

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. 472.003, F.S.; specifying that
8 certain persons under contract with registered or
9 certified surveyors and mappers are not subject to the
10 provisions of ch. 472, F.S.; amending s. 472.005,
11 F.S.; redefining the terms "practice of surveying and
12 mapping" and "subordinate"; amending s. 472.015, F.S.;
13 revising the qualifications for licensure by
14 endorsement; amending s. 472.025, F.S.; deleting a
15 requirement that registrant seals be of impression-
16 type metal; amending s. 472.0366, F.S.; revising the
17 requirements for copies of evaluation certificates
18 that must be submitted to the Division of Emergency
19 Management within the Executive Office of the
20 Governor; requiring that certain copies of evaluation
21 certificates be retained in the surveyor and mapper's
22 records; amending s. 487.2041, F.S.; requiring the
23 department to adopt by rule certain United States
24 Environmental Protection Agency regulations relating
25 to labeling requirements for pesticides and devices;

26 | amending s. 493.6101, F.S.; specifying that a manager
27 | of a private investigative agency may manage multiple
28 | offices; amending s. 493.6105, F.S.; exempting certain
29 | partners and corporate officers from fingerprint
30 | retention requirements; revising the submission
31 | requirements for applications for Class "K" licenses;
32 | amending s. 493.6107, F.S.; deleting a specification
33 | that license fees are biennial; amending s. 493.6108,
34 | F.S.; providing an authorization to the Department of
35 | Law Enforcement to release certain mental health and
36 | substance abuse history of applicants and licensees
37 | for the purpose of determining licensure eligibility;
38 | requiring licensees to notify their employer of an
39 | arrest within a specified period; amending s.
40 | 493.6112, F.S.; revising the notification requirements
41 | for changes of certain partners, officers, and
42 | employees of private investigative, security, and
43 | recovery agencies; amending s. 493.6113, F.S.;
44 | specifying that Class "G" licensees must complete
45 | requalification training for each type and caliber of
46 | firearm carried in the course of performing regulated
47 | duties; conforming terminology; amending s. 493.6115,
48 | F.S.; correcting a cross-reference regarding the
49 | conditions under which a Class "G" licensee may carry
50 | a concealed weapon; revising the conditions under

51 | which the department may issue a temporary Class "G"
52 | license; amending s. 493.6118, F.S.; providing that
53 | failure of a licensee to timely notify his or her
54 | employer of an arrest is grounds for disciplinary
55 | action by the Department of Agriculture and Consumer
56 | Services; requiring the department to suspend
57 | specified licenses of a licensee arrested or formally
58 | charged with certain crimes until disposition of the
59 | case; requiring the department to notify a licensee of
60 | administrative hearing rights; specifying that any
61 | hearing must be limited to a determination as to
62 | whether the licensee has been arrested or charged with
63 | a disqualifying crime; providing that the suspension
64 | may be lifted under certain circumstances; requiring
65 | the department to proceed with revocation under
66 | certain circumstances; amending s. 493.6202, F.S.;
67 | deleting a specification that license fees are
68 | biennial; amending s. 493.6203, F.S.; deleting a
69 | requirement that certain training be provided in two
70 | parts; deleting obsolete provisions; amending s.
71 | 493.6302, F.S.; deleting a specification that license
72 | fees are biennial; amending s. 493.6303, F.S.;
73 | deleting a requirement that certain training must be
74 | provided in two parts; deleting obsolete provisions;
75 | making technical changes; amending s. 493.6304, F.S.;

76 making technical changes; amending s. 493.6402, F.S.;
77 deleting a specification that license fees are
78 biennial; amending s. 493.6403, F.S.; requiring that
79 applicants for Class "E" and "EE" licenses submit
80 proof of successful completion of certain training,
81 not just complete such training; deleting an obsolete
82 provision; amending s. 501.013, F.S.; exempting
83 certain programs and facilities from health studio
84 regulations; amending s. 501.059, F.S.; removing a
85 limitation on the length of time for which the
86 department must place certain persons on a no-
87 solicitation list; amending s. 507.04, F.S.; making a
88 technical change; amending s. 531.37, F.S.; revising a
89 definition; amending s. 531.61, F.S.; removing an
90 exemption from commercial use permit requirements for
91 taximeters; amending s. 531.63, F.S.; removing a
92 limitation on annual commercial use permit fees for
93 taximeters; amending s. 534.021, F.S.; specifying that
94 a detailed drawing, rather than a facsimile, must
95 accompany an application for the recording of certain
96 marks and brands; amending s. 534.041, F.S.; extending
97 the renewal period for certain mark or brand
98 certificates; eliminating a renewal fee; repealing s.
99 534.061, F.S., relating to the transfer of ownership
100 of cattle; amending s. 573.118, F.S.; specifying that

101 the Division of Fruit and Vegetables, rather than the
 102 Division of Marketing and Development, must file a
 103 specified certification; amending s. 590.02, F.S.;
 104 specifying that the department has exclusive authority
 105 to enforce the Florida Building Code as it relates to
 106 Florida Forest Service facilities under the
 107 jurisdiction of the department; amending s. 597.004,
 108 F.S.; authorizing certain saltwater products dealers
 109 to sell certain aquaculture products without
 110 restriction under a specified circumstance; amending
 111 s. 604.16, F.S.; specifying that dealers in
 112 agricultural products who pay by credit card are
 113 exempt from certain dealer requirements; amending s.
 114 790.06, F.S.; revising the requirements to obtain a
 115 license to carry a concealed weapon or firearm;
 116 revising the requirements of the application form;
 117 reducing the fees for concealed weapon or firearm
 118 licenses; providing an effective date.

119
 120 Be It Enacted by the Legislature of the State of Florida:
 121

122 Section 1. Subsection (8) of section 288.1175, Florida
 123 Statutes, is amended to read:

124 288.1175 Agriculture education and promotion facility.—
 125 (8) Applications must be postmarked or electronically

126 submitted by October 1 of each year. The Department of
 127 Agriculture and Consumer Services may not recommend funding for
 128 less than the requested amount to any applicant certified as an
 129 agriculture education and promotion facility; however, funding
 130 of certified applicants shall be subject to the amount provided
 131 by the Legislature in the General Appropriations Act for this
 132 program.

133 Section 2. Paragraph (d) is added to subsection (5) of
 134 section 472.003, Florida Statutes, to read:

135 472.003 Persons not affected by ss. 472.001-472.037.—
 136 Sections 472.001-472.037 do not apply to:

137 (5)

138 (d) Persons who are under contract with an individual
 139 registered or legal entity certified under this chapter and who
 140 are under the supervision of and subordinate to a person in
 141 responsible charge registered under this chapter.

