

By the Committees on Community Affairs; and Agriculture; and
Senator Dean

578-04908B-10

2010382c2

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

578-04908B-10

2010382c2

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

578-04908B-10

2010382c2

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

578-04908B-10

2010382c2

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

578-04908B-10

2010382c2

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;

578-04908B-10

2010382c2

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

578-04908B-10

2010382c2

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 creating s. 828.126, F.S.; providing a definition for
185 the term "sexual activities" as it involves animals;
186 prohibiting persons from engaging in sexual activities
187 with animals; providing penalties; providing that such
188 prohibition does not apply to normal and ordinary
189 animal husbandry practices, conformation judging
190 practices, or accepted veterinary medical practices;
191 requiring that the department and representatives of
192 the state pest control industry prepare a report for
193 the President of the Senate, the Speaker of the House
194 of Representatives, and the chairpersons of specified
195 legislative committees by a certain date; requiring
196 that the report include recommendations for changes in
197 the law to provide for disciplinary action against
198 licensees of the pest control industry under certain
199 circumstances; providing that the report may also
200 address additional issues of concern to members of the
201 industry; providing an effective date.

202

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

578-04908B-10

2010382c2

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205 Section 1. Paragraph (d) of subsection (1) of section
206 373.1391, Florida Statutes, is amended to read:

207 373.1391 Management of real property.-

208 (1)

209 (d) For any fee simple acquisition of a parcel which is or
210 will be leased back for agricultural purposes, or for any
211 acquisition of a less-than-fee interest in lands that is or will
212 be used for agricultural purposes, the district governing board
213 shall first consider having a soil and water conservation
214 district created pursuant to chapter 582 manage and monitor such
215 interest. Priority shall be given to the agricultural use
216 present at the time of fee simple acquisition of the parcel.

217 Section 2. Section 403.9336, Florida Statutes, is amended
218 to read:

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

578-04908B-10

2010382c2

233 Section 3. Section 403.9337, Florida Statutes, is amended
234 to read:

235 403.9337 Model Ordinance for Florida-Friendly Fertilizer
236 Use on Urban Landscapes.—

237 (1) The Model Ordinance for Florida-Friendly Fertilizer Use
238 on Urban Landscapes (2009) may be amended. All amendments made
239 on or after July 1, 2010, shall be adopted by an order of the
240 department. Before adoption, the department shall hold at least
241 one public workshop to discuss and receive comments on the
242 amended Model Ordinance for Florida-Friendly Fertilizer Use on
243 Urban Landscapes. At a minimum, the department shall notify
244 interested stakeholders, including representatives from the
245 nursery and landscape industry, pest control industry, the
246 Department of Agriculture and Consumer Services, the University
247 of Florida's Institute of Food and Agricultural Sciences,
248 environmental groups, and county and local governments,
249 regarding the public workshop. The order is subject to challenge
250 under chapter 120.

251 (2)~~(1)~~ All county and municipal governments are encouraged
252 to adopt and enforce the Model Ordinance for Florida-Friendly
253 Fertilizer Use on Urban Landscapes or an equivalent requirement
254 as a mechanism for protecting local surface and groundwater
255 quality.

256 (3)~~(2)~~ Each county and municipal government located within
257 the watershed of a water body or water segment that is listed as
258 impaired by nutrients pursuant to s. 403.067, must ~~shall~~, at a
259 minimum, adopt the most recent version of the department's Model
260 Ordinance for Florida-Friendly Fertilizer Use on Urban
261 Landscapes. A local government may adopt additional or more

578-04908B-10

2010382c2

262 stringent standards than the model ordinance if, before
263 adoption, the following criteria are met:

264 (a) The local government has implemented ~~demonstrated,~~ as
265 ~~part of~~ a comprehensive program to address nonpoint sources of
266 nutrient pollution but which is science-based, and economically
267 ~~and technically feasible,~~ that additional or more stringent
268 standards than the model ordinance are necessary in order to
269 adequately address ~~urban fertilizer contributions to~~ nonpoint
270 source nutrient loading to a water body. In all instances, the
271 comprehensive program must be science-based and economically and
272 technically feasible. A comprehensive program may include, but
273 is not limited to:

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

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

279 3. The requirement for and enforcement of the
280 implementation of low-impact development practices.

281 (b) The local government documents in the public record the
282 need for more stringent standards, including the scientifically
283 documented impairment of waters within the local government's
284 jurisdiction due to nutrient enrichment attributable to
285 landforms, soils, hydrology, climate, or geology, and the local
286 government documents that it has requested and considered all
287 relevant scientific information, including input from the
288 department, ~~the institute,~~ the Department of Agriculture and
289 Consumer Services, and the University of Florida's Florida
290 Institute of Food and Agricultural Sciences, if provided, on the

578-04908B-10

2010382c2

291 need for additional or more stringent provisions to address
292 fertilizer use as a contributor to water quality degradation.
293 All documentation must become part of the public record before
294 adoption of the additional or more stringent criteria.

295 (4)~~(3)~~ Any county or municipal government that adopted its
296 own fertilizer use ordinance before January 1, 2009, is exempt
297 from this section. Ordinances adopted or amended on or after
298 January 1, 2009, must substantively conform to the most recent
299 version of the model fertilizer ordinance and are subject to
300 subsections (1) and (2), as applicable.

301 (5) A fertilizer ordinance adopted by a county or municipal
302 government does not prohibit an individual licensed under s.
303 482.1562 from conducting his or her occupation, which may
304 include, based on site-specific assessment such as soil testing
305 or leaf tissue analysis, the application of macronutrients or
306 micronutrients throughout the calendar year.

307 (6)~~(4)~~ This section does not apply to the use of
308 fertilizer:

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

310 (b) On lands classified as agricultural lands pursuant to
311 s. 193.461; or~~or~~

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

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

316 493.6102 Inapplicability of this chapter.—This chapter
317 shall not apply to:

318 (1) Any individual who is an "officer" as defined in s.
319 943.10(14), or ~~is~~ a law enforcement officer of the United States

578-04908B-10

2010382c2

320 Government, while the ~~such~~ local, state, or federal officer is
321 engaged in her or his official duties or, if approved by the
322 officer's supervisors, when performing off-duty activities as a
323 security officer ~~activities approved by her or his superiors.~~

324 Section 5. Section 493.6105, Florida Statutes, is amended
325 to read:

326 493.6105 Initial application for license.—

327 (1) Each individual, partner, or principal officer in a
328 corporation, shall file with the department a complete
329 application accompanied by an application fee not to exceed \$60,
330 except that the applicant for a Class "D" or Class "G" license
331 is shall not ~~be~~ required to submit an application fee. The
332 application fee is shall not ~~be~~ refundable.

333 (a) The application submitted by any individual, partner,
334 or corporate officer must shall be approved by the department
335 before the ~~prior to that~~ individual, partner, or corporate
336 officer assumes ~~assuming~~ his or her duties.

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

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

344 (3) The application must shall contain the following
345 information concerning the individual signing the application
346 ~~same~~:

347 (a) Name and any aliases.

348 (b) Age and date of birth.

578-04908B-10

2010382c2

- 349 (c) Place of birth.
- 350 (d) Social security number or alien registration number,
351 whichever is applicable.
- 352 (e) Current Present residence address ~~and his or her~~
353 ~~residence addresses within the 5 years immediately preceding the~~
354 ~~submission of the application.~~
- 355 ~~(f) Occupations held presently and within the 5 years~~
356 ~~immediately preceding the submission of the application.~~
- 357 (f) (g) A statement of all criminal convictions, findings of
358 guilt, and pleas of guilty or nolo contendere, regardless of
359 adjudication of guilt.
- 360 (g) One passport-type color photograph taken within the 6
361 months immediately preceding submission of the application.
- 362 (h) A statement whether he or she has ever been adjudicated
363 incompetent under chapter 744.
- 364 (i) A statement whether he or she has ever been committed
365 to a mental institution under chapter 394.
- 366 (j) A full set of fingerprints on a card provided by the
367 department and a fingerprint fee to be established by rule of
368 the department based upon costs determined by state and federal
369 agency charges and department processing costs. An applicant who
370 has, within the immediately preceding 6 months, submitted a
371 fingerprint card and fee for licensing purposes under this
372 chapter shall not be required to submit another fingerprint card
373 or fee.
- 374 (k) A personal inquiry waiver which allows the department
375 to conduct necessary investigations to satisfy the requirements
376 of this chapter.
- 377 (l) Such further facts as may be required by the department

578-04908B-10

2010382c2

378 to show that the individual signing the application is of good
379 moral character and qualified by experience and training to
380 satisfy the requirements of this chapter.

381 ~~(4) In addition to the application requirements outlined in~~
382 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
383 ~~"E," Class "EE," or Class "G" license shall submit two color~~
384 ~~photographs taken within the 6 months immediately preceding the~~
385 ~~submission of the application, which meet specifications~~
386 ~~prescribed by rule of the department. All other applicants shall~~
387 ~~submit one photograph taken within the 6 months immediately~~
388 ~~preceding the submission of the application.~~

389 (4)~~(5)~~ In addition to the application requirements outlined
390 under subsection (3), the applicant for a Class "C," Class "E,"
391 Class "M," Class "MA," Class "MB," or Class "MR" license shall
392 include a statement on a form provided by the department of the
393 experience which he or she believes will qualify him or her for
394 such license.

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

578-04908B-10

2010382c2

407 certificates specified in paragraph (6)(a) ~~(7)(a)~~, the
408 department may waive the foregoing firearms training
409 requirement.

410 (6)~~(7)~~ In addition to the requirements under subsection
411 (3), an applicant for a Class "K" license shall:

412 (a) Submit one of the following certificates:

413 1. The Florida Criminal Justice Standards and Training
414 Commission ~~Firearms~~ Instructor's Certificate and confirmation by
415 the commission that the applicant is authorized to provide
416 firearms instruction.

417 2. The National Rifle Association Law Enforcement ~~Police~~
418 Firearms Instructor's Certificate.

419 ~~3. The National Rifle Association Security Firearms~~
420 ~~Instructor's Certificate.~~

421 ~~3.4.~~ A firearms instructor's training certificate issued by
422 any branch of the United States Armed Forces, from a federal law
423 enforcement academy or agency, state, county, or municipal
424 ~~police~~ academy in this state recognized as such by the Criminal
425 Justice Standards and Training Commission ~~or by the Department~~
426 ~~of Education.~~

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

431 (7)~~(8)~~ In addition to the application requirements for
432 individuals, partners, or officers outlined under subsection
433 (3), the application for an agency license shall contain the
434 following information:

435 (a) The proposed name under which the agency intends to

578-04908B-10

2010382c2

436 operate.

