is stacked together in a round or  
1580 linear fashion, including, but not limited to, a windrow.

1581       (f) "Prescribed burning" means the controlled application  
1582 of fire in accordance with a written prescription for vegetative  
1583 fuels under specified environmental conditions while following  
1584 appropriate precautionary measures that ensure that the fire is  
1585 confined to a predetermined area to accomplish the planned fire  
1586 or land-management objectives.

1587       (g) "Prescription" means a written plan establishing the  
1588 criteria necessary for starting, controlling, and extinguishing  
1589 a prescribed burn.

1590       (h) "Yard trash" means vegetative matter resulting from  
1591 landscaping and yard maintenance operations and other such  
1592 routine property cleanup activities. The term includes materials  
1593 such as leaves, shrub trimmings, grass clippings, brush, and  
1594 palm fronds.

1595       (2) NONCERTIFIED BURNING.—

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1596 (a) Persons may be authorized to burn wild land or  
1597 vegetative land-clearing debris in accordance with this  
1598 subsection if:

1599 1. There is specific consent of the landowner or his or her  
1600 designee;

1601 2. Authorization has been obtained from the division or its  
1602 designated agent before starting the burn;

1603 3. There are adequate firebreaks at the burn site and  
1604 sufficient personnel and firefighting equipment for the control  
1605 of the fire;

1606 4. The fire remains within the boundary of the authorized  
1607 area;

1608 5. Someone is present at the burn site until the fire is  
1609 extinguished;

1610 6. The division does not cancel the authorization; and

1611 7. The division determines that air quality and fire danger  
1612 are favorable for safe burning.

1613 (b) A person who burns wild land or vegetative land-  
1614 clearing debris in a manner that violates any requirement of  
1615 this subsection commits a misdemeanor of the second degree,  
1616 punishable as provided in s. 775.082 or s. 775.083.

1617 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND  
1618 PURPOSE.—

1619 (a) The application of prescribed burning is a land  
1620 management tool that benefits the safety of the public, the  
1621 environment, and the economy of the state. The Legislature finds  
1622 that:

1623 1. Prescribed burning reduces vegetative fuels within wild  
1624 land areas. Reduction of the fuel load reduces the risk and

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1625 severity of wildfire, thereby reducing the threat of loss of  
1626 life and property, particularly in urban areas.

1627         2. Most of Florida's natural communities require periodic  
1628 fire for maintenance of their ecological integrity. Prescribed  
1629 burning is essential to the perpetuation, restoration, and  
1630 management of many plant and animal communities. Significant  
1631 loss of the state's biological diversity will occur if fire is  
1632 excluded from fire-dependent systems.

1633         3. Forestland and rangeland constitute significant  
1634 economic, biological, and aesthetic resources of statewide  
1635 importance. Prescribed burning on forestland prepares sites for  
1636 reforestation, removes undesirable competing vegetation,  
1637 expedites nutrient cycling, and controls or eliminates certain  
1638 forest pathogens. On rangeland, prescribed burning improves the  
1639 quality and quantity of herbaceous vegetation necessary for  
1640 livestock production.

1641         4. The state purchased hundreds of thousands of acres of  
1642 land for parks, preserves, wildlife management areas, forests,  
1643 and other public purposes. The use of prescribed burning for  
1644 management of public lands is essential to maintain the specific  
1645 resource values for which these lands were acquired.

1646         5. A public education program is necessary to make citizens  
1647 and visitors aware of the public safety, resource, and economic  
1648 benefits of prescribed burning.

1649         6. Proper training in the use of prescribed burning is  
1650 necessary to ensure maximum benefits and protection for the  
1651 public.

1652         7. As Florida's population continues to grow, pressures  
1653 from liability issues and nuisance complaints inhibit the use of

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1654 prescribed burning. Therefore, the division is urged to maximize  
1655 the opportunities for prescribed burning conducted during its  
1656 daytime and nighttime authorization process.

1657 (b) Certified prescribed burning pertains only to broadcast  
1658 burning for purposes of silviculture, wildlife management,  
1659 ecological maintenance and restoration, and range and pasture  
1660 management. It must be conducted in accordance with this  
1661 subsection and:

1662 1. May be accomplished only when a certified prescribed  
1663 burn manager is present on site with a copy of the prescription  
1664 from ignition of the burn to its completion.