142 Section 3. Subsections (4) and (10) of section 472.005,
 143 Florida Statutes, are amended to read:

144 472.005 Definitions.—As used in ss. 472.001-472.037:

145 (4) (a) "Practice of surveying and mapping" means, among
 146 other things, any professional service or work, the adequate
 147 performance of which involves the application of special
 148 knowledge of the principles of mathematics, the related physical
 149 and applied sciences, and the relevant requirements of law for
 150 adequate evidence of the act of measuring, locating,

151 establishing, or reestablishing lines, angles, elevations,
152 natural and manmade features in the air, on the surface and
153 immediate subsurface of the earth, within underground workings,
154 and on the beds or surface of bodies of water, for the purpose
155 of determining, establishing, describing, displaying, or
156 interpreting the facts of size, volume, shape, topography, tidal
157 datum planes, and legal or geodetic location or relocation, ~~and~~
158 ~~orientation of improved or unimproved real property and~~
159 ~~appurtenances thereto, including acreage and condominiums.~~

160 (b) The practice of surveying and mapping also includes,
161 but is not limited to, photogrammetric control; orientation of
162 improved or unimproved real property and appurtenances and
163 personal property attached thereto, including acreage and
164 condominiums; the monumentation and remonumentation of property
165 boundaries and subdivisions; the measurement of and preparation
166 of plans showing existing improvements after construction; the
167 layout of proposed improvements; the preparation of descriptions
168 for use in legal instruments of conveyance of real property and
169 property rights; the preparation of subdivision planning maps
170 and record plats, as provided for in chapter 177; the
171 determination of, but not the design of, grades and elevations
172 of roads and land in connection with subdivisions or divisions
173 of land; and the creation and perpetuation of alignments related
174 to maps, record plats, field note records, reports, property
175 descriptions, and plans and drawings that represent them.

176 (10) "Subordinate" means a person ~~an employee~~ who performs
 177 work under the direction, supervision, and responsible charge of
 178 a person who is registered under this chapter.

179 Section 4. Paragraph (a) of subsection (5) of section
 180 472.015, Florida Statutes, is amended to read:

181 472.015 Licensure.—

182 (5) (a) The board shall certify as qualified for a license
 183 by endorsement an applicant who, at the time of application:

184 1. Holds a valid license to practice surveying and mapping
 185 issued before ~~prior to~~ July 1, 1999, by another state or
 186 territory of the United States; has passed a national, regional,
 187 state, or territorial licensing examination that is
 188 substantially equivalent to the examination required by s.
 189 472.013; and has a specific experience record of at least 8
 190 years as a subordinate to a registered surveyor and mapper in
 191 the active practice of surveying and mapping, 6 years of which
 192 must be of a nature indicating that the applicant was in
 193 responsible charge of the accuracy and correctness of the
 194 surveying and mapping work performed; or

195 2. Holds a valid license to practice surveying and mapping
 196 issued by another state or territory of the United States if the
 197 criteria for issuance of the license were substantially the same
 198 as the licensure criteria that existed in Florida at the time
 199 the license was issued. ~~;~~ ~~or~~

200 ~~3. Is a practicing photogrammetrist who holds the~~

201 ~~Certified Photogrammetrist designation of the American Society~~
202 ~~for Photogrammetry and Remote Sensing and held such designation~~
203 ~~on or before July 1, 2005; is a graduate of a 4-year course of~~
204 ~~study at an accredited college or university; and has a specific~~
205 ~~experience record of 6 or more years as a subordinate to a~~
206 ~~Certified Photogrammetrist of the American Society for~~
207 ~~Photogrammetry and Remote Sensing in the active practice of~~
208 ~~surveying and mapping, 5 years of which shall be of a nature~~
209 ~~indicating that the applicant was in responsible charge of the~~
210 ~~accuracy and correctness of the surveying and mapping work~~
211 ~~performed. The course of study must have included not fewer than~~
212 ~~32 semester hours of study or its academic equivalent. The~~
213 ~~applicant must have completed a minimum of 25 semester hours~~
214 ~~from a college or university approved by the board in surveying~~
215 ~~and mapping subjects or in any combination of courses in civil~~
216 ~~engineering, surveying, mapping, mathematics, photogrammetry,~~
217 ~~forestry, or land law and the physical sciences. Any of the~~
218 ~~required 25 semester hours of study completed not as a part of~~
219 ~~the 4-year course of study shall be approved at the discretion~~
220 ~~of the board. Work experience acquired as a part of the~~
221 ~~education requirement shall not be construed as experience in~~
222 ~~responsible charge. The applicant must have applied to the~~
223 ~~department for licensure on or before July 1, 2007.~~

224 Section 5. Subsection (1) of section 472.025, Florida
225 Statutes, is amended to read:

226 472.025 Seals.—

227 (1) The board shall adopt, by rule, a form of seal to be
 228 used by all registrants holding valid certificates of
 229 registration, whether the registrants are corporations,
 230 partnerships, or individuals. Each registrant shall obtain a ~~an~~
 231 ~~impression-type metal~~ seal in that form; and all final drawings,
 232 plans, specifications, plats, or reports prepared or issued by
 233 the registrant in accordance with the standards of practice
 234 established by the board shall be signed by the registrant,
 235 dated, and stamped with his or her seal. This signature, date,
 236 and seal shall be evidence of the authenticity of that to which
 237 they are affixed. Each registrant may in addition register his
 238 or her seal electronically in accordance with ss. 668.001-
 239 668.006. Drawings, plans, specifications, reports, or documents
 240 prepared or issued by a registrant may be transmitted
 241 electronically and may be signed by the registrant, dated, and
 242 stamped electronically with such seal in accordance with ss.
 243 668.001-668.006.

244 Section 6. Subsection (2) of section 472.0366, Florida
 245 Statutes, is amended to read:

246 472.0366 Elevation certificates; requirements for
 247 surveyors and mappers.—

248 (2) Beginning January 1, 2017, a surveyor and mapper
 249 shall, within 30 days after completion, submit to the division a
 250 copy of each elevation certificate that he or she completes. The

251 copy must be unaltered, except that the surveyor and mapper may
252 redact the name of the property owner. The copy need not be
253 signed and sealed when submitted to the division; however, an
254 original signed and sealed copy must be retained in the surveyor
255 and mapper's records as prescribed by rule of the board.

256 Section 7. Section 487.2041, Florida Statutes, is amended
257 to read:

258 487.2041 Enforcement of federal worker protection
259 regulations.—The department shall, to the extent that resources
260 are available, continue to operate under the United States
261 Environmental Protection Agency regulations regarding the
262 Labeling Requirement for Pesticides and Devices, 40 C.F.R. part
263 156, and the Worker Protection Standard, 40 C.F.R. part 170,
264 which the department shall adopt ~~adopted~~ by rule ~~during the~~
265 ~~1995-1996 fiscal year and published in the Florida~~
266 ~~Administrative Code~~. Any provision of this part not preempted by
267 federal law shall continue to apply.

268 Section 8. Subsection (13) of section 493.6101, Florida
269 Statutes, is amended to read:

270 493.6101 Definitions.—

271 (13) "Manager" means any licensee who directs the
272 activities of licensees at any agency or branch office. The
273 manager shall be assigned to and shall primarily operate from
274 the agency or branch office location for which he or she has
275 been designated as manager. The manager of a private

276 investigative agency may, however, manage multiple private
277 investigative agencies and branch offices.

