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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2017	.	
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	.	
	.	

The Committee on Commerce and Tourism (Young) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

288.1175 Agriculture education and promotion facility.—

(8) Applications must be postmarked or electronically
submitted by October 1 of each year. The Department of
Agriculture and Consumer Services may not recommend funding for



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11 less than the requested amount to any applicant certified as an
12 agriculture education and promotion facility; however, funding
13 of certified applicants shall be subject to the amount provided
14 by the Legislature in the General Appropriations Act for this
15 program.

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

18 472.003 Persons not affected by ss. 472.001-472.037.-
19 Sections 472.001-472.037 do not apply to:

20 (5)

21 (d) Persons who are under contract with an individual
22 registered or legal entity certified under this chapter and who
23 are under the supervision of and subordinate to a person in
24 responsible charge registered under this chapter, to the extent
25 that such supervision meets standards adopted by rule by the
26 board, if any.

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

29 472.005 Definitions.-As used in ss. 472.001-472.037:

30 (4) (a) "Practice of surveying and mapping" means, among
31 other things, any professional service or work, the adequate
32 performance of which involves the application of special
33 knowledge of the principles of mathematics, the related physical
34 and applied sciences, and the relevant requirements of law for
35 adequate evidence of the act of measuring, locating,
36 establishing, or reestablishing lines, angles, elevations,
37 natural and manmade features in the air, on the surface and
38 immediate subsurface of the earth, within underground workings,
39 and on the beds or surface of bodies of water, for the purpose



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40 of determining, establishing, describing, displaying, or
41 interpreting the facts of size, volume, shape, topography, tidal
42 datum planes, and legal or geodetic location or relocation, ~~and~~
43 ~~orientation of improved or unimproved real property and~~
44 ~~appurtenances thereto, including acreage and condominiums.~~

45 (b) The practice of surveying and mapping also includes,
46 but is not limited to, photogrammetric control; orientation of
47 improved or unimproved real property and appurtenances and
48 personal property attached thereto, including acreage and
49 condominiums; the monumentation and remonumentation of property
50 boundaries and subdivisions; the measurement of and preparation
51 of plans showing existing improvements after construction; the
52 layout of proposed improvements; the preparation of descriptions
53 for use in legal instruments of conveyance of real property and
54 property rights; the preparation of subdivision planning maps
55 and record plats, as provided for in chapter 177; the
56 determination of, but not the design of, grades and elevations
57 of roads and land in connection with subdivisions or divisions
58 of land; and the creation and perpetuation of alignments related
59 to maps, record plats, field note records, reports, property
60 descriptions, and plans and drawings that represent them.

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

64 Section 4. Subsections (2) and (3) of section 472.013,
65 Florida Statutes, are amended to read:

66 472.013 Examinations, prerequisites.—

67 (2) An applicant shall be entitled to take the licensure
68 examination to practice in this state as a surveyor and mapper



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69 if the applicant is of good moral character and has satisfied
70 one of the following requirements:

71 (a) The applicant has received a bachelor's degree, its
72 equivalent, or higher in surveying and mapping or a similarly
73 titled program, including, but not limited to, geomatics,
74 geomatics engineering, and land surveying, ~~of 4 years or more in~~
75 a ~~surveying and mapping degree program~~ from a college or
76 university recognized by the board and has a specific experience
77 record of 4 or more years as a subordinate to a professional
78 surveyor and mapper in the active practice of surveying and
79 mapping, which experience is of a nature indicating that the
80 applicant was in responsible charge of the accuracy and
81 correctness of the surveying and mapping work performed. ~~The~~
82 ~~completed surveying and mapping degree of 4 years or more in a~~
83 ~~surveying and mapping degree program must have included not~~
84 ~~fewer than 32 semester hours of study, or its academic~~
85 ~~equivalent, in the science of surveying and mapping or in board-~~
86 ~~approved surveying and mapping-related courses.~~ Work experience
87 acquired as a part of the education requirement may ~~shall~~ not be
88 construed as experience in responsible charge.

89 (b) The applicant has received a bachelor's degree, its
90 equivalent, or higher in a ~~is a graduate of a 4-year~~ course of
91 study, other than in surveying and mapping, at an accredited
92 college or university recognized by the board, and has a
93 specific experience record of 6 or more years as a subordinate
94 to a registered surveyor and mapper in the active practice of
95 surveying and mapping, 5 years of which shall be of a nature
96 indicating that the applicant was in responsible charge of the
97 accuracy and correctness of the surveying and mapping work



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98 performed. ~~The course of study in disciplines other than~~
99 ~~surveying and mapping must have included not fewer than 32~~
100 ~~semester hours of study or its academic equivalent.~~ The
101 applicant must have completed a minimum of 25 semester hours
102 from a college or university approved by the board in surveying
103 and mapping subjects or in any combination of courses in civil
104 engineering, surveying, mapping, mathematics, photogrammetry,
105 forestry, or land law and the physical sciences. Any of the
106 required 25 semester hours of study completed not as a part of
107 the bachelor's degree, its equivalent, or higher may 4-year
108 ~~course of study shall~~ be approved at the discretion of the
109 board. Work experience acquired as a part of the education
110 requirement may shall not be construed as experience in
111 responsible charge.

112 (3) A person shall be entitled to take an examination for
113 the purpose of determining whether he or she is qualified ~~to~~
114 ~~practice in this state as a surveyor and mapper intern if:~~

115 (a) The person is in good standing in his or her final year
116 of, or is a graduate of, a 4-year degree program of a college or
117 university and has obtained a minimum of 25 semester hours in
118 surveying, mapping, mathematics, photogrammetry, forestry, civil
119 engineering, or land law and the physical sciences, or any
120 combination thereof. Any of the required 25 semester hours of
121 study completed not as a part of the 4-year course of study may
122 be approved at the discretion of the board. If the person is in
123 his or her final academic year, a letter of good standing will
124 be required from the advisor; or

125 (b) The person has completed 2 years of study in a college
126 or university and has obtained a minimum of 15 semester hours in



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127 surveying, mapping, mathematics, photogrammetry, forestry, civil
128 engineering, or land law and the physical sciences, or any
129 combination thereof, and has a specific surveying and mapping
130 experience record of 2 or more years as a subordinate to a
131 registered surveyor and mapper. Any of the required 15 semester
132 hours of study completed not as a part of the 2-year course of
133 study may be approved at the discretion of the board.

134
135 This subsection may not be construed as a substitute for the
136 degree requirement to take the exams for licensure as outlined
137 in subsection (2) the person is in the final year, or is a
138 graduate, of an approved surveying and mapping curriculum in a
139 school that has been approved by the board.