1665 2. Requires that a written prescription be prepared before  
1666 receiving authorization to burn from the division.

1667 3. Requires that the specific consent of the landowner or  
1668 his or her designee be obtained before requesting an  
1669 authorization.

1670 4. Requires that an authorization to burn be obtained from  
1671 the division before igniting the burn.

1672 5. Requires that there be adequate firebreaks at the burn  
1673 site and sufficient personnel and firefighting equipment for the  
1674 control of the fire.

1675 6. Is considered to be in the public interest and does not  
1676 constitute a public or private nuisance when conducted under  
1677 applicable state air pollution statutes and rules.

1678 7. Is considered to be a property right of the property  
1679 owner if vegetative fuels are burned as required in this  
1680 subsection.

1681 (c) Neither a property owner nor his or her agent is liable  
1682 pursuant to s. 590.13 for damage or injury caused by the fire or

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1683 resulting smoke or considered to be in violation of subsection  
1684 (2) for burns conducted in accordance with this subsection  
1685 unless gross negligence is proven.

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

1689 (e) The division shall adopt rules for the use of  
1690 prescribed burning and for certifying and decertifying certified  
1691 prescribed burn managers based on their past experience,  
1692 training, and record of compliance with this section.

1693 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND  
1694 PURPOSE.—

1695 (a) Pile burning is a tool that benefits current and future  
1696 generations in Florida by disposing of naturally occurring  
1697 vegetative debris through burning rather than disposing of the  
1698 debris in landfills.

1699 (b) Certified pile burning pertains to the disposal of  
1700 piled, naturally occurring debris from an agricultural,  
1701 silvicultural, or temporary land-clearing operation. A land-  
1702 clearing operation is temporary if it operates for 6 months or  
1703 less. Certified pile burning must be conducted in accordance  
1704 with this subsection, and:

1705 1. A certified pile burner must ensure, before ignition,  
1706 that the piles are properly placed and that the content of the  
1707 piles is conducive to efficient burning.

1708 2. A certified pile burner must ensure that the piles are  
1709 properly extinguished no later than 1 hour after sunset. If the  
1710 burn is conducted in an area designated by the division as smoke  
1711 sensitive, a certified pile burner must ensure that the piles

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1712 are properly extinguished at least 1 hour before sunset.

1713 3. A written pile burn plan must be prepared before  
1714 receiving authorization from the division to burn.

1715 4. The specific consent of the landowner or his or her  
1716 agent must be obtained before requesting authorization to burn.

1717 5. An authorization to burn must be obtained from the  
1718 division or its designated agent before igniting the burn.

1719 6. There must be adequate firebreaks and sufficient  
1720 personnel and firefighting equipment at the burn site to control  
1721 the fire.

1722 (c) If a burn is conducted in accordance with this  
1723 subsection, the property owner and his or her agent are not  
1724 liable under s. 590.13 for damage or injury caused by the fire  
1725 or resulting smoke, and are not in violation of subsection (2),  
1726 unless gross negligence is proven.

1727 (d) A certified pile burner who violates this section  
1728 commits a misdemeanor of the second degree, punishable as  
1729 provided in s. 775.082 or s. 775.083.

1730 (e) The division shall adopt rules regulating certified  
1731 pile burning. The rules shall include procedures and criteria  
1732 for certifying and decertifying certified pile burn managers  
1733 based on past experience, training, and record of compliance  
1734 with this section.

1735 (5)-(4) WILDFIRE HAZARD REDUCTION TREATMENT BY THE  
1736 DIVISION.—The division may conduct fuel reduction initiatives,  
1737 including, but not limited to, burning and mechanical and  
1738 chemical treatment, on any area of wild land within the state  
1739 which is reasonably determined to be in danger of wildfire in  
1740 accordance with the following procedures:

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1741 (a) Describe the areas that will receive fuels treatment to  
1742 the affected local governmental entity.

