

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 288.1175, F.S.;
4 specifying that applications for funding for certain
5 agriculture education and promotion facilities be
6 postmarked or electronically submitted by a certain
7 date; amending s. 487.2041, F.S.; requiring the
8 department to adopt by rule certain United States
9 Environmental Protection Agency regulations relating
10 to labeling requirements for pesticides and devices;
11 amending s. 493.6101, F.S.; specifying that a manager
12 of a private investigative agency may manage multiple
13 offices; amending s. 493.6105, F.S.; exempting certain
14 partners and corporate officers from fingerprint
15 retention requirements; revising the submission
16 requirements for applications for Class "K" licenses;
17 amending s. 493.6107, F.S.; deleting a specification
18 that license fees are biennial; amending s. 493.6108,
19 F.S.; providing an authorization to the Department of
20 Law Enforcement to release certain mental health and
21 substance abuse history of applicants and licensees
22 for the purpose of determining licensure eligibility;
23 requiring licensees to notify their employer of an
24 arrest within a specified period; amending s.
25 493.6112, F.S.; revising the notification requirements

26 | for changes of certain partners, officers, and
27 | employees of private investigative, security, and
28 | recovery agencies; amending s. 493.6113, F.S.;
29 | specifying that Class "G" licensees must complete
30 | requalification training for each type and caliber of
31 | firearm carried in the course of performing regulated
32 | duties; conforming terminology; amending s. 493.6115,
33 | F.S.; correcting a cross-reference regarding the
34 | conditions under which a Class "G" licensee may carry
35 | a concealed weapon; revising the conditions under
36 | which the department may issue a temporary Class "G"
37 | license; amending s. 493.6118, F.S.; providing that
38 | failure of a licensee to timely notify his or her
39 | employer of an arrest is grounds for disciplinary
40 | action by the Department of Agriculture and Consumer
41 | Services; requiring the department to suspend
42 | specified licenses of licensees arrested or formally
43 | charged with certain crimes until disposition of their
44 | cases; amending s. 493.6202, F.S.; deleting a
45 | specification that license fees are biennial; amending
46 | s. 493.6203, F.S.; deleting a requirement that certain
47 | training be provided in two parts; deleting obsolete
48 | provisions; amending s. 493.6302, F.S.; deleting a
49 | specification that license fees are biennial; amending
50 | s. 493.6303, F.S.; deleting a requirement that certain

51 training must be provided in two parts; deleting
52 obsolete provisions; making technical changes;
53 amending s. 493.6304, F.S.; making technical changes;
54 amending s. 493.6402, F.S.; deleting a specification
55 that license fees are biennial; amending s. 493.6403,
56 F.S.; requiring that applicants for Class "E" and "EE"
57 licenses submit proof of successful completion of
58 certain training, not just complete such training;
59 deleting an obsolete provision; amending s. 501.059,
60 F.S.; removing a limitation on the length of time for
61 which the department must place certain persons on a
62 no-solicitation list; amending s. 507.04, F.S.; making
63 a technical change; amending s. 534.021, F.S.;

64 specifying that a detailed drawing, rather than a
65 facsimile, must accompany an application for the
66 recording of certain marks and brands; amending s.
67 534.041, F.S.; extending the renewal period for
68 certain mark or brand certificates; eliminating a
69 renewal fee; repealing s. 534.061, F.S., relating to
70 the transfer of ownership of cattle; amending s.
71 573.118, F.S.; specifying that the Division of Fruit
72 and Vegetables, rather than the Division of Marketing
73 and Development, must file a specified certification;
74 amending s. 590.02, F.S.; specifying that the
75 department has exclusive authority to enforce the

76 Florida Building Code as it relates to Florida Forest
 77 Service facilities under the jurisdiction of the
 78 department; amending s. 597.004, F.S.; authorizing
 79 licensed dealers, rather than certified aquaculture
 80 producers, to sell certain aquaculture products
 81 without restriction under a specified circumstance;
 82 amending s. 604.16, F.S.; specifying that dealers in
 83 agricultural products who pay by credit card are
 84 exempt from certain dealer requirements; providing an
 85 effective date.

86
 87 Be It Enacted by the Legislature of the State of Florida:

88
 89 Section 1. Subsection (8) of section 288.1175, Florida
 90 Statutes, is amended to read:

91 288.1175 Agriculture education and promotion facility.—

92 (8) Applications must be postmarked or electronically
 93 submitted by October 1 of each year. The Department of
 94 Agriculture and Consumer Services may not recommend funding for
 95 less than the requested amount to any applicant certified as an
 96 agriculture education and promotion facility; however, funding
 97 of certified applicants shall be subject to the amount provided
 98 by the Legislature in the General Appropriations Act for this
 99 program.