278 Section 9. Paragraph (j) of subsection (3) and paragraph
279 (a) of subsection (6) of section 493.6105, Florida Statutes, are
280 amended to read:

281 493.6105 Initial application for license.—

282 (3) The application must contain the following information
283 concerning the individual signing the application:

284 (j) A full set of fingerprints, a fingerprint processing
285 fee, and a fingerprint retention fee. The fingerprint processing
286 and retention fees shall be established by rule of the
287 department based upon costs determined by state and federal
288 agency charges and department processing costs, which must
289 include the cost of retaining the fingerprints in the statewide
290 automated biometric identification system established in s.
291 943.05(2)(b) and the cost of enrolling the fingerprints in the
292 national retained print arrest notification program as required
293 under s. 493.6108. An applicant who has, within the immediately
294 preceding 6 months, submitted such fingerprints and fees for
295 licensing purposes under this chapter and who still holds a
296 valid license is not required to submit another set of
297 fingerprints or another fingerprint processing fee. An applicant
298 who holds multiple licenses issued under this chapter is
299 required to pay only a single fingerprint retention fee.
300 Partners and corporate officers who do not possess licenses

301 subject to renewal under s. 493.6113 are exempt from the
 302 fingerprint retention requirements of this chapter.

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

305 (a) Submit one of the following:

306 1. The Florida Criminal Justice Standards and Training
 307 Commission Instructor Certificate and written confirmation by
 308 the commission that the applicant possesses an active firearms
 309 certification.

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

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

316 Section 10. Subsection (1) of section 493.6107, Florida
 317 Statutes, is amended to read:

318 493.6107 Fees.—

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

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

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

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

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

325 Section 11. Subsections (3) and (5) of section 493.6108,

326 Florida Statutes, are amended to read:

327 493.6108 Investigation of applicants by Department of
328 Agriculture and Consumer Services.—

329 (3) The department must also investigate the mental
330 history and current mental and emotional fitness of any Class
331 "G" or Class "K" applicant and may deny a Class "G" or Class "K"
332 license to anyone who has a history of mental illness or drug or
333 alcohol abuse. Notwithstanding s. 790.065(2)(a)4.f., the
334 Department of Law Enforcement is authorized, for the limited
335 purpose of determining eligibility of Class "G" or Class "K"
336 applicants and licensees under this chapter, to provide the
337 department with mental health and substance abuse data of
338 individuals who are prohibited from purchasing a firearm.

339 (5) A person licensed under this chapter must notify his
340 or her employer within 3 calendar days if he or she is arrested
341 for any offense. If the department receives information about an
342 arrest within the state of a person who holds a valid license
343 issued under this chapter for a crime that could potentially
344 disqualify the person from holding such a license, the
345 department must provide the arrest information to the agency
346 that employs the licensee.

347 Section 12. Section 493.6112, Florida Statutes, is amended
348 to read:

349 493.6112 Notification to Department of Agriculture and
350 Consumer Services of changes of partner or officer or

351 employees.—

352 (1) After filing the application, unless the department
353 declines to issue the license or revokes it after issuance, an
354 agency ~~or school~~ shall, within 5 working days of the withdrawal,
355 removal, replacement, or addition of any or all partners or
356 officers, notify and file with the department complete
357 applications for such individuals. The agency's ~~or school's~~ good
358 standing under this chapter shall be contingent upon the
359 department's approval of any new partner or officer.

360 (2) Each agency ~~or school~~ shall, upon the employment or
361 termination of employment of a licensee, report such employment
362 or termination within 15 calendar days ~~immediately~~ to the
363 department and, in the case of a termination, report the reason
364 or reasons therefor. The report shall be submitted
365 electronically in a manner ~~on a form~~ prescribed by the
366 department.

367 Section 13. Paragraph (b) of subsection (3) of section
368 493.6113, Florida Statutes, is amended to read:

369 493.6113 Renewal application for licensure.—

370 (3) Each licensee is responsible for renewing his or her
371 license on or before its expiration by filing with the
372 department an application for renewal accompanied by payment of
373 the renewal fee and the fingerprint retention fee to cover the
374 cost of ongoing retention in the statewide automated biometric
375 identification system established in s. 943.05(2)(b). Upon the

376 first renewal of a license issued under this chapter before
377 January 1, 2017, the licensee shall submit a full set of
378 fingerprints and fingerprint processing fees to cover the cost
379 of entering the fingerprints into the statewide automated
380 biometric identification system pursuant to s. 493.6108(4)(a)
381 and the cost of enrollment in the Federal Bureau of
382 Investigation's national retained print arrest notification
383 program. Subsequent renewals may be completed without submission
384 of a new set of fingerprints.

385 (b) Each Class "G" licensee shall additionally submit
386 proof that he or she has received during each year of the
387 license period a minimum of 4 hours of firearms regualification
388 ~~recertification~~ training taught by a Class "K" licensee and has
389 complied with such other health and training requirements that
390 the department shall adopt by rule. Proof of completion of
391 firearms regualification ~~recertification~~ training shall be
392 submitted to the department upon completion of the training. A
393 Class "G" licensee must successfully complete this
394 regualification training for each type and caliber of firearm
395 carried in the course of performing his or her regulated duties.
396 If the licensee fails to complete the required 4 hours of annual
397 training during the first year of the 2-year term of the
398 license, the license shall be automatically suspended. The
399 licensee must complete the minimum number of hours of range and
400 classroom training required at the time of initial licensure and

401 submit proof of completion of such training to the department
402 before the license may be reinstated. If the licensee fails to
403 complete the required 4 hours of annual training during the
404 second year of the 2-year term of the license, the licensee must
405 complete the minimum number of hours of range and classroom
406 training required at the time of initial licensure and submit
407 proof of completion of such training to the department before
408 the license may be renewed. The department may waive the
409 firearms training requirement if:

410 1. The applicant provides proof that he or she is
411 currently certified as a law enforcement officer or correctional
412 officer under the Criminal Justice Standards and Training
413 Commission and has completed law enforcement firearms
414 requalification training annually during the previous 2 years of
415 the licensure period;

416 2. The applicant provides proof that he or she is
417 currently certified as a federal law enforcement officer and has
418 received law enforcement firearms training administered by a
419 federal law enforcement agency annually during the previous 2
420 years of the licensure period; or

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

425 Section 14. Subsection (4) of section 493.6115, Florida

426 Statutes, is amended, present paragraphs (b), (c), and (d) of
 427 subsection (12) of that section are redesignated as paragraphs
 428 (c), (d), and (e), respectively, and a new paragraph (b) is
 429 added to that subsection, to read:

430 493.6115 Weapons and firearms.—

431 (4) A Class "C" or Class "CC" licensee who is 21 years of
 432 age or older and ~~who~~ has also been issued a Class "G" license
 433 may carry, in the performance of her or his duties, a concealed
 434 firearm. A Class "D" licensee who is 21 years of age or older
 435 and ~~who~~ has also been issued a Class "G" license may carry a
 436 concealed firearm in the performance of her or his duties under
 437 the conditions specified in s. 493.6305(3) and (4) ~~493.6305(2)~~.
 438 The Class "G" license must ~~shall~~ clearly indicate such
 439 authority. The authority of any such licensee to carry a
 440 concealed firearm is ~~shall be~~ valid in any location throughout
 441 the state, ~~in any location~~, while performing services within the
 442 scope of the license.