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

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

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

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

454 Section 6. Paragraph (f) of subsection (1) and paragraph
455 (a) of subsection (2) of section 493.6106, Florida Statutes, are
456 amended, and paragraph (g) is added to subsection (1) of that
457 section, to read:

458 493.6106 License requirements; posting.—

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

460 (f) Be a citizen or permanent legal resident alien of the
461 United States or have appropriate ~~been granted~~ authorization
462 issued to seek employment in this country by the United States
463 Bureau of Citizenship and Immigration Services of the United
464 States Department of Homeland Security.

578-04908B-10

2010382c2

465 1. An applicant for a Class "C," Class "CC," Class "D,"
466 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
467 "MB," Class "MR," or Class "RI" license who is not a United
468 States citizen must submit proof of current employment
469 authorization issued by the United States Bureau of Citizenship
470 and Immigration Services or proof that she or he is deemed a
471 permanent legal resident alien by the United States Bureau of
472 Citizenship and Immigration Services.

473 2. An applicant for a Class "G" or Class "K" license who is
474 not a United States citizen must submit proof that she or he is
475 deemed a permanent legal resident alien by the United States
476 Bureau of Citizenship and Immigration Services, together with
477 additional documentation establishing that she or he has resided
478 in the state of residence shown on the application for at least
479 90 consecutive days before the date that the application is
480 submitted.

481 3. An applicant for an agency or school license who is not
482 a United States citizen or permanent legal resident alien must
483 submit documentation issued by the United States Bureau of
484 Citizenship and Immigration Services stating that she or he is
485 lawfully in the United States and is authorized to own and
486 operate the type of agency or school for which she or he is
487 applying. An employment authorization card issued by the United
488 States Bureau of Citizenship and Immigration Services is not
489 sufficient documentation.

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

493 (2) Each agency shall have a minimum of one physical

578-04908B-10

2010382c2

494 location within this state from which the normal business of the
495 agency is conducted, and this location shall be considered the
496 primary office for that agency in this state.

497 (a) If an agency or branch office desires to change the
498 physical location of the business, as it appears on the agency
499 license, the department must be notified within 10 days of the
500 change, and, except upon renewal, the fee prescribed in s.
501 493.6107 must be submitted for each license requiring revision.
502 Each license requiring revision must be returned with such
503 notification.

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

506 493.6107 Fees.—

507 (3) The fees set forth in this section must be paid by
508 ~~certified check or money order or, at the discretion of the~~
509 ~~department, by agency check~~ at the time the application is
510 approved, except that the applicant for a Class "G" or Class "M"
511 license must pay the license fee at the time the application is
512 made. If a license is revoked or denied or if the application is
513 withdrawn, the license fee shall not be refunded.

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

516 493.6108 Investigation of applicants by Department of
517 Agriculture and Consumer Services.—

518 (1) Except as otherwise provided, prior to the issuance of
519 a license under this chapter, the department shall make an
520 investigation of the applicant for a license. The investigation
521 shall include:

522 (a)1. An examination of fingerprint records and police

578-04908B-10

2010382c2

523 records. When a criminal history analysis of any applicant under
524 this chapter is performed by means of fingerprint card
525 identification, the time limitations prescribed by s. 120.60(1)
526 shall be tolled during the time the applicant's fingerprint card
527 is under review by the Department of Law Enforcement or the
528 United States Department of Justice, Federal Bureau of
529 Investigation.

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

544 (3) The department shall also investigate the mental
545 history and current mental and emotional fitness of any Class
546 "G" or Class "K" applicant, and may deny a Class "G" or Class
547 "K" license to anyone who has a history of mental illness or
548 drug or alcohol abuse.

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

551 493.6111 License; contents; identification card.-

578-04908B-10

2010382c2

552 (4) Notwithstanding the existence of a valid Florida
553 corporate registration, an ~~no~~ agency or school licensee may not
554 conduct activities regulated under this chapter under any
555 fictitious name without prior written authorization from the
556 department to use that name in the conduct of activities
557 regulated under this chapter. The department may not authorize
558 the use of a name which is so similar to that of a public
559 officer or agency, or of that used by another licensee, that the
560 public may be confused or misled thereby. The authorization for
561 the use of a fictitious name shall require, as a condition
562 precedent to the use of such name, the filing of a certificate
563 of engaging in business under a fictitious name under s. 865.09.
564 A ~~No~~ licensee may not ~~shall be permitted to~~ conduct business
565 under more than one fictitious name except as separately
566 licensed nor shall the license be valid to protect any licensee
567 who is engaged in ~~the~~ business under any name other than that
568 specified in the license. An agency desiring to change its
569 licensed name shall notify the department and, except upon
570 renewal, pay a fee not to exceed \$30 for each license requiring
571 revision including those of all licensed employees except Class
572 "D" or Class "G" licensees. Upon the return of such licenses to
573 the department, revised licenses shall be provided.

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

576 493.6113 Renewal application for licensure.-

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

578-04908B-10

2010382c2

581 ~~agency address for agencies.~~

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

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

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

593 493.6115 Weapons and firearms.—

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

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

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

602 (16) If the criminal history record check program
603 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
604 department may issue a temporary "G" license on a case-by-case
605 basis, provided that the applicant has met all statutory
606 requirements for the issuance of a temporary "G" license as
607 specified in subsection (12), excepting the criminal history
608 record check stipulated there; provided, that the department
609 requires that the licensed employer of the applicant conduct a

578-04908B-10

2010382c2

610 criminal history record check of the applicant pursuant to
611 standards set forth in rule by the department, and provide to
612 the department an affidavit containing such information and
613 statements as required by the department, including a statement
614 that the criminal history record check did not indicate the
615 existence of any criminal history that would prohibit licensure.
616 Failure to properly conduct such a check, or knowingly providing
617 incorrect or misleading information or statements in the
618 affidavit shall constitute grounds for disciplinary action
619 against the licensed agency, including revocation of license.

620 Section 12. Paragraph (u) of subsection (1) of section
621 493.6118, Florida Statutes, is redesignated as paragraph (v),
622 and a new paragraph (u) is added to that subsection to read:

623 493.6118 Grounds for disciplinary action.—

624 (1) The following constitute grounds for which disciplinary
625 action specified in subsection (2) may be taken by the
626 department against any licensee, agency, or applicant regulated
627 by this chapter, or any unlicensed person engaged in activities
628 regulated under this chapter.

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

632 Section 13. Subsections (7) and (8) of section 493.6121,
633 Florida Statutes, are renumbered as subsections (6) and (7),
634 respectively, and present subsection (6) of that section is
635 amended, to read:

636 493.6121 Enforcement; investigation.—

637 ~~(6) The department shall be provided access to the program~~
638 ~~that is operated by the Department of Law Enforcement, pursuant~~

578-04908B-10

2010382c2

639 ~~to s. 790.065, for providing criminal history record information~~
640 ~~to licensed gun dealers, manufacturers, and exporters. The~~
641 ~~department may make inquiries, and shall receive responses in~~
642 ~~the same fashion as provided under s. 790.065. The department~~
643 ~~shall be responsible for payment to the Department of Law~~
644 ~~Enforcement of the same fees as charged to others afforded~~
645 ~~access to the program.~~

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

648 493.6202 Fees.—

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

657 Section 15. Subsections (2), (4), and (6) of section
658 493.6203, Florida Statutes, are amended to read:

659 493.6203 License requirements.—In addition to the license
660 requirements set forth elsewhere in this chapter, each
661 individual or agency shall comply with the following additional
662 requirements:

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

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

578-04908B-10

2010382c2

- 668 (b) Work as a Class "CC" licensed intern;
- 669 (c) Any combination of paragraphs (a) and (b);
- 670 (d) Experience described in paragraph (a) for 1 year and
671 experience described in paragraph (e) for 1 year;
- 672 (e) No more than 1 year using:
- 673 1. College coursework related to criminal justice,
674 criminology, or law enforcement administration; or
- 675 2. Successfully completed law enforcement-related training
676 received from any federal, state, county, or municipal agency;
677 or
- 678 (f) Experience described in paragraph (a) for 1 year and
679 work in a managerial or supervisory capacity for 1 year.

680

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

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

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

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

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

695

696 However, experience in performing bodyguard services is not

578-04908B-10

2010382c2

697 creditable toward the requirements of this subsection.

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

701 (b) Effective January 1, 2011 ~~September 1, 2008~~, before
702 submission of an application to the department, the an applicant
703 for a Class "CC" license must have completed a minimum of 40 at
704 least 24 hours of professional training a 40-hour course
705 pertaining to general investigative techniques and this chapter,
706 which course is offered by a state university or by a school,
707 community college, college, or university under the purview of
708 the Department of Education, and the applicant must pass an
709 examination. The training must be provided in two parts, one 24-
710 hour course and one 16-hour course. The certificate evidencing
711 satisfactory completion of the 40 at least 24 hours of
712 professional training a 40-hour course must be submitted with
713 the application for a Class "CC" license. ~~The remaining 16 hours~~
714 ~~must be completed and an examination passed within 180 days. If~~
715 ~~documentation of completion of the required training is not~~
716 ~~submitted within the specified timeframe, the individual's~~
717 ~~license is automatically suspended or his or her authority to~~
718 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
719 ~~until such time as proof of certificate of completion is~~
720 ~~provided to the department.~~ The training course specified in
721 this paragraph may be provided by face-to-face presentation,
722 online technology, or a home study course in accordance with
723 rules and procedures of the Department of Education. The
724 administrator of the examination must verify the identity of
725 each applicant taking the examination.

578-04908B-10

2010382c2

726 1. Upon an applicant's successful completion of each part
727 of the approved training ~~course~~ and passage of any required
728 examination, the school, community college, college, or
729 university shall issue a certificate of completion to the
730 applicant. The certificates must be on a form established by
731 rule of the department.

732 2. The department shall establish by rule the general
733 content of the professional training ~~course~~ and the examination
734 criteria.

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

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

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

753 493.6302 Fees.—

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

578-04908B-10

2010382c2

755 ~~certified check or money order or, at the discretion of the~~
756 ~~department, by agency check~~ at the time the application is
757 approved, except that the applicant for a Class "D," Class "G,"
758 Class "M," or Class "MB" license must pay the license fee at the
759 time the application is made. If a license is revoked or denied
760 or if the application is withdrawn, the license fee shall not be
761 refunded.

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

764 493.6303 License requirements.—In addition to the license
765 requirements set forth elsewhere in this chapter, each
766 individual or agency shall comply with the following additional
767 requirements:

768 (4) (a) Effective January 1, 2011, an applicant for a Class
769 "D" license must submit proof of successful completion of
770 ~~complete~~ a minimum of 40 hours of professional training at a
771 school or training facility licensed by the department. The
772 training must be provided in two parts, one 24-hour course and
773 one 16-hour course. The department shall by rule establish the
774 general content and number of hours of each subject area to be
775 taught.

776 (b) An individual who submits an application for a Class
777 "D" license on or after January 1, 2007, through December 31,
778 2010, who has not completed the 16-hour course must submit proof
779 of successful completion of the course within 180 days after the
780 date the application is submitted. If documentation of
781 completion of the required training is not submitted by that
782 date, the individual's license is automatically suspended until
783 proof of the required training is submitted to the department.