1743 (b) Publish a treatment notice, including a description of  
1744 the area to be treated, in a conspicuous manner in at least one  
1745 newspaper of general circulation in the area of the treatment  
1746 not less than 10 days before the treatment.

1747 (c) Prepare, and send ~~the county tax collector shall~~  
1748 ~~include with the annual tax statement,~~ a notice to be sent to  
1749 all landowners in each area ~~township~~ designated by the division  
1750 as a wildfire hazard area. The notice must describe particularly  
1751 the area to be treated and the tentative date or dates of the  
1752 treatment and must list the reasons for and the expected  
1753 benefits from the wildfire hazard reduction.

1754 (d) Consider any landowner objections to the fuels  
1755 treatment of his or her property. The landowner may apply to the  
1756 director of the division for a review of alternative methods of  
1757 fuel reduction on the property. If the director or his or her  
1758 designee does not resolve the landowner objection, the director  
1759 shall convene a panel made up of the local forestry unit  
1760 manager, the fire chief of the jurisdiction, and the affected  
1761 county or city manager, or any of their designees. If the  
1762 panel's recommendation is not acceptable to the landowner, the  
1763 landowner may request further consideration by the Commissioner  
1764 of Agriculture or his or her designee and shall thereafter be  
1765 entitled to an administrative hearing pursuant to the provisions  
1766 of chapter 120.

1767 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING  
1768 AUTHORIZATION PROGRAMS.—

1769 (a) A county or municipality may exercise the division's

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1770 authority, if delegated by the division under this subsection,  
1771 to issue authorizations for the burning of yard trash or debris  
1772 from land-clearing operations. A county's or municipality's  
1773 existing or proposed open burning authorization program must:

1774 1. Be approved by the division. The division shall not  
1775 approve a program if it fails to meet the requirements of  
1776 subsections (2) and (4) and any rules adopted under those  
1777 subsections.

1778 2. Provide by ordinance or local law the requirements for  
1779 obtaining and performing a burn authorization that comply with  
1780 subsections (2) and (4) and any rules adopted under those  
1781 subsections.

1782 3. Provide for the enforcement of the program's  
1783 requirements.

1784 4. Provide financial, personnel, and other resources needed  
1785 to carry out the program.

1786 (b) If the division determines that a county's or  
1787 municipality's open burning authorization program does not  
1788 comply with subsections (2) and (4) and any rules adopted under  
1789 those subsections, the division shall require the county or  
1790 municipality to take necessary corrective actions within a  
1791 reasonable period, not to exceed 90 days.

1792 1. If the county or municipality fails to take the  
1793 necessary corrective actions within the required period, the  
1794 division shall resume administration of the open burning  
1795 authorization program in the county or municipality and the  
1796 county or municipality shall cease administration of its  
1797 program.

1798 2. Each county and municipality administering an open

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1799 burning authorization program must cooperate with and assist the  
 1800 division in carrying out the division's powers, duties, and  
 1801 functions.

1802 3. A person who violates the requirements of a county's or  
 1803 municipality's open burning authorization program, as provided  
 1804 by ordinance or local law enacted pursuant to this section,  
 1805 commits a violation of this chapter, punishable as provided in  
 1806 s. 590.14.

1807 (7) ~~(5)~~ DUTIES OF AGENCIES.—The Department of Education  
 1808 shall incorporate, where feasible and appropriate, the issues of  
 1809 fuels treatment, including prescribed burning, into its  
 1810 educational materials.

1811 Section 48. Section 590.14, Florida Statutes, is amended to  
 1812 read:

1813 590.14 Notice of violation; penalties.—

1814 (1) If a division employee determines that a person has  
 1815 violated chapter 589, ~~or~~ this chapter, or any rule adopted by  
 1816 the division to administer provisions of law conferring duties  
 1817 upon the division, the division employee ~~he or she~~ may issue a  
 1818 notice of violation indicating the statute violated. This notice  
 1819 will be filed with the division and a copy forwarded to the  
 1820 appropriate law enforcement entity for further action if  
 1821 necessary.

