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1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; creating s. 15.0455, F.S.;
4 designating the Florida Agricultural Museum in Flagler
5 County as the official state agricultural museum;
6 providing for future repeal; amending s. 369.20, F.S.;
7 requiring the Fish and Wildlife Conservation
8 Commission to enter into an agreement with the
9 Department of Environmental Protection relating to the
10 uniform application of pesticides to the waters of the
11 state; revising exemptions from water pollution
12 permits; amending s. 373.1391, F.S.; requiring that
13 the agricultural use of land present at the time of
14 fee simple acquisition be given priority regarding the
15 management of the land; amending s. 403.088, F.S.;
16 requiring a permit for applying pesticide to the
17 waters of the state; requiring the Department of
18 Environmental Protection to enter into agreements with
19 the Department of Agriculture and Consumer Services
20 and the Fish and Wildlife Conservation Commission
21 relating to the uniform application of pesticides to
22 the waters of the state; providing a temporary
23 deviation from the acute toxicity provisions provided
24 by rule for pesticide application under certain
25 circumstances; amending s. 403.9336, F.S.; revising a
26 reference to the Model Ordinance for Florida-Friendly
27 Fertilizer Use on Urban Landscapes; amending s.
28 403.9337, F.S.; providing for amendment of the model
29 ordinance by the Department of Environmental

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

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

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88 requirements for security officer license applicants;
89 amending s. 493.6304, F.S.; revising application
90 requirements and procedures for security officer
91 school licenses; amending s. 493.6401, F.S.; revising
92 terminology for recovery agent schools and training
93 facilities; amending s. 493.6402, F.S.; revising
94 terminology for recovery agent schools and training
95 facilities; requiring the department to accept certain
96 methods of payment for certain fees; amending s.
97 493.6406, F.S.; revising terminology; requiring
98 recovery agent school and instructor licenses;
99 providing license application requirements and
100 procedures; amending s. 500.033, F.S.; revising the
101 membership of the Florida Food Safety and Food Defense
102 Advisory Council; amending ss. 501.605 and 501.607,
103 F.S.; revising application requirements for commercial
104 telephone seller and salesperson licenses; amending s.
105 501.913, F.S.; specifying the sample size required for
106 antifreeze registration application; amending s.
107 525.01, F.S.; revising requirements for petroleum fuel
108 affidavits; amending s. 525.09, F.S.; imposing an
109 inspection fee on certain alternative fuels containing
110 alcohol; amending s. 526.50, F.S.; defining terms
111 applicable to regulation of the sale of brake fluid;
112 amending s. 526.51, F.S.; revising application
113 requirements for brake fluid permits; amending s.
114 526.52, F.S.; revising requirements for printed
115 statements on brake fluid containers; amending s.
116 526.53, F.S.; revising requirements and procedures for

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117 brake fluid stop-sale orders; authorizing businesses
118 to dispose of unregistered brake fluid under certain
119 circumstances; amending s. 527.0201, F.S.; revising
120 requirements for liquefied petroleum gas qualifying
121 examinations; increasing continuing education
122 requirements for certain liquefied petroleum gas
123 qualifiers; amending s. 527.12, F.S.; providing for
124 the issuance of certain stop orders; amending ss.
125 559.805 and 559.928, F.S.; deleting social security
126 numbers as a listing requirement on registration
127 affidavits for independent agents of sellers of
128 business opportunities; amending s. 570.0725, F.S.;
129 revising provisions for public information about food
130 banks and similar food recovery programs; authorizing
131 the department to adopt rules; amending ss. 570.53 and
132 570.54, F.S.; conforming cross-references; amending s.
133 570.55, F.S.; revising requirements for identifying
134 sellers or handlers of tropical or subtropical fruit
135 or vegetables; amending s. 570.902, F.S.; conforming
136 terminology to the repeal by the act of provisions
137 establishing the Florida Agricultural Museum; amending
138 s. 570.903, F.S.; revising provisions for direct-
139 support organizations for certain agricultural
140 programs to conform to the repeal by the act of
141 provisions establishing the Florida Agricultural
142 Museum; deleting provisions for a direct-support
143 organization for the Florida State Collection of
144 Arthropods; amending s. 573.118, F.S.; requiring the
145 department to maintain records of marketing orders;

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146 requiring an audit at the request of an advisory
147 council; requiring that the advisory council receive a
148 copy of the audit within a specified time; amending s.
149 581.011, F.S.; deleting terminology relating to the
150 Florida State Collection of Arthropods; revising the
151 term "nursery" for purposes of plant industry
152 regulations; amending s. 581.211, F.S.; increasing the
153 maximum fine for violations of plant industry
154 regulations; amending s. 583.13, F.S.; deleting a
155 prohibition on the sale of poultry without displaying
156 the poultry grade; amending s. 585.61, F.S.;

157 designating the animal disease diagnostic laboratory
158 complex in Osceola County; amending s. 590.125, F.S.;

159 revising terminology for open burning authorizations;
160 specifying purposes of certified prescribed burning;
161 requiring the authorization of the Division of
162 Forestry for certified pile burning; providing pile
163 burning requirements; limiting the liability of
164 property owners or agents engaged in pile burning;
165 providing for the certification of pile burners;
166 providing penalties for violations by certified pile
167 burners; requiring rules; authorizing the division to
168 adopt rules regulating certified pile burning;
169 revising notice requirements for wildfire hazard
170 reduction treatments; providing for approval of local
171 government open burning authorization programs;
172 providing program requirements; authorizing the
173 division to close local government programs under
174 certain circumstances; providing penalties for

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175 violations of local government open burning
176 requirements; amending s. 590.14, F.S.; authorizing
177 fines for violations of any division rule; providing
178 penalties for certain violations; providing
179 legislative intent; amending s. 599.004, F.S.;
180 revising standards that a winery must meet to qualify
181 as a certified Florida Farm Winery; amending s.
182 604.15, F.S.; revising the term "agricultural
183 products" to make tropical foliage exempt from
184 regulation under provisions relating to dealers in
185 agricultural products; defining the term "responsible
186 position"; amending s. 604.19, F.S.; revising
187 requirements for late fees on agricultural products
188 dealer applications; amending s. 604.25, F.S.;
189 revising conditions under which the department may
190 deny, refuse to renew, suspend, or revoke agricultural
191 products dealer licenses; deleting a provision
192 prohibiting certain persons from holding a responsible
193 position with a licensee; amending s. 616.242, F.S.;
194 authorizing the issuance of stop-operation orders for
195 amusement rides under certain circumstances; amending
196 s. 624.4095, F.S.; prohibiting certain gross written
197 premiums for federal multiple-peril crop insurance
198 from being included in certain insurer calculations;
199 amending s. 686.201, F.S.; exempting contracts to
200 which a seller of travel is a party from provisions
201 governing certain contracts involving commissions;
202 amending s. 790.06, F.S.; authorizing a concealed
203 firearm license applicant to submit fingerprints

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204 administered by the Division of Licensing; providing
205 that a provision limiting the scope of a license to
206 carry a concealed weapon or firearm does not prohibit
207 or restrict a person having such a license from
208 transporting or storing a lawful firearm in a vehicle
209 under certain circumstances; providing that a
210 provision limiting the scope of a license to carry a
211 concealed weapon or firearm does not modify certain
212 exceptions to prohibited acts with respect to a
213 person's right to keep and bear arms in motor vehicles
214 for self-defense and other lawful purposes; repealing
215 ss. 570.071 and 570.901, F.S., relating to the Florida
216 Agricultural Exposition and the Florida Agricultural
217 Museum; creating s. 828.126, F.S.; providing a
218 definition for the term "sexual activities" as it
219 involves animals; prohibiting persons from engaging in
220 sexual activities with animals; providing penalties;
221 providing that such prohibition does not apply to
222 normal and ordinary animal husbandry practices,
223 conformation judging practices, or accepted veterinary
224 medical practices; requiring that the department and
225 representatives of the state pest control industry
226 prepare a report for the President of the Senate, the
227 Speaker of the House of Representatives, and the
228 chairpersons of specified legislative committees by a
229 certain date; requiring that the report include
230 recommendations for changes in the law to provide for
231 disciplinary action against licensees of the pest
232 control industry under certain circumstances;

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233 providing that the report may also address additional
234 issues of concern to members of the industry;
235 providing an effective date.
236

237 Be It Enacted by the Legislature of the State of Florida:
238

239 Section 1. Section 15.0455, Florida Statutes, is created to
240 read:

241 15.0455 Official state agricultural museum.—

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

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

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

248 369.20 Florida Aquatic Weed Control Act.—

249 (4) The commission shall also promote, develop, and support
250 research activities directed toward the more effective and
251 efficient control of aquatic plants. In the furtherance of this
252 purpose, the commission may ~~is authorized to~~:

253 (a) Accept donations and grants of funds and services from
254 both public and private sources;

255 (b) Contract or enter into agreements with public or
256 private agencies or corporations for research and development of
257 aquatic plant control methods or for the performance of aquatic
258 plant control activities. The commission may enter into an
259 agreement with the Department of Environmental Protection to
260 ensure the uniform regulation of pesticides applied to the
261 waters of the state, including provision for coordinating agency

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262 staff and resources, through the implementation of permitting,
263 compliance, and enforcement activities under ss. 403.088 and
264 403.0885;

265 (c) Construct, acquire, operate, and maintain facilities
266 and equipment; and

267 (d) Enter upon, or authorize the entry upon, private
268 property for purposes of making surveys and examinations and to
269 engage in aquatic plant control activities; and such entry shall
270 not be deemed a trespass.

271 (9) ~~A permit issued pursuant to this section for~~ The
272 application of herbicides to waters of ~~in~~ the state for the
273 control of aquatic plants, algae, or invasive exotic plants is
274 exempt from the requirement to obtain a water pollution
275 operation permit except as provided in ss. ~~pursuant to s.~~
276 403.088 and 403.0885.

277 Section 3. Paragraph (d) of subsection (1) of section
278 373.1391, Florida Statutes, is amended to read:

279 373.1391 Management of real property.—

280 (1)

281 (d) For any fee simple acquisition of a parcel which is or
282 will be leased back for agricultural purposes, or for any
283 acquisition of a less-than-fee interest in lands that is or will
284 be used for agricultural purposes, the district governing board
285 shall first consider having a soil and water conservation
286 district created pursuant to chapter 582 manage and monitor such
287 interest. Priority shall be given to the agricultural use
288 present at the time of fee simple acquisition of the parcel.

289 Section 4. Subsection (1) of section 403.088, Florida
290 Statutes, is amended to read:

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291 403.088 Water pollution operation permits; conditions.—

292 (1) ~~No person,~~ Without the written authorization of the
293 department, a person may not ~~shall~~ discharge any waste into the
294 waters of ~~within~~ the state ~~any waste~~ which, by itself or in
295 combination with the wastes of other sources, reduces the
296 quality of the receiving waters below the classification
297 established for such waters ~~them~~. However, this section does
298 ~~shall not be deemed to~~ prohibit the application of pesticides to
299 such waters ~~in the state~~ for the control of insects, aquatic
300 weeds, ~~or~~ algae, or other pests if ~~provided~~ the application is
301 performed in accordance with this section:

302 (a) Upon execution of the agreement provided in s.
303 487.163(3), the department may develop a permit or other
304 authorization as required by 33 U.S.C. s. 1342 for the
305 application of pesticides. A person must obtain such permit or
306 other authorization before applying pesticides to the waters of
307 the state.