578-04908B-10

2010382c2

784 This section does not require a person licensed before January
785 1, 2007, to complete additional training hours in order to renew
786 an active license beyond the required total amount of training
787 within the timeframe prescribed by law at the time he or she was
788 licensed. An applicant may fulfill the training requirement
789 prescribed in paragraph (a) by submitting proof of:

790 1. ~~Successful completion of the total number of required~~
791 ~~hours of training before initial application for a Class "D"~~
792 ~~license; or~~

793 2. ~~Successful completion of 24 hours of training before~~
794 ~~initial application for a Class "D" license and successful~~
795 ~~completion of the remaining 16 hours of training within 180 days~~
796 ~~after the date that the application is submitted. If~~
797 ~~documentation of completion of the required training is not~~
798 ~~submitted within the specified timeframe, the individual's~~
799 ~~license is automatically suspended until such time as proof of~~
800 ~~the required training is provided to the department.~~

801 (c) An individual ~~However, any person whose license is~~
802 suspended or has been ~~revoked, suspended pursuant to paragraph~~
803 (b) subparagraph 2., or is expired for at least 1 year, or
804 ~~longer is considered, upon reapplication for a license, an~~
805 ~~initial applicant and must submit proof of successful completion~~
806 ~~of 40 hours of professional training at a school or training~~
807 ~~facility licensed by the department as provided prescribed in~~
808 ~~paragraph (a) before a license is will be issued. Any person~~
809 ~~whose license was issued before January 1, 2007, and whose~~
810 ~~license has been expired for less than 1 year must, upon~~
811 ~~reapplication for a license, submit documentation of completion~~
812 ~~of the total number of hours of training prescribed by law at~~

578-04908B-10

2010382c2

813 ~~the time her or his initial license was issued before another~~
814 ~~license will be issued. This subsection does not require an~~
815 ~~individual licensed before January 1, 2007, to complete~~
816 ~~additional training hours in order to renew an active license,~~
817 ~~beyond the required total amount of training within the~~
818 ~~timeframe prescribed by law at the time she or he was licensed.~~

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

821 493.6304 Security officer school or training facility.—

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

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

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

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

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

834 493.6401 Classes of licenses.—

835 (7) Any person who operates a recovery agent ~~repossessor~~
836 school or training facility or who conducts an Internet-based
837 training course or a correspondence training course must have a
838 Class "RS" license.

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

578-04908B-10

2010382c2

842 Section 20. Paragraphs (f) and (g) of subsection (1) and
843 subsection (3) of section 493.6402, Florida Statutes, are
844 amended to read:

845 493.6402 Fees.—

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

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

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

852 (3) The fees set forth in this section must be paid by
853 ~~certified check or money order, or, at the discretion of the~~
854 ~~department, by agency check~~ at the time the application is
855 approved, except that the applicant for a Class "E," Class "EE,"
856 or Class "MR" license must pay the license fee at the time the
857 application is made. If a license is revoked or denied, or if an
858 application is withdrawn, the license fee shall not be refunded.

859 Section 21. Section 493.6406, Florida Statutes, is amended
860 to read:

861 493.6406 Recovery agent ~~Repossession services~~ school or
862 training facility.—

863 (1) Any school, training facility, or instructor who offers
864 the training outlined in s. 493.6403(2) for Class "E" or Class
865 "EE" applicants shall, before licensure of such school, training
866 facility, or instructor, file with the department an application
867 accompanied by an application fee in an amount to be determined
868 by rule, not to exceed \$60. The fee shall not be refundable.
869 This training may be offered as face-to-face training, Internet-
870 based training, or correspondence training.

578-04908B-10

2010382c2

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

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

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

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

882 (3) The department shall adopt rules establishing the
883 criteria for approval of schools, training facilities, and
884 instructors.

885 Section 22. Section 500.033, Florida Statutes, is amended
886 to read:

887 500.033 Florida Food Safety and Food Defense Advisory
888 Council.—

889 (1) There is created the Florida Food Safety and Food
890 Defense Advisory Council for the purpose of serving as a forum
891 for presenting, investigating, and evaluating issues of current
892 importance to the assurance of a safe and secure food supply to
893 the citizens of Florida. The Florida Food Safety and Food
894 Defense Advisory Council shall consist of, but not be limited
895 to: the Commissioner of Agriculture or his or her designee; the
896 State Surgeon General or his or her designee; the Secretary of
897 Business and Professional Regulation or his or her designee; the
898 person responsible for domestic security with the Department of
899 Law Enforcement; members representing the production,

578-04908B-10

2010382c2

900 processing, distribution, and sale of foods; members
901 representing small farmers; consumers or members of citizens
902 groups; representatives of food industry groups; scientists or
903 other experts in aspects of food safety from state universities;
904 representatives from local, state, and federal agencies that are
905 charged with responsibilities for food safety or food defense;
906 the chairs of the Agriculture Committees of the Senate and the
907 House of Representatives or their designees; and the chairs of
908 the committees of the Senate and the House of Representatives
909 with jurisdictional oversight of home defense issues or their
910 designees. The Commissioner of Agriculture shall appoint the
911 remaining members. The council shall make periodic reports to
912 the Department of Agriculture and Consumer Services concerning
913 findings and recommendations in the area of food safety and food
914 defense.

915 (2) The council shall consider the development of
916 appropriate advice or recommendations on food safety or food
917 defense issues. In the discharge of their duties, the council
918 members may receive for review confidential data exempt from the
919 provisions of s. 119.07(1); however, it is unlawful for any
920 member of the council to use the data for his or her advantage
921 or reveal the data to the general public.

922 Section 23. Paragraph (a) of subsection (2) of section
923 501.605, Florida Statutes, is amended to read:

924 501.605 Licensure of commercial telephone sellers.—

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

578-04908B-10

2010382c2

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

933

934 The application shall be accompanied by a copy of any: Script,
935 outline, or presentation the applicant will require or suggest a
936 salesperson to use when soliciting, or, if no such document is
937 used, a statement to that effect; sales information or
938 literature to be provided by the applicant to a salesperson; and
939 sales information or literature to be provided by the applicant
940 to a purchaser in connection with any solicitation.

941 Section 24. Paragraph (a) of subsection (1) of section
942 501.607, Florida Statutes, is amended to read:

943 501.607 Licensure of salespersons.—

944 (1) An applicant for a license as a salesperson must submit
945 to the department, in such form as it prescribes, a written
946 application for a license. The application must set forth the
947 following information:

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

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

952 501.913 Registration.—

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

954 (a) Specimens or facsimiles of the label for each brand of
955 antifreeze;

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

957 (c) A properly labeled sample of at least 1 gallon, but not

578-04908B-10

2010382c2

958 more than 2 gallons, of each brand of antifreeze.

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

961 525.01 Gasoline and oil to be inspected.—

962 (2) All petroleum fuels are ~~shall be~~ subject to inspection
963 and analysis by the department. Before selling or offering for
964 sale in this state any petroleum fuel, all manufacturers,
965 terminal suppliers, wholesalers, and importers as defined in s.
966 206.01 ~~jobbers~~ shall file with the department:

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

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

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

974 525.09 Inspection fee.—

975 (1) For the purpose of defraying the expenses incident to
976 inspecting, testing, and analyzing petroleum fuels in this
977 state, there shall be paid to the department a charge of one-
978 eighth cent per gallon on all gasoline, alternative fuel
979 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
980 kerosene (except when used as aviation turbine fuel), and #1
981 fuel oil for sale or use in this state. This inspection fee
982 shall be imposed in the same manner as the motor fuel tax
983 pursuant to s. 206.41. Payment shall be made on or before the
984 25th day of each month.

985 (3) All remittances to the department for the inspection
986 tax herein provided shall be accompanied by a detailed report

578-04908B-10

2010382c2

987 under oath showing the number of gallons of gasoline,
988 alternative fuel containing alcohol as defined in s.
989 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
990 in each county.

991 Section 28. Section 526.50, Florida Statutes, is amended to
992 read:

993 526.50 Definition of terms.—As used in this part:

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

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

999 (3) "Container" means any receptacle in which brake fluid
1000 is immediately contained when sold, but does not mean a carton
1001 or wrapping in which a number of such receptacles are shipped or
1002 stored or a tank car or truck.

1003 (4)~~(2)~~ "Department" means the Department of Agriculture and
1004 Consumer Services.

1005 (5) "Formula" means the name of the chemical mixture or
1006 composition of the brake fluid product.

1007 (6) "Labeling" includes all written, printed or graphic
1008 representations, in any form whatsoever, imprinted upon or
1009 affixed to any container of brake fluid.

1010 (7) "Permit year" means a period of 12 months commencing
1011 July 1 and ending on the next succeeding June 30.

1012 (8) "Registrant" means any manufacturer, packer,
1013 distributor, seller, or other person who has registered a brake
1014 fluid with the department.

1015 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,

578-04908B-10

2010382c2

1016 trade, keep for sale, offer for sale or expose for sale, in any
1017 of their variant forms.

1018 ~~(4) "Labeling" includes all written, printed or graphic~~
1019 ~~representations, in any form whatsoever, imprinted upon or~~
1020 ~~affixed to any container of brake fluid.~~

1021 ~~(5) "Container" means any receptacle in which brake fluid~~
1022 ~~is immediately contained when sold, but does not mean a carton~~
1023 ~~or wrapping in which a number of such receptacles are shipped or~~
1024 ~~stored or a tank car or truck.~~

1025 ~~(6) "Permit year" means a period of 12 months commencing~~
1026 ~~July 1 and ending on the next succeeding June 30.~~

1027 ~~(7) "Registrant" means any manufacturer, packer,~~
1028 ~~distributor, seller, or other person who has registered a brake~~
1029 ~~fluid with the department.~~

1030 Section 29. Section 526.51, Florida Statutes, is amended to
1031 read:

1032 526.51 Registration; renewal and fees; departmental
1033 expenses; cancellation or refusal to issue or renew.-

1034 (1) (a) Application for registration of each brand of brake
1035 fluid shall be made on forms to be supplied by the department.
1036 The applicant shall give his or her name and address and the
1037 brand name of the brake fluid, state that he or she owns the
1038 brand name and has complete control over the product sold
1039 thereunder in Florida, and provide the name and address of the
1040 resident agent in Florida. If the applicant does not own the
1041 brand name but wishes to register the product with the
1042 department, a notarized affidavit that gives the applicant full
1043 authorization to register the brand name and that is signed by
1044 the owner of the brand name must accompany the application for

578-04908B-10

2010382c2

1045 registration. The affidavit must include all affected brand
1046 names, the owner's company or corporate name and address, the
1047 applicant's company or corporate name and address, and a
1048 statement from the owner authorizing the applicant to register
1049 the product with the department. The owner of the brand name
1050 shall maintain complete control over each product sold under
1051 that brand name in this state. All first-time brand-formula
1052 combination ~~new-product~~ applications must be accompanied by a
1053 certified report from an independent testing laboratory, setting
1054 forth the analysis of the brake fluid which shall show its
1055 quality to be not less than the specifications established by
1056 the department for brake fluids. A sample of not less than 24
1057 fluid ounces of brake fluid shall be submitted, in a container
1058 or containers, with labels representing exactly how the
1059 containers of brake fluid will be labeled when sold, and the
1060 sample and container shall be analyzed and inspected by the
1061 Division of Standards in order that compliance with the
1062 department's specifications and labeling requirements may be
1063 verified. Upon approval of the application, the department shall
1064 register the brand name of the brake fluid and issue to the
1065 applicant a permit authorizing the registrant to sell the brake
1066 fluid in this state during the permit year specified in the
1067 permit.