1822 (2) In addition to any penalties provided by law, any  
 1823 person who causes a wildfire or permits any authorized fire to  
 1824 escape the boundaries of the authorization or to burn past the  
 1825 time of the authorization is liable for the payment of all  
 1826 reasonable costs and expenses incurred in suppressing the fire  
 1827 or \$150, whichever is greater. All costs and expenses incurred

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1828 by the division shall be payable to the division. When such  
1829 costs and expenses are not paid within 30 days after demand, the  
1830 division may take proper legal proceedings for the collection of  
1831 the costs and expenses. Those costs incurred by an agency acting  
1832 at the division's direction are recoverable by that agency.

1833 (3) The department may also impose an administrative fine,  
1834 not to exceed \$1,000 per violation of any section of chapter 589  
1835 or this chapter or violation of any rule adopted by the division  
1836 to administer provisions of law conferring duties upon the  
1837 division. The fine shall be based upon the degree of damage, the  
1838 prior violation record of the person, and whether the person  
1839 knowingly provided false information to obtain an authorization.  
1840 The fines shall be deposited in the Incidental Trust Fund of the  
1841 division.

1842 (4) A person may not:

1843 (a) Fail to comply with any rule or order adopted by the  
1844 division to administer provisions of law conferring duties upon  
1845 the division; or

1846 (b) Knowingly make any false statement or representation in  
1847 any application, record, plan, or other document required by  
1848 this chapter or any rules adopted under this chapter.

1849 (5) A person who violates paragraph (4) (a) or paragraph  
1850 (4) (b) commits a misdemeanor of the second degree, punishable as  
1851 provided in s. 775.082 or s. 775.083.

1852 (6) It is the intent of the Legislature that a penalty  
1853 imposed by a court under subsection (5) be of a severity that  
1854 ensures immediate and continued compliance with this section.

1855 (7) ~~(4)~~ The penalties provided in this section shall extend  
1856 to both the actual violator and the person or persons, firm, or

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1857 corporation causing, directing, or permitting the violation.

1858 Section 49. Paragraph (a) of subsection (1) of section  
1859 599.004, Florida Statutes, is amended to read:

1860 599.004 Florida Farm Winery Program; registration; logo;  
1861 fees.—

1862 (1) The Florida Farm Winery Program is established within  
1863 the Department of Agriculture and Consumer Services. Under this  
1864 program, a winery may qualify as a tourist attraction only if it  
1865 is registered with and certified by the department as a Florida  
1866 Farm Winery. A winery may not claim to be certified unless it  
1867 has received written approval from the department.

1868 (a) To qualify as a certified Florida Farm Winery, a winery  
1869 shall meet the following standards:

1870 1. Produce or sell less than 250,000 gallons of wine  
1871 annually.

1872 2. Maintain a minimum of 10 acres of owned or managed land  
1873 ~~vineyards~~ in Florida which produces commodities used in the  
1874 production of wine.

1875 3. Be open to the public for tours, tastings, and sales at  
1876 least 30 hours each week.

1877 4. Make annual application to the department for  
1878 recognition as a Florida Farm Winery, on forms provided by the  
1879 department.

1880 5. Pay an annual application and registration fee of \$100.

1881 Section 50. Subsection (1) of section 604.15, Florida  
1882 Statutes, is amended, and subsection (11) is added to that  
1883 section, to read:

1884 604.15 Dealers in agricultural products; definitions.—For  
1885 the purpose of ss. 604.15-604.34, the following words and terms,

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1886 when used, shall be construed to mean:

1887 (1) "Agricultural products" means the natural products of  
1888 the farm, nursery, grove, orchard, vineyard, garden, and apiary  
1889 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;  
1890 livestock; milk and milk products; poultry and poultry products;  
1891 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*  
1892 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety  
1893 Persian, Tahiti, Bearss, or Florida Key limes); and any other  
1894 nonexempt agricultural products produced in the state, except  
1895 tobacco, sugarcane, tropical foliage, timber and timber  
1896 byproducts, forest products as defined in s. 591.17, and citrus  
1897 other than limes.

1898 (11) "Responsible position" means a position within the  
1899 business of a dealer in agricultural products that has the  
1900 authority to negotiate or make the purchase of agricultural  
1901 products on behalf of the dealer's business or has principal  
1902 active management authority over the business decisions,  
1903 actions, and activities of the dealer's business in this state.