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

312 (c) The department shall also enter into agreements with
313 the Department of Agriculture and Consumer Services pursuant to
314 a program approved by the Department of Health, in the case of
315 insect or other pest control, and with ~~or~~ the Fish and Wildlife
316 Conservation Commission~~,~~ in the case of aquatic weed, other
317 aquatic pests, or algae control. ~~The department is directed to~~
318 ~~enter into interagency agreements to establish the procedures~~
319 ~~for program approval.~~ Such agreements must ~~shall~~ provide for

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320 public health, welfare, and safety, as well as environmental
321 factors, and must ensure the uniform regulation of pesticides
322 applied to waters of the state, including provisions for the
323 coordination of agency staff and resources, through the
324 implementation of permitting, compliance, and enforcement
325 activities under this section and s. 403.0885. Pesticides that
326 are ~~Approved programs must provide that only chemicals approved~~
327 ~~for a~~ the particular use by the United States Environmental
328 Protection Agency or by the Department of Agriculture and
329 Consumer Services ~~may be employed and that they be applied in~~
330 accordance with registered label instructions, state standards
331 for such application, including any permit or other
332 authorization required by this subsection, and the provisions of
333 the Florida Pesticide Law, part I of chapter 487, are allowed a
334 temporary deviation from the acute toxicity provisions of the
335 department's water quality rule, not to exceed the time
336 necessary to control the target pests, only if the application
337 does not reduce the quality of the receiving waters below the
338 classification for such waters and is not likely to adversely
339 affect any threatened or endangered species.

340 Section 5. Section 403.9336, Florida Statutes, is amended
341 to read:

342 403.9336 Legislative findings.—The Legislature finds that
343 ~~the implementation of the Model Ordinance for Florida-Friendly~~
344 ~~Fertilizer Use on Urban Landscapes (2008), which was developed~~
345 ~~by the department in conjunction with the Florida Consumer~~
346 ~~Fertilizer Task Force, the Department of Agriculture and~~
347 ~~Consumer Services, and the University of Florida Institute of~~
348 ~~Food and Agricultural Sciences,~~ will assist in protecting the

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349 quality of Florida's surface water and groundwater resources.
350 The Legislature further finds that local conditions, including
351 variations in the types and quality of water bodies, site-
352 specific soils and geology, and urban or rural densities and
353 characteristics, may necessitate ~~the implementation of~~
354 additional or more stringent fertilizer management practices at
355 the local government level.

356 Section 6. Section 403.9337, Florida Statutes, is amended
357 to read:

358 403.9337 Model Ordinance for Florida-Friendly Fertilizer
359 Use on Urban Landscapes.—

360 (1) The department may amend its Model Ordinance for
361 Florida-Friendly Fertilizer Use on Urban Landscapes (2009).
362 However, any amendment of the model ordinance after July 1,
363 2010, must be adopted by order of the department. Before
364 adopting an amendment to the model ordinance, the department
365 must hold at least one public workshop to discuss and receive
366 comments on the proposed amendment. The department, at a
367 minimum, must notify interested stakeholders of the public
368 workshop, including representatives of the nursery and landscape
369 industry, the pest control industry, the Department of
370 Agriculture and Consumer Services, the University of Florida's
371 Institute of Food and Agricultural Sciences, environmental
372 groups, and county and local governments. Such an order amending
373 the model ordinance is subject to challenge under chapter 120.

374 (2)~~(1)~~ All county and municipal governments are encouraged
375 to adopt and enforce the model ordinance for Florida-Friendly
376 Fertilizer Use on urban landscapes or an equivalent requirement
377 as a mechanism for protecting local surface and groundwater

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378 quality.

379 (3)~~(2)~~ Each county and municipal government located within
380 the watershed of a water body or water segment that is listed as
381 impaired by nutrients pursuant to s. 403.067, must ~~shall, at a~~
382 ~~minimum,~~ adopt the most recent version of the department's Model
383 Ordinance for Florida-Friendly Fertilizer Use on Urban
384 Landscapes.

385 (4) A local government may adopt additional or more
386 stringent standards than the model ordinance if, before
387 adoption, one of the following criteria are met:

388 (a) The local government has verified impaired waters and
389 is facing existing or possible requirements for achieving the
390 total maximum daily load established under state or federal law;
391 ~~demonstrated, as part of a comprehensive program to address~~
392 ~~nonpoint sources of nutrient pollution which is science-based,~~
393 ~~and economically and technically feasible, that additional or~~
394 ~~more stringent standards than the model ordinance are necessary~~
395 ~~in order to adequately address urban fertilizer contributions to~~
396 ~~nonpoint source nutrient loading to a water body.~~

397 (b) The local government has verified harm to human health
398 or harm to the environment which warrants additional consumer
399 fertilizer requirements; or

400 (c) The local government will improve water quality or
401 prevent future impacts of consumer fertilizers on the
402 environment.

403 (5) If the local government proposes more stringent
404 standards, it must document ~~documents~~ that it has requested and
405 considered all relevant scientific information, including input
406 from the department, the institute, the Department of

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407 Agriculture and Consumer Services, and the University of
408 Florida's ~~Florida~~ Institute of Food and Agricultural Sciences,
409 if provided, on the need for additional or more stringent
410 provisions to address fertilizer use as a contributor to water
411 quality degradation. All documentation must become part of the
412 public record before adoption of the additional or more
413 stringent criteria.

414 ~~(6)(3)~~ Any county or municipal government that adopted its
415 own fertilizer use ordinance before January 1, 2009, is exempt
416 from this section. Ordinances adopted or amended on or after
417 January 1, 2009, must substantively conform to the most recent
418 version of the model fertilizer ordinance and are subject to
419 subsections (2)-(5) ~~(1) and (2)~~, as applicable.

420 ~~(8)(4)~~ This section does not apply to the use of
421 fertilizer:

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

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

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

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

430 487.163 Information; interagency cooperation.—

431 (3) The department shall enter into an agreement with the
432 Department of Environmental Protection to ensure the uniform
433 regulation of pesticides applied to waters of the state,
434 including provisions for the coordination of agency staff and
435 resources, through the implementation of permitting, compliance,

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436 and enforcement activities under ss. 403.088 and 403.0885.

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

439 493.6102 Inapplicability of this chapter.—This chapter
440 shall not apply to:

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

447 Section 9. Section 493.6105, Florida Statutes, is amended
448 to read:

449 493.6105 Initial application for license.—

450 (1) Each individual, partner, or principal officer in a
451 corporation, shall file with the department a complete
452 application accompanied by an application fee not to exceed \$60,
453 except that the applicant for a Class “D” or Class “G” license
454 is ~~shall~~ not be required to submit an application fee. The
455 application fee is ~~shall~~ not be refundable.

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

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

464 (2) Each application must ~~shall~~ be signed and verified by

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465 the individual under oath as provided in s. 92.525 and shall be
466 notarized.

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

470 (a) Name and any aliases.

471 (b) Age and date of birth.

472 (c) Place of birth.

473 (d) Social security number or alien registration number,
474 whichever is applicable.

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

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

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

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

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

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

489 (j) A full set of fingerprints on a card provided by the
490 department and a fingerprint fee to be established by rule of
491 the department based upon costs determined by state and federal
492 agency charges and department processing costs. An applicant who
493 has, within the immediately preceding 6 months, submitted a

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494 fingerprint card and fee for licensing purposes under this
495 chapter shall not be required to submit another fingerprint card
496 or fee.

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

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

504 ~~(4) In addition to the application requirements outlined in~~
505 ~~subsection (3), the applicant for a Class "C," Class "CC," Class~~
506 ~~"E," Class "EE," or Class "G" license shall submit two color~~
507 ~~photographs taken within the 6 months immediately preceding the~~
508 ~~submission of the application, which meet specifications~~
509 ~~prescribed by rule of the department. All other applicants shall~~
510 ~~submit one photograph taken within the 6 months immediately~~
511 ~~preceding the submission of the application.~~

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

518 (5)~~(6)~~ In addition to the requirements outlined in
519 subsection (3), an applicant for a Class "G" license shall
520 satisfy minimum training criteria for firearms established by
521 rule of the department, which training criteria shall include,
522 but is not limited to, 28 hours of range and classroom training

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523 taught and administered by a Class "K" licensee; however, no
524 more than 8 hours of such training shall consist of range
525 training. If the applicant can show proof that he or she is an
526 active law enforcement officer currently certified under the
527 Criminal Justice Standards and Training Commission or has
528 completed the training required for that certification within
529 the last 12 months, or if the applicant submits one of the
530 certificates specified in paragraph (6) (a) ~~(7) (a)~~, the
531 department may waive the foregoing firearms training
532 requirement.

533 (6) (7) In addition to the requirements under subsection
534 (3), an applicant for a Class "K" license shall:

535 (a) Submit one of the following certificates:

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

540 2. The National Rifle Association Law Enforcement ~~Police~~
541 ~~Firearms~~ Instructor's Certificate.

542 ~~3. The National Rifle Association Security Firearms~~
543 ~~Instructor's Certificate.~~

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

550 (b) Pay the fee for and pass an examination administered by
551 the department which shall be based upon, but is not necessarily

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552 limited to, a firearms instruction manual provided by the
553 department.

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

558 (a) The proposed name under which the agency intends to
559 operate.

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

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

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

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

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

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581 493.6106 License requirements; posting.—

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

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

588 1. An applicant for a Class "C," Class "CC," Class "D,"
589 Class "DI," Class "E," Class "EE," Class "M," Class "MA," Class
590 "MB," Class "MR," or Class "RI" license who is not a United
591 States citizen must submit proof of current employment
592 authorization issued by the Citizenship and Immigration Services
593 or proof that she or he is deemed a permanent legal resident
594 alien by the Citizenship and Immigration Services.

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

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

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

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

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

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

626 493.6107 Fees.—

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

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

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

638 (1) Except as otherwise provided, prior to the issuance of

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639 a license under this chapter, the department shall make an
640 investigation of the applicant for a license. The investigation
641 shall include:

642 (a)1. An examination of fingerprint records and police
643 records. When a criminal history analysis of any applicant under
644 this chapter is performed by means of fingerprint card
645 identification, the time limitations prescribed by s. 120.60(1)
646 shall be tolled during the time the applicant's fingerprint card
647 is under review by the Department of Law Enforcement or the
648 United States Department of Justice, Federal Bureau of
649 Investigation.

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

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

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668 drug or alcohol abuse.

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

671 493.6111 License; contents; identification card.—

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

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

696 493.6113 Renewal application for licensure.—

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

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

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

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

713 493.6115 Weapons and firearms.—

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

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

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

722 (16) If the criminal history record check program
723 referenced in s. 493.6108(1)(a)1. ~~493.6121(6)~~ is inoperable, the
724 department may issue a temporary "G" license on a case-by-case
725 basis, provided that the applicant has met all statutory

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726 requirements for the issuance of a temporary "G" license as
727 specified in subsection (12), excepting the criminal history
728 record check stipulated there; provided, that the department
729 requires that the licensed employer of the applicant conduct a
730 criminal history record check of the applicant pursuant to
731 standards set forth in rule by the department, and provide to
732 the department an affidavit containing such information and
733 statements as required by the department, including a statement
734 that the criminal history record check did not indicate the
735 existence of any criminal history that would prohibit licensure.
736 Failure to properly conduct such a check, or knowingly providing
737 incorrect or misleading information or statements in the
738 affidavit shall constitute grounds for disciplinary action
739 against the licensed agency, including revocation of license.

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

743 493.6118 Grounds for disciplinary action.—

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

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

752 Section 17. Subsections (7) and (8) of section 493.6121,
753 Florida Statutes, are renumbered as subsections (6) and (7),
754 respectively, and present subsection (6) of that section is

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755 amended, to read:

756 493.6121 Enforcement; investigation.—

757 ~~(6) The department shall be provided access to the program~~
758 ~~that is operated by the Department of Law Enforcement, pursuant~~
759 ~~to s. 790.065, for providing criminal history record information~~
760 ~~to licensed gun dealers, manufacturers, and exporters. The~~
761 ~~department may make inquiries, and shall receive responses in~~
762 ~~the same fashion as provided under s. 790.065. The department~~
763 ~~shall be responsible for payment to the Department of Law~~
764 ~~Enforcement of the same fees as charged to others afforded~~
765 ~~access to the program.~~

766 Section 18. Subsection (3) of section 493.6202, Florida
767 Statutes, is amended to read:

768 493.6202 Fees.—

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

777 Section 19. Subsections (2), (4), and (6) of section
778 493.6203, Florida Statutes, are amended to read:

779 493.6203 License requirements.—In addition to the license
780 requirements set forth elsewhere in this chapter, each
781 individual or agency shall comply with the following additional
782 requirements:

783 (2) An applicant for a Class "MA" license shall have 2

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784 years of lawfully gained, verifiable, full-time experience, or
785 training in:

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

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

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

790 (d) Experience described in paragraph (a) for 1 year and
791 experience described in paragraph (e) for 1 year;

792 (e) No more than 1 year using:

793 1. College coursework related to criminal justice,
794 criminology, or law enforcement administration; or

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

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

800

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

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

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

809 (b) College coursework related to criminal justice,
810 criminology, or law enforcement administration, or successful
811 completion of any law enforcement-related training received from
812 any federal, state, county, or municipal agency, except that no

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813 more than 1 year may be used from this category.