1068 (b) Each applicant shall pay a fee of \$100 with each
1069 application. A permit may be renewed by application to the
1070 department, accompanied by a renewal fee of \$50 on or before the
1071 last day of the permit year immediately preceding the permit
1072 year for which application is made for renewal of registration.
1073 To any fee not paid when due, there shall accrue a penalty of

578-04908B-10

2010382c2

1074 \$25, which shall be added to the renewal fee. Renewals will be
1075 accepted only on brake fluids that have no change in formula,
1076 composition, or brand name. Any change in formula, composition,
1077 or brand name of any brake fluid constitutes a new product that
1078 must be registered in accordance with this part.

1079 (2) All fees collected under the provisions of this section
1080 shall be credited to the General Inspection Trust Fund of the
1081 department and all expenses incurred in the enforcement of this
1082 part shall be paid from said fund.

1083 (3) The department may cancel, refuse to issue or refuse to
1084 renew any registration and permit after due notice and
1085 opportunity to be heard if it finds that the brake fluid is
1086 adulterated or misbranded or that the registrant has failed to
1087 comply with the provisions of this part or the rules and
1088 regulations promulgated thereunder.

1089 Section 30. Paragraph (a) of subsection (3) of section
1090 526.52, Florida Statutes, is amended to read:

1091 526.52 Specifications; adulteration and misbranding.-

1092 (3) Brake fluid is deemed to be misbranded:

1093 (a) If its container does not bear on its side or top a
1094 label on which is printed the name and place of business of the
1095 registrant of the product, the words "brake fluid," and a
1096 statement that the product therein equals or exceeds the minimum
1097 specification of the Society of Automotive Engineers for heavy-
1098 duty-type brake fluid or equals or exceeds Federal Motor Vehicle
1099 Safety Standard No. 116 adopted by the United States Department
1100 of Transportation, heavy-duty-type. By regulation the department
1101 may require that the duty-type classification appear on the
1102 label.

578-04908B-10

2010382c2

1103 Section 31. Subsection (2) of section 526.53, Florida
1104 Statutes, is amended to read:

1105 526.53 Enforcement; inspection and analysis, stop-sale and
1106 disposition, regulations.—

1107 (2) (a) When any brake fluid is sold in violation of any of
1108 the provisions of this part, all such affected brake fluid of
1109 the same brand name ~~on the same premises on which the violation~~
1110 ~~occurred~~ shall be placed under a stop-sale order by the
1111 department by serving the owner of the brand name, distributor,
1112 or other entity responsible for selling or distributing the
1113 product in the state with the stop-sale order. The department
1114 shall withdraw its stop-sale order upon the removal of the
1115 violation or upon voluntary destruction of the product, or other
1116 disposal approved by the department, under the supervision of
1117 the department.

1118 (b) In addition to being subject to the stop-sale
1119 procedures above, unregistered brake fluid shall be held by the
1120 department or its representative, at a place to be designated in
1121 the stop-sale order, until properly registered and released in
1122 writing by the department or its representative. If application
1123 is has not been made for registration of the such product within
1124 30 days after issue of the stop-sale order, such product shall
1125 be disposed of by the department, or, with the department's
1126 consent, by the business, to any tax-supported institution or
1127 agency of the state if the brake fluid meets legal
1128 specifications or by other disposal authorized by rule of the
1129 department if it fails to meet legal specifications.

1130 Section 32. Subsections (1) and (3) and paragraphs (a) and
1131 (c) of subsection (5) of section 527.0201, Florida Statutes, are

578-04908B-10

2010382c2

1132 amended to read:

1133 527.0201 Qualifiers; master qualifiers; examinations.-

1134 (1) In addition to the requirements of s. 527.02, any
1135 person applying for a license to engage in the activities of a
1136 pipeline system operator, category I liquefied petroleum gas
1137 dealer, category II liquefied petroleum gas dispenser, category
1138 IV liquefied petroleum gas dispenser and recreational vehicle
1139 servicer, category V liquefied petroleum gases dealer for
1140 industrial uses only, LP gas installer, specialty installer,
1141 requalifier ~~requalification~~ of cylinders, or fabricator,
1142 repairer, and tester of vehicles and cargo tanks must prove
1143 competency by passing a written examination administered by the
1144 department or its agent with a grade of at least 75 percent in
1145 each area tested ~~or above~~. Each applicant for examination shall
1146 submit a \$20 nonrefundable fee. The department shall by rule
1147 specify the general areas of competency to be covered by each
1148 examination and the relative weight to be assigned in grading
1149 each area tested.

1150 (3) Qualifier cards issued to category I liquefied
1151 petroleum gas dealers and liquefied petroleum gas installers
1152 shall expire 3 years after the date of issuance. All category I
1153 liquefied petroleum gas dealer qualifiers and liquefied
1154 petroleum gas installer qualifiers holding a valid qualifier
1155 card upon the effective date of this act shall retain their
1156 qualifier status until July 1, 2003, and may sit for the master
1157 qualifier examination at any time during that time period. All
1158 such category I liquefied petroleum gas dealer qualifiers and
1159 liquefied petroleum gas installer qualifiers may renew their
1160 qualification on or before July 1, 2003, upon application to the

578-04908B-10

2010382c2

1161 department, payment of a \$20 renewal fee, and documentation of
1162 the completion of a minimum of 16 ~~12~~ hours of approved
1163 continuing education courses, as defined by department rule,
1164 during the previous 3-year period. Applications for renewal must
1165 be made 30 calendar days prior to expiration. Persons failing to
1166 renew prior to the expiration date must reapply and take a
1167 qualifier competency examination in order to reestablish
1168 category I liquefied petroleum gas dealer qualifier and
1169 liquefied petroleum gas installer qualifier status. If a
1170 category I liquefied petroleum gas qualifier or liquefied
1171 petroleum gas installer qualifier becomes a master qualifier at
1172 any time during the effective date of the qualifier card, the
1173 card shall remain in effect until expiration of the master
1174 qualifier certification.

1175 (5) In addition to all other licensing requirements, each
1176 category I liquefied petroleum gas dealer and liquefied
1177 petroleum gas installer must, at the time of application for
1178 licensure, identify to the department one master qualifier who
1179 is a full-time employee at the licensed location. This person
1180 shall be a manager, owner, or otherwise primarily responsible
1181 for overseeing the operations of the licensed location and must
1182 provide documentation to the department as provided by rule. The
1183 master qualifier requirement shall be in addition to the
1184 requirements of subsection (1).

1185 (a) In order to apply for certification as a master
1186 qualifier, each applicant must be a category I liquefied
1187 petroleum gas dealer qualifier or liquefied petroleum gas
1188 installer qualifier, must be employed by a licensed category I
1189 liquefied petroleum gas dealer, liquefied petroleum gas

578-04908B-10

2010382c2

1190 installer, or applicant for such license, must provide
1191 documentation of a minimum of 1 year's work experience in the
1192 gas industry, and must pass a master qualifier competency
1193 examination. Master qualifier examinations shall be based on
1194 Florida's laws, rules, and adopted codes governing liquefied
1195 petroleum gas safety, general industry safety standards, and
1196 administrative procedures. The examination must be successfully
1197 passed ~~completed~~ by the applicant with a grade of at least 75
1198 percent ~~or more~~. Each applicant for master qualifier status
1199 shall submit to the department a nonrefundable \$30 examination
1200 fee prior to the examination.

1201 (c) Master qualifier status shall expire 3 years after the
1202 date of issuance of the certificate and may be renewed by
1203 submission to the department of documentation of completion of
1204 at least 16 ~~12~~ hours of approved continuing education courses
1205 during the 3-year period; proof of employment with a licensed
1206 category I liquefied petroleum gas dealer, liquefied petroleum
1207 gas installer, or applicant; and a \$30 certificate renewal fee.
1208 The department shall define, by rule, approved courses of
1209 continuing education.

1210 Section 33. Section 527.12, Florida Statutes, is amended to
1211 read:

1212 527.12 Cease and desist orders; stop-use orders; stop-
1213 operation orders; stop-sale orders; administrative fines.-

1214 (1) Whenever the department has ~~shall have~~ reason to
1215 believe that any person is violating or has violated ~~been~~
1216 ~~violating provisions of~~ this chapter or any rules adopted under
1217 this chapter pursuant thereto, the department ~~it~~ may issue a
1218 cease and desist order, ~~or~~ impose a civil penalty, or do both

578-04908B-10

2010382c2

1219 ~~may issue such cease and desist order and impose a civil~~
1220 ~~penalty.~~

1221 (2) Whenever a person or liquefied petroleum gas system or
1222 storage facility, or any part or component thereof, fails to
1223 comply with this chapter or any rules adopted under this
1224 chapter, the department may issue a stop-use order, stop-
1225 operation order, or stop-sale order.

1226 Section 34. Subsection (1) of section 559.805, Florida
1227 Statutes, is amended to read:

1228 559.805 Filings with the department; disclosure of
1229 advertisement identification number.—

1230 (1) Every seller of a business opportunity shall annually
1231 file with the department a copy of the disclosure statement
1232 required by s. 559.803 before ~~prior to~~ placing an advertisement
1233 or making any other representation designed to offer to, sell
1234 to, or solicit an offer to buy a business opportunity from a
1235 prospective purchaser in this state and shall update this filing
1236 by reporting any material change in the required information
1237 within 30 days after the material change occurs. An
1238 advertisement is not placed in the state merely because the
1239 publisher circulates, or there is circulated on his or her
1240 behalf in the state, any bona fide newspaper or other
1241 publication of general, regular, and paid circulation which has
1242 had more than two-thirds of its circulation during the past 12
1243 months outside the state or because a radio or television
1244 program originating outside the state is received in the state.
1245 If the seller is required by s. 559.807 to provide a bond or
1246 establish a trust account or guaranteed letter of credit, he or
1247 she shall contemporaneously file with the department a copy of

578-04908B-10

2010382c2

1248 the bond, a copy of the formal notification by the depository
1249 that the trust account is established, or a copy of the
1250 guaranteed letter of credit. Every seller of a business
1251 opportunity shall file with the department a list of independent
1252 agents who will engage in the offer or sale of business
1253 opportunities on behalf of the seller in this state. This list
1254 must be kept current and shall include the following
1255 information: name, home and business address, telephone number,
1256 present employer, ~~social security number,~~ and birth date. A ~~No~~
1257 person may not ~~shall be allowed to~~ offer or sell business
1258 opportunities unless the required information is ~~has been~~
1259 provided to the department.