100 Section 2. Section 487.2041, Florida Statutes, is amended

101 to read:

102 487.2041 Enforcement of federal worker protection
103 regulations.—The department shall, to the extent that resources
104 are available, continue to operate under the United States
105 Environmental Protection Agency regulations regarding the
106 Labeling Requirement for Pesticides and Devices, 40 C.F.R. part
107 156, and the Worker Protection Standard, 40 C.F.R. part 170,
108 which the department shall adopt ~~adopted~~ by rule ~~during the~~
109 ~~1995-1996 fiscal year and published in the Florida~~
110 ~~Administrative Code~~. Any provision of this part not preempted by
111 federal law shall continue to apply.

112 Section 3. Subsection (13) of section 493.6101, Florida
113 Statutes, is amended to read:

114 493.6101 Definitions.—

115 (13) "Manager" means any licensee who directs the
116 activities of licensees at any agency or branch office. The
117 manager shall be assigned to and shall primarily operate from
118 the agency or branch office location for which he or she has
119 been designated as manager. The manager of a private
120 investigative agency may, however, manage multiple private
121 investigative agencies and branch offices.

122 Section 4. Paragraph (j) of subsection (3) and paragraph
123 (a) of subsection (6) of section 493.6105, Florida Statutes, are
124 amended to read:

125 493.6105 Initial application for license.—

126 (3) The application must contain the following information
 127 concerning the individual signing the application:

128 (j) A full set of fingerprints, a fingerprint processing
 129 fee, and a fingerprint retention fee. The fingerprint processing
 130 and retention fees shall be established by rule of the
 131 department based upon costs determined by state and federal
 132 agency charges and department processing costs, which must
 133 include the cost of retaining the fingerprints in the statewide
 134 automated biometric identification system established in s.
 135 943.05(2)(b) and the cost of enrolling the fingerprints in the
 136 national retained print arrest notification program as required
 137 under s. 493.6108. An applicant who has, within the immediately
 138 preceding 6 months, submitted such fingerprints and fees for
 139 licensing purposes under this chapter and who still holds a
 140 valid license is not required to submit another set of
 141 fingerprints or another fingerprint processing fee. An applicant
 142 who holds multiple licenses issued under this chapter is
 143 required to pay only a single fingerprint retention fee.
 144 Partners and corporate officers who do not possess licenses
 145 subject to renewal under s. 493.6113 are exempt from the
 146 fingerprint retention requirements of this chapter.

147 (6) In addition to the requirements under subsection (3),
 148 an applicant for a Class "K" license must:

149 (a) Submit one of the following:

150 1. The Florida Criminal Justice Standards and Training

151 Commission Instructor Certificate and written confirmation by
 152 the commission that the applicant possesses an active firearms
 153 certification.

154 2. A valid ~~The~~ National Rifle Association Private Security
 155 Firearm Instructor Certificate issued not more than 3 years
 156 before the submission of the applicant's Class "K" application.

157 3. A valid firearms instructor certificate issued by a
 158 federal law enforcement agency issued not more than 3 years
 159 before the submission of the applicant's Class "K" application.

160 Section 5. Subsection (1) of section 493.6107, Florida
 161 Statutes, is amended to read:

162 493.6107 Fees.—

163 (1) The department shall establish by rule examination and
 164 ~~biennial~~ license fees ~~which shall~~ not to exceed the following:

165 (a) Class "M" license—manager Class "AB" agency: \$75.

166 (b) Class "G" license—statewide firearm license: \$150.

167 (c) Class "K" license—firearms instructor: \$100.

168 (d) Fee for the examination for firearms instructor: \$75.

169 Section 6. Paragraph (b) of subsection (1) and subsection
 170 (5) of section 493.6108, Florida Statutes, are amended to read:

171 493.6108 Investigation of applicants by Department of
 172 Agriculture and Consumer Services.—

173 (1) Except as otherwise provided, the department must
 174 investigate an applicant for a license under this chapter before
 175 it may issue the license. The investigation must include:

176 (b) An inquiry to determine if the applicant has been
177 adjudicated incompetent under chapter 744 or has been committed
178 to a mental institution under chapter 394. Notwithstanding s.
179 790.065(2)(a)4.f., the Department of Law Enforcement is
180 authorized, for the limited purposes of determining the
181 eligibility of applicants and licensees under this chapter, to
182 provide the department with mental health and substance abuse
183 data of individuals who are prohibited from purchasing a
184 firearm.

185 (5) A person licensed under this chapter must notify his
186 or her employer within 3 calendar days if he or she is arrested
187 for any offense. If the department receives information about an
188 arrest within the state of a person who holds a valid license
189 issued under this chapter for a crime that could potentially
190 disqualify the person from holding such a license, the
191 department must provide the arrest information to the agency
192 that employs the licensee.

193 Section 7. Section 493.6112, Florida Statutes, is amended
194 to read:

195 493.6112 Notification to Department of Agriculture and
196 Consumer Services of changes of partner or officer or
197 employees.—

198 (1) After filing the application, unless the department
199 declines to issue the license or revokes it after issuance, an
200 agency ~~or school~~ shall, within 5 working days of the withdrawal,

201 removal, replacement, or addition of any or all partners or
202 officers, notify and file with the department complete
203 applications for such individuals. The agency's ~~or school's~~ good
204 standing under this chapter shall be contingent upon the
205 department's approval of any new partner or officer.