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

445 (b) The department has reviewed the mental health and
 446 substance abuse data provided by the Department of Law
 447 Enforcement as authorized in s. 493.6108(3) and has determined
 448 the applicant is not prohibited from licensure based upon this
 449 data.

450 Section 15. Subsection (1) of section 493.6118, Florida

451 Statutes, is amended, and subsections (8) and (9) are added to
 452 that section, to read:

453 493.6118 Grounds for disciplinary action.—

454 (1) The following constitute grounds for which
 455 disciplinary action specified in subsection (2) may be taken by
 456 the department against any licensee, agency, or applicant
 457 regulated by this chapter, or any unlicensed person engaged in
 458 activities regulated under this chapter:—

459 (a) Fraud or willful misrepresentation in applying for or
 460 obtaining a license.

461 (b) Use of any fictitious or assumed name by an agency
 462 unless the agency has department approval and qualifies under s.
 463 865.09.

464 (c) Being found guilty of or entering a plea of guilty or
 465 nolo contendere to, regardless of adjudication, or being
 466 convicted of a crime that directly relates to the business for
 467 which the license is held or sought. A plea of nolo contendere
 468 shall create a rebuttable presumption of guilt to the underlying
 469 criminal charges, and the department shall allow the individual
 470 being disciplined or denied an application for a license to
 471 present any mitigating circumstances surrounding his or her
 472 plea.

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

475 (e) A finding that the licensee or any employee is guilty

476 of willful betrayal of a professional secret or any unauthorized
477 release of information acquired as a result of activities
478 regulated under this chapter.

479 (f) Proof that the applicant or licensee is guilty of
480 fraud or deceit, or of negligence, incompetency, or misconduct,
481 in the practice of the activities regulated under this chapter.

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

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

487 (i) Impersonating, or permitting or aiding and abetting an
488 employee to impersonate, a law enforcement officer or an
489 employee of the state, the United States, or any political
490 subdivision thereof by identifying himself or herself as a
491 federal, state, county, or municipal law enforcement officer or
492 official representative, by wearing a uniform or presenting or
493 displaying a badge or credentials that would cause a reasonable
494 person to believe that he or she is a law enforcement officer or
495 that he or she has official authority, by displaying any
496 flashing or warning vehicular lights other than amber colored,
497 or by committing any act that is intended to falsely convey
498 official status.

499 (j) Commission of an act of violence or the use of force
500 on any person except in the lawful protection of one's self or

501 another from physical harm.

502 (k) Knowingly violating, advising, encouraging, or
 503 assisting the violation of any statute, court order, *capias*,
 504 warrant, injunction, or cease and desist order, in the course of
 505 business regulated under this chapter.

506 (l) Soliciting business for an attorney in return for
 507 compensation.

508 (m) Transferring or attempting to transfer a license
 509 issued pursuant to this chapter.

510 (n) Employing or contracting with any unlicensed or
 511 improperly licensed person or agency to conduct activities
 512 regulated under this chapter, or performing any act that
 513 assists, aids, or abets a person or business entity in engaging
 514 in unlicensed activity, when the licensure status was known or
 515 could have been ascertained by reasonable inquiry.

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

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

522 (q) Failure of any licensee to have his or her license in
 523 his or her possession while on duty, as specified in s.
 524 493.6111(1).

525 (r) Failure or refusal by a sponsor to certify a biannual

526 written report on an intern or to certify completion or
527 termination of an internship to the department within 15 working
528 days.

529 (s) Failure to report to the department any person whom
530 the licensee knows to be in violation of this chapter or the
531 rules of the department.

532 (t) Violating any provision of this chapter.

533 (u) For a Class "G" licensee, failing to timely complete
534 requalification ~~recertification~~ training as required in s.
535 493.6113(3) (b) .

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

538 (w) For a Class "G" or a Class "K" applicant or licensee,
539 being prohibited from purchasing or possessing a firearm by
540 state or federal law.

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

545 1. Recovering a motor vehicle, mobile home, motorboat,
546 aircraft, personal watercraft, all-terrain vehicle, farm
547 equipment, or industrial equipment that has been sold under a
548 conditional sales agreement or under the terms of a chattel
549 mortgage before authorization has been received from the legal
550 owner or mortgagee.

551 2. Charging for expenses not actually incurred in
 552 connection with the recovery, transportation, storage, or
 553 disposal of repossessed property or personal property obtained
 554 in a repossession.

555 3. Using any repossessed property or personal property
 556 obtained in a repossession for the personal benefit of a
 557 licensee or an officer, director, partner, manager, or employee
 558 of a licensee.

559 4. Selling property recovered under the provisions of this
 560 chapter, except with written authorization from the legal owner
 561 or the mortgagee thereof.

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

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

569 7. Failing to deliver to the client a negotiable
 570 instrument that is payable to the client, within 10 working days
 571 after receipt of such instrument.

572 8. Falsifying, altering, or failing to maintain any
 573 required inventory or records regarding disposal of personal
 574 property contained in or on repossessed property pursuant to s.
 575 493.6404(1).

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

579 10. Soliciting from the legal owner the recovery of
 580 property subject to repossession after such property has been
 581 seen or located on public or private property if the amount
 582 charged or requested for such recovery is more than the amount
 583 normally charged for such a recovery.

584 11. Wearing, presenting, or displaying a badge in the
 585 course of performing a repossession regulated by this chapter.

586 (y) Installation of a tracking device or tracking
 587 application in violation of s. 934.425.

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

590 (8)(a) Upon notification by a law enforcement agency, a
 591 court, or the Department of Law Enforcement and upon subsequent
 592 written verification, the department shall temporarily suspend a
 593 Class "G" or Class "K" license if the licensee is arrested or
 594 charged with a firearms-related crime that would disqualify such
 595 person from licensure under this chapter. The department shall
 596 notify the licensee suspended under this section of his or her
 597 right to a hearing pursuant to chapter 120. A hearing conducted
 598 regarding the temporary suspension must be for the limited
 599 purpose of determining whether the licensee has been arrested or
 600 charged with a disqualifying firearms-related crime.

601 (b) If the criminal case results in a nondisqualifying
602 disposition, the department shall issue an order lifting the
603 suspension upon the licensee's submission of a certified copy of
604 the final resolution to the department.

605 (c) If the criminal case results in a disqualifying
606 disposition, the suspension remains in effect and the department
607 shall proceed with revocation proceedings pursuant to chapter
608 120.