140 Section 5. Paragraph (a) of subsection (5) and subsection
141 (12) of section 472.015, Florida Statutes, are amended to read:
142 472.015 Licensure.—

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

145 1. Holds a valid license to practice surveying and mapping
146 issued before ~~prior to~~ July 1, 1999, by another state or
147 territory of the United States; has passed a national, regional,
148 state, or territorial licensing examination that is
149 substantially equivalent to the examination required by s.
150 472.013; and has a specific experience record of at least 8
151 years as a subordinate to a registered surveyor and mapper in
152 the active practice of surveying and mapping, 6 years of which
153 must be of a nature indicating that the applicant was in
154 responsible charge of the accuracy and correctness of the
155 surveying and mapping work performed; or



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156 2. Holds a valid license to practice surveying and mapping
157 issued by another state or territory of the United States if the
158 criteria for issuance of the license were substantially the same
159 as the licensure criteria that existed in Florida at the time
160 the license was issued.~~;~~ ~~or~~

161 ~~3. Is a practicing photogrammetrist who holds the Certified~~
162 ~~Photogrammetrist designation of the American Society for~~
163 ~~Photogrammetry and Remote Sensing and held such designation on~~
164 ~~or before July 1, 2005; is a graduate of a 4-year course of~~
165 ~~study at an accredited college or university; and has a specific~~
166 ~~experience record of 6 or more years as a subordinate to a~~
167 ~~Certified Photogrammetrist of the American Society for~~
168 ~~Photogrammetry and Remote Sensing in the active practice of~~
169 ~~surveying and mapping, 5 years of which shall be of a nature~~
170 ~~indicating that the applicant was in responsible charge of the~~
171 ~~accuracy and correctness of the surveying and mapping work~~
172 ~~performed. The course of study must have included not fewer than~~
173 ~~32 semester hours of study or its academic equivalent. The~~
174 ~~applicant must have completed a minimum of 25 semester hours~~
175 ~~from a college or university approved by the board in surveying~~
176 ~~and mapping subjects or in any combination of courses in civil~~
177 ~~engineering, surveying, mapping, mathematics, photogrammetry,~~
178 ~~forestry, or land law and the physical sciences. Any of the~~
179 ~~required 25 semester hours of study completed not as a part of~~
180 ~~the 4-year course of study shall be approved at the discretion~~
181 ~~of the board. Work experience acquired as a part of the~~
182 ~~education requirement shall not be construed as experience in~~
183 ~~responsible charge. The applicant must have applied to the~~
184 ~~department for licensure on or before July 1, 2007.~~



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185 (12) A licensee or business entity that meets the
186 requirements of this section or s. 472.021 must carry
187 professional liability insurance or provide notice to any person
188 or entity to which surveying and mapping services are offered
189 that the licensee or business entity does not carry professional
190 liability insurance. The notice must consist of ~~a sign~~
191 ~~prominently displayed in the reception area and~~ written
192 statements provided in a form and frequency as required by rule
193 of the Board of Professional Surveyors and Mappers.

194 Section 6. Section 472.018, Florida Statutes, is amended to
195 read:

196 472.018 Continuing education.—The department may not renew
197 a license until the licensee submits proof satisfactory to the
198 board that the licensee has met the continuing education
199 requirements for renewal as established by the board and ~~during~~
200 ~~the 2 years before her or his application for renewal the~~
201 ~~licensee has completed at least 24 hours of continuing education~~
202 before license renewal.

203 (1) The board shall adopt rules to establish the criteria
204 ~~and course content~~ for continuing education providers ~~courses~~.
205 The rules may provide that up to a maximum of 25 percent of the
206 required continuing education hours may be fulfilled by the
207 performance of pro bono services to the indigent or to
208 underserved populations or in areas of critical need within the
209 state where the licensee practices. The board must require that
210 any pro bono services be approved in advance in order to receive
211 credit for continuing education under this section. The board
212 shall use the standard recognized by the Federal Poverty Income
213 Guidelines produced by the United States Department of Health



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214 and Human Services in determining indigency. The board may adopt
215 rules that may provide that a part of the continuing education
216 hours may be fulfilled by performing research in critical need
217 areas or for training leading to advanced professional
218 certification. The board may adopt rules to define underserved
219 and critical need areas. The department shall adopt rules for
220 the administration of continuing education requirements adopted
221 by the board.

222 (2) The board may provide by rule the method of delivery
223 and criteria that ~~distance learning~~ may be used to satisfy
224 continuing education requirements. The board may provide by rule
225 provisions for continuing education hours carryover for each
226 license renewal cycle.

227 (3) The board may prorate the required continuing education
228 hours in the following circumstances:

229 (a) For new licensees:

230 1. By requiring half of the required continuing education
231 hours for any applicant who becomes licensed with more than half
232 the renewal period remaining and no continuing education for any
233 applicant who becomes licensed with half or less than half of
234 the renewal period remaining; or

235 2. Requiring no continuing education hours until the first
236 full renewal cycle of the licensee.

237 (b) When the number of hours required is increased by law
238 or the board.

239 (4) Upon the request of a licensee, the provider must also
240 furnish to the department information regarding courses
241 completed by the licensee, in an electronic format required by
242 rule of the department.



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243 (5) Each continuing education provider shall retain all
244 records relating to a licensee's completion of continuing
245 education courses for at least 4 years after completion of a
246 course.

247 (6) A continuing education provider may not be approved,
248 and the approval may not be renewed, unless the provider agrees
249 in writing to provide such cooperation under this section as
250 required by the department.

251 (7) For the purpose of determining which persons or
252 entities must meet the reporting, recordkeeping, and access
253 provisions of this section, the board by rule shall adopt a
254 definition of the term "continuing education provider"
255 applicable to the profession's continuing education
256 requirements. The intent of the rule is to ensure that all
257 records and information necessary to carry out the requirements
258 of this section are maintained and transmitted accordingly and
259 to minimize disputes as to what person or entity is responsible
260 for maintaining and reporting such records and information.

261 (8) The board shall approve the providers of continuing
262 education. The approval of continuing education providers ~~and~~
263 ~~courses~~ must be for a specified period of time, not to exceed 4
264 years. An approval that does not include such a time limitation
265 may remain in effect under this chapter or the rules adopted
266 under this chapter.

267 (9) The department may fine, suspend, or revoke approval of
268 any continuing education provider that fails to comply with its
269 duties under this section. The fine may not exceed \$500 per
270 violation. Investigations and prosecutions of a provider's
271 failure to comply with its duties under this section shall be



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272 conducted pursuant to s. 472.033.

273 (10) The board shall issue an order requiring a person or
274 entity to cease and desist from offering any continuing
275 education programs for licensees, and fining, suspending, or
276 revoking any approval of the provider previously granted by the
277 board if the board determines that the person or entity failed
278 to provide appropriate continuing education services that
279 conform to board rules ~~approved course material~~. The fine may
280 not exceed \$500 per violation. Investigations and prosecutions
281 of a provider's failure to comply with its duties under this
282 section shall be conducted under s. 472.033.

283 (11) The board may establish, by rule, a fee not to exceed
284 \$250 for anyone seeking approval to provide continuing education
285 courses and may establish, by rule, a biennial fee not to exceed
286 \$250 for the renewal of providership of such courses. Such
287 postlicensure education courses are subject to the reporting,
288 monitoring, and compliance provisions of this section.

289 (12) The department shall establish a system for the
290 administration of continuing education requirements adopted by
291 the board. The department and the board may adopt rules under
292 ss. 120.536(1) and 120.54 to administer this section.

293 (13) Each continuing education provider shall provide to
294 the department, in an electronic format determined by the
295 department, information regarding the continuing education
296 status of licensees which the department determines is necessary
297 to carry out its duties under this chapter. After a licensee
298 completes a course, the information must be submitted
299 electronically by the continuing education provider to the
300 department within 30 calendar days after completion. However,



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301 beginning on the 30th day before the renewal deadline or before
302 the renewal date, whichever occurs sooner, the continuing
303 education provider shall electronically report such information
304 to the department within 10 business days after completion.

305 (14) The department shall establish a system to monitor
306 licensee compliance with continuing education requirements and
307 to determine the continuing education status of each licensee.
308 As used in this subsection, the term "monitor" means the act of
309 determining, for each licensee, whether the licensee is in full
310 compliance with applicable continuing education requirements as
311 of the date of the licensee's application for license renewal.

312 (15) The department may refuse to renew a license until the
313 licensee has satisfied all applicable continuing education
314 requirements. This subsection does not preclude the department
315 or board from imposing additional penalties pursuant to this
316 chapter or rules adopted pursuant this chapter.