206 (2) Each agency ~~or school~~ shall, upon the employment or
207 termination of employment of a licensee, report such employment
208 or termination within 15 calendar days ~~immediately~~ to the
209 department and, in the case of a termination, report the reason
210 or reasons therefor. The report shall be submitted
211 electronically in a manner ~~on a form~~ prescribed by the
212 department.

213 Section 8. Paragraph (b) of subsection (3) of section
214 493.6113, Florida Statutes, is amended to read:

215 493.6113 Renewal application for licensure.—

216 (3) Each licensee is responsible for renewing his or her
217 license on or before its expiration by filing with the
218 department an application for renewal accompanied by payment of
219 the renewal fee and the fingerprint retention fee to cover the
220 cost of ongoing retention in the statewide automated biometric
221 identification system established in s. 943.05(2)(b). Upon the
222 first renewal of a license issued under this chapter before
223 January 1, 2017, the licensee shall submit a full set of
224 fingerprints and fingerprint processing fees to cover the cost
225 of entering the fingerprints into the statewide automated

226 biometric identification system pursuant to s. 493.6108(4) (a)
227 and the cost of enrollment in the Federal Bureau of
228 Investigation's national retained print arrest notification
229 program. Subsequent renewals may be completed without submission
230 of a new set of fingerprints.

231 (b) Each Class "G" licensee shall additionally submit
232 proof that he or she has received during each year of the
233 license period a minimum of 4 hours of firearms requalification
234 ~~recertification~~ training taught by a Class "K" licensee and has
235 complied with such other health and training requirements that
236 the department shall adopt by rule. Proof of completion of
237 firearms requalification ~~recertification~~ training shall be
238 submitted to the department upon completion of the training. A
239 Class "G" licensee must successfully complete this
240 requalification training for each type and caliber of firearm
241 carried in the course of performing his or her regulated duties.
242 If the licensee fails to complete the required 4 hours of annual
243 training during the first year of the 2-year term of the
244 license, the license shall be automatically suspended. The
245 licensee must complete the minimum number of hours of range and
246 classroom training required at the time of initial licensure and
247 submit proof of completion of such training to the department
248 before the license may be reinstated. If the licensee fails to
249 complete the required 4 hours of annual training during the
250 second year of the 2-year term of the license, the licensee must

251 complete the minimum number of hours of range and classroom
252 training required at the time of initial licensure and submit
253 proof of completion of such training to the department before
254 the license may be renewed. The department may waive the
255 firearms training requirement if:

256 1. The applicant provides proof that he or she is
257 currently certified as a law enforcement officer or correctional
258 officer under the Criminal Justice Standards and Training
259 Commission and has completed law enforcement firearms
260 requalification training annually during the previous 2 years of
261 the licensure period;

262 2. The applicant provides proof that he or she is
263 currently certified as a federal law enforcement officer and has
264 received law enforcement firearms training administered by a
265 federal law enforcement agency annually during the previous 2
266 years of the licensure period; or

267 3. The applicant submits a valid firearm certificate among
268 those specified in s. 493.6105(6)(a) and provides proof of
269 having completed requalification training during the previous 2
270 years of the licensure period.

271 Section 9. Subsection (4) of section 493.6115, Florida
272 Statutes, is amended, present paragraphs (b), (c), and (d) of
273 subsection (12) of that section are redesignated as paragraphs
274 (c), (d), and (e), respectively, and a new paragraph (b) is
275 added to that subsection, to read:

276 493.6115 Weapons and firearms.—

277 (4) A Class "C" or Class "CC" licensee who is 21 years of
 278 age or older and ~~who~~ has also been issued a Class "G" license
 279 may carry, in the performance of her or his duties, a concealed
 280 firearm. A Class "D" licensee who is 21 years of age or older
 281 and ~~who~~ has also been issued a Class "G" license may carry a
 282 concealed firearm in the performance of her or his duties under
 283 the conditions specified in s. 493.6305(3) and (4) ~~493.6305(2)~~.
 284 The Class "G" license must ~~shall~~ clearly indicate such
 285 authority. The authority of any such licensee to carry a
 286 concealed firearm is ~~shall be~~ valid in any location throughout
 287 the state, ~~in any location,~~ while performing services within the
 288 scope of the license.

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

291 (b) The department has reviewed the mental health and
 292 substance abuse data provided by the Department of Law
 293 Enforcement as authorized in s. 493.6108(1)(b) and has
 294 determined the applicant is not prohibited from licensure based
 295 upon this data.

296 Section 10. Subsection (1) of section 493.6118, Florida
 297 Statutes, is amended, and subsections (8) and (9) are added to
 298 that section, to read:

299 493.6118 Grounds for disciplinary action.—

300 (1) The following constitute grounds for which

301 disciplinary action specified in subsection (2) may be taken by
302 the department against any licensee, agency, or applicant
303 regulated by this chapter, or any unlicensed person engaged in
304 activities regulated under this chapter::-

305 (a) Fraud or willful misrepresentation in applying for or
306 obtaining a license.