609 (9) (a) Upon notification by a law enforcement agency, a
610 court, or the Department of Law Enforcement and upon subsequent
611 written verification, the department shall temporarily suspend a
612 license if the licensee is arrested or charged with a forcible
613 felony as defined in s. 776.08. The department shall notify the
614 licensee suspended under this section of his or her right to a
615 hearing pursuant to chapter 120. A hearing conducted regarding
616 the temporary suspension must be for the limited purpose of
617 determining whether the licensee has been arrested or charged
618 with a forcible felony.

619 (b) If the criminal case results in a nondisqualifying
620 disposition, the department shall issue an order lifting the
621 suspension upon the licensee's submission of a certified copy of
622 the final resolution to the department.

623 (c) If the criminal case results in a disqualifying
624 disposition, the suspension remains in effect and the department
625 shall proceed with revocation proceedings pursuant to chapter

626 120.

627 Section 16. Subsection (1) of section 493.6202, Florida
628 Statutes, is amended to read:

629 493.6202 Fees.—

630 (1) The department shall establish by rule examination and
631 ~~biennial~~ license fees, ~~which shall~~ to exceed the following:

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

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

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

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

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

638 Section 17. Subsection (5) and paragraphs (b) and (c) of
639 subsection (6) of section 493.6203, Florida Statutes, are
640 amended to read:

641 493.6203 License requirements.—In addition to the license
642 requirements set forth elsewhere in this chapter, each
643 individual or agency shall comply with the following additional
644 requirements:

645 (5) ~~Effective January 1, 2008,~~ An applicant for a Class
646 "MA," Class "M," or Class "C" license must pass an examination
647 that covers the provisions of this chapter and is administered
648 by the department or by a provider approved by the department.
649 The applicant must pass the examination before applying for
650 licensure and must submit proof with the license application on

651 a form approved by rule of the department that he or she has
652 passed the examination. The administrator of the examination
653 shall verify the identity of each applicant taking the
654 examination.

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

658 (b) Notwithstanding the exemption provided in paragraph
659 (a), if the license of an applicant for relicensure has been
660 invalid for more than 1 year, the applicant must take and pass
661 the examination.

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

665 (6)

666 (b) ~~Effective January 1, 2012,~~ Before submission of an
667 application to the department, the applicant for a Class "CC"
668 license must have completed a minimum of 40 hours of
669 professional training pertaining to general investigative
670 techniques and this chapter, which course is offered by a state
671 university or by a school, community college, college, or
672 university under the purview of the Department of Education, and
673 the applicant must pass an examination. ~~The training must be
674 provided in two parts, one 24-hour course and one 16-hour
675 course.~~ The certificate evidencing satisfactory completion of

676 the 40 hours of professional training must be submitted with the
677 application for a Class "CC" license. The training specified in
678 this paragraph may be provided by face-to-face presentation,
679 online technology, or a home study course in accordance with
680 rules and procedures of the Department of Education. The
681 administrator of the examination must verify the identity of
682 each applicant taking the examination.

683 1. Upon an applicant's successful completion of each part
684 of the approved training and passage of any required
685 examination, the school, community college, college, or
686 university shall issue a certificate of completion to the
687 applicant. The certificates must be on a form established by
688 rule of the department.

689 2. The department shall establish by rule the general
690 content of the professional training and the examination
691 criteria.

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

695 ~~(c) An individual who submits an application for a Class~~
696 ~~"CC" license on or after September 1, 2008, through December 31,~~
697 ~~2011, who has not completed the 16-hour course must submit proof~~
698 ~~of successful completion of the course within 180 days after the~~
699 ~~date the application is submitted. If documentation of~~
700 ~~completion of the required training is not submitted by that~~

701 ~~date, the individual's license shall be automatically suspended~~
702 ~~until proof of the required training is submitted to the~~
703 ~~department.~~ An individual licensed on or before August 31, 2008,
704 is not required to complete additional training hours in order
705 to renew an active license beyond the total required hours, and
706 the timeframe for completion in effect at the time he or she was
707 licensed applies.

708 Section 18. Subsection (1) of section 493.6302, Florida
709 Statutes, is amended to read:

710 493.6302 Fees.—

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

713 (a) Class "B" license—security agency: \$450.

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

715 (c) Class "MB" license—security agency manager: \$75.

716 (d) Class "D" license—security officer: \$45.

717 (e) Class "DS" license—security officer school or training
718 facility: \$60.

719 (f) Class "DI" license—security officer school or training
720 facility instructor: \$60.

721 Section 19. Subsection (4) of section 493.6303, Florida
722 Statutes, is amended to read:

723 493.6303 License requirements.—In addition to the license
724 requirements set forth elsewhere in this chapter, each
725 individual or agency must comply with the following additional

726 requirements:

727 (4) (a) ~~Effective January 1, 2012,~~ An applicant for a Class
728 "D" license must submit proof of successful completion of a
729 minimum of 40 hours of professional training at a school or
730 training facility licensed by the department. ~~The training must~~
731 ~~be provided in two parts, one 24-hour course and one 16-hour~~
732 ~~course.~~ The department shall by rule establish the general
733 content and number of hours of each subject area to be taught.

734 (b) ~~An individual who submits an application for a Class~~
735 ~~"D" license on or after January 1, 2007, through December 31,~~
736 ~~2011, who has not completed the 16-hour course must submit proof~~
737 ~~of successful completion of the course within 180 days after the~~
738 ~~date the application is submitted. If documentation of~~
739 ~~completion of the required training is not submitted by that~~
740 ~~date, the individual's license shall be automatically suspended~~
741 ~~until proof of the required training is submitted to the~~
742 ~~department. A person licensed before January 1, 2007, is not~~
743 ~~required to complete additional training hours in order to renew~~
744 ~~an active license beyond the total required hours, and the~~
745 ~~timeframe for completion in effect at the time he or she was~~
746 ~~licensed applies.~~

747 (c) Upon reapplication for a license, an individual whose
748 license has been ~~is suspended or revoked pursuant to paragraph~~
749 ~~(b), or is expired for at least 1 year or more,~~ is considered,
750 ~~upon reapplication for a license,~~ an initial applicant and must

751 submit proof of successful completion of 40 hours of
 752 professional training at a school or training facility licensed
 753 by the department as provided in paragraph (a) before a license
 754 is issued.

755 Section 20. Subsection (1) of section 493.6304, Florida
 756 Statutes, is amended to read:

757 493.6304 Security officer school or training facility.—

758 (1) Any school, training facility, or instructor who
 759 offers the training specified ~~outlined~~ in s. 493.6303(4) for
 760 Class "D" applicants shall, before licensure of such school,
 761 training facility, or instructor, file with the department an
 762 application accompanied by an application fee in an amount to be
 763 determined by rule, not to exceed \$60. The fee is ~~shall~~ not ~~be~~
 764 refundable.