317 Section 7. Subsection (1) of section 472.025, Florida
318 Statutes, is amended to read:

319 472.025 Seals.—

320 (1) The board shall adopt, by rule, a form of seal to be
321 used by all registrants holding valid certificates of
322 registration, whether the registrants are corporations,
323 partnerships, or individuals. Each registrant shall obtain a ~~an~~
324 ~~impression-type metal~~ seal in that form; and all final drawings,
325 plans, specifications, plats, or reports prepared or issued by
326 the registrant in accordance with the standards of practice
327 established by the board shall be signed by the registrant,
328 dated, and stamped with his or her seal. This signature, date,
329 and seal shall be evidence of the authenticity of that to which



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330 they are affixed. Each registrant may in addition register his
331 or her seal electronically in accordance with ss. 668.001-
332 668.006. Drawings, plans, specifications, reports, or documents
333 prepared or issued by a registrant may be transmitted
334 electronically and may be signed by the registrant, dated, and
335 stamped electronically with such seal in accordance with ss.
336 668.001-668.006.

337 Section 8. Paragraph (a) of subsection (1) of section
338 472.033, Florida Statutes, is amended to read:

339 472.033 Disciplinary proceedings.—Disciplinary proceedings
340 for the board shall be within the jurisdiction of the
341 department.

342 (1) (a) The department shall investigate any complaint that
343 is filed before it if the complaint is in writing, signed by the
344 complainant, and legally sufficient. A complaint is legally
345 sufficient if it contains ultimate facts that show that a
346 violation of this chapter or of any rule adopted by the
347 department or the board has occurred. In order to determine
348 legal sufficiency, the department may require supporting
349 information or documentation. The department may investigate,
350 and the department or the board may take appropriate final
351 action on, a complaint even though the original complainant
352 withdraws it or otherwise indicates a desire not to cause the
353 complaint to be investigated or prosecuted to completion. The
354 department may investigate an anonymous complaint if the
355 complaint is in writing and is legally sufficient, if the
356 alleged violation of law or rules is substantial, and if the
357 department has reason to believe, after preliminary inquiry,
358 that the violations alleged in the complaint are true. The



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359 department may investigate a complaint made by a confidential
360 informant if the complaint is legally sufficient, if the alleged
361 violation of law or rule is substantial, and if the department
362 has reason to believe, after preliminary inquiry, that the
363 allegations of the complainant are true. The department may
364 initiate an investigation if it has reasonable cause to believe
365 that a licensee or a group of licensees has violated a Florida
366 statute, a rule of the department, or a rule of the board, or if
367 it has reasonable cause to believe that a person is engaged in
368 the unlicensed practice of surveying and mapping.

369 Section 9. Subsection (1) of section 472.0351, Florida
370 Statutes, is amended to read:

371 472.0351 Grounds for discipline; penalties; enforcement.—

372 (1) The following acts constitute grounds for which the
373 disciplinary actions specified in subsection (2) may be taken:

374 (a) Violation of any provision of s. 472.031 or the
375 unlicensed practice of surveying and mapping.†

376 (b) Attempting to procure a license to practice surveying
377 and mapping by bribery or fraudulent misrepresentations.†

378 (c) Having a license to practice surveying and mapping
379 revoked, suspended, or otherwise acted against, including the
380 denial of licensure, by the licensing authority of another
381 state, territory, or country, for a violation that constitutes a
382 violation under the laws of this state. The acceptance of a
383 relinquishment of licensure, stipulation, consent order, or
384 other settlement offered in response to or in anticipation of
385 the filing of charges against the license by a licensing
386 authority is an action against the license.†

387 (d) Being convicted or found guilty of, or entering a plea



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388 of guilty, no contest, or nolo contendere to, regardless of
389 adjudication, a crime in any jurisdiction which directly relates
390 to the practice of surveying and mapping or the ability to
391 practice surveying and mapping.†

392 (e) Making or filing a report or record that the licensee
393 knows to be false, willfully failing to file a report or record
394 required by state or federal law, willfully impeding or
395 obstructing such filing, or inducing another person to impede or
396 obstruct such filing. Such reports or records include only those
397 that are signed in the capacity of a registered surveyor and
398 mapper.†

399 (f) Advertising goods or services in a manner that is
400 fraudulent, false, deceptive, or misleading in form or content.†

401 (g) Upon proof that the licensee is guilty of fraud or
402 deceit, or of negligence, incompetency, or misconduct, in the
403 practice of surveying and mapping.†

404 (h) Failing to perform a statutory or legal obligation
405 placed upon a licensed surveyor and mapper; violating a
406 provision of this chapter, a rule of the board or department, or
407 a lawful order of the board or department; or failing to comply
408 with a lawfully issued subpoena of the department.†

409 (i) Practicing on a revoked, suspended, inactive, or
410 delinquent license.†

411 (j) Having been found liable in a civil proceeding for
412 knowingly filing a false report or complaint with the department
413 against another licensee.†

414 (k) Failing to report to the department any person who the
415 licensee knows is in violation of this chapter or the rules of
416 the department or the board.†



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417 (l) Aiding, assisting, procuring, employing, or advising
418 any unlicensed person or entity to practice surveying and
419 mapping contrary to this chapter or the rules of the department
420 or the board.~~†~~

421 (m) Making deceptive, untrue, or fraudulent representations
422 in or related to the practice of professional surveying or
423 mapping or employing a trick or scheme in or related to the
424 practice of professional surveying or mapping.~~†~~

425 (n) Exercising influence on the client for the purpose of
426 financial gain of the licensee or a third party.~~†~~

427 (o) Practicing or offering to practice beyond the scope
428 permitted by law or accepting and performing professional
429 responsibilities the licensee knows, or has reason to know, the
430 licensee is not competent to perform.~~†~~

431 (p) Delegating or contracting for the performance of
432 professional responsibilities by a person when the licensee
433 delegating or contracting for performance of such
434 responsibilities knows, or has reason to know, such person is
435 not qualified by training, experience, and authorization when
436 required to perform them.~~†~~~~or~~

437 (q) Improperly interfering with an investigation or
438 inspection authorized by statute, or with any disciplinary
439 proceeding.

440 Section 10. Subsection (2) of section 472.0366, Florida
441 Statutes, is amended to read:

442 472.0366 Elevation certificates; requirements for surveyors
443 and mappers.—

444 (2) Beginning January 1, 2017, a surveyor and mapper shall,
445 within 30 days after completion, submit to the division a copy



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446 of each elevation certificate that he or she completes. The copy
447 must be unaltered, except that the surveyor and mapper may
448 redact the name of the property owner. The copy need not be
449 signed and sealed when submitted to the division; however, an
450 original signed and sealed copy must be retained in the surveyor
451 and mapper's records as prescribed by rule of the board.

452 Section 11. Section 487.2041, Florida Statutes, is amended
453 to read:

454 487.2041 Enforcement of federal worker protection
455 regulations.—The department shall, to the extent that resources
456 are available, continue to operate under the United States
457 Environmental Protection Agency regulations regarding the
458 Labeling Requirement for Pesticides and Devices, 40 C.F.R. part
459 156, and the Worker Protection Standard, 40 C.F.R. part 170,
460 which the department shall adopt ~~adopted~~ by rule ~~during the~~
461 ~~1995-1996 fiscal year and published in the Florida~~
462 ~~Administrative Code~~. Any provision of this part not preempted by
463 federal law shall continue to apply.

464 Section 12. Subsection (13) of section 493.6101, Florida
465 Statutes, is amended to read:

466 493.6101 Definitions.—

467 (13) "Manager" means any licensee who directs the
468 activities of licensees at any agency or branch office. The
469 manager shall be assigned to and shall primarily operate from
470 the agency or branch office location for which he or she has
471 been designated as manager. The manager of a private
472 investigative agency may, however, manage multiple private
473 investigative agencies and branch offices.