1904 Section 51. Section 604.19, Florida Statutes, is amended to  
1905 read:

1906 604.19 License; fee; bond; certificate of deposit;  
1907 penalty.—Unless the department refuses the application on one or  
1908 more of the grounds provided in this section, it shall issue to  
1909 an applicant, upon the payment of required fees and the  
1910 execution and delivery of a bond or certificate of deposit as  
1911 provided in this section, a state license entitling the  
1912 applicant to conduct business as a dealer in agricultural  
1913 products for a 1-year period to coincide with the effective  
1914 period of the bond or certificate of deposit furnished by the

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1915 applicant. During the 1-year period covered by a license, if the  
1916 supporting surety bond or certificate of deposit is canceled for  
1917 any reason, the license shall automatically expire on the date  
1918 the surety bond or certificate of deposit terminates, unless an  
1919 acceptable replacement is in effect before the date of  
1920 termination so that continual coverage occurs for the remaining  
1921 period of the license. A surety company shall give the  
1922 department a 30-day written notice of cancellation by certified  
1923 mail in order to cancel a bond. Cancellation of a bond or  
1924 certificate of deposit does ~~shall~~ not relieve a surety company  
1925 or financial institution of liability for purchases or sales  
1926 occurring while the bond or certificate of deposit was in  
1927 effect. The license fee, which must be paid for the principal  
1928 place of business for a dealer in agricultural products, shall  
1929 be based upon the amount of the dealer's surety bond or  
1930 certificate of deposit furnished by each dealer under the  
1931 provisions of s. 604.20 and may not exceed \$500. For each  
1932 additional place in which the applicant desires to conduct  
1933 business and which the applicant names in the application, the  
1934 additional license fee must be paid but may not exceed \$100  
1935 annually. If a ~~Should any~~ dealer in agricultural products fails,  
1936 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and  
1937 qualify for the renewal of a license on or before its ~~the date~~  
1938 ~~of expiration~~ date ~~thereof~~, a penalty not to exceed \$100 shall  
1939 apply to and be added to the ~~original~~ license fee for the  
1940 principal place of business and to the license fee for each  
1941 additional place of business named in the application and shall  
1942 be paid by the applicant before the renewal license may be  
1943 issued. The department by rule shall prescribe fee amounts

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1944 sufficient to fund ss. 604.15-604.34.

1945 Section 52. Section 604.25, Florida Statutes, is amended to  
1946 read:

1947 604.25 Denial of, refusal to renew ~~grant,~~ or suspension or  
1948 revocation of, license.-

1949 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~  
1950 ~~grant a license~~ or may suspend or revoke a license ~~already~~  
1951 ~~granted~~ if the applicant or licensee has:

1952 (1) ~~(a)~~ Suffered a monetary judgment entered against the  
1953 applicant or licensee ~~upon~~ which is ~~execution has been returned~~  
1954 unsatisfied;

1955 (2) ~~(b)~~ Made false charges for handling or services  
1956 rendered;

1957 (3) ~~(c)~~ Failed to account promptly and properly or to make  
1958 settlements with any producer;

1959 (4) ~~(d)~~ Made any false statement or statements as to  
1960 condition, quality, or quantity of goods received or held for  
1961 sale when the true condition, quality, or quantity could have  
1962 been ascertained by reasonable inspection;

1963 (5) ~~(e)~~ Made any false or misleading statement or statements  
1964 as to market conditions or service rendered;

1965 (6) ~~(f)~~ Been guilty of a fraud in the attempt to procure, or  
1966 the procurement of, a license;

1967 (7) ~~(g)~~ Directly or indirectly sold agricultural products  
1968 received on consignment or on a net return basis for her or his  
1969 own account, without prior authority from the producer  
1970 consigning the same, or without notifying such producer;

1971 (8) ~~(h)~~ Failed to prevent a person from holding a position  
1972 as the applicant's or licensee's owner, officer, director,