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

815

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

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

821 (b) Effective January 1, 2011 ~~September 1, 2008~~, before
822 submission of an application to the department, the an applicant
823 for a Class "CC" license must have completed a minimum of 40 at
824 least 24 hours of professional training a 40-hour course
825 pertaining to general investigative techniques and this chapter,
826 which course is offered by a state university or by a school,
827 community college, college, or university under the purview of
828 the Department of Education, and the applicant must pass an
829 examination. The training must be provided in two parts, one 24-
830 hour course and one 16-hour course. The certificate evidencing
831 satisfactory completion of the 40 at least 24 hours of
832 professional training a 40-hour course must be submitted with
833 the application for a Class "CC" license. ~~The remaining 16 hours~~
834 ~~must be completed and an examination passed within 180 days. If~~
835 ~~documentation of completion of the required training is not~~
836 ~~submitted within the specified timeframe, the individual's~~
837 ~~license is automatically suspended or his or her authority to~~
838 ~~work as a Class "CC" pursuant to s. 493.6105(9) is rescinded~~
839 ~~until such time as proof of certificate of completion is~~
840 ~~provided to the department.~~ The training course specified in
841 this paragraph may be provided by face-to-face presentation,

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842 online technology, or a home study course in accordance with
843 rules and procedures of the Department of Education. The
844 administrator of the examination must verify the identity of
845 each applicant taking the examination.

846 1. Upon an applicant's successful completion of each part
847 of the approved training ~~course~~ and passage of any required
848 examination, the school, community college, college, or
849 university shall issue a certificate of completion to the
850 applicant. The certificates must be on a form established by
851 rule of the department.

852 2. The department shall establish by rule the general
853 content of the professional training ~~course~~ and the examination
854 criteria.

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

858 (c) An individual who submits an application for a Class
859 "CC" license on or after September 1, 2008, through December 31,
860 2010, who has not completed the 16-hour course must submit proof
861 of successful completion of the course within 180 days after the
862 date the application is submitted. If documentation of
863 completion of the required training is not submitted by that
864 date, the individual's license is automatically suspended until
865 proof of the required training is submitted to the department.
866 An individual licensed on or before August 31, 2008, is not
867 required to complete additional training hours in order to renew
868 an active license beyond the required total amount of training,
869 and within the timeframe, in effect at the time he or she was
870 licensed.

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

873 493.6302 Fees.—

874 (3) The fees set forth in this section must be paid by
875 ~~certified check or money order or, at the discretion of the~~
876 ~~department, by agency check~~ at the time the application is
877 approved, except that the applicant for a Class "D," Class "G,"
878 Class "M," or Class "MB" license must pay the license fee at the
879 time the application is made. If a license is revoked or denied
880 or if the application is withdrawn, the license fee shall not be
881 refunded.

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

884 493.6303 License requirements.—In addition to the license
885 requirements set forth elsewhere in this chapter, each
886 individual or agency shall comply with the following additional
887 requirements:

888 (4) (a) Effective January 1, 2011, an applicant for a Class
889 "D" license must submit proof of successful completion of
890 ~~complete~~ a minimum of 40 hours of professional training at a
891 school or training facility licensed by the department. The
892 training must be provided in two parts, one 24-hour course and
893 one 16-hour course. The department shall by rule establish the
894 general content and number of hours of each subject area to be
895 taught.

896 (b) An individual who submits an application for a Class
897 "D" license on or after January 1, 2007, through December 31,
898 2010, who has not completed the 16-hour course must submit proof
899 of successful completion of the course within 180 days after the

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900 date the application is submitted. If documentation of
901 completion of the required training is not submitted by that
902 date, the individual's license is automatically suspended until
903 proof of the required training is submitted to the department.
904 This section does not require a person licensed before January
905 1, 2007, to complete additional training hours in order to renew
906 an active license beyond the required total amount of training
907 within the timeframe prescribed by law at the time he or she was
908 licensed. An applicant may fulfill the training requirement
909 prescribed in paragraph (a) by submitting proof of:

910 1. Successful completion of the total number of required
911 hours of training before initial application for a Class "D"
912 license; or

913 2. Successful completion of 24 hours of training before
914 initial application for a Class "D" license and successful
915 completion of the remaining 16 hours of training within 180 days
916 after the date that the application is submitted. If
917 documentation of completion of the required training is not
918 submitted within the specified timeframe, the individual's
919 license is automatically suspended until such time as proof of
920 the required training is provided to the department.

921 (c) An individual However, any person whose license is
922 suspended or has been revoked, suspended pursuant to paragraph
923 (b) subparagraph 2., or is expired for at least 1 year, or
924 longer is considered, upon reapplication for a license, an
925 initial applicant and must submit proof of successful completion
926 of 40 hours of professional training at a school or training
927 facility licensed by the department as provided prescribed in
928 paragraph (a) before a license is will be issued. Any person

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929 ~~whose license was issued before January 1, 2007, and whose~~
930 ~~license has been expired for less than 1 year must, upon~~
931 ~~reapplication for a license, submit documentation of completion~~
932 ~~of the total number of hours of training prescribed by law at~~
933 ~~the time her or his initial license was issued before another~~
934 ~~license will be issued. This subsection does not require an~~
935 ~~individual licensed before January 1, 2007, to complete~~
936 ~~additional training hours in order to renew an active license,~~
937 ~~beyond the required total amount of training within the~~
938 ~~timeframe prescribed by law at the time she or he was licensed.~~

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

941 493.6304 Security officer school or training facility.—

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

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

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

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

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

954 493.6401 Classes of licenses.—

955 (7) Any person who operates a recovery agent ~~repossessor~~
956 school or training facility or who conducts an Internet-based
957 training course or a correspondence training course must have a

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958 Class "RS" license.

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

962 Section 24. Paragraphs (f) and (g) of subsection (1) and
963 subsection (3) of section 493.6402, Florida Statutes, are
964 amended to read:

965 493.6402 Fees.—

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

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

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

972 (3) The fees set forth in this section must be paid by
973 ~~certified check or money order, or, at the discretion of the~~
974 ~~department, by agency check~~ at the time the application is
975 approved, except that the applicant for a Class "E," Class "EE,"
976 or Class "MR" license must pay the license fee at the time the
977 application is made. If a license is revoked or denied, or if an
978 application is withdrawn, the license fee shall not be refunded.

979 Section 25. Section 493.6406, Florida Statutes, is amended
980 to read:

981 493.6406 Recovery agent ~~Repossession services~~ school or
982 training facility.—

983 (1) Any school, training facility, or instructor who offers
984 the training outlined in s. 493.6403(2) for Class "E" or Class
985 "EE" applicants shall, before licensure of such school, training
986 facility, or instructor, file with the department an application

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987 accompanied by an application fee in an amount to be determined
988 by rule, not to exceed \$60. The fee shall not be refundable.
989 This training may be offered as face-to-face training, Internet-
990 based training, or correspondence training.

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

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

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

1000 (c) A copy of the training curriculum and final examination
1001 to be administered.

1002 (3) The department shall adopt rules establishing the
1003 criteria for approval of schools, training facilities, and
1004 instructors.

1005 Section 26. Section 500.033, Florida Statutes, is amended
1006 to read:

1007 500.033 Florida Food Safety and Food Defense Advisory
1008 Council.—

1009 (1) There is created the Florida Food Safety and Food
1010 Defense Advisory Council for the purpose of serving as a forum
1011 for presenting, investigating, and evaluating issues of current
1012 importance to the assurance of a safe and secure food supply to
1013 the citizens of Florida. The Florida Food Safety and Food
1014 Defense Advisory Council shall consist of, but not be limited
1015 to: the Commissioner of Agriculture or his or her designee; the

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1016 State Surgeon General or his or her designee; the Secretary of
1017 Business and Professional Regulation or his or her designee; the
1018 person responsible for domestic security with the Department of
1019 Law Enforcement; members representing the production,
1020 processing, distribution, and sale of foods; members
1021 representing small farmers; consumers or members of citizens
1022 groups; representatives of food industry groups; scientists or
1023 other experts in aspects of food safety from state universities;
1024 representatives from local, state, and federal agencies that are
1025 charged with responsibilities for food safety or food defense;
1026 the chairs of the Agriculture Committees of the Senate and the
1027 House of Representatives or their designees; and the chairs of
1028 the committees of the Senate and the House of Representatives
1029 with jurisdictional oversight of home defense issues or their
1030 designees. The Commissioner of Agriculture shall appoint the
1031 remaining members. The council shall make periodic reports to
1032 the Department of Agriculture and Consumer Services concerning
1033 findings and recommendations in the area of food safety and food
1034 defense.

1035 (2) The council shall consider the development of
1036 appropriate advice or recommendations on food safety or food
1037 defense issues. In the discharge of their duties, the council
1038 members may receive for review confidential data exempt from the
1039 provisions of s. 119.07(1); however, it is unlawful for any
1040 member of the council to use the data for his or her advantage
1041 or reveal the data to the general public.

1042 Section 27. Paragraph (a) of subsection (2) of section
1043 501.605, Florida Statutes, is amended to read:

1044 501.605 Licensure of commercial telephone sellers.—

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1045 (2) An applicant for a license as a commercial telephone
1046 seller must submit to the department, in such form as it
1047 prescribes, a written application for the license. The
1048 application must set forth the following information:

1049 (a) The true name, date of birth, driver's license number,
1050 ~~social security number~~, and home address of the applicant,
1051 including each name under which he or she intends to do
1052 business.

1053
1054 The application shall be accompanied by a copy of any: Script,
1055 outline, or presentation the applicant will require or suggest a
1056 salesperson to use when soliciting, or, if no such document is
1057 used, a statement to that effect; sales information or
1058 literature to be provided by the applicant to a salesperson; and
1059 sales information or literature to be provided by the applicant
1060 to a purchaser in connection with any solicitation.

1061 Section 28. Paragraph (a) of subsection (1) of section
1062 501.607, Florida Statutes, is amended to read:

1063 501.607 Licensure of salespersons.—

1064 (1) An applicant for a license as a salesperson must submit
1065 to the department, in such form as it prescribes, a written
1066 application for a license. The application must set forth the
1067 following information:

1068 (a) The true name, date of birth, driver's license number,
1069 ~~social security number~~, and home address of the applicant.

1070 Section 29. Subsection (2) of section 501.913, Florida
1071 Statutes, is amended to read:

1072 501.913 Registration.—

1073 (2) The completed application shall be accompanied by:

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1074 (a) Specimens or facsimiles of the label for each brand of
1075 antifreeze;

1076 (b) An application fee of \$200 for each brand; and

1077 (c) A properly labeled sample of at least 1 gallon, but not
1078 more than 2 gallons, of each brand of antifreeze.

1079 Section 30. Subsection (2) of section 525.01, Florida
1080 Statutes, is amended to read:

1081 525.01 Gasoline and oil to be inspected.—

1082 (2) All petroleum fuels are ~~shall be~~ subject to inspection
1083 and analysis by the department. Before selling or offering for
1084 sale in this state any petroleum fuel, all manufacturers,
1085 terminal suppliers, wholesalers, and importers as defined in s.
1086 206.01 ~~jobbers~~ shall file with the department:

1087 (a) An affidavit stating that they desire to do business in
1088 this state, and the name and address of the manufacturer of the
1089 petroleum fuel.

1090 (b) An affidavit stating that the petroleum fuel is in
1091 conformity with the standards prescribed by department rule.