474 Section 13. Paragraph (j) of subsection (3) and paragraph



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475 (a) of subsection (6) of section 493.6105, Florida Statutes, are
476 amended to read:

477 493.6105 Initial application for license.—

478 (3) The application must contain the following information
479 concerning the individual signing the application:

480 (j) A full set of fingerprints, a fingerprint processing
481 fee, and a fingerprint retention fee. The fingerprint processing
482 and retention fees shall be established by rule of the
483 department based upon costs determined by state and federal
484 agency charges and department processing costs, which must
485 include the cost of retaining the fingerprints in the statewide
486 automated biometric identification system established in s.
487 943.05(2)(b) and the cost of enrolling the fingerprints in the
488 national retained print arrest notification program as required
489 under s. 493.6108. An applicant who has, within the immediately
490 preceding 6 months, submitted such fingerprints and fees for
491 licensing purposes under this chapter and who still holds a
492 valid license is not required to submit another set of
493 fingerprints or another fingerprint processing fee. An applicant
494 who holds multiple licenses issued under this chapter is
495 required to pay only a single fingerprint retention fee.
496 Partners and corporate officers who do not possess licenses
497 subject to renewal under s. 493.6113 are exempt from the
498 fingerprint retention requirements of this chapter.

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

501 (a) Submit one of the following:

502 1. The Florida Criminal Justice Standards and Training
503 Commission Instructor Certificate and written confirmation by



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504 the commission that the applicant possesses an active firearms
505 certification.

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

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

512 Section 14. Subsection (1) of section 493.6107, Florida
513 Statutes, is amended to read:

514 493.6107 Fees.—

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

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

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

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

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

521 Section 15. Subsections (3) and (5) of section 493.6108,
522 Florida Statutes, are amended to read:

523 493.6108 Investigation of applicants by Department of
524 Agriculture and Consumer Services.—

525 (3) The department must also investigate the mental history
526 and current mental and emotional fitness of any Class "G" or
527 Class "K" applicant and may deny a Class "G" or Class "K"
528 license to anyone who has a history of mental illness or drug or
529 alcohol abuse. Notwithstanding s. 790.065(2)(a)4.f., the
530 Department of Law Enforcement may, for the limited purpose of
531 determining eligibility of Class "G" or Class "K" applicants and
532 licensees under this chapter, provide the department with mental



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533 health and substance abuse data of individuals who are
534 prohibited from purchasing a firearm.

535 (5) A person licensed under this chapter must notify his or
536 her employer within 3 calendar days if he or she is arrested for
537 any offense. If the department receives information about an
538 arrest within the state of a person who holds a valid license
539 issued under this chapter for a crime that could potentially
540 disqualify the person from holding such a license, the
541 department must provide the arrest information to the agency
542 that employs the licensee.

543 Section 16. Section 493.6112, Florida Statutes, is amended
544 to read:

545 493.6112 Notification to Department of Agriculture and
546 Consumer Services of changes of partner or officer or
547 employees.—

548 (1) After filing the application, unless the department
549 declines to issue the license or revokes it after issuance, an
550 agency ~~or school~~ shall, within 5 working days of the withdrawal,
551 removal, replacement, or addition of any or all partners or
552 officers, notify and file with the department complete
553 applications for such individuals. The agency's ~~or school's~~ good
554 standing under this chapter shall be contingent upon the
555 department's approval of any new partner or officer.

556 (2) Each agency ~~or school~~ shall, upon the employment or
557 termination of employment of a licensee, report such employment
558 or termination within 15 calendar days ~~immediately~~ to the
559 department and, in the case of a termination, report the reason
560 or reasons therefor. The report shall be submitted
561 electronically in a manner ~~on a form~~ prescribed by the



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562 department.

563 Section 17. Paragraph (b) of subsection (3) of section
564 493.6113, Florida Statutes, is amended to read:

565 493.6113 Renewal application for licensure.-

566 (3) Each licensee is responsible for renewing his or her
567 license on or before its expiration by filing with the
568 department an application for renewal accompanied by payment of
569 the renewal fee and the fingerprint retention fee to cover the
570 cost of ongoing retention in the statewide automated biometric
571 identification system established in s. 943.05(2)(b). Upon the
572 first renewal of a license issued under this chapter before
573 January 1, 2017, the licensee shall submit a full set of
574 fingerprints and fingerprint processing fees to cover the cost
575 of entering the fingerprints into the statewide automated
576 biometric identification system pursuant to s. 493.6108(4)(a)
577 and the cost of enrollment in the Federal Bureau of
578 Investigation's national retained print arrest notification
579 program. Subsequent renewals may be completed without submission
580 of a new set of fingerprints.

581 (b) Each Class "G" licensee shall additionally submit proof
582 that he or she has received during each year of the license
583 period a minimum of 4 hours of firearms requalification
584 ~~recertification~~ training taught by a Class "K" licensee and has
585 complied with such other health and training requirements that
586 the department shall adopt by rule. Proof of completion of
587 firearms requalification ~~recertification~~ training shall be
588 submitted to the department upon completion of the training. A
589 Class "G" licensee must successfully complete this
590 requalification training for each type and caliber of firearm



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591 carried in the course of performing his or her regulated duties.

592 If the licensee fails to complete the required 4 hours of annual
593 training during the first year of the 2-year term of the
594 license, the license shall be automatically suspended. The
595 licensee must complete the minimum number of hours of range and
596 classroom training required at the time of initial licensure and
597 submit proof of completion of such training to the department
598 before the license may be reinstated. If the licensee fails to
599 complete the required 4 hours of annual training during the
600 second year of the 2-year term of the license, the licensee must
601 complete the minimum number of hours of range and classroom
602 training required at the time of initial licensure and submit
603 proof of completion of such training to the department before
604 the license may be renewed. The department may waive the
605 firearms training requirement if:

606 1. The applicant provides proof that he or she is currently
607 certified as a law enforcement officer or correctional officer
608 under the Criminal Justice Standards and Training Commission and
609 has completed law enforcement firearms requalification training
610 annually during the previous 2 years of the licensure period;

611 2. The applicant provides proof that he or she is currently
612 certified as a federal law enforcement officer and has received
613 law enforcement firearms training administered by a federal law
614 enforcement agency annually during the previous 2 years of the
615 licensure period; or

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



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620 Section 18. Subsection (4) of section 493.6115, Florida
621 Statutes, is amended, present paragraphs (b), (c), and (d) of
622 subsection (12) of that section are redesignated as paragraphs
623 (c), (d), and (e), respectively, and a new paragraph (b) is
624 added to that subsection, to read:

625 493.6115 Weapons and firearms.—

626 (4) A Class "C" or Class "CC" licensee who is 21 years of
627 age or older and ~~who~~ has also been issued a Class "G" license
628 may carry, in the performance of her or his duties, a concealed
629 firearm. A Class "D" licensee who is 21 years of age or older
630 and ~~who~~ has also been issued a Class "G" license may carry a
631 concealed firearm in the performance of her or his duties under
632 the conditions specified in s. 493.6305(3) or (4) ~~493.6305(2)~~.
633 The Class "G" license must ~~shall~~ clearly indicate such
634 authority. The authority of any such licensee to carry a
635 concealed firearm is ~~shall be~~ valid in any location throughout
636 the state, ~~in any location~~, while performing services within the
637 scope of the license.

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

640 (b) The department has reviewed the mental health and
641 substance abuse data provided by the Department of Law
642 Enforcement as authorized in s. 493.6108(3) and has determined
643 the applicant is not prohibited from licensure based upon this
644 data.