1260 Section 35. Subsection (3) of section 559.928, Florida
1261 Statutes, is amended to read:

1262 559.928 Registration.-

1263 (3) Each independent agent shall annually file an affidavit
1264 with the department before ~~prior to~~ engaging in business in this
1265 state. This affidavit must include the independent agent's full
1266 name, legal business or trade name, mailing address, business
1267 address, telephone number, ~~social security number,~~ and the name
1268 or names and addresses of each seller of travel represented by
1269 the independent agent. A letter evidencing proof of filing must
1270 be issued by the department and must be prominently displayed in
1271 the independent agent's primary place of business. Each
1272 independent agent must also submit an annual registration fee of
1273 \$50. All moneys collected pursuant to the imposition of the fee
1274 shall be deposited by the Chief Financial Officer into the
1275 General Inspection Trust Fund of the Department of Agriculture
1276 and Consumer Services for the sole purpose of administrating

578-04908B-10

2010382c2

1277 this part. As used in this subsection, the term "independent
1278 agent" means a person who represents a seller of travel by
1279 soliciting persons on its behalf; who has a written contract
1280 with a seller of travel which is operating in compliance with
1281 this part and any rules adopted thereunder; who does not receive
1282 a fee, commission, or other valuable consideration directly from
1283 the purchaser for the seller of travel; who does not at any time
1284 have any unissued ticket stock or travel documents in his or her
1285 possession; and who does not have the ability to issue tickets,
1286 vacation certificates, or any other travel document. The term
1287 "independent agent" does not include an affiliate of the seller
1288 of travel, as that term is used in s. 559.935(3), or the
1289 employees of the seller of travel or of such affiliates.

1290 Section 36. Subsection (7) of section 570.0725, Florida
1291 Statutes, is amended to read:

1292 570.0725 Food recovery; legislative intent; department
1293 functions.—

1294 (7) For public information purposes, the department may
1295 ~~shall~~ develop and provide a public information brochure
1296 detailing the need for food banks and similar of food recovery
1297 programs, the benefit of such food recovery programs, the manner
1298 in which such organizations may become involved in such food
1299 recovery programs, and the protection afforded to such programs
1300 under s. 768.136, and the food recovery entities or food banks
1301 that exist in the state. This brochure must be updated annually.
1302 A food bank or similar food recovery organization seeking to be
1303 included on a list of such organizations must notify the
1304 department and provide the information required by rule of the
1305 department. Such organizations are responsible for updating the

578-04908B-10

2010382c2

1306 information and providing the updated information to the
 1307 department. The department may adopt rules to implement this
 1308 section.

1309 Section 37. Paragraph (e) of subsection (6) of section
 1310 570.53, Florida Statutes, is amended to read:

1311 570.53 Division of Marketing and Development; powers and
 1312 duties.—The powers and duties of the Division of Marketing and
 1313 Development include, but are not limited to:

1314 (6)

1315 (e) Extending in every practicable way the distribution and
 1316 sale of Florida agricultural products throughout the markets of
 1317 the world as required of the department by s. ss. 570.07(7),
 1318 (8), (10), and (11) ~~and 570.071~~ and chapters 571, 573, and 574.

1319 Section 38. Subsection (2) of section 570.54, Florida
 1320 Statutes, is amended to read:

1321 570.54 Director; duties.—

1322 (2) It shall be the duty of the director of this division
 1323 to supervise, direct, and coordinate the activities authorized
 1324 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
 1325 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
 1326 chapters 504, 571, 573, and 574 and to exercise other powers and
 1327 authority as authorized by the department.

1328 Section 39. Subsection (4) of section 570.55, Florida
 1329 Statutes, is amended to read:

1330 570.55 Identification of sellers or handlers of tropical or
 1331 subtropical fruit and vegetables; containers specified;
 1332 penalties.—

1333 (4) IDENTIFICATION OF HANDLER.—At the time of each
 1334 transaction involving the handling or sale of 55 pounds or more

578-04908B-10

2010382c2

1335 of tropical or subtropical fruit or vegetables in the primary
1336 channel of trade, the buyer or receiver of the tropical or
1337 subtropical fruit or vegetables shall demand a bill of sale,
1338 invoice, sales memorandum, or other document listing the date of
1339 the transaction, the quantity of the tropical or subtropical
1340 fruit or vegetables involved in the transaction, and the
1341 identification of the seller or handler as it appears on the
1342 driver's license of the seller or handler, including the
1343 driver's license number. If the seller or handler does not
1344 possess a driver's license, the buyer or receiver shall use any
1345 other acceptable means of identification, which may include, but
1346 is not limited to, i.e., voter's registration card and number,
1347 draft card, ~~social security card,~~ or other identification.
1348 However, no less than two identification documents shall be
1349 used. The identification of the seller or handler shall be
1350 recorded on the bill of sale, sales memorandum, invoice, or
1351 voucher, which shall be retained by the buyer or receiver for a
1352 period of not less than 1 year from the date of the transaction.

1353 Section 40. Subsection (3) of section 570.902, Florida
1354 Statutes, is amended to read:

1355 570.902 Definitions; ss. 570.902 and 570.903.—For the
1356 purpose of ss. 570.902 and 570.903:

1357 ~~(3) "Museum" means the Florida Agricultural Museum which is~~
1358 ~~designated as the museum for agriculture and rural history of~~
1359 ~~the State of Florida.~~

1360 Section 41. Section 570.903, Florida Statutes, is amended
1361 to read:

1362 570.903 Direct-support organization.—

1363 (1) When the Legislature authorizes the establishment of a

578-04908B-10

2010382c2

1364 direct-support organization to provide assistance for ~~the~~
1365 ~~museums~~, the Florida Agriculture in the Classroom Program, ~~the~~
1366 ~~Florida State Collection of Arthropods~~, the Friends of the
1367 Florida State Forests Program of the Division of Forestry, and
1368 the Forestry Arson Alert Program, and other programs of the
1369 department, the following provisions shall govern the creation,
1370 use, powers, and duties of the direct-support organization.

1371 (a) The department shall enter into a memorandum or letter
1372 of agreement with the direct-support organization, which shall
1373 specify the approval of the department, the powers and duties of
1374 the direct-support organization, and rules with which the
1375 direct-support organization shall comply.

1376 (b) The department may permit, without charge, appropriate
1377 use of property, facilities, and personnel of the department by
1378 a direct-support organization, subject to the provisions of ss.
1379 570.902 and 570.903. The use shall be directly in keeping with
1380 the approved purposes of the direct-support organization and
1381 shall not be made at times or places that would unreasonably
1382 interfere with opportunities for the general public to use
1383 department facilities for established purposes.

1384 (c) The department shall prescribe by contract or by rule
1385 conditions with which a direct-support organization shall comply
1386 in order to use property, facilities, or personnel of the
1387 department ~~or museum~~. Such rules shall provide for budget and
1388 audit review and oversight by the department.

1389 (d) The department shall not permit the use of property,
1390 facilities, or personnel of the ~~museum~~, department, ~~or~~
1391 designated program by a direct-support organization which does
1392 not provide equal employment opportunities to all persons

578-04908B-10

2010382c2

1393 regardless of race, color, religion, sex, age, or national
1394 origin.

1395 (2) (a) The direct-support organization shall be empowered
1396 to conduct programs and activities; raise funds; request and
1397 receive grants, gifts, and bequests of money; acquire, receive,
1398 hold, invest, and administer, in its own name, securities,
1399 funds, objects of value, or other property, real or personal;
1400 and make expenditures to or for the direct or indirect benefit
1401 of the ~~museum or~~ designated program.

1402 (b) Notwithstanding the provisions of s. 287.057, the
1403 direct-support organization may enter into contracts or
1404 agreements with or without competitive bidding for the
1405 ~~restoration of objects, historical buildings, and other~~
1406 ~~historical materials or for the purchase of objects, historical~~
1407 ~~buildings, and other historical materials which are to be added~~
1408 ~~to the collections of the museum, or~~ benefit of the designated
1409 program. However, before the direct-support organization may
1410 enter into a contract or agreement without competitive bidding,
1411 the direct-support organization shall file a certification of
1412 conditions and circumstances with the internal auditor of the
1413 department justifying each contract or agreement.

1414 (c) Notwithstanding the provisions of s. 287.025(1)(e), the
1415 direct-support organization may enter into contracts to insure
1416 property of the ~~museum or~~ designated programs and may insure
1417 ~~objects or collections on loan from others in satisfying~~
1418 ~~security terms of the lender.~~

1419 (3) The direct-support organization shall provide for an
1420 annual financial audit in accordance with s. 215.981.

1421 (4) Neither a designated program ~~or a museum,~~ nor a

578-04908B-10

2010382c2

1422 nonprofit corporation trustee or employee may:

1423 (a) Receive a commission, fee, or financial benefit in
1424 connection with the sale or exchange of property ~~historical~~
1425 ~~objects or properties~~ to the direct-support organization, ~~the~~
1426 ~~museum~~, or the designated program; or

1427 (b) Be a business associate of any individual, firm, or
1428 organization involved in the sale or exchange of property to the
1429 direct-support organization, ~~the museum~~, or the designated
1430 program.

1431 (5) All moneys received by the direct-support organization
1432 shall be deposited into an account of the direct-support
1433 organization and shall be used by the organization in a manner
1434 consistent with the goals of the ~~museum~~ or designated program.

1435 (6) The identity of a donor or prospective donor who
1436 desires to remain anonymous and all information identifying such
1437 donor or prospective donor are confidential and exempt from the
1438 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1439 Constitution.

1440 (7) The Commissioner of Agriculture, or the commissioner's
1441 designee, may serve on the board of trustees and the executive
1442 committee of any direct-support organization established to
1443 benefit ~~the museum~~ or any designated program.

1444 ~~(8) The department shall establish by rule archival~~
1445 ~~procedures relating to museum artifacts and records. The rules~~
1446 ~~shall provide procedures which protect the museum's artifacts~~
1447 ~~and records equivalent to those procedures which have been~~
1448 ~~established by the Department of State under chapters 257 and~~
1449 ~~267.~~

1450 Section 42. Subsection (4) of section 573.118, Florida

578-04908B-10

2010382c2

1451 Statutes, is amended to read:

1452 573.118 Assessment; funds; audit; loans.—

1453 (4) In the event of levying and collecting of assessments,
1454 for each fiscal year in which assessment funds are received by
1455 the department, the department shall maintain records of
1456 collections and expenditures for each marketing order separately
1457 within the state's accounting system. If requested by an
1458 advisory council, department staff shall cause to be made a
1459 thorough ~~annual~~ audit of the ~~books and~~ accounts ~~by a certified~~
1460 ~~public accountant~~, such audit to be completed within 60 days
1461 after the request is received ~~end of the fiscal year~~. The
1462 ~~advisory council~~ department and all producers and handlers
1463 ~~covered by the marketing order~~ shall be provided a copy of the
1464 ~~properly advised of the details of the annual official~~ audit of
1465 the accounts as shown by the ~~certified public accountant~~ within
1466 30 days after completion of the audit.