1092 Section 31. Subsections (1) and (3) of section 525.09,
1093 Florida Statutes, are amended to read:

1094 525.09 Inspection fee.—

1095 (1) For the purpose of defraying the expenses incident to
1096 inspecting, testing, and analyzing petroleum fuels in this
1097 state, there shall be paid to the department a charge of one-
1098 eighth cent per gallon on all gasoline, alternative fuel
1099 containing alcohol as defined in s. 525.01(1)(c)1. or 2.,
1100 kerosene (except when used as aviation turbine fuel), and #1
1101 fuel oil for sale or use in this state. This inspection fee
1102 shall be imposed in the same manner as the motor fuel tax

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1103 pursuant to s. 206.41. Payment shall be made on or before the
1104 25th day of each month.

1105 (3) All remittances to the department for the inspection
1106 tax herein provided shall be accompanied by a detailed report
1107 under oath showing the number of gallons of gasoline,
1108 alternative fuel containing alcohol as defined in s.
1109 525.01(1)(c)1. and 2., kerosene, or fuel oil sold and delivered
1110 in each county.

1111 Section 32. Section 526.50, Florida Statutes, is amended to
1112 read:

1113 526.50 Definition of terms.—As used in this part:

1114 (1) "Brake fluid" means the fluid intended for use as the
1115 liquid medium through which force is transmitted in the
1116 hydraulic brake system of a vehicle operated upon the highways.

1117 (2) "Brand" means the product name appearing on the label
1118 of a container of brake fluid.

1119 (3) "Container" means any receptacle in which brake fluid
1120 is immediately contained when sold, but does not mean a carton
1121 or wrapping in which a number of such receptacles are shipped or
1122 stored or a tank car or truck.

1123 (4)~~(2)~~ "Department" means the Department of Agriculture and
1124 Consumer Services.

1125 (5) "Formula" means the name of the chemical mixture or
1126 composition of the brake fluid product.

1127 (6) "Labeling" includes all written, printed or graphic
1128 representations, in any form whatsoever, imprinted upon or
1129 affixed to any container of brake fluid.

1130 (7) "Permit year" means a period of 12 months commencing
1131 July 1 and ending on the next succeeding June 30.

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1132 (8) "Registrant" means any manufacturer, packer,
1133 distributor, seller, or other person who has registered a brake
1134 fluid with the department.

1135 (9)~~(3)~~ "Sell" includes give, distribute, barter, exchange,
1136 trade, keep for sale, offer for sale or expose for sale, in any
1137 of their variant forms.

1138 ~~(4) "Labeling" includes all written, printed or graphic~~
1139 ~~representations, in any form whatsoever, imprinted upon or~~
1140 ~~affixed to any container of brake fluid.~~

1141 ~~(5) "Container" means any receptacle in which brake fluid~~
1142 ~~is immediately contained when sold, but does not mean a carton~~
1143 ~~or wrapping in which a number of such receptacles are shipped or~~
1144 ~~stored or a tank car or truck.~~

1145 ~~(6) "Permit year" means a period of 12 months commencing~~
1146 ~~July 1 and ending on the next succeeding June 30.~~

1147 ~~(7) "Registrant" means any manufacturer, packer,~~
1148 ~~distributor, seller, or other person who has registered a brake~~
1149 ~~fluid with the department.~~

1150 Section 33. Section 526.51, Florida Statutes, is amended to
1151 read:

1152 526.51 Registration; renewal and fees; departmental
1153 expenses; cancellation or refusal to issue or renew.-

1154 (1) (a) Application for registration of each brand of brake
1155 fluid shall be made on forms to be supplied by the department.
1156 The applicant shall give his or her name and address and the
1157 brand name of the brake fluid, state that he or she owns the
1158 brand name and has complete control over the product sold
1159 thereunder in Florida, and provide the name and address of the
1160 resident agent in Florida. If the applicant does not own the

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1161 brand name but wishes to register the product with the
1162 department, a notarized affidavit that gives the applicant full
1163 authorization to register the brand name and that is signed by
1164 the owner of the brand name must accompany the application for
1165 registration. The affidavit must include all affected brand
1166 names, the owner's company or corporate name and address, the
1167 applicant's company or corporate name and address, and a
1168 statement from the owner authorizing the applicant to register
1169 the product with the department. The owner of the brand name
1170 shall maintain complete control over each product sold under
1171 that brand name in this state. All first-time brand-formula
1172 combination ~~new product~~ applications must be accompanied by a
1173 certified report from an independent testing laboratory, setting
1174 forth the analysis of the brake fluid which shall show its
1175 quality to be not less than the specifications established by
1176 the department for brake fluids. A sample of not less than 24
1177 fluid ounces of brake fluid shall be submitted, in a container
1178 or containers, with labels representing exactly how the
1179 containers of brake fluid will be labeled when sold, and the
1180 sample and container shall be analyzed and inspected by the
1181 Division of Standards in order that compliance with the
1182 department's specifications and labeling requirements may be
1183 verified. Upon approval of the application, the department shall
1184 register the brand name of the brake fluid and issue to the
1185 applicant a permit authorizing the registrant to sell the brake
1186 fluid in this state during the permit year specified in the
1187 permit.

1188 (b) Each applicant shall pay a fee of \$100 with each
1189 application. A permit may be renewed by application to the

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1190 department, accompanied by a renewal fee of \$50 on or before the
1191 last day of the permit year immediately preceding the permit
1192 year for which application is made for renewal of registration.
1193 To any fee not paid when due, there shall accrue a penalty of
1194 \$25, which shall be added to the renewal fee. Renewals will be
1195 accepted only on brake fluids that have no change in formula,
1196 composition, or brand name. Any change in formula, composition,
1197 or brand name of any brake fluid constitutes a new product that
1198 must be registered in accordance with this part.

1199 (2) All fees collected under the provisions of this section
1200 shall be credited to the General Inspection Trust Fund of the
1201 department and all expenses incurred in the enforcement of this
1202 part shall be paid from said fund.

1203 (3) The department may cancel, refuse to issue or refuse to
1204 renew any registration and permit after due notice and
1205 opportunity to be heard if it finds that the brake fluid is
1206 adulterated or misbranded or that the registrant has failed to
1207 comply with the provisions of this part or the rules and
1208 regulations promulgated thereunder.

1209 Section 34. Paragraph (a) of subsection (3) of section
1210 526.52, Florida Statutes, is amended to read:

1211 526.52 Specifications; adulteration and misbranding.-

1212 (3) Brake fluid is deemed to be misbranded:

1213 (a) If its container does not bear on its side or top a
1214 label on which is printed the name and place of business of the
1215 registrant of the product, the words "brake fluid," and a
1216 statement that the product therein equals or exceeds the minimum
1217 specification of the Society of Automotive Engineers for heavy-
1218 duty-type brake fluid or equals or exceeds Federal Motor Vehicle

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1219 Safety Standard No. 116 adopted by the United States Department
1220 of Transportation, ~~heavy-duty type~~. By regulation the department
1221 may require that the duty-type classification appear on the
1222 label.

1223 Section 35. Subsection (2) of section 526.53, Florida
1224 Statutes, is amended to read:

1225 526.53 Enforcement; inspection and analysis, stop-sale and
1226 disposition, regulations.—

1227 (2) (a) When any brake fluid is sold in violation of any of
1228 the provisions of this part, all such affected brake fluid of
1229 the same brand name ~~on the same premises on which the violation~~
1230 ~~occurred~~ shall be placed under a stop-sale order by the
1231 department by serving the owner of the brand name, distributor,
1232 or other entity responsible for selling or distributing the
1233 product in the state with the stop-sale order. The department
1234 shall withdraw its stop-sale order upon the removal of the
1235 violation or upon voluntary destruction of the product, or other
1236 disposal approved by the department, under the supervision of
1237 the department.

1238 (b) In addition to being subject to the stop-sale
1239 procedures above, unregistered brake fluid shall be held by the
1240 department or its representative, at a place to be designated in
1241 the stop-sale order, until properly registered and released in
1242 writing by the department or its representative. If application
1243 is ~~has~~ not ~~been~~ made for registration of the ~~such~~ product within
1244 30 days after issue of the stop-sale order, such product shall
1245 be disposed of by the department, or, with the department's
1246 consent, by the business, to any tax-supported institution or
1247 agency of the state if the brake fluid meets legal

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1248 specifications or by other disposal authorized by rule of the
1249 department if it fails to meet legal specifications.

1250 Section 36. Subsections (1) and (3) and paragraphs (a) and
1251 (c) of subsection (5) of section 527.0201, Florida Statutes, are
1252 amended to read:

1253 527.0201 Qualifiers; master qualifiers; examinations.—

1254 (1) In addition to the requirements of s. 527.02, any
1255 person applying for a license to engage in the activities of a
1256 pipeline system operator, category I liquefied petroleum gas
1257 dealer, category II liquefied petroleum gas dispenser, category
1258 IV liquefied petroleum gas dispenser and recreational vehicle
1259 servicer, category V liquefied petroleum gases dealer for
1260 industrial uses only, LP gas installer, specialty installer,
1261 requalifier ~~requalification~~ of cylinders, or fabricator,
1262 repairer, and tester of vehicles and cargo tanks must prove
1263 competency by passing a written examination administered by the
1264 department or its agent with a grade of at least 75 percent in
1265 each area tested ~~or above~~. Each applicant for examination shall
1266 submit a \$20 nonrefundable fee. The department shall by rule
1267 specify the general areas of competency to be covered by each
1268 examination and the relative weight to be assigned in grading
1269 each area tested.

1270 (3) Qualifier cards issued to category I liquefied
1271 petroleum gas dealers and liquefied petroleum gas installers
1272 shall expire 3 years after the date of issuance. All category I
1273 liquefied petroleum gas dealer qualifiers and liquefied
1274 petroleum gas installer qualifiers holding a valid qualifier
1275 card upon the effective date of this act shall retain their
1276 qualifier status until July 1, 2003, and may sit for the master

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1277 | qualifier examination at any time during that time period. All
1278 | such category I liquefied petroleum gas dealer qualifiers and
1279 | liquefied petroleum gas installer qualifiers may renew their
1280 | qualification on or before July 1, 2003, upon application to the
1281 | department, payment of a \$20 renewal fee, and documentation of
1282 | the completion of a minimum of 16 ~~12~~ hours of approved
1283 | continuing education courses, as defined by department rule,
1284 | during the previous 3-year period. Applications for renewal must
1285 | be made 30 calendar days prior to expiration. Persons failing to
1286 | renew prior to the expiration date must reapply and take a
1287 | qualifier competency examination in order to reestablish
1288 | category I liquefied petroleum gas dealer qualifier and
1289 | liquefied petroleum gas installer qualifier status. If a
1290 | category I liquefied petroleum gas qualifier or liquefied
1291 | petroleum gas installer qualifier becomes a master qualifier at
1292 | any time during the effective date of the qualifier card, the
1293 | card shall remain in effect until expiration of the master
1294 | qualifier certification.

1295 | (5) In addition to all other licensing requirements, each
1296 | category I liquefied petroleum gas dealer and liquefied
1297 | petroleum gas installer must, at the time of application for
1298 | licensure, identify to the department one master qualifier who
1299 | is a full-time employee at the licensed location. This person
1300 | shall be a manager, owner, or otherwise primarily responsible
1301 | for overseeing the operations of the licensed location and must
1302 | provide documentation to the department as provided by rule. The
1303 | master qualifier requirement shall be in addition to the
1304 | requirements of subsection (1).

1305 | (a) In order to apply for certification as a master

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1306 qualifier, each applicant must be a category I liquefied
1307 petroleum gas dealer qualifier or liquefied petroleum gas
1308 installer qualifier, must be employed by a licensed category I
1309 liquefied petroleum gas dealer, liquefied petroleum gas
1310 installer, or applicant for such license, must provide
1311 documentation of a minimum of 1 year's work experience in the
1312 gas industry, and must pass a master qualifier competency
1313 examination. Master qualifier examinations shall be based on
1314 Florida's laws, rules, and adopted codes governing liquefied
1315 petroleum gas safety, general industry safety standards, and
1316 administrative procedures. The examination must be successfully
1317 passed ~~completed~~ by the applicant with a grade of at least 75
1318 percent ~~or more~~. Each applicant for master qualifier status
1319 shall submit to the department a nonrefundable \$30 examination
1320 fee prior to the examination.