307 (b) Use of any fictitious or assumed name by an agency
308 unless the agency has department approval and qualifies under s.
309 865.09.

310 (c) Being found guilty of or entering a plea of guilty or
311 nolo contendere to, regardless of adjudication, or being
312 convicted of a crime that directly relates to the business for
313 which the license is held or sought. A plea of nolo contendere
314 shall create a rebuttable presumption of guilt to the underlying
315 criminal charges, and the department shall allow the individual
316 being disciplined or denied an application for a license to
317 present any mitigating circumstances surrounding his or her
318 plea.

319 (d) A false statement by the licensee that any individual
320 is or has been in his or her employ.

321 (e) A finding that the licensee or any employee is guilty
322 of willful betrayal of a professional secret or any unauthorized
323 release of information acquired as a result of activities
324 regulated under this chapter.

325 (f) Proof that the applicant or licensee is guilty of

326 fraud or deceit, or of negligence, incompetency, or misconduct,
327 in the practice of the activities regulated under this chapter.

328 (g) Conducting activities regulated under this chapter
329 without a license or with a revoked or suspended license.

330 (h) Failure of the licensee to maintain in full force and
331 effect the commercial general liability insurance coverage
332 required by s. 493.6110.

333 (i) Impersonating, or permitting or aiding and abetting an
334 employee to impersonate, a law enforcement officer or an
335 employee of the state, the United States, or any political
336 subdivision thereof by identifying himself or herself as a
337 federal, state, county, or municipal law enforcement officer or
338 official representative, by wearing a uniform or presenting or
339 displaying a badge or credentials that would cause a reasonable
340 person to believe that he or she is a law enforcement officer or
341 that he or she has official authority, by displaying any
342 flashing or warning vehicular lights other than amber colored,
343 or by committing any act that is intended to falsely convey
344 official status.

345 (j) Commission of an act of violence or the use of force
346 on any person except in the lawful protection of one's self or
347 another from physical harm.

348 (k) Knowingly violating, advising, encouraging, or
349 assisting the violation of any statute, court order, capias,
350 warrant, injunction, or cease and desist order, in the course of

351 business regulated under this chapter.

352 (l) Soliciting business for an attorney in return for
353 compensation.

354 (m) Transferring or attempting to transfer a license
355 issued pursuant to this chapter.

356 (n) Employing or contracting with any unlicensed or
357 improperly licensed person or agency to conduct activities
358 regulated under this chapter, or performing any act that
359 assists, aids, or abets a person or business entity in engaging
360 in unlicensed activity, when the licensure status was known or
361 could have been ascertained by reasonable inquiry.

362 (o) Failure or refusal to cooperate with or refusal of
363 access to an authorized representative of the department engaged
364 in an official investigation pursuant to this chapter.

365 (p) Failure of any partner, principal corporate officer,
366 or licensee to have his or her identification card in his or her
367 possession while on duty.

368 (q) Failure of any licensee to have his or her license in
369 his or her possession while on duty, as specified in s.
370 493.6111(1).

371 (r) Failure or refusal by a sponsor to certify a biannual
372 written report on an intern or to certify completion or
373 termination of an internship to the department within 15 working
374 days.

375 (s) Failure to report to the department any person whom

376 | the licensee knows to be in violation of this chapter or the
 377 | rules of the department.

378 | (t) Violating any provision of this chapter.

379 | (u) For a Class "G" licensee, failing to timely complete
 380 | requalification ~~recertification~~ training as required in s.
 381 | 493.6113(3) (b) .

382 | (v) For a Class "K" licensee, failing to maintain active
 383 | certification specified under s. 493.6105(6) .

384 | (w) For a Class "G" or a Class "K" applicant or licensee,
 385 | being prohibited from purchasing or possessing a firearm by
 386 | state or federal law.

387 | (x) In addition to the grounds for disciplinary action
 388 | prescribed in paragraphs (a)-(t), Class "R" recovery agencies,
 389 | Class "E" recovery agents, and Class "EE" recovery agent interns
 390 | are prohibited from committing the following acts:

391 | 1. Recovering a motor vehicle, mobile home, motorboat,
 392 | aircraft, personal watercraft, all-terrain vehicle, farm
 393 | equipment, or industrial equipment that has been sold under a
 394 | conditional sales agreement or under the terms of a chattel
 395 | mortgage before authorization has been received from the legal
 396 | owner or mortgagee.

397 | 2. Charging for expenses not actually incurred in
 398 | connection with the recovery, transportation, storage, or
 399 | disposal of repossessed property or personal property obtained
 400 | in a repossession.

401 3. Using any repossessed property or personal property
402 obtained in a repossession for the personal benefit of a
403 licensee or an officer, director, partner, manager, or employee
404 of a licensee.