645 Section 19. Subsection (1) of section 493.6118, Florida
646 Statutes, is amended, and subsections (8) and (9) are added to
647 that section, to read:

648 493.6118 Grounds for disciplinary action.—



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649 (1) The following constitute grounds for which disciplinary
650 action specified in subsection (2) may be taken by the
651 department against any licensee, agency, or applicant regulated
652 by this chapter, or any unlicensed person engaged in activities
653 regulated under this chapter:—

654 (a) Fraud or willful misrepresentation in applying for or
655 obtaining a license.

656 (b) Use of any fictitious or assumed name by an agency
657 unless the agency has department approval and qualifies under s.
658 865.09.

659 (c) Being found guilty of or entering a plea of guilty or
660 nolo contendere to, regardless of adjudication, or being
661 convicted of a crime that directly relates to the business for
662 which the license is held or sought. A plea of nolo contendere
663 shall create a rebuttable presumption of guilt to the underlying
664 criminal charges, and the department shall allow the individual
665 being disciplined or denied an application for a license to
666 present any mitigating circumstances surrounding his or her
667 plea.

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

670 (e) A finding that the licensee or any employee is guilty
671 of willful betrayal of a professional secret or any unauthorized
672 release of information acquired as a result of activities
673 regulated under this chapter.

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

677 (g) Conducting activities regulated under this chapter



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678 without a license or with a revoked or suspended license.

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

682 (i) Impersonating, or permitting or aiding and abetting an
683 employee to impersonate, a law enforcement officer or an
684 employee of the state, the United States, or any political
685 subdivision thereof by identifying himself or herself as a
686 federal, state, county, or municipal law enforcement officer or
687 official representative, by wearing a uniform or presenting or
688 displaying a badge or credentials that would cause a reasonable
689 person to believe that he or she is a law enforcement officer or
690 that he or she has official authority, by displaying any
691 flashing or warning vehicular lights other than amber colored,
692 or by committing any act that is intended to falsely convey
693 official status.

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

697 (k) Knowingly violating, advising, encouraging, or
698 assisting the violation of any statute, court order, capias,
699 warrant, injunction, or cease and desist order, in the course of
700 business regulated under this chapter.

701 (l) Soliciting business for an attorney in return for
702 compensation.

703 (m) Transferring or attempting to transfer a license issued
704 pursuant to this chapter.

705 (n) Employing or contracting with any unlicensed or
706 improperly licensed person or agency to conduct activities



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707 regulated under this chapter, or performing any act that
708 assists, aids, or abets a person or business entity in engaging
709 in unlicensed activity, when the licensure status was known or
710 could have been ascertained by reasonable inquiry.

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

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

717 (q) Failure of any licensee to have his or her license in
718 his or her possession while on duty, as specified in s.
719 493.6111(1).

720 (r) Failure or refusal by a sponsor to certify a biannual
721 written report on an intern or to certify completion or
722 termination of an internship to the department within 15 working
723 days.

724 (s) Failure to report to the department any person whom the
725 licensee knows to be in violation of this chapter or the rules
726 of the department.

727 (t) Violating any provision of this chapter.

728 (u) For a Class "G" licensee, failing to timely complete
729 requalification ~~recertification~~ training as required in s.
730 493.6113(3)(b).

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

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



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

740 1. Recovering a motor vehicle, mobile home, motorboat,
741 aircraft, personal watercraft, all-terrain vehicle, farm
742 equipment, or industrial equipment that has been sold under a
743 conditional sales agreement or under the terms of a chattel
744 mortgage before authorization has been received from the legal
745 owner or mortgagee.

746 2. Charging for expenses not actually incurred in
747 connection with the recovery, transportation, storage, or
748 disposal of repossessed property or personal property obtained
749 in a repossession.

750 3. Using any repossessed property or personal property
751 obtained in a repossession for the personal benefit of a
752 licensee or an officer, director, partner, manager, or employee
753 of a licensee.

754 4. Selling property recovered under the provisions of this
755 chapter, except with written authorization from the legal owner
756 or the mortgagee thereof.

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

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

764 7. Failing to deliver to the client a negotiable instrument



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765 that is payable to the client, within 10 working days after
766 receipt of such instrument.

767 8. Falsifying, altering, or failing to maintain any
768 required inventory or records regarding disposal of personal
769 property contained in or on repossessed property pursuant to s.
770 493.6404(1).

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

774 10. Soliciting from the legal owner the recovery of
775 property subject to repossession after such property has been
776 seen or located on public or private property if the amount
777 charged or requested for such recovery is more than the amount
778 normally charged for such a recovery.

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

781 (y) Installation of a tracking device or tracking
782 application in violation of s. 934.425.

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

785 (8) (a) Upon notification by a law enforcement agency, a
786 court, or the Department of Law Enforcement and upon subsequent
787 written verification, the department shall temporarily suspend a
788 Class "G" or Class "K" license if the licensee is arrested or
789 charged with a firearms-related crime that would disqualify such
790 person from licensure under this chapter. The department shall
791 notify the licensee suspended under this section of his or her
792 right to a hearing pursuant to chapter 120. A hearing conducted
793 regarding this temporary suspension must be for the limited



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794 purpose of determining whether the licensee has been arrested or
795 charged with a disqualifying firearms-related crime.

796 (b) If the criminal case results in a nondisqualifying
797 disposition, the department shall issue an order lifting the
798 suspension upon the licensee's submission of a certified copy of
799 the final resolution.

800 (c) If the criminal case results in a disqualifying
801 disposition, the suspension remains in effect and the department
802 shall proceed with revocation proceedings pursuant to chapter
803 120.

804 (9) (a) Upon notification by a law enforcement agency, a
805 court, or the Department of Law Enforcement and upon subsequent
806 written verification, the department shall temporarily suspend a
807 license if the licensee is arrested or charged with a forcible
808 felony as defined in s. 776.08. The department shall notify the
809 licensee suspended under this section of his or her right to a
810 hearing pursuant to chapter 120. A hearing conducted regarding
811 this temporary suspension must be for the limited purpose of
812 determining whether the licensee has been arrested or charged
813 with a forcible felony.

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

818 (c) If criminal case results in a disqualifying
819 disposition, the suspension remains in effect and the department
820 shall proceed with revocation proceedings pursuant to chapter
821 120.

822 Section 20. Subsection (1) of section 493.6202, Florida



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823 Statutes, is amended to read:

824 493.6202 Fees.—

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

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

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

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

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

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

833 Section 21. Subsection (5) and paragraphs (b) and (c) of
834 subsection (6) of section 493.6203, Florida Statutes, are
835 amended to read:

836 493.6203 License requirements.—In addition to the license
837 requirements set forth elsewhere in this chapter, each
838 individual or agency shall comply with the following additional
839 requirements:

840 (5) ~~Effective January 1, 2008,~~ An applicant for a Class
841 "MA," Class "M," or Class "C" license must pass an examination
842 that covers the provisions of this chapter and is administered
843 by the department or by a provider approved by the department.
844 The applicant must pass the examination before applying for
845 licensure and must submit proof with the license application on
846 a form approved by rule of the department that he or she has
847 passed the examination. The administrator of the examination
848 shall verify the identity of each applicant taking the
849 examination.

850 (a) The examination requirement in this subsection does not
851 apply to an individual who holds a valid Class "CC," Class "C,"



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852 Class "MA," or Class "M" license.

853 (b) Notwithstanding the exemption provided in paragraph
854 (a), if the license of an applicant for relicensure has been
855 invalid for more than 1 year, the applicant must take and pass
856 the examination.