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1973 general or managing partner, or employee ~~Employed~~ in a  
 1974 responsible position ~~a person~~, or holding any other similarly  
 1975 situated position, if the person holds or has held a similar  
 1976 position with any entity that ~~an officer of a corporation, who~~  
 1977 has failed to fully comply with an order of the department, has  
 1978 not satisfied a civil judgment held by the department, has  
 1979 pending any administrative or civil enforcement action by the  
 1980 department, or has pending any criminal charges pursuant to s.  
 1981 604.30 at any time within 1 year after issuance;

1982 (9)-(i) Violated any statute or rule relating to the  
 1983 purchase or sale of any agricultural product, whether or not  
 1984 such transaction is subject to the provisions of this chapter;  
 1985 ~~or~~

1986 (10)-(j) Failed to submit to the department an application,  
 1987 appropriate license fees, and an acceptable surety bond or  
 1988 certificate of deposit; or-

1989 (11)-(2) Failed ~~If a licensee fails or refused~~ refuses to  
 1990 comply ~~in full~~ with an order of the department or failed to  
 1991 satisfy a civil judgment owed to the department, ~~her or his~~  
 1992 ~~license may be suspended or revoked, in which case she or he~~  
 1993 ~~shall not be eligible for license for a period of 1 year or~~  
 1994 ~~until she or he has fully complied with the order of the~~  
 1995 ~~department.~~

1996 ~~(3) No person, or officer of a corporation, whose license~~  
 1997 ~~has been suspended or revoked for failure to comply with an~~  
 1998 ~~order of the department may hold a responsible position with a~~  
 1999 ~~licensee for a period of 1 year or until the order of the~~  
 2000 ~~department has been fully complied with.~~

2001 Section 53. Subsections (18) and (19) of section 616.242,

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2002 Florida Statutes, are renumbered as subsections (19) and (20),  
2003 respectively, and a new subsection (18) is added to that section  
2004 to read:

2005 616.242 Safety standards for amusement rides.—

2006 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride  
2007 fails to comply with this chapter or any rule adopted under this  
2008 chapter, the department may issue a stop-operation order.

2009 Section 54. Subsection (4) of section 686.201, Florida  
2010 Statutes, is amended to read:

2011 686.201 Sales representative contracts involving  
2012 commissions; requirements; termination of agreement; civil  
2013 remedies.—

2014 (4) This section does not apply to persons licensed  
2015 pursuant to chapter 475 who are performing services within the  
2016 scope of their license or to contracts to which a seller of  
2017 travel, as defined in s. 559.927, is a party.

2018 Section 55. Paragraph (c) of subsection (5) of section  
2019 790.06, Florida Statutes, is amended to read:

2020 790.06 License to carry concealed weapon or firearm.—

2021 (5) The applicant shall submit to the Department of  
2022 Agriculture and Consumer Services:

2023 (c) A full set of fingerprints of the applicant  
2024 administered by a law enforcement agency or the Division of  
2025 Licensing of the Department of Agriculture and Consumer  
2026 Services.

2027 Section 56. Sections 570.071 and 570.901, Florida Statutes,  
2028 are repealed.

2029 Section 57. The Department of Agriculture and Consumer  
2030 Services shall meet with duly authorized representatives of

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2031 established organizations representing the Florida pest control  
2032 industry and prepare a report that shall be submitted to the  
2033 President of the Senate, the Speaker of the House of  
2034 Representatives, the chairperson of the Senate Committee on  
2035 Agriculture, and the chairperson of the House Committee on  
2036 Agribusiness by January 1, 2011. The report shall include  
2037 recommended amendments to chapter 482, Florida Statutes, which  
2038 provide for disciplinary action to be taken against licensees  
2039 who violate laws or rules pertaining to the pretreatment of soil  
2040 to protect newly constructed homes, pest control at sensitive  
2041 facilities such as schools and nursing homes, and also the  
2042 fumigation of existing homes for protection against termite  
2043 damage, thereby providing additional safeguards for consumers.  
2044 The report may also address other issues of concern to the  
2045 department and to members of the industry, such as changes to  
2046 requirements for professional liability insurance coverage or  
2047 the amount of bond required, duties and responsibilities of a  
2048 certified operator, issuance of a centralized pest control  
2049 service center license, and limited certification for commercial  
2050 wildlife management personnel.

2051 Section 58. This act shall take effect July 1, 2010.