405 4. Selling property recovered under the provisions of this
406 chapter, except with written authorization from the legal owner
407 or the mortgagee thereof.

408 5. Failing to notify the police or sheriff's department of
409 the jurisdiction in which the repossessed property is recovered
410 within 2 hours after recovery.

411 6. Failing to remit moneys collected in lieu of recovery
412 of a motor vehicle, mobile home, motorboat, aircraft, personal
413 watercraft, all-terrain vehicle, farm equipment, or industrial
414 equipment to the client within 10 working days.

415 7. Failing to deliver to the client a negotiable
416 instrument that is payable to the client, within 10 working days
417 after receipt of such instrument.

418 8. Falsifying, altering, or failing to maintain any
419 required inventory or records regarding disposal of personal
420 property contained in or on repossessed property pursuant to s.
421 493.6404(1).

422 9. Carrying any weapon or firearm when he or she is on
423 private property and performing duties under his or her license
424 whether or not he or she is licensed pursuant to s. 790.06.

425 10. Soliciting from the legal owner the recovery of

426 | property subject to repossession after such property has been
427 | seen or located on public or private property if the amount
428 | charged or requested for such recovery is more than the amount
429 | normally charged for such a recovery.

430 | 11. Wearing, presenting, or displaying a badge in the
431 | course of performing a repossession regulated by this chapter.

432 | (y) Installation of a tracking device or tracking
433 | application in violation of s. 934.425.

434 | (z) Failure of any licensee to notify his or her employer
435 | within 3 calendar days if he or she is arrested for any offense.

436 | (8) Upon notification and subsequent written verification
437 | to the department by a law enforcement agency, a court, or the
438 | Department of Law Enforcement that a licensee has been arrested
439 | or formally charged with a firearms-related crime that would
440 | disqualify him or her from licensure under this section, the
441 | department shall automatically suspend his or her Class "G" or
442 | Class "K" license until final disposition of the case.

443 | (9) Upon notification and subsequent written verification
444 | to the department by a law enforcement agency, a court, or the
445 | Department of Law Enforcement that a licensee has been arrested
446 | or formally charged with a forcible felony as defined in s.
447 | 776.08, the department shall automatically suspend his or her
448 | license until final disposition of the case.

449 | Section 11. Subsection (1) of section 493.6202, Florida
450 | Statutes, is amended to read:

451 493.6202 Fees.—

452 (1) The department shall establish by rule examination and
 453 ~~biennial~~ license fees, ~~which shall~~ not to exceed the following:

454 (a) Class "A" license—private investigative agency: \$450.

455 (b) Class "AA" or "AB" license—branch office: \$125.

456 (c) Class "MA" license—private investigative agency
 457 manager: \$75.

458 (d) Class "C" license—private investigator: \$75.

459 (e) Class "CC" license—private investigator intern: \$60.

460 Section 12. Subsection (5) and paragraphs (b) and (c) of
 461 subsection (6) of section 493.6203, Florida Statutes, are
 462 amended to read:

463 493.6203 License requirements.—In addition to the license
 464 requirements set forth elsewhere in this chapter, each
 465 individual or agency shall comply with the following additional
 466 requirements:

467 (5) ~~Effective January 1, 2008,~~ An applicant for a Class
 468 "MA," Class "M," or Class "C" license must pass an examination
 469 that covers the provisions of this chapter and is administered
 470 by the department or by a provider approved by the department.
 471 The applicant must pass the examination before applying for
 472 licensure and must submit proof with the license application on
 473 a form approved by rule of the department that he or she has
 474 passed the examination. The administrator of the examination
 475 shall verify the identity of each applicant taking the

476 examination.

477 (a) The examination requirement in this subsection does
478 not apply to an individual who holds a valid Class "CC," Class
479 "C," Class "MA," or Class "M" license.

480 (b) Notwithstanding the exemption provided in paragraph
481 (a), if the license of an applicant for relicensure has been
482 invalid for more than 1 year, the applicant must take and pass
483 the examination.

484 (c) The department shall establish by rule the content of
485 the examination, the manner and procedure of its administration,
486 and an examination fee that may not exceed \$100.

487 (6)

488 (b) ~~Effective January 1, 2012,~~ Before submission of an
489 application to the department, the applicant for a Class "CC"
490 license must have completed a minimum of 40 hours of
491 professional training pertaining to general investigative
492 techniques and this chapter, which course is offered by a state
493 university or by a school, community college, college, or
494 university under the purview of the Department of Education, and
495 the applicant must pass an examination. ~~The training must be
496 provided in two parts, one 24-hour course and one 16-hour
497 course.~~ The certificate evidencing satisfactory completion of
498 the 40 hours of professional training must be submitted with the
499 application for a Class "CC" license. The training specified in
500 this paragraph may be provided by face-to-face presentation,

501 online technology, or a home study course in accordance with
502 rules and procedures of the Department of Education. The
503 administrator of the examination must verify the identity of
504 each applicant taking the examination.