1321 (c) Master qualifier status shall expire 3 years after the
1322 date of issuance of the certificate and may be renewed by
1323 submission to the department of documentation of completion of
1324 at least 16 ~~12~~ hours of approved continuing education courses
1325 during the 3-year period; proof of employment with a licensed
1326 category I liquefied petroleum gas dealer, liquefied petroleum
1327 gas installer, or applicant; and a \$30 certificate renewal fee.
1328 The department shall define, by rule, approved courses of
1329 continuing education.

1330 Section 37. Section 527.12, Florida Statutes, is amended to
1331 read:

1332 527.12 Cease and desist orders; stop-use orders; stop-
1333 operation orders; stop-sale orders; administrative fines.-

1334 (1) Whenever the department has ~~shall have~~ reason to

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1335 believe that any person is violating or has violated ~~been~~
1336 ~~violating provisions of this chapter or any rules adopted under~~
1337 ~~this chapter pursuant thereto, the department~~ it may issue a
1338 cease and desist order, or ~~or~~ impose a civil penalty, or do both
1339 ~~may issue such cease and desist order and impose a civil~~
1340 ~~penalty.~~

1341 (2) Whenever a person or liquefied petroleum gas system or
1342 storage facility, or any part or component thereof, fails to
1343 comply with this chapter or any rules adopted under this
1344 chapter, the department may issue a stop-use order, stop-
1345 operation order, or stop-sale order.

1346 Section 38. Subsection (1) of section 559.805, Florida
1347 Statutes, is amended to read:

1348 559.805 Filings with the department; disclosure of
1349 advertisement identification number.—

1350 (1) Every seller of a business opportunity shall annually
1351 file with the department a copy of the disclosure statement
1352 required by s. 559.803 before ~~prior to~~ placing an advertisement
1353 or making any other representation designed to offer to, sell
1354 to, or solicit an offer to buy a business opportunity from a
1355 prospective purchaser in this state and shall update this filing
1356 by reporting any material change in the required information
1357 within 30 days after the material change occurs. An
1358 advertisement is not placed in the state merely because the
1359 publisher circulates, or there is circulated on his or her
1360 behalf in the state, any bona fide newspaper or other
1361 publication of general, regular, and paid circulation which has
1362 had more than two-thirds of its circulation during the past 12
1363 months outside the state or because a radio or television

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1364 program originating outside the state is received in the state.
1365 If the seller is required by s. 559.807 to provide a bond or
1366 establish a trust account or guaranteed letter of credit, he or
1367 she shall contemporaneously file with the department a copy of
1368 the bond, a copy of the formal notification by the depository
1369 that the trust account is established, or a copy of the
1370 guaranteed letter of credit. Every seller of a business
1371 opportunity shall file with the department a list of independent
1372 agents who will engage in the offer or sale of business
1373 opportunities on behalf of the seller in this state. This list
1374 must be kept current and shall include the following
1375 information: name, home and business address, telephone number,
1376 present employer, ~~social security number,~~ and birth date. A ~~No~~
1377 person may not ~~shall be allowed to~~ offer or sell business
1378 opportunities unless the required information is ~~has been~~
1379 provided to the department.

1380 Section 39. Subsection (3) of section 559.928, Florida
1381 Statutes, is amended to read:

1382 559.928 Registration.—

1383 (3) Each independent agent shall annually file an affidavit
1384 with the department before ~~prior to~~ engaging in business in this
1385 state. This affidavit must include the independent agent's full
1386 name, legal business or trade name, mailing address, business
1387 address, telephone number, ~~social security number,~~ and the name
1388 or names and addresses of each seller of travel represented by
1389 the independent agent. A letter evidencing proof of filing must
1390 be issued by the department and must be prominently displayed in
1391 the independent agent's primary place of business. Each
1392 independent agent must also submit an annual registration fee of

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1393 \$50. All moneys collected pursuant to the imposition of the fee
1394 shall be deposited by the Chief Financial Officer into the
1395 General Inspection Trust Fund of the Department of Agriculture
1396 and Consumer Services for the sole purpose of administrating
1397 this part. As used in this subsection, the term "independent
1398 agent" means a person who represents a seller of travel by
1399 soliciting persons on its behalf; who has a written contract
1400 with a seller of travel which is operating in compliance with
1401 this part and any rules adopted thereunder; who does not receive
1402 a fee, commission, or other valuable consideration directly from
1403 the purchaser for the seller of travel; who does not at any time
1404 have any unissued ticket stock or travel documents in his or her
1405 possession; and who does not have the ability to issue tickets,
1406 vacation certificates, or any other travel document. The term
1407 "independent agent" does not include an affiliate of the seller
1408 of travel, as that term is used in s. 559.935(3), or the
1409 employees of the seller of travel or of such affiliates.

1410 Section 40. Subsection (7) of section 570.0725, Florida
1411 Statutes, is amended to read:

1412 570.0725 Food recovery; legislative intent; department
1413 functions.—

1414 (7) For public information purposes, the department may
1415 ~~shall~~ develop and provide a public information ~~brochure~~
1416 detailing the need for food banks and similar ~~of~~ food recovery
1417 programs, the benefit of such ~~food recovery~~ programs, the manner
1418 in which ~~such~~ organizations may become involved in such ~~food~~
1419 ~~recovery~~ programs, and the protection afforded to such programs
1420 under s. 768.136, ~~and the food recovery entities or food banks~~
1421 ~~that exist in the state. This brochure must be updated annually.~~

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1422 A food bank or similar food recovery organization seeking to be
1423 included on a list of such organizations must notify the
1424 department and provide the information required by rule of the
1425 department. Such organizations are responsible for updating the
1426 information and providing the updated information to the
1427 department. The department may adopt rules to implement this
1428 section.

1429 Section 41. Paragraph (e) of subsection (6) of section
1430 570.53, Florida Statutes, is amended to read:

1431 570.53 Division of Marketing and Development; powers and
1432 duties.—The powers and duties of the Division of Marketing and
1433 Development include, but are not limited to:

1434 (6)

1435 (e) Extending in every practicable way the distribution and
1436 sale of Florida agricultural products throughout the markets of
1437 the world as required of the department by s. ss. ~~570.07(7),~~
1438 ~~(8), (10), and (11) and 570.071~~ and chapters 571, 573, and 574.

1439 Section 42. Subsection (2) of section 570.54, Florida
1440 Statutes, is amended to read:

1441 570.54 Director; duties.—

1442 (2) It shall be the duty of the director of this division
1443 to supervise, direct, and coordinate the activities authorized
1444 by ss. 570.07(4), (7), (8), (10), (11), (12), (17), (18), and
1445 (20), ~~570.071~~, 570.21, 534.47-534.53, and 604.15-604.34 and
1446 chapters 504, 571, 573, and 574 and to exercise other powers and
1447 authority as authorized by the department.

1448 Section 43. Subsection (4) of section 570.55, Florida
1449 Statutes, is amended to read:

1450 570.55 Identification of sellers or handlers of tropical or

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1451 subtropical fruit and vegetables; containers specified;
1452 penalties.—

1453 (4) IDENTIFICATION OF HANDLER.—At the time of each
1454 transaction involving the handling or sale of 55 pounds or more
1455 of tropical or subtropical fruit or vegetables in the primary
1456 channel of trade, the buyer or receiver of the tropical or
1457 subtropical fruit or vegetables shall demand a bill of sale,
1458 invoice, sales memorandum, or other document listing the date of
1459 the transaction, the quantity of the tropical or subtropical
1460 fruit or vegetables involved in the transaction, and the
1461 identification of the seller or handler as it appears on the
1462 driver's license of the seller or handler, including the
1463 driver's license number. If the seller or handler does not
1464 possess a driver's license, the buyer or receiver shall use any
1465 other acceptable means of identification, which may include, but
1466 is not limited to, i.e., voter's registration card and number,
1467 draft card, ~~social security card,~~ or other identification.
1468 However, no less than two identification documents shall be
1469 used. The identification of the seller or handler shall be
1470 recorded on the bill of sale, sales memorandum, invoice, or
1471 voucher, which shall be retained by the buyer or receiver for a
1472 period of not less than 1 year from the date of the transaction.

1473 Section 44. Subsection (3) of section 570.902, Florida
1474 Statutes, is amended to read:

1475 570.902 Definitions; ss. 570.902 and 570.903.—For the
1476 purpose of ss. 570.902 and 570.903:

1477 (3) ~~"Museum" means the Florida Agricultural Museum which is~~
1478 ~~designated as the museum for agriculture and rural history of~~
1479 ~~the State of Florida.~~

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1480 Section 45. Section 570.903, Florida Statutes, is amended
1481 to read:

1482 570.903 Direct-support organization.—

1483 (1) When the Legislature authorizes the establishment of a
1484 direct-support organization to provide assistance for ~~the~~
1485 ~~museums,~~ the Florida Agriculture in the Classroom Program, ~~the~~
1486 ~~Florida State Collection of Arthropods,~~ the Friends of the
1487 Florida State Forests Program of the Division of Forestry, and
1488 the Forestry Arson Alert Program, and other programs of the
1489 department, the following provisions shall govern the creation,
1490 use, powers, and duties of the direct-support organization.

1491 (a) The department shall enter into a memorandum or letter
1492 of agreement with the direct-support organization, which shall
1493 specify the approval of the department, the powers and duties of
1494 the direct-support organization, and rules with which the
1495 direct-support organization shall comply.

1496 (b) The department may permit, without charge, appropriate
1497 use of property, facilities, and personnel of the department by
1498 a direct-support organization, subject to the provisions of ss.
1499 570.902 and 570.903. The use shall be directly in keeping with
1500 the approved purposes of the direct-support organization and
1501 shall not be made at times or places that would unreasonably
1502 interfere with opportunities for the general public to use
1503 department facilities for established purposes.

1504 (c) The department shall prescribe by contract or by rule
1505 conditions with which a direct-support organization shall comply
1506 in order to use property, facilities, or personnel of the
1507 department ~~or museum~~. Such rules shall provide for budget and
1508 audit review and oversight by the department.

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1509 (d) The department shall not permit the use of property,
1510 facilities, or personnel of the ~~museum~~, department, or
1511 designated program by a direct-support organization which does
1512 not provide equal employment opportunities to all persons
1513 regardless of race, color, religion, sex, age, or national
1514 origin.

1515 (2) (a) The direct-support organization shall be empowered
1516 to conduct programs and activities; raise funds; request and
1517 receive grants, gifts, and bequests of money; acquire, receive,
1518 hold, invest, and administer, in its own name, securities,
1519 funds, objects of value, or other property, real or personal;
1520 and make expenditures to or for the direct or indirect benefit
1521 of the ~~museum~~ or designated program.

1522 (b) Notwithstanding the provisions of s. 287.057, the
1523 direct-support organization may enter into contracts or
1524 agreements with or without competitive bidding for the
1525 ~~restoration of objects, historical buildings, and other~~
1526 ~~historical materials or for the purchase of objects, historical~~
1527 ~~buildings, and other historical materials which are to be added~~
1528 ~~to the collections of the museum, or benefit of~~ of the designated
1529 program. However, before the direct-support organization may
1530 enter into a contract or agreement without competitive bidding,
1531 the direct-support organization shall file a certification of
1532 conditions and circumstances with the internal auditor of the
1533 department justifying each contract or agreement.

1534 (c) Notwithstanding the provisions of s. 287.025(1) (e), the
1535 direct-support organization may enter into contracts to insure
1536 property of the ~~museum~~ or designated programs and ~~may insure~~
1537 ~~objects or collections on loan from others in satisfying~~

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1538 ~~security terms of the lender.~~

1539 (3) The direct-support organization shall provide for an
1540 annual financial audit in accordance with s. 215.981.

1541 (4) Neither a designated program ~~or a museum,~~ nor a
1542 nonprofit corporation trustee or employee may:

1543 (a) Receive a commission, fee, or financial benefit in
1544 connection with the sale or exchange of property ~~historical~~
1545 ~~objects or properties~~ to the direct-support organization, ~~the~~
1546 ~~museum,~~ or the designated program; or

1547 (b) Be a business associate of any individual, firm, or
1548 organization involved in the sale or exchange of property to the
1549 direct-support organization, ~~the museum,~~ or the designated
1550 program.