1467 Section 43. Subsections (18) through (30) of section
1468 581.011, Florida Statutes, are renumbered as subsections (17)
1469 through (29), respectively, and present subsections (17) and
1470 (20) of that section are amended to read:

1471 581.011 Definitions.—As used in this chapter:

1472 ~~(17) "Museum" means the Florida State Collection of~~
1473 ~~Arthropods.~~

1474 ~~(19)(20)~~ "Nursery" means any grounds or premises on or in
1475 which nursery stock is grown, propagated, or held for sale or
1476 distribution, including ~~except where~~ aquatic plant species ~~are~~
1477 tended for harvest in the natural environment.

1478 Section 44. Paragraph (a) of subsection (3) of section
1479 581.211, Florida Statutes, is amended to read:

578-04908B-10

2010382c2

1480 581.211 Penalties for violations.-

1481 (3) (a) 1. In addition to any other provision of law, the
1482 department may, after notice and hearing, impose an
1483 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1484 violation of this chapter, upon any person, nurseryman, stock
1485 dealer, agent or plant broker. The fine, when paid, shall be
1486 deposited in the Plant Industry Trust Fund. In addition, the
1487 department may place the violator on probation for up to 1 year,
1488 with conditions.

1489 2. The imposition of a fine or probation pursuant to this
1490 subsection may be in addition to or in lieu of the suspension or
1491 revocation of a certificate of registration or certificate of
1492 inspection.

1493 Section 45. Section 583.13, Florida Statutes, is amended to
1494 read:

1495 583.13 Labeling and advertising requirements for dressed
1496 poultry; unlawful acts.-

1497 (1) It is unlawful for any dealer or broker to sell, offer
1498 for sale, or hold for the purpose of sale in the state any
1499 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1500 is packed in a container clearly bearing a label, not less than
1501 3 inches by 5 inches, on which shall be plainly and legibly
1502 printed, in letters of not less than 1/4 inch high ~~in height~~,
1503 ~~the grade and the part name or whole-bird statement of such~~
1504 ~~poultry. The grade may be expressed in the term "premium,"~~
1505 ~~"good," or "standard," or as the grade of another state or~~
1506 ~~federal agency the standards of quality of which, by law, are~~
1507 ~~equal to the standards of quality provided by this law and rules~~
1508 ~~promulgated hereunder.~~

578-04908B-10

2010382c2

1509 (2) It is unlawful to sell unpackaged dressed or ready-to-
1510 cook poultry at retail unless such poultry is labeled by a
1511 placard immediately adjacent to the poultry or unless each bird
1512 is individually labeled to show ~~the grade and~~ the part name or
1513 whole-bird statement. The placard shall be no smaller than 7
1514 inches by 7 inches in size, and the required labeling
1515 information shall be legibly and plainly printed on the placard
1516 in letters not smaller than 1 inch in height.

1517 (3) It is unlawful to sell packaged dressed or ready-to-
1518 cook poultry at retail unless such poultry is labeled to show
1519 ~~the grade,~~ the part name or whole-bird statement, the net weight
1520 of the poultry, and the name and address of the dealer. The size
1521 of the type on the label must be one-eighth inch or larger. A
1522 placard immediately adjacent to such poultry may be used to
1523 indicate ~~the grade and~~ the part name or whole-bird statement,
1524 but not the net weight of the poultry or the name and address of
1525 the dealer.

1526 (4) It is unlawful to use dressed or ready-to-cook poultry
1527 in bulk in the preparation of food served to the public, or to
1528 hold such poultry for the purpose of such use, unless the
1529 poultry when received was packed in a container clearly bearing
1530 a label, not less than 3 inches by 5 inches, on which was
1531 plainly and legibly printed, in letters not less than 1/4 ~~one-~~
1532 ~~fourth~~ inch high ~~in height,~~ ~~the grade and~~ the part name or
1533 whole-bird statement of such poultry. ~~The grade may be expressed~~
1534 ~~in the term "premium," "good," or "standard," or as the grade of~~
1535 ~~another state or federal agency the standards of quality of~~
1536 ~~which, by law, are equal to the standards of quality provided by~~
1537 ~~this law and rules promulgated hereunder.~~

578-04908B-10

2010382c2

1538 (5) It is unlawful to offer dressed or ready-to-cook
1539 poultry for sale in any advertisement in a newspaper or
1540 circular, on radio or television, or in any other form of
1541 advertising without plainly designating in such advertisement
1542 ~~the grade and the part name or whole-bird statement of such~~
1543 poultry.

1544 Section 46. Subsection (1) of section 585.61, Florida
1545 Statutes, is amended to read:

1546 585.61 Animal disease diagnostic laboratories.—

1547 (1) There is hereby created and established an animal
1548 disease diagnostic laboratory in Osceola County and Suwannee
1549 County. The laboratory complex in Osceola County is designated
1550 as "The Bronson Animal Disease Diagnostic Laboratory."

1551 Section 47. Section 590.125, Florida Statutes, is amended
1552 to read:

1553 590.125 Open burning authorized by the division.—

1554 (1) DEFINITIONS.—As used in this section, the term:

1555 (a) "Certified pile burner" means an individual who
1556 successfully completes the division's pile burning certification
1557 program and possesses a valid pile burner certification number.

1558 ~~(a) "Prescribed burning" means the controlled application~~
1559 ~~of fire in accordance with a written prescription for vegetative~~
1560 ~~fuels under specified environmental conditions while following~~
1561 ~~appropriate precautionary measures that ensure that the fire is~~
1562 ~~confined to a predetermined area to accomplish the planned fire~~
1563 ~~or land-management objectives.~~

1564 (b) "Certified prescribed burn manager" means an individual
1565 who successfully completes the certified prescribed burning
1566 ~~certification~~ program of the division and possesses a valid

578-04908B-10

2010382c2

1567 certification number.

1568 ~~(c) "Prescription" means a written plan establishing the~~
1569 ~~criteria necessary for starting, controlling, and extinguishing~~
1570 ~~a prescribed burn.~~

1571 ~~(c)~~(d) "Extinguished" means: ~~that no spreading flame~~

1572 1. For wild land burning or certified prescribed burning,
1573 that no spreading flames exist. ~~and no visible flame, smoke, or~~
1574 ~~emissions~~

1575 2. For vegetative land-clearing debris burning or pile
1576 burning, that no visible flames exist.

1577 3. For vegetative land-clearing debris burning or pile
1578 burning in an area designated as smoke sensitive by the
1579 division, that no visible flames, smoke, or emissions exist.

1580 (d) "Land-clearing operation" means the uprooting or
1581 clearing of vegetation in connection with the construction of
1582 buildings and rights-of-way, land development, and mineral
1583 operations. The term does not include the clearing of yard
1584 trash.

1585 (e) "Pile burning" means the burning of silvicultural,
1586 agricultural, or land-clearing and tree-cutting debris
1587 originating onsite, which is stacked together in a round or
1588 linear fashion, including, but not limited to, a windrow.

1589 (f) "Prescribed burning" means the controlled application
1590 of fire in accordance with a written prescription for vegetative
1591 fuels under specified environmental conditions while following
1592 appropriate precautionary measures that ensure that the fire is
1593 confined to a predetermined area to accomplish the planned fire
1594 or land-management objectives.

1595 (g) "Prescription" means a written plan establishing the

578-04908B-10

2010382c2

1596 criteria necessary for starting, controlling, and extinguishing
1597 a prescribed burn.

1598 (h) "Yard trash" means vegetative matter resulting from
1599 landscaping and yard maintenance operations and other such
1600 routine property cleanup activities. The term includes materials
1601 such as leaves, shrub trimmings, grass clippings, brush, and
1602 palm fronds.

1603 (2) NONCERTIFIED BURNING.—

1604 (a) Persons may be authorized to burn wild land or
1605 vegetative land-clearing debris in accordance with this
1606 subsection if:

1607 1. There is specific consent of the landowner or his or her
1608 designee;

1609 2. Authorization has been obtained from the division or its
1610 designated agent before starting the burn;

1611 3. There are adequate firebreaks at the burn site and
1612 sufficient personnel and firefighting equipment for the control
1613 of the fire;

1614 4. The fire remains within the boundary of the authorized
1615 area;

1616 5. Someone is present at the burn site until the fire is
1617 extinguished;

1618 6. The division does not cancel the authorization; and

1619 7. The division determines that air quality and fire danger
1620 are favorable for safe burning.

1621 (b) A person who burns wild land or vegetative land-
1622 clearing debris in a manner that violates any requirement of
1623 this subsection commits a misdemeanor of the second degree,
1624 punishable as provided in s. 775.082 or s. 775.083.

578-04908B-10

2010382c2

1625 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1626 PURPOSE.—

1627 (a) The application of prescribed burning is a land
1628 management tool that benefits the safety of the public, the
1629 environment, and the economy of the state. The Legislature finds
1630 that:

1631 1. Prescribed burning reduces vegetative fuels within wild
1632 land areas. Reduction of the fuel load reduces the risk and
1633 severity of wildfire, thereby reducing the threat of loss of
1634 life and property, particularly in urban areas.

1635 2. Most of Florida's natural communities require periodic
1636 fire for maintenance of their ecological integrity. Prescribed
1637 burning is essential to the perpetuation, restoration, and
1638 management of many plant and animal communities. Significant
1639 loss of the state's biological diversity will occur if fire is
1640 excluded from fire-dependent systems.

1641 3. Forestland and rangeland constitute significant
1642 economic, biological, and aesthetic resources of statewide
1643 importance. Prescribed burning on forestland prepares sites for
1644 reforestation, removes undesirable competing vegetation,
1645 expedites nutrient cycling, and controls or eliminates certain
1646 forest pathogens. On rangeland, prescribed burning improves the
1647 quality and quantity of herbaceous vegetation necessary for
1648 livestock production.

1649 4. The state purchased hundreds of thousands of acres of
1650 land for parks, preserves, wildlife management areas, forests,
1651 and other public purposes. The use of prescribed burning for
1652 management of public lands is essential to maintain the specific
1653 resource values for which these lands were acquired.

578-04908B-10

2010382c2

1654 5. A public education program is necessary to make citizens
1655 and visitors aware of the public safety, resource, and economic
1656 benefits of prescribed burning.

1657 6. Proper training in the use of prescribed burning is
1658 necessary to ensure maximum benefits and protection for the
1659 public.