505 1. Upon an applicant's successful completion of each part
506 of the approved training and passage of any required
507 examination, the school, community college, college, or
508 university shall issue a certificate of completion to the
509 applicant. The certificates must be on a form established by
510 rule of the department.

511 2. The department shall establish by rule the general
512 content of the professional training and the examination
513 criteria.

514 3. If the license of an applicant for relicensure is
515 invalid for more than 1 year, the applicant must complete the
516 required training and pass any required examination.

517 ~~(c) An individual who submits an application for a Class~~
518 ~~"CC" license on or after September 1, 2008, through December 31,~~
519 ~~2011, who has not completed the 16-hour course must submit proof~~
520 ~~of successful completion of the course within 180 days after the~~
521 ~~date the application is submitted. If documentation of~~
522 ~~completion of the required training is not submitted by that~~
523 ~~date, the individual's license shall be automatically suspended~~
524 ~~until proof of the required training is submitted to the~~
525 ~~department. An individual licensed on or before August 31, 2008,~~

526 is not required to complete additional training hours in order
 527 to renew an active license beyond the total required hours, and
 528 the timeframe for completion in effect at the time he or she was
 529 licensed applies.

530 Section 13. Subsection (1) of section 493.6302, Florida
 531 Statutes, is amended to read:

532 493.6302 Fees.—

533 (1) The department shall establish by rule ~~biennial~~
 534 license fees, ~~which shall~~ not to exceed the following:

- 535 (a) Class "B" license—security agency: \$450.
- 536 (b) Class "BB" or Class "AB" license—branch office: \$125.
- 537 (c) Class "MB" license—security agency manager: \$75.
- 538 (d) Class "D" license—security officer: \$45.
- 539 (e) Class "DS" license—security officer school or training
 540 facility: \$60.
- 541 (f) Class "DI" license—security officer school or training
 542 facility instructor: \$60.

543 Section 14. Subsection (4) of section 493.6303, Florida
 544 Statutes, is amended to read:

545 493.6303 License requirements.—In addition to the license
 546 requirements set forth elsewhere in this chapter, each
 547 individual or agency must comply with the following additional
 548 requirements:

- 549 (4) (a) ~~Effective January 1, 2012,~~ An applicant for a Class
 550 "D" license must submit proof of successful completion of a

551 minimum of 40 hours of professional training at a school or
552 training facility licensed by the department. ~~The training must~~
553 ~~be provided in two parts, one 24-hour course and one 16-hour~~
554 ~~course.~~ The department shall by rule establish the general
555 content and number of hours of each subject area to be taught.

556 (b) ~~An individual who submits an application for a Class~~
557 ~~"D" license on or after January 1, 2007, through December 31,~~
558 ~~2011, who has not completed the 16-hour course must submit proof~~
559 ~~of successful completion of the course within 180 days after the~~
560 ~~date the application is submitted. If documentation of~~
561 ~~completion of the required training is not submitted by that~~
562 ~~date, the individual's license shall be automatically suspended~~
563 ~~until proof of the required training is submitted to the~~
564 ~~department. A person licensed before January 1, 2007, is not~~
565 ~~required to complete additional training hours in order to renew~~
566 ~~an active license beyond the total required hours, and the~~
567 ~~timeframe for completion in effect at the time he or she was~~
568 ~~licensed applies.~~

569 (c) Upon reapplication for a license, an individual whose
570 license has been ~~is suspended or revoked pursuant to paragraph~~
571 ~~(b), or is expired for at least 1 year or more,~~ is considered,
572 ~~upon reapplication for a license,~~ an initial applicant and must
573 submit proof of successful completion of 40 hours of
574 professional training at a school or training facility licensed
575 by the department as provided in paragraph (a) before a license

576 | is issued.

577 | Section 15. Subsection (1) of section 493.6304, Florida
578 | Statutes, is amended to read:

579 | 493.6304 Security officer school or training facility.—

580 | (1) Any school, training facility, or instructor who
581 | offers the training specified ~~outlined~~ in s. 493.6303(4) for
582 | Class "D" applicants shall, before licensure of such school,
583 | training facility, or instructor, file with the department an
584 | application accompanied by an application fee in an amount to be
585 | determined by rule, not to exceed \$60. The fee is ~~shall not be~~
586 | refundable.

587 | Section 16. Subsection (1) of section 493.6402, Florida
588 | Statutes, is amended to read:

589 | 493.6402 Fees.—

590 | (1) The department shall establish by rule ~~biennial~~
591 | license fees ~~that shall~~ not to exceed the following:

- 592 | (a) Class "R" license-recovery agency: \$450.
- 593 | (b) Class "RR" license-branch office: \$125.
- 594 | (c) Class "MR" license-recovery agency manager: \$75.
- 595 | (d) Class "E" license-recovery agent: \$75.
- 596 | (e) Class "EE" license-recovery agent intern: \$60.
- 597 | (f) Class "RS" license-recovery agent school or training
598 | facility: \$60.
- 599 | (g) Class "RI" license-recovery agent school or training
600 | facility instructor: \$60.