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

860 (6)

861 (b) ~~Effective January 1, 2012,~~ Before submission of an
862 application to the department, the applicant for a Class "CC"
863 license must have completed a minimum of 40 hours of
864 professional training pertaining to general investigative
865 techniques and this chapter, which course is offered by a state
866 university or by a school, community college, college, or
867 university under the purview of the Department of Education, and
868 the applicant must pass an examination. ~~The training must be
869 provided in two parts, one 24-hour course and one 16-hour
870 course.~~ The certificate evidencing satisfactory completion of
871 the 40 hours of professional training must be submitted with the
872 application for a Class "CC" license. The training specified in
873 this paragraph may be provided by face-to-face presentation,
874 online technology, or a home study course in accordance with
875 rules and procedures of the Department of Education. The
876 administrator of the examination must verify the identity of
877 each applicant taking the examination.

878 1. Upon an applicant's successful completion of each part
879 of the approved training and passage of any required
880 examination, the school, community college, college, or



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881 university shall issue a certificate of completion to the
882 applicant. The certificates must be on a form established by
883 rule of the department.

884 2. The department shall establish by rule the general
885 content of the professional training and the examination
886 criteria.

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

890 ~~(c) An individual who submits an application for a Class~~
891 ~~"CC" license on or after September 1, 2008, through December 31,~~
892 ~~2011, who has not completed the 16-hour course must submit proof~~
893 ~~of successful completion of the course within 180 days after the~~
894 ~~date the application is submitted. If documentation of~~
895 ~~completion of the required training is not submitted by that~~
896 ~~date, the individual's license shall be automatically suspended~~
897 ~~until proof of the required training is submitted to the~~
898 ~~department.~~ An individual licensed on or before August 31, 2008,
899 is not required to complete additional training hours in order
900 to renew an active license beyond the total required hours, and
901 the timeframe for completion in effect at the time he or she was
902 licensed applies.

903 Section 22. Subsection (1) of section 493.6302, Florida
904 Statutes, is amended to read:

905 493.6302 Fees.—

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

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

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



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- 910 (c) Class "MB" license-security agency manager: \$75.
- 911 (d) Class "D" license-security officer: \$45.
- 912 (e) Class "DS" license-security officer school or training
913 facility: \$60.
- 914 (f) Class "DI" license-security officer school or training
915 facility instructor: \$60.

916 Section 23. Subsection (4) of section 493.6303, Florida
917 Statutes, is amended to read:

918 493.6303 License requirements.—In addition to the license
919 requirements set forth elsewhere in this chapter, each
920 individual or agency must comply with the following additional
921 requirements:

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

929 ~~(b) An individual who submits an application for a Class~~
930 ~~"D" license on or after January 1, 2007, through December 31,~~
931 ~~2011, who has not completed the 16-hour course must submit proof~~
932 ~~of successful completion of the course within 180 days after the~~
933 ~~date the application is submitted. If documentation of~~
934 ~~completion of the required training is not submitted by that~~
935 ~~date, the individual's license shall be automatically suspended~~
936 ~~until proof of the required training is submitted to the~~
937 ~~department. A person licensed before January 1, 2007, is not~~
938 ~~required to complete additional training hours in order to renew~~



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939 ~~an active license beyond the total required hours, and the~~
940 ~~timeframe for completion in effect at the time he or she was~~
941 ~~licensed applies.~~

942 ~~(c) An individual whose license is suspended or revoked~~
943 ~~pursuant to paragraph (b), or is expired for at least 1 year, is~~
944 ~~considered, upon reapplication for a license, an initial~~
945 ~~applicant and must submit proof of successful completion of 40~~
946 ~~hours of professional training at a school or training facility~~
947 ~~licensed by the department as provided in paragraph (a) before a~~
948 ~~license is issued.~~

949 Section 24. Subsection (1) of section 493.6304, Florida
950 Statutes, is amended to read:

951 493.6304 Security officer school or training facility.—

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

958 Section 25. Subsection (1) of section 493.6402, Florida
959 Statutes, is amended to read:

960 493.6402 Fees.—

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

963 (a) Class "R" license-recovery agency: \$450.

964 (b) Class "RR" license-branch office: \$125.

965 (c) Class "MR" license-recovery agency manager: \$75.

966 (d) Class "E" license-recovery agent: \$75.

967 (e) Class "EE" license-recovery agent intern: \$60.



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

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

972 Section 26. Subsection (2) of section 493.6403, Florida
973 Statutes, is amended to read:

974 493.6403 License requirements.—

975 (2) ~~Beginning October 1, 1994,~~ An applicant for a Class "E"
976 or a Class "EE" license must submit proof of successful
977 completion ~~have completed a minimum~~ of 40 hours of professional
978 training at a school or training facility licensed by the
979 department. The department shall by rule establish the general
980 content for the training.

981 Section 27. Subsection (6) is added to section 501.013,
982 Florida Statutes, to read:

983 501.013 Health studios; exemptions.—The following
984 businesses or activities may be declared exempt from the
985 provisions of ss. 501.012-501.019 upon the filing of an
986 affidavit with the department establishing that the stated
987 qualifications are met:

988 (6) A program or facility offered by an organization for
989 the exclusive use of its employees and their family members.

990 Section 28. Paragraph (a) of subsection (3) of section
991 501.059, Florida Statutes, is amended to read:

992 501.059 Telephone solicitation.—

993 (3) (a) If any residential, mobile, or telephonic paging
994 device telephone subscriber notifies the department of his or
995 her desire to be placed on a "no sales solicitation calls"
996 listing indicating that the subscriber does not wish to receive



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997 unsolicited telephonic sales calls, the department shall place
998 the subscriber on that listing ~~for 5 years.~~

999 Section 29. Paragraph (a) of subsection (1) and subsection
1000 (3) of section 507.04, Florida Statutes, are amended to read:

1001 507.04 Required insurance coverages; liability limitations;
1002 valuation coverage.—

1003 (1) LIABILITY INSURANCE.—

1004 (a)1. Except as provided in paragraph (b), each mover
1005 operating in this state must maintain current and valid
1006 liability insurance coverage of at least \$10,000 per shipment
1007 for the loss or damage of household goods resulting from the
1008 negligence of the mover or its employees or agents.

1009 2. The mover must provide the department with evidence of
1010 liability insurance coverage before the mover is registered with
1011 the department under s. 507.03. All insurance coverage
1012 maintained by a mover must remain in effect throughout the
1013 mover's registration period. A mover's failure to maintain
1014 insurance coverage in accordance with this paragraph constitutes
1015 an immediate threat to the public health, safety, and welfare.
1016 ~~If a mover fails to maintain insurance coverage, the department~~
1017 ~~may immediately suspend the mover's registration or eligibility~~
1018 ~~for registration, and the mover must immediately cease operating~~
1019 ~~as a mover in this state. In addition, and notwithstanding the~~
1020 ~~availability of any administrative relief pursuant to chapter~~
1021 ~~120, the department may seek from the appropriate circuit court~~
1022 ~~an immediate injunction prohibiting the mover from operating in~~
1023 ~~this state until the mover complies with this paragraph, a civil~~
1024 ~~penalty not to exceed \$5,000, and court costs.~~

1025 (3) INSURANCE COVERAGES.—The insurance coverages required



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1026 under paragraph (1)(a) and subsection (2) must be issued by an
1027 insurance company or carrier licensed to transact business in
1028 this state under the Florida Insurance Code as designated in s.
1029 624.01. The department shall require a mover to present a
1030 certificate of insurance of the required coverages before
1031 issuance or renewal of a registration certificate under s.
1032 507.03. The department shall be named as a certificateholder in
1033 the certificate and must be notified at least 10 days before
1034 cancellation of insurance coverage. If a mover fails to maintain
1035 insurance coverage, the department may immediately suspend the
1036 mover's registration or eligibility for registration, and the
1037 mover must immediately cease operating as a mover in this state.
1038 In addition, and notwithstanding the availability of any
1039 administrative relief pursuant to chapter 120, the department
1040 may seek from the appropriate circuit court an immediate
1041 injunction prohibiting the mover from operating in this state
1042 until the mover complies with this section, a civil penalty not
1043 to exceed \$5,000, and court costs.