765 Section 21. Subsection (1) of section 493.6402, Florida
 766 Statutes, is amended to read:

767 493.6402 Fees.—

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

- 770 (a) Class "R" license—recovery agency: \$450.
- 771 (b) Class "RR" license—branch office: \$125.
- 772 (c) Class "MR" license—recovery agency manager: \$75.
- 773 (d) Class "E" license—recovery agent: \$75.
- 774 (e) Class "EE" license—recovery agent intern: \$60.
- 775 (f) Class "RS" license—recovery agent school or training

776 facility: \$60.

777 (g) Class "RI" license-recovery agent school or training
778 facility instructor: \$60.

779 Section 22. Subsection (2) of section 493.6403, Florida
780 Statutes, is amended to read:

781 493.6403 License requirements.—

782 (2) ~~Beginning October 1, 1994,~~ An applicant for a Class
783 "E" or a Class "EE" license must submit proof of successful
784 completion ~~have completed a minimum~~ of 40 hours of professional
785 training at a school or training facility licensed by the
786 department. The department shall by rule establish the general
787 content for the training.

788 Section 23. Subsection (6) is added to section 501.013,
789 Florida Statutes, to read:

790 501.013 Health studios; exemptions.—The following
791 businesses or activities may be declared exempt from the
792 provisions of ss. 501.012-501.019 upon the filing of an
793 affidavit with the department establishing that the stated
794 qualifications are met:

795 (6) A program or facility that is offered by an
796 organization for the exclusive use of its employees and their
797 family members.

798 Section 24. Paragraph (a) of subsection (3) of section
799 501.059, Florida Statutes, is amended to read:

800 501.059 Telephone solicitation.—

801 (3) (a) If any residential, mobile, or telephonic paging
 802 device telephone subscriber notifies the department of his or
 803 her desire to be placed on a "no sales solicitation calls"
 804 listing indicating that the subscriber does not wish to receive
 805 unsolicited telephonic sales calls, the department shall place
 806 the subscriber on that listing ~~for 5 years.~~

807 Section 25. Paragraph (a) of subsection (1) and subsection
 808 (3) of section 507.04, Florida Statutes, are amended to read:

809 507.04 Required insurance coverages; liability
 810 limitations; valuation coverage.—

811 (1) LIABILITY INSURANCE.—

812 (a)1. Except as provided in paragraph (b), each mover
 813 operating in this state must maintain current and valid
 814 liability insurance coverage of at least \$10,000 per shipment
 815 for the loss or damage of household goods resulting from the
 816 negligence of the mover or its employees or agents.

817 2. The mover must provide the department with evidence of
 818 liability insurance coverage before the mover is registered with
 819 the department under s. 507.03. All insurance coverage
 820 maintained by a mover must remain in effect throughout the
 821 mover's registration period. A mover's failure to maintain
 822 insurance coverage in accordance with this paragraph constitutes
 823 an immediate threat to the public health, safety, and welfare.
 824 ~~If a mover fails to maintain insurance coverage, the department~~
 825 ~~may immediately suspend the mover's registration or eligibility~~

826 ~~for registration, and the mover must immediately cease operating~~
827 ~~as a mover in this state. In addition, and notwithstanding the~~
828 ~~availability of any administrative relief pursuant to chapter~~
829 ~~120, the department may seek from the appropriate circuit court~~
830 ~~an immediate injunction prohibiting the mover from operating in~~
831 ~~this state until the mover complies with this paragraph, a civil~~
832 ~~penalty not to exceed \$5,000, and court costs.~~

833 (3) INSURANCE COVERAGES.—The insurance coverages required
834 under paragraph (1)(a) and subsection (2) must be issued by an
835 insurance company or carrier licensed to transact business in
836 this state under the Florida Insurance Code as designated in s.
837 624.01. The department shall require a mover to present a
838 certificate of insurance of the required coverages before
839 issuance or renewal of a registration certificate under s.
840 507.03. The department shall be named as a certificateholder in
841 the certificate and must be notified at least 10 days before
842 cancellation of insurance coverage. If a mover fails to maintain
843 insurance coverage, the department may immediately suspend the
844 mover's registration or eligibility for registration, and the
845 mover must immediately cease operating as a mover in this state.
846 In addition, and notwithstanding the availability of any
847 administrative relief pursuant to chapter 120, the department
848 may seek from the appropriate circuit court an immediate
849 injunction prohibiting the mover from operating in this state
850 until the mover complies with this section, a civil penalty not

851 to exceed \$5,000, and court costs.

852 Section 26. Subsection (1) of section 531.37, Florida
853 Statutes, is amended to read:

854 531.37 Definitions.—As used in this chapter:

855 (1) "Weights and measures" means all weights and measures
856 of every kind, instruments, and devices for weighing and
857 measuring, and any appliance and accessories associated with any
858 or all such instruments and devices, excluding taximeters,
859 digital networks, and those weights and measures used for the
860 purpose of inspecting the accuracy of devices used in
861 conjunction with aviation fuel.

862 Section 27. Subsection (1) of section 531.61, Florida
863 Statutes, is amended to read:

864 531.61 Exemptions from permit requirement.—Commercial
865 weights or measures instruments or devices are exempt from the
866 requirements of ss. 531.60-531.66 if:

867 ~~(1) The device is a taximeter that is licensed, permitted,~~
868 ~~or registered by a municipality, county, or other local~~
869 ~~government and is tested for accuracy and compliance with state~~
870 ~~standards by the local government in cooperation with the state~~
871 ~~as authorized in s. 531.421.~~

872 Section 28. Paragraph (g) of subsection (2) of section
873 531.63, Florida Statutes, is amended to read:

874 531.63 Maximum permit fees.—The commercial use permit fees
875 established for weights or measures instruments or devices shall

876 | be in an amount necessary to administer this chapter but may not
 877 | exceed the amounts provided in this section.

878 | (2) For other measuring devices, the annual permit fees
 879 | per device may not exceed the following:

880 | ~~(g) Taximeters \$50.~~

881 | Section 29. Section 534.021, Florida Statutes, is amended
 882 | to read:

883 | 534.021 Recording of marks or brands.—The department shall
 884 | be the recorder of livestock marks or brands, and the marks or
 885 | brands may not be recorded elsewhere in the state. Any livestock
 886 | owner who uses a mark or brand to identify her or his livestock
 887 | must register the mark or brand by applying to the department.
 888 | The application must be made on a form prescribed by the
 889 | department and must be accompanied by a detailed drawing
 890 | ~~faecsimile~~ of the brand applied for and a statement identifying
 891 | the county in which the applicant has or expects to have
 892 | livestock bearing the mark or brand to be recorded. The
 893 | department shall, upon its satisfaction that the application
 894 | meets the requirements of this chapter, record the mark or brand
 895 | for exclusive statewide use by the applicant. If an application
 896 | is made to record a mark or brand previously recorded, the
 897 | department shall determine whether the county in which the mark
 898 | or brand will be used is near enough to another county in which
 899 | the previously recorded mark or brand is used to cause confusion
 900 | or to aid theft or dishonesty, and if so, the department must

901 decline to admit to record the mark or brand. If a conflict
 902 arises between the owner of any recorded mark or brand and
 903 another claiming the right to record the same mark or brand, the
 904 department must give preference to the present owner. The
 905 department shall charge and collect at the time of recording a
 906 fee of \$10 for each mark or brand. A person may not use any mark
 907 or brand to which another has a prior right of record. It is
 908 unlawful to brand any animal with a brand not registered with
 909 the department.