601 Section 17. Subsection (2) of section 493.6403, Florida
 602 Statutes, is amended to read:

603 493.6403 License requirements.—

604 (2) ~~Beginning October 1, 1994,~~ An applicant for a Class
 605 "E" or a Class "EE" license must submit proof of successful
 606 completion ~~have completed a minimum~~ of 40 hours of professional
 607 training at a school or training facility licensed by the
 608 department. The department shall by rule establish the general
 609 content for the training.

610 Section 18. Paragraph (a) of subsection (3) of section
 611 501.059, Florida Statutes, is amended to read:

612 501.059 Telephone solicitation.—

613 (3) (a) If any residential, mobile, or telephonic paging
 614 device telephone subscriber notifies the department of his or
 615 her desire to be placed on a "no sales solicitation calls"
 616 listing indicating that the subscriber does not wish to receive
 617 unsolicited telephonic sales calls, the department shall place
 618 the subscriber on that listing ~~for 5 years~~.

619 Section 19. Paragraph (a) of subsection (1) and subsection
 620 (3) of section 507.04, Florida Statutes, are amended to read:

621 507.04 Required insurance coverages; liability
 622 limitations; valuation coverage.—

623 (1) LIABILITY INSURANCE.—

624 (a)1. Except as provided in paragraph (b), each mover
 625 operating in this state must maintain current and valid

626 liability insurance coverage of at least \$10,000 per shipment
627 for the loss or damage of household goods resulting from the
628 negligence of the mover or its employees or agents.

629 2. The mover must provide the department with evidence of
630 liability insurance coverage before the mover is registered with
631 the department under s. 507.03. All insurance coverage
632 maintained by a mover must remain in effect throughout the
633 mover's registration period. A mover's failure to maintain
634 insurance coverage in accordance with this paragraph constitutes
635 an immediate threat to the public health, safety, and welfare.
636 ~~If a mover fails to maintain insurance coverage, the department~~
637 ~~may immediately suspend the mover's registration or eligibility~~
638 ~~for registration, and the mover must immediately cease operating~~
639 ~~as a mover in this state. In addition, and notwithstanding the~~
640 ~~availability of any administrative relief pursuant to chapter~~
641 ~~120, the department may seek from the appropriate circuit court~~
642 ~~an immediate injunction prohibiting the mover from operating in~~
643 ~~this state until the mover complies with this paragraph, a civil~~
644 ~~penalty not to exceed \$5,000, and court costs.~~

645 (3) INSURANCE COVERAGES.—The insurance coverages required
646 under paragraph (1) (a) and subsection (2) must be issued by an
647 insurance company or carrier licensed to transact business in
648 this state under the Florida Insurance Code as designated in s.
649 624.01. The department shall require a mover to present a
650 certificate of insurance of the required coverages before

651 issuance or renewal of a registration certificate under s.
 652 507.03. The department shall be named as a certificateholder in
 653 the certificate and must be notified at least 10 days before
 654 cancellation of insurance coverage. If a mover fails to maintain
 655 insurance coverage, the department may immediately suspend the
 656 mover's registration or eligibility for registration, and the
 657 mover must immediately cease operating as a mover in this state.
 658 In addition, and notwithstanding the availability of any
 659 administrative relief pursuant to chapter 120, the department
 660 may seek from the appropriate circuit court an immediate
 661 injunction prohibiting the mover from operating in this state
 662 until the mover complies with this section, a civil penalty not
 663 to exceed \$5,000, and court costs.

664 Section 20. Section 534.021, Florida Statutes, is amended
 665 to read:

666 534.021 Recording of marks or brands.—The department shall
 667 be the recorder of livestock marks or brands, and the marks or
 668 brands may not be recorded elsewhere in the state. Any livestock
 669 owner who uses a mark or brand to identify her or his livestock
 670 must register the mark or brand by applying to the department.
 671 The application must be made on a form prescribed by the
 672 department and must be accompanied by a detailed drawing
 673 ~~facsimile~~ of the brand applied for and a statement identifying
 674 the county in which the applicant has or expects to have
 675 livestock bearing the mark or brand to be recorded. The

676 department shall, upon its satisfaction that the application
677 meets the requirements of this chapter, record the mark or brand
678 for exclusive statewide use by the applicant. If an application
679 is made to record a mark or brand previously recorded, the
680 department shall determine whether the county in which the mark
681 or brand will be used is near enough to another county in which
682 the previously recorded mark or brand is used to cause confusion
683 or to aid theft or dishonesty, and if so, the department must
684 decline to admit to record the mark or brand. If a conflict
685 arises between the owner of any recorded mark or brand and
686 another claiming the right to record the same mark or brand, the
687 department must give preference to the present owner. The
688 department shall charge and collect at the time of recording a
689 fee of \$10 for each mark or brand. A person may not use any mark
690 or brand to which another has a prior right of record. It is
691 unlawful to brand any animal with a brand not registered with
692 the department.