1551 (5) All moneys received by the direct-support organization
1552 shall be deposited into an account of the direct-support
1553 organization and shall be used by the organization in a manner
1554 consistent with the goals of the ~~museum or~~ designated program.

1555 (6) The identity of a donor or prospective donor who
1556 desires to remain anonymous and all information identifying such
1557 donor or prospective donor are confidential and exempt from the
1558 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
1559 Constitution.

1560 (7) The Commissioner of Agriculture, or the commissioner's
1561 designee, may serve on the board of trustees and the executive
1562 committee of any direct-support organization established to
1563 benefit ~~the museum or~~ any designated program.

1564 ~~(8) The department shall establish by rule archival~~
1565 ~~procedures relating to museum artifacts and records. The rules~~
1566 ~~shall provide procedures which protect the museum's artifacts~~

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1567 ~~and records equivalent to those procedures which have been~~
1568 ~~established by the Department of State under chapters 257 and~~
1569 ~~267.~~

1570 Section 46. Subsection (4) of section 573.118, Florida
1571 Statutes, is amended to read:

1572 573.118 Assessment; funds; audit; loans.—

1573 (4) In the event of levying and collecting of assessments,
1574 for each fiscal year in which assessment funds are received by
1575 the department, the department shall maintain records of
1576 collections and expenditures for each marketing order separately
1577 within the state's accounting system. If requested by an
1578 advisory council, department staff shall cause to be made a
1579 thorough annual audit of the books and accounts by a certified
1580 public accountant, such audit to be completed within 60 days
1581 after the request is received end of the fiscal year. The
1582 advisory council department and all producers and handlers
1583 covered by the marketing order shall be provided a copy of the
1584 properly advised of the details of the annual official audit of
1585 the accounts as shown by the certified public accountant within
1586 30 days after completion of the audit.

1587 Section 47. Subsections (18) through (30) of section
1588 581.011, Florida Statutes, are renumbered as subsections (17)
1589 through (29), respectively, and present subsections (17) and
1590 (20) of that section are amended to read:

1591 581.011 Definitions.—As used in this chapter:

1592 ~~(17) "Museum" means the Florida State Collection of~~
1593 ~~Arthropods.~~

1594 (19) ~~(20)~~ "Nursery" means any grounds or premises on or in
1595 which nursery stock is grown, propagated, or held for sale or

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1596 distribution, including ~~except where~~ aquatic plant species are
1597 tended for harvest in the natural environment.

1598 Section 48. Paragraph (a) of subsection (3) of section
1599 581.211, Florida Statutes, is amended to read:

1600 581.211 Penalties for violations.—

1601 (3) (a) 1. In addition to any other provision of law, the
1602 department may, after notice and hearing, impose an
1603 administrative fine not exceeding \$10,000 ~~\$5,000~~ for each
1604 violation of this chapter, upon any person, nurseryman, stock
1605 dealer, agent or plant broker. The fine, when paid, shall be
1606 deposited in the Plant Industry Trust Fund. In addition, the
1607 department may place the violator on probation for up to 1 year,
1608 with conditions.

1609 2. The imposition of a fine or probation pursuant to this
1610 subsection may be in addition to or in lieu of the suspension or
1611 revocation of a certificate of registration or certificate of
1612 inspection.

1613 Section 49. Section 583.13, Florida Statutes, is amended to
1614 read:

1615 583.13 Labeling and advertising requirements for dressed
1616 poultry; unlawful acts.—

1617 (1) It is unlawful for any dealer or broker to sell, offer
1618 for sale, or hold for the purpose of sale in the state any
1619 dressed or ready-to-cook poultry in bulk unless the ~~such~~ poultry
1620 is packed in a container clearly bearing a label, not less than
1621 3 inches by 5 inches, on which shall be plainly and legibly
1622 printed, in letters of not less than 1/4 inch high ~~in height~~,
1623 ~~the grade and~~ the part name or whole-bird statement of such
1624 poultry. ~~The grade may be expressed in the term "premium,"~~

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1625 ~~"good," or "standard," or as the grade of another state or~~
1626 ~~federal agency the standards of quality of which, by law, are~~
1627 ~~equal to the standards of quality provided by this law and rules~~
1628 ~~promulgated hereunder.~~

1629 (2) It is unlawful to sell unpackaged dressed or ready-to-
1630 cook poultry at retail unless such poultry is labeled by a
1631 placard immediately adjacent to the poultry or unless each bird
1632 is individually labeled to show ~~the grade and~~ the part name or
1633 whole-bird statement. The placard shall be no smaller than 7
1634 inches by 7 inches in size, and the required labeling
1635 information shall be legibly and plainly printed on the placard
1636 in letters not smaller than 1 inch in height.

1637 (3) It is unlawful to sell packaged dressed or ready-to-
1638 cook poultry at retail unless such poultry is labeled to show
1639 ~~the grade,~~ the part name or whole-bird statement, the net weight
1640 of the poultry, and the name and address of the dealer. The size
1641 of the type on the label must be one-eighth inch or larger. A
1642 placard immediately adjacent to such poultry may be used to
1643 indicate ~~the grade and~~ the part name or whole-bird statement,
1644 but not the net weight of the poultry or the name and address of
1645 the dealer.

1646 (4) It is unlawful to use dressed or ready-to-cook poultry
1647 in bulk in the preparation of food served to the public, or to
1648 hold such poultry for the purpose of such use, unless the
1649 poultry when received was packed in a container clearly bearing
1650 a label, not less than 3 inches by 5 inches, on which was
1651 plainly and legibly printed, in letters not less than 1/4 ~~one-~~
1652 ~~fourth~~ inch high ~~in height,~~ ~~the grade and~~ the part name or
1653 whole-bird statement of such poultry. ~~The grade may be expressed~~

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1654 ~~in the term "premium," "good," or "standard," or as the grade of~~
1655 ~~another state or federal agency the standards of quality of~~
1656 ~~which, by law, are equal to the standards of quality provided by~~
1657 ~~this law and rules promulgated hereunder.~~

1658 (5) It is unlawful to offer dressed or ready-to-cook
1659 poultry for sale in any advertisement in a newspaper or
1660 circular, on radio or television, or in any other form of
1661 advertising without plainly designating in such advertisement
1662 ~~the grade and the part name or whole-bird statement of such~~
1663 ~~poultry.~~

1664 Section 50. Subsection (1) of section 585.61, Florida
1665 Statutes, is amended to read:

1666 585.61 Animal disease diagnostic laboratories.—

1667 (1) There is hereby created and established an animal
1668 disease diagnostic laboratory in Osceola County and Suwannee
1669 County. The laboratory complex in Osceola County is designated
1670 as "The Bronson Animal Disease Diagnostic Laboratory."

1671 Section 51. Section 590.125, Florida Statutes, is amended
1672 to read:

1673 590.125 Open burning authorized by the division.—

1674 (1) DEFINITIONS.—As used in this section, the term:

1675 (a) "Certified pile burner" means an individual who
1676 successfully completes the division's pile burning certification
1677 program and possesses a valid pile burner certification number.

1678 ~~(a) "Prescribed burning" means the controlled application~~
1679 ~~of fire in accordance with a written prescription for vegetative~~
1680 ~~fuels under specified environmental conditions while following~~
1681 ~~appropriate precautionary measures that ensure that the fire is~~
1682 ~~confined to a predetermined area to accomplish the planned fire~~

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1683 ~~or land-management objectives.~~

1684 (b) "Certified prescribed burn manager" means an individual
1685 who successfully completes the certified prescribed burning
1686 ~~certification~~ program of the division and possesses a valid
1687 certification number.

1688 ~~(c) "Prescription" means a written plan establishing the~~
1689 ~~criteria necessary for starting, controlling, and extinguishing~~
1690 ~~a prescribed burn.~~

1691 ~~(c)(d)~~ "Extinguished" means: that no spreading flame

1692 1. For wild land burning or certified prescribed burning,
1693 that no spreading flames exist. ~~and no visible flame, smoke, or~~
1694 ~~emissions~~

1695 2. For vegetative land-clearing debris burning or pile
1696 burning, that no visible flames exist.

1697 3. For vegetative land-clearing debris burning or pile
1698 burning in an area designated as smoke sensitive by the
1699 division, that no visible flames, smoke, or emissions exist.

1700 (d) "Land-clearing operation" means the uprooting or
1701 clearing of vegetation in connection with the construction of
1702 buildings and rights-of-way, land development, and mineral
1703 operations. The term does not include the clearing of yard
1704 trash.

1705 (e) "Pile burning" means the burning of silvicultural,
1706 agricultural, or land-clearing and tree-cutting debris
1707 originating onsite, which is stacked together in a round or
1708 linear fashion, including, but not limited to, a windrow.

1709 (f) "Prescribed burning" means the controlled application
1710 of fire in accordance with a written prescription for vegetative
1711 fuels under specified environmental conditions while following

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1712 appropriate precautionary measures that ensure that the fire is
1713 confined to a predetermined area to accomplish the planned fire
1714 or land-management objectives.

1715 (g) "Prescription" means a written plan establishing the
1716 criteria necessary for starting, controlling, and extinguishing
1717 a prescribed burn.

1718 (h) "Yard trash" means vegetative matter resulting from
1719 landscaping and yard maintenance operations and other such
1720 routine property cleanup activities. The term includes materials
1721 such as leaves, shrub trimmings, grass clippings, brush, and
1722 palm fronds.

1723 (2) NONCERTIFIED BURNING.—

1724 (a) Persons may be authorized to burn wild land or
1725 vegetative land-clearing debris in accordance with this
1726 subsection if:

1727 1. There is specific consent of the landowner or his or her
1728 designee;

1729 2. Authorization has been obtained from the division or its
1730 designated agent before starting the burn;

1731 3. There are adequate firebreaks at the burn site and
1732 sufficient personnel and firefighting equipment for the control
1733 of the fire;

1734 4. The fire remains within the boundary of the authorized
1735 area;

1736 5. Someone is present at the burn site until the fire is
1737 extinguished;

1738 6. The division does not cancel the authorization; and

1739 7. The division determines that air quality and fire danger
1740 are favorable for safe burning.

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1741 (b) A person who burns wild land or vegetative land-
1742 clearing debris in a manner that violates any requirement of
1743 this subsection commits a misdemeanor of the second degree,
1744 punishable as provided in s. 775.082 or s. 775.083.

1745 (3) CERTIFIED PRESCRIBED BURNING; LEGISLATIVE FINDINGS AND
1746 PURPOSE.—

1747 (a) The application of prescribed burning is a land
1748 management tool that benefits the safety of the public, the
1749 environment, and the economy of the state. The Legislature finds
1750 that:

1751 1. Prescribed burning reduces vegetative fuels within wild
1752 land areas. Reduction of the fuel load reduces the risk and
1753 severity of wildfire, thereby reducing the threat of loss of
1754 life and property, particularly in urban areas.

1755 2. Most of Florida's natural communities require periodic
1756 fire for maintenance of their ecological integrity. Prescribed
1757 burning is essential to the perpetuation, restoration, and
1758 management of many plant and animal communities. Significant
1759 loss of the state's biological diversity will occur if fire is
1760 excluded from fire-dependent systems.

1761 3. Forestland and rangeland constitute significant
1762 economic, biological, and aesthetic resources of statewide
1763 importance. Prescribed burning on forestland prepares sites for
1764 reforestation, removes undesirable competing vegetation,
1765 expedites nutrient cycling, and controls or eliminates certain
1766 forest pathogens. On rangeland, prescribed burning improves the
1767 quality and quantity of herbaceous vegetation necessary for
1768 livestock production.

1769 4. The state purchased hundreds of thousands of acres of

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1770 land for parks, preserves, wildlife management areas, forests,
1771 and other public purposes. The use of prescribed burning for
1772 management of public lands is essential to maintain the specific
1773 resource values for which these lands were acquired.