910 Section 30. Section 534.041, Florida Statutes, is amended
 911 to read:

912 534.041 Renewal of certificate of mark or brand.—The
 913 registration of a mark or brand entitles the registered owner to
 914 exclusive ownership and use of the mark or brand for a period
 915 ending at midnight on the last day of the month 10 ~~5~~ years after
 916 ~~from~~ the date of registration. Upon application, registration
 917 may be renewed, ~~upon application and payment of a renewal fee of~~
 918 ~~\$5,~~ for successive 10-year ~~5-year~~ periods, each ending at
 919 midnight on the last day of the month 10 ~~5~~ years after ~~from~~ the
 920 date of renewal. At least 60 days before ~~prior to~~ the expiration
 921 of a registration, the department shall notify by letter the
 922 registered owner of the mark or brand that, upon application for
 923 renewal and payment of the renewal fee, the department will
 924 issue a renewal certificate granting the registered owner
 925 exclusive ownership and use of the mark or brand for another 10-

926 | year ~~5-year~~ period ending at midnight on the last day of the
 927 | month 10 ~~5~~ years after ~~from~~ the date of renewal. Failure to make
 928 | application for renewal within the month of expiration of a
 929 | registration will cause the department to send a second notice
 930 | to the registered owner by mail at her or his last known
 931 | address. Failure of the registered owner to make application for
 932 | renewal within 30 days after receipt of the second notice will
 933 | cause the owner's mark or brand to be placed on an inactive list
 934 | for a period of 12 months, after which it will be canceled and
 935 | become subject to registration by another person.

936 | Section 31. Section 534.061, Florida Statutes, is
 937 | repealed.

938 | Section 32. Subsection (1) of section 573.118, Florida
 939 | Statutes, is amended to read:

940 | 573.118 Assessment; funds; review of accounts; loans.—

941 | (1) To provide funds to defray the necessary expenses
 942 | incurred by the department in the formulation, issuance,
 943 | administration, and enforcement of any marketing order, every
 944 | person engaged in the production, distributing, or handling of
 945 | agricultural commodities within this state, and directly
 946 | affected by any marketing order, shall pay to the department, at
 947 | such times and in such installments as the department may
 948 | prescribe, such person's pro rata share of necessary expenses.
 949 | Each person's share of expenses shall be that proportion which
 950 | the total volume of agricultural commodities produced,

951 distributed, or handled by the person during the current
952 marketing season, or part thereof covered by such marketing
953 order, is of the total volume of the commodities produced,
954 distributed, or handled by all such persons during the same
955 current marketing season or part thereof. The department, after
956 receiving the recommendations of the advisory council, shall fix
957 the rate of assessment on the volume of agricultural commodities
958 sold or some other equitable basis. For convenience of
959 collection, upon request of the department, handlers of the
960 commodities shall pay any producer assessments. Handlers paying
961 assessments for and on behalf of any producers may collect the
962 producer assessments from any moneys owed by the handlers to the
963 producers. The collected assessments shall be deposited into the
964 appropriate trust fund and used for the sole purpose of
965 implementing the marketing order for which the assessment was
966 collected. The department is not subject to s. 287.057 in the
967 expenditure of these funds. However, the director of the
968 Division of Fruit and Vegetables ~~Marketing and Development~~ shall
969 file with the internal auditor of the department a certification
970 of conditions and circumstances justifying each contract or
971 agreement entered into without competitive bidding.

972 Section 33. Paragraph (b) of subsection (4) of section
973 590.02, Florida Statutes, is amended to read:

974 590.02 Florida Forest Service; powers, authority, and
975 duties; liability; building structures; Withlacoochee Training

976 Center.—

977 (4)

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

982 Section 34. Paragraph (a) of subsection (5) of section
 983 597.004, Florida Statutes, is amended to read:

984 597.004 Aquaculture certificate of registration.—

985 (5) SALE OF AQUACULTURE PRODUCTS.—

986 (a) Aquaculture products, except shellfish, snook, and any
 987 fish of the genus *Micropterus*, and prohibited and restricted
 988 freshwater and marine species identified by rules of the Fish
 989 and Wildlife Conservation Commission, may be sold by an
 990 aquaculture producer certified pursuant to this section or by a
 991 dealer licensed pursuant to part VII of chapter 379 without
 992 restriction so long as the product origin can be identified.

993 Section 35. Subsection (2) of section 604.16, Florida
 994 Statutes, is amended to read:

995 604.16 Exceptions to provisions of ss. 604.15-604.34.—
 996 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
 997 not apply to:

998 (2) A dealer in agricultural products who pays at the time
 999 of purchase with United States cash currency or a cash
 1000 equivalent, such as a money order, cashier's check, wire

1001 transfer, electronic funds transfer, or PIN-based debit
 1002 transaction, or who pays with a credit card as defined in s.
 1003 658.995(2)(a).

1004 Section 36. Subsections (2) and (4) and paragraph (b) of
 1005 subsection (5) of section 790.06, Florida Statutes, are amended
 1006 to read:

1007 790.06 License to carry concealed weapon or firearm.—

1008 (2) The Department of Agriculture and Consumer Services
 1009 shall issue a license if the applicant:

1010 (a) Is a resident of the United States and a citizen of
 1011 the United States or a permanent resident alien of the United
 1012 States, as determined by the United States Bureau of Citizenship
 1013 and Immigration Services, or is a consular security official of
 1014 a foreign government that maintains diplomatic relations and
 1015 treaties of commerce, friendship, and navigation with the United
 1016 States and is certified as such by the foreign government and by
 1017 the appropriate embassy in this country;

1018 (b) Is 21 years of age or older;

1019 (c) Does not suffer from a physical infirmity which
 1020 prevents the safe handling of a weapon or firearm;

1021 (d) Is not ineligible to possess a firearm pursuant to s.
 1022 790.23 by virtue of having been convicted of a felony;

1023 (e) Has not been: ~~committed for the abuse of a controlled~~
 1024 ~~substance or been~~

1025 1. Found guilty of a crime under the provisions of chapter

1026 893 or similar laws of any other state relating to controlled
1027 substances within a 3-year period immediately preceding the date
1028 on which the application is submitted; or

1029 2. Committed for the abuse of a controlled substance under
1030 chapter 397 or under the provisions of former chapter 396 or
1031 similar laws of any other state. An applicant who has been
1032 granted relief from firearms disabilities pursuant to s.
1033 790.065(2)(a)4.d. or pursuant to the law of the state in which
1034 the commitment occurred is deemed not to be committed for the
1035 abuse of a controlled substance under this subparagraph;