693 Section 21. Section 534.041, Florida Statutes, is amended
694 to read:

695 534.041 Renewal of certificate of mark or brand.—The
696 registration of a mark or brand entitles the registered owner to
697 exclusive ownership and use of the mark or brand for a period
698 ending at midnight on the last day of the month 10 ~~5~~ years from
699 the date of registration. Upon application, registration may be
700 renewed, ~~upon application and payment of a renewal fee of \$5,~~

701 for successive 10-year ~~5-year~~ periods, each ending at midnight
702 on the last day of the month 10 ~~5~~ years from the date of
703 renewal. At least 60 days before ~~prior to~~ the expiration of a
704 registration, the department shall notify by letter the
705 registered owner of the mark or brand that, upon application for
706 renewal and payment of the renewal fee, the department will
707 issue a renewal certificate granting the registered owner
708 exclusive ownership and use of the mark or brand for another 10-
709 year ~~5-year~~ period ending at midnight on the last day of the
710 month 10 ~~5~~ years from the date of renewal. Failure to make
711 application for renewal within the month of expiration of a
712 registration will cause the department to send a second notice
713 to the registered owner by mail at her or his last known
714 address. Failure of the registered owner to make application for
715 renewal within 30 days after receipt of the second notice will
716 cause the owner's mark or brand to be placed on an inactive list
717 for a period of 12 months, after which it will be canceled and
718 become subject to registration by another person.

719 Section 22. Section 534.061, Florida Statutes, is
720 repealed.

721 Section 23. Subsection (1) of section 573.118, Florida
722 Statutes, is amended to read:

723 573.118 Assessment; funds; review of accounts; loans.—

724 (1) To provide funds to defray the necessary expenses
725 incurred by the department in the formulation, issuance,

726 administration, and enforcement of any marketing order, every
727 person engaged in the production, distributing, or handling of
728 agricultural commodities within this state, and directly
729 affected by any marketing order, shall pay to the department, at
730 such times and in such installments as the department may
731 prescribe, such person's pro rata share of necessary expenses.
732 Each person's share of expenses shall be that proportion which
733 the total volume of agricultural commodities produced,
734 distributed, or handled by the person during the current
735 marketing season, or part thereof covered by such marketing
736 order, is of the total volume of the commodities produced,
737 distributed, or handled by all such persons during the same
738 current marketing season or part thereof. The department, after
739 receiving the recommendations of the advisory council, shall fix
740 the rate of assessment on the volume of agricultural commodities
741 sold or some other equitable basis. For convenience of
742 collection, upon request of the department, handlers of the
743 commodities shall pay any producer assessments. Handlers paying
744 assessments for and on behalf of any producers may collect the
745 producer assessments from any moneys owed by the handlers to the
746 producers. The collected assessments shall be deposited into the
747 appropriate trust fund and used for the sole purpose of
748 implementing the marketing order for which the assessment was
749 collected. The department is not subject to s. 287.057 in the
750 expenditure of these funds. However, the director of the

751 Division of Fruit and Vegetables ~~Marketing and Development~~ shall
 752 file with the internal auditor of the department a certification
 753 of conditions and circumstances justifying each contract or
 754 agreement entered into without competitive bidding.

755 Section 24. Paragraph (b) of subsection (4) of section
 756 590.02, Florida Statutes, is amended to read:

757 590.02 Florida Forest Service; powers, authority, and
 758 duties; liability; building structures; Withlacoochee Training
 759 Center.—

760 (4)

761 (b) Notwithstanding s. 553.80(1), the department shall
 762 exclusively enforce the Florida Building Code as it pertains to
 763 wildfire, ~~and law enforcement,~~ and other Florida Forest Service
 764 facilities under the jurisdiction of the department.

765 Section 25. Paragraph (a) of subsection (5) of section
 766 597.004, Florida Statutes, is amended to read:

767 597.004 Aquaculture certificate of registration.—

768 (5) SALE OF AQUACULTURE PRODUCTS.—

769 (a) Aquaculture products, except shellfish, snook, and any
 770 fish of the genus *Micropterus*, and prohibited and restricted
 771 freshwater and marine species identified by rules of the Fish
 772 and Wildlife Conservation Commission, may be sold ~~by an~~
 773 ~~aquaculture producer certified pursuant to this section~~ without
 774 restriction by a licensed dealer if the so long as product
 775 origin can be identified.

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776 Section 26. Subsection (2) of section 604.16, Florida
777 Statutes, is amended to read:

778 604.16 Exceptions to provisions of ss. 604.15-604.34.—
779 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
780 not apply to:

781 (2) A dealer in agricultural products who pays at the time
782 of purchase with United States cash currency or a cash
783 equivalent, such as a money order, cashier's check, wire
784 transfer, electronic funds transfer, or PIN-based debit
785 transaction, or who pays with a credit card as defined in s.
786 658.995(2)(a).

787 Section 27. This act shall take effect July 1, 2017.