1044 Section 30. Subsection (1) of section 531.37, Florida
1045 Statutes, is amended to read:

1046 531.37 Definitions.—As used in this chapter:

1047 (1) "Weights and measures" means all weights and measures
1048 of every kind, instruments, and devices for weighing and
1049 measuring, and any appliance and accessories associated with any
1050 or all such instruments and devices, excluding taximeters,
1051 digital networks, and those weights and measures used for the
1052 purpose of inspecting the accuracy of devices used in
1053 conjunction with aviation fuel.

1054 Section 31. Section 531.61, Florida Statutes, is amended to



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1055 read:

1056 531.61 Exemptions from permit requirement.—Commercial
1057 weights or measures instruments or devices are exempt from the
1058 requirements of ss. 531.60-531.66 if:

1059 ~~(1) The device is a taximeter that is licensed, permitted,~~
1060 ~~or registered by a municipality, county, or other local~~
1061 ~~government and is tested for accuracy and compliance with state~~
1062 ~~standards by the local government in cooperation with the state~~
1063 ~~as authorized in s. 531.421.~~

1064 ~~(2)~~ The device is used exclusively for weighing railroad
1065 cars and is tested for accuracy and compliance with state
1066 standards by a private testing agency.

1067 (2) ~~(3)~~ The device is used exclusively for measuring
1068 aviation fuel or petroleum products inspected under chapter 525.

1069 Section 32. Paragraph (g) of subsection (2) of section
1070 531.63, Florida Statutes, is repealed.

1071 Section 33. Section 534.021, Florida Statutes, is amended
1072 to read:

1073 534.021 Recording of marks or brands.—The department shall
1074 be the recorder of livestock marks or brands, and the marks or
1075 brands may not be recorded elsewhere in the state. Any livestock
1076 owner who uses a mark or brand to identify her or his livestock
1077 must register the mark or brand by applying to the department.

1078 The application must be made on a form prescribed by the
1079 department and must be accompanied by a detailed drawing
1080 ~~facsimile~~ of the brand applied for and a statement identifying
1081 the county in which the applicant has or expects to have
1082 livestock bearing the mark or brand to be recorded. The
1083 department shall, upon its satisfaction that the application



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1084 meets the requirements of this chapter, record the mark or brand
1085 for exclusive statewide use by the applicant. If an application
1086 is made to record a mark or brand previously recorded, the
1087 department shall determine whether the county in which the mark
1088 or brand will be used is near enough to another county in which
1089 the previously recorded mark or brand is used to cause confusion
1090 or to aid theft or dishonesty, and if so, the department must
1091 decline to admit to record the mark or brand. If a conflict
1092 arises between the owner of any recorded mark or brand and
1093 another claiming the right to record the same mark or brand, the
1094 department must give preference to the present owner. The
1095 department shall charge and collect at the time of recording a
1096 fee of \$10 for each mark or brand. A person may not use any mark
1097 or brand to which another has a prior right of record. It is
1098 unlawful to brand any animal with a brand not registered with
1099 the department.

1100 Section 34. Section 534.041, Florida Statutes, is amended
1101 to read:

1102 534.041 Renewal of certificate of mark or brand.—The
1103 registration of a mark or brand entitles the registered owner to
1104 exclusive ownership and use of the mark or brand for a period
1105 ending at midnight on the last day of the month 10 ~~5~~ years from
1106 the date of registration. Upon application, registration may be
1107 renewed, ~~upon application and payment of a renewal fee of \$5,~~
1108 for successive 10-year ~~5-year~~ periods, each ending at midnight
1109 on the last day of the month 10 ~~5~~ years from the date of
1110 renewal. At least 60 days before ~~prior to~~ the expiration of a
1111 registration, the department shall notify by letter the
1112 registered owner of the mark or brand that, upon application for



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1113 renewal and payment of the renewal fee, the department will
1114 issue a renewal certificate granting the registered owner
1115 exclusive ownership and use of the mark or brand for another 10-
1116 year ~~5-year~~ period ending at midnight on the last day of the
1117 month 10 ~~5~~ years from the date of renewal. Failure to make
1118 application for renewal within the month of expiration of a
1119 registration will cause the department to send a second notice
1120 to the registered owner by mail at her or his last known
1121 address. Failure of the registered owner to make application for
1122 renewal within 30 days after receipt of the second notice will
1123 cause the owner's mark or brand to be placed on an inactive list
1124 for a period of 12 months, after which it will be canceled and
1125 become subject to registration by another person.

1126 Section 35. Section 534.061, Florida Statutes, is repealed.

1127 Section 36. Subsection (1) of section 573.118, Florida
1128 Statutes, is amended to read:

1129 573.118 Assessment; funds; review of accounts; loans.—

1130 (1) To provide funds to defray the necessary expenses
1131 incurred by the department in the formulation, issuance,
1132 administration, and enforcement of any marketing order, every
1133 person engaged in the production, distributing, or handling of
1134 agricultural commodities within this state, and directly
1135 affected by any marketing order, shall pay to the department, at
1136 such times and in such installments as the department may
1137 prescribe, such person's pro rata share of necessary expenses.
1138 Each person's share of expenses shall be that proportion which
1139 the total volume of agricultural commodities produced,
1140 distributed, or handled by the person during the current
1141 marketing season, or part thereof covered by such marketing



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1142 order, is of the total volume of the commodities produced,
1143 distributed, or handled by all such persons during the same
1144 current marketing season or part thereof. The department, after
1145 receiving the recommendations of the advisory council, shall fix
1146 the rate of assessment on the volume of agricultural commodities
1147 sold or some other equitable basis. For convenience of
1148 collection, upon request of the department, handlers of the
1149 commodities shall pay any producer assessments. Handlers paying
1150 assessments for and on behalf of any producers may collect the
1151 producer assessments from any moneys owed by the handlers to the
1152 producers. The collected assessments shall be deposited into the
1153 appropriate trust fund and used for the sole purpose of
1154 implementing the marketing order for which the assessment was
1155 collected. The department is not subject to s. 287.057 in the
1156 expenditure of these funds. However, the director of the
1157 Division of Fruit and Vegetables ~~Marketing and Development~~ shall
1158 file with the internal auditor of the department a certification
1159 of conditions and circumstances justifying each contract or
1160 agreement entered into without competitive bidding.

1161 Section 37. Paragraph (b) of subsection (4) of section
1162 590.02, Florida Statutes, is amended to read:

1163 590.02 Florida Forest Service; powers, authority, and
1164 duties; liability; building structures; Withlacoochee Training
1165 Center.—

1166 (4)

1167 (b) Notwithstanding s. 553.80(1), the department shall
1168 exclusively enforce the Florida Building Code as it pertains to
1169 wildfire, ~~and~~ law enforcement, and other Florida Forest Service
1170 facilities under the jurisdiction of the department.



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1171 Section 38. Paragraph (a) of subsection (5) of section
1172 597.004, Florida Statutes, is amended to read:

1173 597.004 Aquaculture certificate of registration.—

1174 (5) SALE OF AQUACULTURE PRODUCTS.—

1175 (a) Aquaculture products, except shellfish, snook, and any
1176 fish of the genus *Micropterus*, and prohibited and restricted
1177 freshwater and marine species identified by rules of the Fish
1178 and Wildlife Conservation Commission, may be sold by an
1179 aquaculture producer certified pursuant to this section or by a
1180 dealer licensed pursuant to part VII of chapter 379 without
1181 restriction so long as the product origin can be identified.