1036 (f) Does not chronically and habitually use alcoholic
1037 beverages or other substances to the extent that his or her
1038 normal faculties are impaired. It shall be presumed that an
1039 applicant chronically and habitually uses alcoholic beverages or
1040 other substances to the extent that his or her normal faculties
1041 are impaired if the applicant has been ~~committed under chapter~~
1042 ~~397 or under the provisions of former chapter 396 or has been~~
1043 convicted under s. 790.151 or has been deemed a habitual
1044 offender under s. 856.011(3), or has had two or more convictions
1045 under s. 316.193 or similar laws of any other state, within the
1046 3-year period immediately preceding the date on which the
1047 application is submitted;

1048 (g) Desires a legal means to carry a concealed weapon or
1049 firearm for lawful self-defense;

1050 (h) Demonstrates competence with a firearm by any one of

1051 the following:

1052 1. Completion of any hunter education or hunter safety
 1053 course approved by the Fish and Wildlife Conservation Commission
 1054 or a similar agency of another state;

1055 2. Completion of any National Rifle Association firearms
 1056 safety or training course;

1057 3. Completion of any firearms safety or training course or
 1058 class available to the general public offered by a law
 1059 enforcement agency, junior college, college, or private or
 1060 public institution or organization or firearms training school,
 1061 using instructors certified by the National Rifle Association,
 1062 Criminal Justice Standards and Training Commission, or the
 1063 Department of Agriculture and Consumer Services;

1064 4. Completion of any law enforcement firearms safety or
 1065 training course or class offered for security guards,
 1066 investigators, special deputies, or any division or subdivision
 1067 of a law enforcement agency or security enforcement;

1068 5. Presents evidence of equivalent experience with a
 1069 firearm through participation in organized shooting competition
 1070 or military service;

1071 6. Is licensed or has been licensed to carry a firearm in
 1072 this state or a county or municipality of this state, unless
 1073 such license has been revoked for cause; or

1074 7. Completion of any firearms training or safety course or
 1075 class conducted by a state-certified or National Rifle

1076 Association certified firearms instructor;
 1077
 1078 A photocopy of a certificate of completion of any of the courses
 1079 or classes; an affidavit from the instructor, school, club,
 1080 organization, or group that conducted or taught such course or
 1081 class attesting to the completion of the course or class by the
 1082 applicant; or a copy of any document that shows completion of
 1083 the course or class or evidences participation in firearms
 1084 competition shall constitute evidence of qualification under
 1085 this paragraph. A person who conducts a course pursuant to
 1086 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
 1087 an instructor, attests to the completion of such courses, must
 1088 maintain records certifying that he or she observed the student
 1089 safely handle and discharge the firearm in his or her physical
 1090 presence and that the discharge of the firearm included live
 1091 fire using a firearm and ammunition as defined in s. 790.001;
 1092 (i) Has not been adjudicated an incapacitated person under
 1093 s. 744.331, or similar laws of any other state. An applicant who
 1094 has been granted relief from firearms disabilities pursuant to
 1095 s. 790.065(2)(a)4.d. or pursuant to the law of the state in
 1096 which the adjudication occurred is deemed not to have been
 1097 adjudicated an incapacitated person under this paragraph, ~~unless~~
 1098 ~~5 years have elapsed since the applicant's restoration to~~
 1099 ~~capacity by court order;~~
 1100 (j) Has not been committed to a mental institution under

1101 chapter 394, or similar laws of any other state. An applicant
1102 who has been granted relief from firearms disabilities pursuant
1103 to s. 790.065(2)(a)4.d. or pursuant to the law of the state in
1104 which the commitment occurred is deemed not to have been
1105 committed in a mental institution under this paragraph, ~~unless~~
1106 ~~the applicant produces a certificate from a licensed~~
1107 ~~psychiatrist that he or she has not suffered from disability for~~
1108 ~~at least 5 years before the date of submission of the~~
1109 ~~application;~~

1110 (k) Has not had adjudication of guilt withheld or
1111 imposition of sentence suspended on any felony unless 3 years
1112 have elapsed since probation or any other conditions set by the
1113 court have been fulfilled, or expunction has occurred;

1114 (l) Has not had adjudication of guilt withheld or
1115 imposition of sentence suspended on any misdemeanor crime of
1116 domestic violence unless 3 years have elapsed since probation or
1117 any other conditions set by the court have been fulfilled, or
1118 the record has been expunged;

1119 (m) Has not been issued an injunction that is currently in
1120 force and effect and that restrains the applicant from
1121 committing acts of domestic violence or acts of repeat violence;
1122 and

1123 (n) Is not prohibited from purchasing or possessing a
1124 firearm by any other provision of Florida or federal law.

1125 (4) The application shall be completed, under oath, on a

1126 form adopted by the Department of Agriculture and Consumer
 1127 Services and shall include:

1128 (a) The name, address, place of birth, date of birth, and
 1129 race of the applicant;

1130 (b) A statement that the applicant is in compliance with
 1131 criteria contained within subsections (2) and (3);

1132 (c) A statement that the applicant has been furnished a
 1133 copy of or a website link to this chapter and is knowledgeable
 1134 of its provisions;

1135 (d) A conspicuous warning that the application is executed
 1136 under oath and that a false answer to any question, or the
 1137 submission of any false document by the applicant, subjects the
 1138 applicant to criminal prosecution under s. 837.06;

1139 (e) A statement that the applicant desires a concealed
 1140 weapon or firearms license as a means of lawful self-defense;
 1141 and

1142 (f) Directions for an applicant who is a servicemember, as
 1143 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
 1144 request expedited processing of his or her application.

1145 (5) The applicant shall submit to the Department of
 1146 Agriculture and Consumer Services or an approved tax collector
 1147 pursuant to s. 790.0625:

1148 (b) A nonrefundable license fee of up to \$55 ~~\$60~~ if he or
 1149 she has not previously been issued a statewide license or of up
 1150 to \$45 ~~\$50~~ for renewal of a statewide license. The cost of

1151 processing fingerprints as required in paragraph (c) shall be
1152 borne by the applicant. However, an individual holding an active
1153 certification from the Criminal Justice Standards and Training
1154 Commission as a law enforcement officer, correctional officer,
1155 or correctional probation officer as defined in s. 943.10(1),
1156 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
1157 requirements of this section. If such individual wishes to
1158 receive a concealed weapon or firearm license, he or she is
1159 exempt from the background investigation and all background
1160 investigation fees but must pay the current license fees
1161 regularly required to be paid by nonexempt applicants. Further,
1162 a law enforcement officer, a correctional officer, or a
1163 correctional probation officer as defined in s. 943.10(1), (2),
1164 or (3) is exempt from the required fees and background
1165 investigation for 1 year after his or her retirement.

1166 Section 37. This act shall take effect July 1, 2017.