1774 5. A public education program is necessary to make citizens
1775 and visitors aware of the public safety, resource, and economic
1776 benefits of prescribed burning.

1777 6. Proper training in the use of prescribed burning is
1778 necessary to ensure maximum benefits and protection for the
1779 public.

1780 7. As Florida's population continues to grow, pressures
1781 from liability issues and nuisance complaints inhibit the use of
1782 prescribed burning. Therefore, the division is urged to maximize
1783 the opportunities for prescribed burning conducted during its
1784 daytime and nighttime authorization process.

1785 (b) Certified prescribed burning pertains only to broadcast
1786 burning for purposes of silviculture, wildlife management,
1787 ecological maintenance and restoration, hazardous fuels
1788 reduction, and range and pasture management. It must be
1789 conducted in accordance with this subsection and:

1790 1. May be accomplished only when a certified prescribed
1791 burn manager is present on site with a copy of the prescription
1792 from ignition of the burn to its completion.

1793 2. Requires that a written prescription be prepared before
1794 receiving authorization to burn from the division.

1795 3. Requires that the specific consent of the landowner or
1796 his or her designee be obtained before requesting an
1797 authorization.

1798 4. Requires that an authorization to burn be obtained from

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1799 the division before igniting the burn.

1800 5. Requires that there be adequate firebreaks at the burn
1801 site and sufficient personnel and firefighting equipment for the
1802 control of the fire.

1803 6. Is considered to be in the public interest and does not
1804 constitute a public or private nuisance when conducted under
1805 applicable state air pollution statutes and rules.

1806 7. Is considered to be a property right of the property
1807 owner if vegetative fuels are burned as required in this
1808 subsection.

1809 (c) Neither a property owner nor his or her agent is liable
1810 pursuant to s. 590.13 for damage or injury caused by the fire or
1811 resulting smoke or considered to be in violation of subsection
1812 (2) for burns conducted in accordance with this subsection
1813 unless gross negligence is proven.

1814 (d) Any certified burner who violates this section commits
1815 a misdemeanor of the second degree, punishable as provided in s.
1816 775.082 or s. 775.083.

1817 (e) The division shall adopt rules for the use of
1818 prescribed burning and for certifying and decertifying certified
1819 prescribed burn managers based on their past experience,
1820 training, and record of compliance with this section.

1821 (4) CERTIFIED PILE BURNING; LEGISLATIVE FINDINGS AND
1822 PURPOSE.—

1823 (a) Pile burning is a tool that benefits current and future
1824 generations in Florida by disposing of naturally occurring
1825 vegetative debris through burning rather than disposing of the
1826 debris in landfills.

1827 (b) Certified pile burning pertains to the disposal of

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1828 piled, naturally occurring debris from an agricultural,
1829 silvicultural, or temporary land-clearing operation. A land-
1830 clearing operation is temporary if it operates for 6 months or
1831 less. Certified pile burning must be conducted in accordance
1832 with this subsection, and:

1833 1. A certified pile burner must ensure, before ignition,
1834 that the piles are properly placed and that the content of the
1835 piles is conducive to efficient burning.

1836 2. A certified pile burner must ensure that the piles are
1837 properly extinguished no later than 1 hour after sunset. If the
1838 burn is conducted in an area designated by the division as smoke
1839 sensitive, a certified pile burner must ensure that the piles
1840 are properly extinguished at least 1 hour before sunset.

1841 3. A written pile burn plan must be prepared before
1842 receiving authorization from the division to burn.

1843 4. The specific consent of the landowner or his or her
1844 agent must be obtained before requesting authorization to burn.

1845 5. An authorization to burn must be obtained from the
1846 division or its designated agent before igniting the burn.

1847 6. There must be adequate firebreaks and sufficient
1848 personnel and firefighting equipment at the burn site to control
1849 the fire.

1850 (c) If a burn is conducted in accordance with this
1851 subsection, the property owner and his or her agent are not
1852 liable under s. 590.13 for damage or injury caused by the fire
1853 or resulting smoke, and are not in violation of subsection (2),
1854 unless gross negligence is proven.

1855 (d) A certified pile burner who violates this section
1856 commits a misdemeanor of the second degree, punishable as

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1857 provided in s. 775.082 or s. 775.083.

1858 (e) The division shall adopt rules regulating certified
1859 pile burning. The rules shall include procedures and criteria
1860 for certifying and decertifying certified pile burn managers
1861 based on past experience, training, and record of compliance
1862 with this section.

1863 (5)~~(4)~~ WILDFIRE HAZARD REDUCTION TREATMENT BY THE
1864 DIVISION.—The division may conduct fuel reduction initiatives,
1865 including, but not limited to, burning and mechanical and
1866 chemical treatment, on any area of wild land within the state
1867 which is reasonably determined to be in danger of wildfire in
1868 accordance with the following procedures:

1869 (a) Describe the areas that will receive fuels treatment to
1870 the affected local governmental entity.

1871 (b) Publish a treatment notice, including a description of
1872 the area to be treated, in a conspicuous manner in at least one
1873 newspaper of general circulation in the area of the treatment
1874 not less than 10 days before the treatment.

1875 (c) Prepare, and send ~~the county tax collector shall~~
1876 ~~include with the annual tax statement,~~ a notice to be sent to
1877 all landowners in each area ~~township~~ designated by the division
1878 as a wildfire hazard area. The notice must describe particularly
1879 the area to be treated and the tentative date or dates of the
1880 treatment and must list the reasons for and the expected
1881 benefits from the wildfire hazard reduction.

1882 (d) Consider any landowner objections to the fuels
1883 treatment of his or her property. The landowner may apply to the
1884 director of the division for a review of alternative methods of
1885 fuel reduction on the property. If the director or his or her

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1886 designee does not resolve the landowner objection, the director
1887 shall convene a panel made up of the local forestry unit
1888 manager, the fire chief of the jurisdiction, and the affected
1889 county or city manager, or any of their designees. If the
1890 panel's recommendation is not acceptable to the landowner, the
1891 landowner may request further consideration by the Commissioner
1892 of Agriculture or his or her designee and shall thereafter be
1893 entitled to an administrative hearing pursuant to the provisions
1894 of chapter 120.

1895 (6) DIVISION APPROVAL OF LOCAL GOVERNMENT OPEN BURNING
1896 AUTHORIZATION PROGRAMS.—

1897 (a) A county or municipality may exercise the division's
1898 authority, if delegated by the division under this subsection,
1899 to issue authorizations for the burning of yard trash or debris
1900 from land-clearing operations. A county's or municipality's
1901 existing or proposed open burning authorization program must:

1902 1. Be approved by the division. The division shall not
1903 approve a program if it fails to meet the requirements of
1904 subsections (2) and (4) and any rules adopted under those
1905 subsections.

1906 2. Provide by ordinance or local law the requirements for
1907 obtaining and performing a burn authorization that comply with
1908 subsections (2) and (4) and any rules adopted under those
1909 subsections.

1910 3. Provide for the enforcement of the program's
1911 requirements.

1912 4. Provide financial, personnel, and other resources needed
1913 to carry out the program.

1914 (b) If the division determines that a county's or

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1915 municipality's open burning authorization program does not
1916 comply with subsections (2) and (4) and any rules adopted under
1917 those subsections, the division shall require the county or
1918 municipality to take necessary corrective actions within a
1919 reasonable period, not to exceed 90 days.

1920 1. If the county or municipality fails to take the
1921 necessary corrective actions within the required period, the
1922 division shall resume administration of the open burning
1923 authorization program in the county or municipality and the
1924 county or municipality shall cease administration of its
1925 program.

1926 2. Each county and municipality administering an open
1927 burning authorization program must cooperate with and assist the
1928 division in carrying out the division's powers, duties, and
1929 functions.

1930 3. A person who violates the requirements of a county's or
1931 municipality's open burning authorization program, as provided
1932 by ordinance or local law enacted pursuant to this section,
1933 commits a violation of this chapter, punishable as provided in
1934 s. 590.14.

1935 (7)(5) DUTIES OF AGENCIES.—The Department of Education
1936 shall incorporate, where feasible and appropriate, the issues of
1937 fuels treatment, including prescribed burning, into its
1938 educational materials.

1939 Section 52. Section 590.14, Florida Statutes, is amended to
1940 read:

1941 590.14 Notice of violation; penalties.—

1942 (1) If a division employee determines that a person has
1943 violated chapter 589, ~~or~~ this chapter, or any rule adopted by

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1944 the division to administer provisions of law conferring duties
1945 upon the division, the division employee ~~he or she~~ may issue a
1946 notice of violation indicating the statute violated. This notice
1947 will be filed with the division and a copy forwarded to the
1948 appropriate law enforcement entity for further action if
1949 necessary.

1950 (2) In addition to any penalties provided by law, any
1951 person who causes a wildfire or permits any authorized fire to
1952 escape the boundaries of the authorization or to burn past the
1953 time of the authorization is liable for the payment of all
1954 reasonable costs and expenses incurred in suppressing the fire
1955 or \$150, whichever is greater. All costs and expenses incurred
1956 by the division shall be payable to the division. When such
1957 costs and expenses are not paid within 30 days after demand, the
1958 division may take proper legal proceedings for the collection of
1959 the costs and expenses. Those costs incurred by an agency acting
1960 at the division's direction are recoverable by that agency.

1961 (3) The department may also impose an administrative fine,
1962 not to exceed \$1,000 per violation of any section of chapter 589
1963 or this chapter or violation of any rule adopted by the division
1964 to administer provisions of law conferring duties upon the
1965 division. The fine shall be based upon the degree of damage, the
1966 prior violation record of the person, and whether the person
1967 knowingly provided false information to obtain an authorization.
1968 The fines shall be deposited in the Incidental Trust Fund of the
1969 division.

1970 (4) A person may not:

1971 (a) Fail to comply with any rule or order adopted by the
1972 division to administer provisions of law conferring duties upon

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1973 the division; or

1974 (b) Knowingly make any false statement or representation in
1975 any application, record, plan, or other document required by
1976 this chapter or any rules adopted under this chapter.

1977 (5) A person who violates paragraph (4) (a) or paragraph
1978 (4) (b) commits a misdemeanor of the second degree, punishable as
1979 provided in s. 775.082 or s. 775.083.

1980 (6) It is the intent of the Legislature that a penalty
1981 imposed by a court under subsection (5) be of a severity that
1982 ensures immediate and continued compliance with this section.

1983 (7)~~(4)~~ The penalties provided in this section shall extend
1984 to both the actual violator and the person or persons, firm, or
1985 corporation causing, directing, or permitting the violation.

1986 Section 53. Paragraph (a) of subsection (1) of section
1987 599.004, Florida Statutes, is amended to read:

1988 599.004 Florida Farm Winery Program; registration; logo;
1989 fees.—

1990 (1) The Florida Farm Winery Program is established within
1991 the Department of Agriculture and Consumer Services. Under this
1992 program, a winery may qualify as a tourist attraction only if it
1993 is registered with and certified by the department as a Florida
1994 Farm Winery. A winery may not claim to be certified unless it
1995 has received written approval from the department.

1996 (a) To qualify as a certified Florida Farm Winery, a winery
1997 shall meet the following standards:

1998 1. Produce or sell less than 250,000 gallons of wine
1999 annually.

2000 2. Maintain a minimum of 10 acres of owned or managed land
2001 ~~vineyards~~ in Florida which produces commodities used in the

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2002 production of wine.

2003 3. Be open to the public for tours, tastings, and sales at
2004 least 30 hours each week.

2005 4. Make annual application to the department for
2006 recognition as a Florida Farm Winery, on forms provided by the
2007 department.

2008 5. Pay an annual application and registration fee of \$100.