1660 7. As Florida's population continues to grow, pressures
1661 from liability issues and nuisance complaints inhibit the use of
1662 prescribed burning. Therefore, the division is urged to maximize
1663 the opportunities for prescribed burning conducted during its
1664 daytime and nighttime authorization process.

1665 (b) Certified prescribed burning pertains only to broadcast
1666 burning for purposes of silviculture, wildlife management,
1667 ecological maintenance and restoration, hazardous fuels
1668 reduction, and range and pasture management. It must be
1669 conducted in accordance with this subsection and:

1670 1. May be accomplished only when a certified prescribed
1671 burn manager is present on site with a copy of the prescription
1672 from ignition of the burn to its completion.

1673 2. Requires that a written prescription be prepared before
1674 receiving authorization to burn from the division.

1675 3. Requires that the specific consent of the landowner or
1676 his or her designee be obtained before requesting an
1677 authorization.

1678 4. Requires that an authorization to burn be obtained from
1679 the division before igniting the burn.

1680 5. Requires that there be adequate firebreaks at the burn
1681 site and sufficient personnel and firefighting equipment for the
1682 control of the fire.

578-04908B-10

2010382c2

1683 6. Is considered to be in the public interest and does not
1684 constitute a public or private nuisance when conducted under
1685 applicable state air pollution statutes and rules.

1686 7. Is considered to be a property right of the property
1687 owner if vegetative fuels are burned as required in this
1688 subsection.

1689 (c) Neither a property owner nor his or her agent is liable
1690 pursuant to s. 590.13 for damage or injury caused by the fire or
1691 resulting smoke or considered to be in violation of subsection
1692 (2) for burns conducted in accordance with this subsection
1693 unless gross negligence is proven.

1694 (d) Any certified burner who violates this section commits
1695 a misdemeanor of the second degree, punishable as provided in s.
1696 775.082 or s. 775.083.

1697 (e) The division shall adopt rules for the use of
1698 prescribed burning and for certifying and decertifying certified
1699 prescribed burn managers based on their past experience,
1700 training, and record of compliance with this section.

1701 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1702 PURPOSE.—

1703 (a) Pile burning is a tool that benefits current and future
1704 generations in Florida by disposing of naturally occurring
1705 vegetative debris through burning rather than disposing of the
1706 debris in landfills.

1707 (b) Certified pile burning pertains to the disposal of
1708 piled, naturally occurring debris from an agricultural,
1709 silvicultural, or temporary land-clearing operation. A land-
1710 clearing operation is temporary if it operates for 6 months or
1711 less. Certified pile burning must be conducted in accordance

578-04908B-10

2010382c2

1712 with this subsection, and:

1713 1. A certified pile burner must ensure, before ignition,
1714 that the piles are properly placed and that the content of the
1715 piles is conducive to efficient burning.

1716 2. A certified pile burner must ensure that the piles are
1717 properly extinguished no later than 1 hour after sunset. If the
1718 burn is conducted in an area designated by the division as smoke
1719 sensitive, a certified pile burner must ensure that the piles
1720 are properly extinguished at least 1 hour before sunset.

1721 3. A written pile burn plan must be prepared before
1722 receiving authorization from the division to burn.

1723 4. The specific consent of the landowner or his or her
1724 agent must be obtained before requesting authorization to burn.

1725 5. An authorization to burn must be obtained from the
1726 division or its designated agent before igniting the burn.

1727 6. There must be adequate firebreaks and sufficient
1728 personnel and firefighting equipment at the burn site to control
1729 the fire.

1730 (c) If a burn is conducted in accordance with this
1731 subsection, the property owner and his or her agent are not
1732 liable under s. 590.13 for damage or injury caused by the fire
1733 or resulting smoke, and are not in violation of subsection (2),
1734 unless gross negligence is proven.

1735 (d) A certified pile burner who violates this section
1736 commits a misdemeanor of the second degree, punishable as
1737 provided in s. 775.082 or s. 775.083.

1738 (e) The division shall adopt rules regulating certified
1739 pile burning. The rules shall include procedures and criteria
1740 for certifying and decertifying certified pile burn managers

578-04908B-10

2010382c2

1741 based on past experience, training, and record of compliance
1742 with this section.

1743 (5)~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1744 DIVISION.—The division may conduct fuel reduction initiatives,
1745 including, but not limited to, burning and mechanical and
1746 chemical treatment, on any area of wild land within the state
1747 which is reasonably determined to be in danger of wildfire in
1748 accordance with the following procedures:

1749 (a) Describe the areas that will receive fuels treatment to
1750 the affected local governmental entity.

1751 (b) Publish a treatment notice, including a description of
1752 the area to be treated, in a conspicuous manner in at least one
1753 newspaper of general circulation in the area of the treatment
1754 not less than 10 days before the treatment.

1755 (c) Prepare, and send ~~the county tax collector shall~~
1756 ~~include with the annual tax statement,~~ a notice to be sent to
1757 all landowners in each area ~~township~~ designated by the division
1758 as a wildfire hazard area. The notice must describe particularly
1759 the area to be treated and the tentative date or dates of the
1760 treatment and must list the reasons for and the expected
1761 benefits from the wildfire hazard reduction.

1762 (d) Consider any landowner objections to the fuels
1763 treatment of his or her property. The landowner may apply to the
1764 director of the division for a review of alternative methods of
1765 fuel reduction on the property. If the director or his or her
1766 designee does not resolve the landowner objection, the director
1767 shall convene a panel made up of the local forestry unit
1768 manager, the fire chief of the jurisdiction, and the affected
1769 county or city manager, or any of their designees. If the

578-04908B-10

2010382c2

1770 panel's recommendation is not acceptable to the landowner, the
1771 landowner may request further consideration by the Commissioner
1772 of Agriculture or his or her designee and shall thereafter be
1773 entitled to an administrative hearing pursuant to the provisions
1774 of chapter 120.

1775 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1776 AUTHORIZATION PROGRAMS.—

1777 (a) A county or municipality may exercise the division's
1778 authority, if delegated by the division under this subsection,
1779 to issue authorizations for the burning of yard trash or debris
1780 from land-clearing operations. A county's or municipality's
1781 existing or proposed open burning authorization program must:

1782 1. Be approved by the division. The division shall not
1783 approve a program if it fails to meet the requirements of
1784 subsections (2) and (4) and any rules adopted under those
1785 subsections.

1786 2. Provide by ordinance or local law the requirements for
1787 obtaining and performing a burn authorization that comply with
1788 subsections (2) and (4) and any rules adopted under those
1789 subsections.

1790 3. Provide for the enforcement of the program's
1791 requirements.

1792 4. Provide financial, personnel, and other resources needed
1793 to carry out the program.

1794 (b) If the division determines that a county's or
1795 municipality's open burning authorization program does not
1796 comply with subsections (2) and (4) and any rules adopted under
1797 those subsections, the division shall require the county or
1798 municipality to take necessary corrective actions within a

578-04908B-10

2010382c2

1799 reasonable period, not to exceed 90 days.

1800 1. If the county or municipality fails to take the
1801 necessary corrective actions within the required period, the
1802 division shall resume administration of the open burning
1803 authorization program in the county or municipality and the
1804 county or municipality shall cease administration of its
1805 program.

1806 2. Each county and municipality administering an open
1807 burning authorization program must cooperate with and assist the
1808 division in carrying out the division's powers, duties, and
1809 functions.

1810 3. A person who violates the requirements of a county's or
1811 municipality's open burning authorization program, as provided
1812 by ordinance or local law enacted pursuant to this section,
1813 commits a violation of this chapter, punishable as provided in
1814 s. 590.14.

1815 (7) ~~(5)~~ DUTIES OF AGENCIES.—The Department of Education
1816 shall incorporate, where feasible and appropriate, the issues of
1817 fuels treatment, including prescribed burning, into its
1818 educational materials.

1819 Section 48. Section 590.14, Florida Statutes, is amended to
1820 read:

1821 590.14 Notice of violation; penalties.—

1822 (1) If a division employee determines that a person has
1823 violated chapter 589, ~~or~~ this chapter, or any rule adopted by
1824 the division to administer provisions of law conferring duties
1825 upon the division, the division employee ~~he or she~~ may issue a
1826 notice of violation indicating the statute violated. This notice
1827 will be filed with the division and a copy forwarded to the

578-04908B-10

2010382c2

1828 appropriate law enforcement entity for further action if
1829 necessary.

1830 (2) In addition to any penalties provided by law, any
1831 person who causes a wildfire or permits any authorized fire to
1832 escape the boundaries of the authorization or to burn past the
1833 time of the authorization is liable for the payment of all
1834 reasonable costs and expenses incurred in suppressing the fire
1835 or \$150, whichever is greater. All costs and expenses incurred
1836 by the division shall be payable to the division. When such
1837 costs and expenses are not paid within 30 days after demand, the
1838 division may take proper legal proceedings for the collection of
1839 the costs and expenses. Those costs incurred by an agency acting
1840 at the division's direction are recoverable by that agency.

1841 (3) The department may also impose an administrative fine,
1842 not to exceed \$1,000 per violation of any section of chapter 589
1843 or this chapter or violation of any rule adopted by the division
1844 to administer provisions of law conferring duties upon the
1845 division. The fine shall be based upon the degree of damage, the
1846 prior violation record of the person, and whether the person
1847 knowingly provided false information to obtain an authorization.
1848 The fines shall be deposited in the Incidental Trust Fund of the
1849 division.

1850 (4) A person may not:

1851 (a) Fail to comply with any rule or order adopted by the
1852 division to administer provisions of law conferring duties upon
1853 the division; or

1854 (b) Knowingly make any false statement or representation in
1855 any application, record, plan, or other document required by
1856 this chapter or any rules adopted under this chapter.

578-04908B-10

2010382c2

1857 (5) A person who violates paragraph (4) (a) or paragraph
1858 (4) (b) commits a misdemeanor of the second degree, punishable as
1859 provided in s. 775.082 or s. 775.083.

1860 (6) It is the intent of the Legislature that a penalty
1861 imposed by a court under subsection (5) be of a severity that
1862 ensures immediate and continued compliance with this section.

1863 (7)~~(4)~~ The penalties provided in this section shall extend
1864 to both the actual violator and the person or persons, firm, or
1865 corporation causing, directing, or permitting the violation.

1866 Section 49. Paragraph (a) of subsection (1) of section
1867 599.004, Florida Statutes, is amended to read:

1868 599.004 Florida Farm Winery Program; registration; logo;
1869 fees.—

1870 (1) The Florida Farm Winery Program is established within
1871 the Department of Agriculture and Consumer Services. Under this
1872 program, a winery may qualify as a tourist attraction only if it
1873 is registered with and certified by the department as a Florida
1874 Farm Winery. A winery may not claim to be certified unless it
1875 has received written approval from the department.