2009 Section 54. Subsection (1) of section 604.15, Florida
2010 Statutes, is amended, and subsection (11) is added to that
2011 section, to read:

2012 604.15 Dealers in agricultural products; definitions.—For
2013 the purpose of ss. 604.15–604.34, the following words and terms,
2014 when used, shall be construed to mean:

2015 (1) "Agricultural products" means the natural products of
2016 the farm, nursery, grove, orchard, vineyard, garden, and apiary
2017 (raw or manufactured); sod; ~~tropical foliage~~; horticulture; hay;
2018 livestock; milk and milk products; poultry and poultry products;
2019 the fruit of the saw palmetto (meaning the fruit of the *Serenoa*
2020 *repens*); limes (meaning the fruit *Citrus aurantifolia*, variety
2021 Persian, Tahiti, Bearss, or Florida Key limes); and any other
2022 nonexempt agricultural products produced in the state, except
2023 tobacco, sugarcane, tropical foliage, timber and timber
2024 byproducts, forest products as defined in s. 591.17, and citrus
2025 other than limes.

2026 (11) "Responsible position" means a position within the
2027 business of a dealer in agricultural products that has the
2028 authority to negotiate or make the purchase of agricultural
2029 products on behalf of the dealer's business or has principal
2030 active management authority over the business decisions,

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2031 actions, and activities of the dealer's business in this state.

2032 Section 55. Section 604.19, Florida Statutes, is amended to
2033 read:

2034 604.19 License; fee; bond; certificate of deposit;
2035 penalty.—Unless the department refuses the application on one or
2036 more of the grounds provided in this section, it shall issue to
2037 an applicant, upon the payment of required fees and the
2038 execution and delivery of a bond or certificate of deposit as
2039 provided in this section, a state license entitling the
2040 applicant to conduct business as a dealer in agricultural
2041 products for a 1-year period to coincide with the effective
2042 period of the bond or certificate of deposit furnished by the
2043 applicant. During the 1-year period covered by a license, if the
2044 supporting surety bond or certificate of deposit is canceled for
2045 any reason, the license shall automatically expire on the date
2046 the surety bond or certificate of deposit terminates, unless an
2047 acceptable replacement is in effect before the date of
2048 termination so that continual coverage occurs for the remaining
2049 period of the license. A surety company shall give the
2050 department a 30-day written notice of cancellation by certified
2051 mail in order to cancel a bond. Cancellation of a bond or
2052 certificate of deposit does ~~shall~~ not relieve a surety company
2053 or financial institution of liability for purchases or sales
2054 occurring while the bond or certificate of deposit was in
2055 effect. The license fee, which must be paid for the principal
2056 place of business for a dealer in agricultural products, shall
2057 be based upon the amount of the dealer's surety bond or
2058 certificate of deposit furnished by each dealer under the
2059 provisions of s. 604.20 and may not exceed \$500. For each

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

2073 Section 56. Section 604.25, Florida Statutes, is amended to
2074 read:

2075 604.25 Denial of, refusal to renew ~~grant,~~ or suspension or
2076 revocation of ~~7~~ license.-

2077 ~~(1)~~ The department may deny, refuse to renew, ~~decline to~~
2078 ~~grant a license~~ or may suspend or revoke a license ~~already~~
2079 ~~granted~~ if the applicant or licensee has:

2080 (1) ~~(a)~~ Suffered a monetary judgment entered against the
2081 applicant or licensee ~~upon which is execution has been returned~~
2082 ~~unsatisfied;~~

2083 (2) ~~(b)~~ Made false charges for handling or services
2084 rendered;

2085 (3) ~~(c)~~ Failed to account promptly and properly or to make
2086 settlements with any producer;

2087 (4) ~~(d)~~ Made any false statement or statements as to
2088 condition, quality, or quantity of goods received or held for

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2089 sale when the true condition, quality, or quantity could have
2090 been ascertained by reasonable inspection;

2091 (5)~~(e)~~ Made any false or misleading statement or statements
2092 as to market conditions or service rendered;

2093 (6)~~(f)~~ Been guilty of a fraud in the attempt to procure, or
2094 the procurement of, a license;

2095 (7)~~(g)~~ Directly or indirectly sold agricultural products
2096 received on consignment or on a net return basis for her or his
2097 own account, without prior authority from the producer
2098 consigning the same, or without notifying such producer;

2099 (8)~~(h)~~ Failed to prevent a person from holding a position
2100 as the applicant's or licensee's owner, officer, director,
2101 general or managing partner, or employee ~~Employed~~ in a
2102 responsible position ~~a person~~, or holding any other similarly
2103 situated position, if the person holds or has held a similar
2104 position with any entity that ~~an officer of a corporation, who~~
2105 has failed to fully comply with an order of the department, has
2106 not satisfied a civil judgment held by the department, has
2107 pending any administrative or civil enforcement action by the
2108 department, or has pending any criminal charges pursuant to s.
2109 604.30 at any time within 1 year after issuance;

2110 (9)~~(i)~~ Violated any statute or rule relating to the
2111 purchase or sale of any agricultural product, whether or not
2112 such transaction is subject to the provisions of this chapter;
2113 ~~or~~

2114 (10)~~(j)~~ Failed to submit to the department an application,
2115 appropriate license fees, and an acceptable surety bond or
2116 certificate of deposit; or

2117 (11)~~(2)~~ Failed ~~If a licensee fails~~ or refused ~~refuses~~ to

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2118 ~~comply in full with an order of the department or failed to~~
2119 ~~satisfy a civil judgment owed to the department, her or his~~
2120 ~~license may be suspended or revoked, in which case she or he~~
2121 ~~shall not be eligible for license for a period of 1 year or~~
2122 ~~until she or he has fully complied with the order of the~~
2123 ~~department.~~

2124 ~~(3) No person, or officer of a corporation, whose license~~
2125 ~~has been suspended or revoked for failure to comply with an~~
2126 ~~order of the department may hold a responsible position with a~~
2127 ~~licensee for a period of 1 year or until the order of the~~
2128 ~~department has been fully complied with.~~

2129 Section 57. Subsections (18) and (19) of section 616.242,
2130 Florida Statutes, are renumbered as subsections (19) and (20),
2131 respectively, and a new subsection (18) is added to that section
2132 to read:

2133 616.242 Safety standards for amusement rides.—

2134 (18) STOP-OPERATION ORDERS.—If an owner or amusement ride
2135 fails to comply with this chapter or any rule adopted under this
2136 chapter, the department may issue a stop-operation order.

2137 Section 58. Subsection (7) is added to section 624.4095,
2138 Florida Statutes, to read:

2139 624.4095 Premiums written; restrictions.—

2140 (7) For purposes of this section and s. 624.407, with
2141 regard to required capital and surplus, gross written premiums
2142 for federal multiple-peril crop insurance which are ceded to the
2143 Federal Crop Insurance Corporation and authorized reinsurers may
2144 not be included when calculating the insurer's gross writing
2145 ratio. The liabilities for the ceded reinsurance premiums shall
2146 be netted against the asset for amounts recoverable from

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2147 reinsurers. Each insurer that writes other insurance products
2148 together with federal multiple-peril crop insurance must
2149 disclose in the notes to the annual and quarterly financial
2150 statement, or file a supplement to the financial statement which
2151 discloses, a breakout of the gross written premiums for federal
2152 multiple-peril crop insurance.

2153 Section 59. Subsection (4) of section 686.201, Florida
2154 Statutes, is amended to read:

2155 686.201 Sales representative contracts involving
2156 commissions; requirements; termination of agreement; civil
2157 remedies.—

2158 (4) This section does not apply to persons licensed
2159 pursuant to chapter 475 who are performing services within the
2160 scope of their license or to contracts to which a seller of
2161 travel, as defined in s. 559.927, is a party.

2162 Section 60. Paragraph (c) of subsection (5) and subsection
2163 (12) of section 790.06, Florida Statutes, are amended to read:

2164 790.06 License to carry concealed weapon or firearm.—

2165 (5) The applicant shall submit to the Department of
2166 Agriculture and Consumer Services:

2167 (c) A full set of fingerprints of the applicant
2168 administered by a law enforcement agency or the Division of
2169 Licensing of the Department of Agriculture and Consumer
2170 Services.

2171 (12) (a) No license issued pursuant to this section shall
2172 authorize any person to carry a concealed weapon or firearm into
2173 any place of nuisance as defined in s. 823.05; any police,
2174 sheriff, or highway patrol station; any detention facility,
2175 prison, or jail; any courthouse; any courtroom, except that

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2176 nothing in this section would preclude a judge from carrying a
2177 concealed weapon or determining who will carry a concealed
2178 weapon in his or her courtroom; any polling place; any meeting
2179 of the governing body of a county, public school district,
2180 municipality, or special district; any meeting of the
2181 Legislature or a committee thereof; any school, college, or
2182 professional athletic event not related to firearms; any school
2183 administration building; any portion of an establishment
2184 licensed to dispense alcoholic beverages for consumption on the
2185 premises, which portion of the establishment is primarily
2186 devoted to such purpose; any elementary or secondary school
2187 facility; any career center; any college or university facility
2188 unless the licensee is a registered student, employee, or
2189 faculty member of such college or university and the weapon is a
2190 stun gun or nonlethal electric weapon or device designed solely
2191 for defensive purposes and the weapon does not fire a dart or
2192 projectile; inside the passenger terminal and sterile area of
2193 any airport, provided that no person shall be prohibited from
2194 carrying any legal firearm into the terminal, which firearm is
2195 encased for shipment for purposes of checking such firearm as
2196 baggage to be lawfully transported on any aircraft; or any place
2197 where the carrying of firearms is prohibited by federal law. Any
2198 person who willfully violates any provision of this subsection
2199 commits a misdemeanor of the second degree, punishable as
2200 provided in s. 775.082 or s. 775.083.

2201 (b) Nothing shall prohibit or restrict a person licensed
2202 under this section from transporting or storing, for lawful
2203 purposes, a lawful firearm in a private vehicle wherever the
2204 vehicle is otherwise lawfully present.

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2205 (c) This subsection does not modify the terms or conditions
2206 of s. 790.251(7).

2207 Section 61. Sections 570.071 and 570.901, Florida Statutes,
2208 are repealed.

2209 Section 62. Section 828.126, Florida Statutes, is created
2210 to read:

2211 828.126 Sexual activities involving animals.—

2212 (1) As used in this section, the term "sexual activities"
2213 means oral, anal, or vaginal penetration by, or union with, the
2214 sexual organ of an animal or the anal or vaginal penetration of
2215 an animal by any object.

2216 (2) A person may not knowingly:

2217 (a) Engage in a sexual activities with an animal;

2218 (b) Cause, aid, or abet another person to engage in sexual
2219 activities with an animal;

2220 (c) Permit any sexual activities with an animal to be
2221 conducted on any premises under his or her control; or

2222 (d) Organize, promote, conduct, advertise, aid, abet,
2223 participate in as an observer, or perform any service in the
2224 furtherance of an act involving any sexual activities with an
2225 animal for a commercial or recreational purpose.

2226 (3) A person who violates this section commits a
2227 misdemeanor of the first degree, punishable as provided in s.
2228 775.082 or s. 775.083.

2229 (4) This section does not apply to normal and ordinary
2230 animal husbandry practices, conformation judging practices, or
2231 accepted veterinary medical practices.

2232 (5) For purposes of this section, the term "animal" means
2233 any living or dead dumb creature.

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2234 Section 63. The Department of Agriculture and Consumer
2235 Services shall meet with duly authorized representatives of
2236 established organizations representing the Florida pest control
2237 industry and prepare a report that shall be submitted to the
2238 President of the Senate, the Speaker of the House of
2239 Representatives, the chairperson of the Senate Committee on
2240 Agriculture, and the chairperson of the House Committee on
2241 Agribusiness by January 1, 2011. The report shall include
2242 recommended amendments to chapter 482, Florida Statutes, which
2243 provide for disciplinary action to be taken against licensees
2244 who violate laws or rules pertaining to the pretreatment of soil
2245 to protect newly constructed homes, pest control at sensitive
2246 facilities such as schools and nursing homes, and also the
2247 fumigation of existing homes for protection against termite
2248 damage, thereby providing additional safeguards for consumers.
2249 The report may also address other issues of concern to the
2250 department and to members of the industry, such as changes to
2251 requirements for professional liability insurance coverage or
2252 the amount of bond required, duties and responsibilities of a
2253 certified operator, issuance of a centralized pest control
2254 service center license, and limited certification for commercial
2255 wildlife management personnel.

2256 Section 64. This act shall take effect July 1, 2010.