1876 (a) To qualify as a certified Florida Farm Winery, a winery
1877 shall meet the following standards:

1878 1. Produce or sell less than 250,000 gallons of wine
1879 annually.

1880 2. Maintain a minimum of 10 acres of owned or managed land
1881 vineyards in Florida which produces commodities used in the
1882 production of wine.

1883 3. Be open to the public for tours, tastings, and sales at
1884 least 30 hours each week.

1885 4. Make annual application to the department for

578-04908B-10

2010382c2

1886 recognition as a Florida Farm Winery, on forms provided by the
1887 department.

1888 5. Pay an annual application and registration fee of \$100.

1889 Section 50. Subsection (1) of section 604.15, Florida
1890 Statutes, is amended, and subsection (11) is added to that
1891 section, to read:

1892 604.15 Dealers in agricultural products; definitions.—For
1893 the purpose of ss. 604.15-604.34, the following words and terms,
1894 when used, shall be construed to mean:

1895 (1) "Agricultural products" means the natural products of
1896 the farm, nursery, grove, orchard, vineyard, garden, and apiary
1897 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
1898 livestock; milk and milk products; poultry and poultry products;
1899 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
1900 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
1901 Persian, Tahiti, Bearss, or Florida Key limes); and any other
1902 nonexempt agricultural products produced in the state, except
1903 tobacco, sugarcane, tropical foliage, timber and timber
1904 byproducts, forest products as defined in s. 591.17, and citrus
1905 other than limes.

1906 (11) "Responsible position" means a position within the
1907 business of a dealer in agricultural products that has the
1908 authority to negotiate or make the purchase of agricultural
1909 products on behalf of the dealer's business or has principal
1910 active management authority over the business decisions,
1911 actions, and activities of the dealer's business in this state.

1912 Section 51. Section 604.19, Florida Statutes, is amended to
1913 read:

1914 604.19 License; fee; bond; certificate of deposit;

578-04908B-10

2010382c2

1915 penalty.—Unless the department refuses the application on one or
1916 more of the grounds provided in this section, it shall issue to
1917 an applicant, upon the payment of required fees and the
1918 execution and delivery of a bond or certificate of deposit as
1919 provided in this section, a state license entitling the
1920 applicant to conduct business as a dealer in agricultural
1921 products for a 1-year period to coincide with the effective
1922 period of the bond or certificate of deposit furnished by the
1923 applicant. During the 1-year period covered by a license, if the
1924 supporting surety bond or certificate of deposit is canceled for
1925 any reason, the license shall automatically expire on the date
1926 the surety bond or certificate of deposit terminates, unless an
1927 acceptable replacement is in effect before the date of
1928 termination so that continual coverage occurs for the remaining
1929 period of the license. A surety company shall give the
1930 department a 30-day written notice of cancellation by certified
1931 mail in order to cancel a bond. Cancellation of a bond or
1932 certificate of deposit does ~~shall~~ not relieve a surety company
1933 or financial institution of liability for purchases or sales
1934 occurring while the bond or certificate of deposit was in
1935 effect. The license fee, which must be paid for the principal
1936 place of business for a dealer in agricultural products, shall
1937 be based upon the amount of the dealer's surety bond or
1938 certificate of deposit furnished by each dealer under the
1939 provisions of s. 604.20 and may not exceed \$500. For each
1940 additional place in which the applicant desires to conduct
1941 business and which the applicant names in the application, the
1942 additional license fee must be paid but may not exceed \$100
1943 annually. If a ~~Should any~~ dealer in agricultural products fails,

578-04908B-10

2010382c2

1944 refuses, or neglects ~~fail, refuse, or neglect~~ to apply and
1945 qualify for the renewal of a license on or before its ~~the date~~
1946 ~~of expiration date thereof~~, a penalty not to exceed \$100 shall
1947 apply to and be added to the ~~original~~ license fee for the
1948 principal place of business and to the license fee for each
1949 additional place of business named in the application and shall
1950 be paid by the applicant before the renewal license may be
1951 issued. The department by rule shall prescribe fee amounts
1952 sufficient to fund ss. 604.15-604.34.

1953 Section 52. Section 604.25, Florida Statutes, is amended to
1954 read:

1955 604.25 Denial of, refusal to renew ~~grant~~, or suspension or
1956 revocation of ~~7~~ license.-

1957 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
1958 ~~grant a license~~ or ~~may~~ suspend or revoke a license ~~already~~
1959 ~~granted~~ if the applicant or licensee has:

1960 (1) ~~(a)~~ Suffered a monetary judgment entered against the
1961 applicant or licensee ~~upon which is execution has been returned~~
1962 ~~unsatisfied;~~

1963 (2) ~~(b)~~ Made false charges for handling or services
1964 rendered;

1965 (3) ~~(c)~~ Failed to account promptly and properly or to make
1966 settlements with any producer;

1967 (4) ~~(d)~~ Made any false statement or statements as to
1968 condition, quality, or quantity of goods received or held for
1969 sale when the true condition, quality, or quantity could have
1970 been ascertained by reasonable inspection;

1971 (5) ~~(e)~~ Made any false or misleading statement or statements
1972 as to market conditions or service rendered;

578-04908B-10

2010382c2

1973 (6)~~(f)~~ Been guilty of a fraud in the attempt to procure, or
 1974 the procurement of, a license;

1975 (7)~~(g)~~ Directly or indirectly sold agricultural products
 1976 received on consignment or on a net return basis for her or his
 1977 own account, without prior authority from the producer
 1978 consigning the same, or without notifying such producer;

1979 (8)~~(h)~~ Failed to prevent a person from holding a position
 1980 as the applicant's or licensee's owner, officer, director,
 1981 general or managing partner, or employee ~~Employed~~ in a
 1982 responsible position ~~a person~~, or holding any other similarly
 1983 situated position, if the person holds or has held a similar
 1984 position with any entity that ~~an officer of a corporation, who~~
 1985 ~~has failed to fully comply with an order of the department, has~~
 1986 not satisfied a civil judgment held by the department, has
 1987 pending any administrative or civil enforcement action by the
 1988 department, or has pending any criminal charges pursuant to s.
 1989 604.30 at any time within 1 year after issuance;

1990 (9)~~(i)~~ Violated any statute or rule relating to the
 1991 purchase or sale of any agricultural product, whether or not
 1992 such transaction is subject to the provisions of this chapter;
 1993 ~~or~~

1994 (10)~~(j)~~ Failed to submit to the department an application,
 1995 appropriate license fees, and an acceptable surety bond or
 1996 certificate of deposit; ~~or.~~

1997 (11)~~(2)~~ Failed ~~If a licensee fails or refused~~ refuses to
 1998 comply in full with an order of the department or failed to
 1999 satisfy a civil judgment owed to the department, ~~her or his~~
 2000 ~~license may be suspended or revoked, in which case she or he~~
 2001 ~~shall not be eligible for license for a period of 1 year or~~

578-04908B-10

2010382c2

2002 ~~until she or he has fully complied with the order of the~~
2003 ~~department.~~

2004 ~~(3) No person, or officer of a corporation, whose license~~
2005 ~~has been suspended or revoked for failure to comply with an~~
2006 ~~order of the department may hold a responsible position with a~~
2007 ~~licensee for a period of 1 year or until the order of the~~
2008 ~~department has been fully complied with.~~

2009 Section 53. Subsections (18) and (19) of section 616.242,
2010 Florida Statutes, are renumbered as subsections (19) and (20),
2011 respectively, and a new subsection (18) is added to that section
2012 to read:

2013 616.242 Safety standards for amusement rides.—

2014 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride
2015 fails to comply with this chapter or any rule adopted under this
2016 chapter, the department may issue a stop-operation order.

2017 Section 54. Subsection (4) of section 686.201, Florida
2018 Statutes, is amended to read:

2019 686.201 Sales representative contracts involving
2020 commissions; requirements; termination of agreement; civil
2021 remedies.—

2022 (4) This section does not apply to persons licensed
2023 pursuant to chapter 475 who are performing services within the
2024 scope of their license or to contracts to which a seller of
2025 travel, as defined in s. 559.927, is a party.

2026 Section 55. Paragraph (c) of subsection (5) of section
2027 790.06, Florida Statutes, is amended to read:

2028 790.06 License to carry concealed weapon or firearm.—

2029 (5) The applicant shall submit to the Department of
2030 Agriculture and Consumer Services:

578-04908B-10

2010382c2

2031 (c) A full set of fingerprints of the applicant
2032 administered by a law enforcement agency or the Division of
2033 Licensing of the Department of Agriculture and Consumer
2034 Services.

2035 Section 56. Sections 570.071 and 570.901, Florida Statutes,
2036 are repealed.

2037 Section 57. Section 828.126, Florida Statutes, is created
2038 to read:

2039 828.126 Sexual activities involving animals.—

2040 (1) As used in this section, the term "sexual activities"
2041 means oral, anal, or vaginal penetration by, or union with, the
2042 sexual organ of an animal or the anal or vaginal penetration of
2043 an animal by any object.

2044 (2) A person may not knowingly:

2045 (a) Engage in a sexual activities with an animal;

2046 (b) Cause, aid, or abet another person to engage in sexual
2047 activities with an animal;

2048 (c) Permit any sexual activities with an animal to be
2049 conducted on any premises under his or her control; or

2050 (d) Organize, promote, conduct, advertise, aid, abet,
2051 participate in as an observer, or perform any service in the
2052 furtherance of an act involving any sexual activities with an
2053 animal for a commercial or recreational purpose.

2054 (3) A person who violates this section commits a
2055 misdemeanor of the first degree, punishable as provided in s.
2056 775.082 or s. 775.083.

2057 (4) This section does not apply to normal and ordinary
2058 animal husbandry practices, conformation judging practices, or
2059 accepted veterinary medical practices.

578-04908B-10

2010382c2

2060 Section 58. The Department of Agriculture and Consumer
2061 Services shall meet with duly authorized representatives of
2062 established organizations representing the Florida pest control
2063 industry and prepare a report that shall be submitted to the
2064 President of the Senate, the Speaker of the House of
2065 Representatives, the chairperson of the Senate Committee on
2066 Agriculture, and the chairperson of the House Committee on
2067 Agribusiness by January 1, 2011. The report shall include
2068 recommended amendments to chapter 482, Florida Statutes, which
2069 provide for disciplinary action to be taken against licensees
2070 who violate laws or rules pertaining to the pretreatment of soil
2071 to protect newly constructed homes, pest control at sensitive
2072 facilities such as schools and nursing homes, and also the
2073 fumigation of existing homes for protection against termite
2074 damage, thereby providing additional safeguards for consumers.
2075 The report may also address other issues of concern to the
2076 department and to members of the industry, such as changes to
2077 requirements for professional liability insurance coverage or
2078 the amount of bond required, duties and responsibilities of a
2079 certified operator, issuance of a centralized pest control
2080 service center license, and limited certification for commercial
2081 wildlife management personnel.

2082 Section 59. This act shall take effect July 1, 2010.