1182 Section 39. Subsection (2) of section 604.16, Florida
1183 Statutes, is amended to read:

1184 604.16 Exceptions to provisions of ss. 604.15-604.34.—
1185 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
1186 not apply to:

1187 (2) A dealer in agricultural products who pays at the time
1188 of purchase with United States cash currency or a cash
1189 equivalent, such as a money order, cashier's check, wire
1190 transfer, electronic funds transfer, or PIN-based debit
1191 transaction, or who pays with a credit card as defined in s.
1192 658.995(2) (a).

1193 Section 40. Subsections (2) and (4), and paragraph (b) of
1194 subsection (5) of section 790.06, Florida Statutes, are amended
1195 to read:

1196 790.06 License to carry concealed weapon or firearm.—

1197 (2) The Department of Agriculture and Consumer Services
1198 shall issue a license if the applicant:

1199 (a) Is a resident of the United States and a citizen of the



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1200 United States or a permanent resident alien of the United
1201 States, as determined by the United States Bureau of Citizenship
1202 and Immigration Services, or is a consular security official of
1203 a foreign government that maintains diplomatic relations and
1204 treaties of commerce, friendship, and navigation with the United
1205 States and is certified as such by the foreign government and by
1206 the appropriate embassy in this country;

1207 (b) Is 21 years of age or older;

1208 (c) Does not suffer from a physical infirmity which
1209 prevents the safe handling of a weapon or firearm;

1210 (d) Is not ineligible to possess a firearm pursuant to s.
1211 790.23 by virtue of having been convicted of a felony;

1212 (e) Has not been: ~~committed for the abuse of a controlled~~
1213 ~~substance or been~~

1214 1. Found guilty of a crime under the provisions of chapter
1215 893 or similar laws of any other state relating to controlled
1216 substances within a 3-year period immediately preceding the date
1217 on which the application is submitted; or

1218 2. Committed for the abuse of a controlled substance under
1219 chapter 397 or under the provisions of former chapter 396 or
1220 similar laws of any other state. An applicant who has been
1221 granted relief from firearms disabilities pursuant to s.
1222 790.065(2)(a)4.d. or pursuant to the law of the state where the
1223 commitment occurred is deemed not to be committed for the abuse
1224 of a controlled substance under this subparagraph;

1225 (f) Does not chronically and habitually use alcoholic
1226 beverages or other substances to the extent that his or her
1227 normal faculties are impaired. It shall be presumed that an
1228 applicant chronically and habitually uses alcoholic beverages or



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1229 other substances to the extent that his or her normal faculties
1230 are impaired if the applicant has been ~~committed under chapter~~
1231 ~~397 or under the provisions of former chapter 396~~ or has been
1232 convicted under s. 790.151 or has been deemed a habitual
1233 offender under s. 856.011(3), or has had two or more convictions
1234 under s. 316.193 or similar laws of any other state, within the
1235 3-year period immediately preceding the date on which the
1236 application is submitted;

1237 (g) Desires a legal means to carry a concealed weapon or
1238 firearm for lawful self-defense;

1239 (h) Demonstrates competence with a firearm by any one of
1240 the following:

1241 1. Completion of any hunter education or hunter safety
1242 course approved by the Fish and Wildlife Conservation Commission
1243 or a similar agency of another state;

1244 2. Completion of any National Rifle Association firearms
1245 safety or training course;

1246 3. Completion of any firearms safety or training course or
1247 class available to the general public offered by a law
1248 enforcement agency, junior college, college, or private or
1249 public institution or organization or firearms training school,
1250 using instructors certified by the National Rifle Association,
1251 Criminal Justice Standards and Training Commission, or the
1252 Department of Agriculture and Consumer Services;

1253 4. Completion of any law enforcement firearms safety or
1254 training course or class offered for security guards,
1255 investigators, special deputies, or any division or subdivision
1256 of a law enforcement agency or security enforcement;

1257 5. Presents evidence of equivalent experience with a



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1258 firearm through participation in organized shooting competition
1259 or military service;

1260 6. Is licensed or has been licensed to carry a firearm in
1261 this state or a county or municipality of this state, unless
1262 such license has been revoked for cause; or

1263 7. Completion of any firearms training or safety course or
1264 class conducted by a state-certified or National Rifle
1265 Association certified firearms instructor;

1266

1267 A photocopy of a certificate of completion of any of the courses
1268 or classes; an affidavit from the instructor, school, club,
1269 organization, or group that conducted or taught such course or
1270 class attesting to the completion of the course or class by the
1271 applicant; or a copy of any document that shows completion of
1272 the course or class or evidences participation in firearms
1273 competition shall constitute evidence of qualification under
1274 this paragraph. A person who conducts a course pursuant to
1275 subparagraph 2., subparagraph 3., or subparagraph 7., or who, as
1276 an instructor, attests to the completion of such courses, must
1277 maintain records certifying that he or she observed the student
1278 safely handle and discharge the firearm in his or her physical
1279 presence and that the discharge of the firearm included live
1280 fire using a firearm and ammunition as defined in s. 790.001;

1281 (i) Has not been adjudicated an incapacitated person under
1282 s. 744.331, or similar laws of any other state. An applicant who
1283 has been granted relief from firearms disabilities pursuant to
1284 s. 790.065(2)(a)4.d. or pursuant to the law of the state where
1285 the adjudication occurred is deemed not to have been adjudicated
1286 an incapacitated person under this paragraph, unless 5 years



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1287 ~~have elapsed since the applicant's restoration to capacity by~~
1288 ~~court order;~~

1289 (j) Has not been committed to a mental institution under
1290 chapter 394, or similar laws of any other state. An applicant
1291 who has been granted relief from firearms disabilities pursuant
1292 to s. 790.065(2)(a)4.d. or pursuant to the law of the state
1293 where the commitment occurred is deemed not to have been
1294 committed in a mental institution under this paragraph, unless
1295 the applicant produces a certificate from a licensed
1296 psychiatrist that he or she has not suffered from disability for
1297 at least 5 years before the date of submission of the
1298 application;

1299 (k) Has not had adjudication of guilt withheld or
1300 imposition of sentence suspended on any felony unless 3 years
1301 have elapsed since probation or any other conditions set by the
1302 court have been fulfilled, or expunction has occurred;

1303 (l) Has not had adjudication of guilt withheld or
1304 imposition of sentence suspended on any misdemeanor crime of
1305 domestic violence unless 3 years have elapsed since probation or
1306 any other conditions set by the court have been fulfilled, or
1307 the record has been expunged;

1308 (m) Has not been issued an injunction that is currently in
1309 force and effect and that restrains the applicant from
1310 committing acts of domestic violence or acts of repeat violence;
1311 and

1312 (n) Is not prohibited from purchasing or possessing a
1313 firearm by any other provision of Florida or federal law.

1314 (4) The application shall be completed, under oath, on a
1315 form adopted by the Department of Agriculture and Consumer



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1316 Services and shall include:

1317 (a) The name, address, place of birth, date of birth, and
1318 race of the applicant;

1319 (b) A statement that the applicant is in compliance with
1320 criteria contained within subsections (2) and (3);

1321 (c) A statement that the applicant has been furnished a
1322 copy of or a website link to this chapter and is knowledgeable
1323 of its provisions;

1324 (d) A conspicuous warning that the application is executed
1325 under oath and that a false answer to any question, or the
1326 submission of any false document by the applicant, subjects the
1327 applicant to criminal prosecution under s. 837.06;

1328 (e) A statement that the applicant desires a concealed
1329 weapon or firearms license as a means of lawful self-defense;
1330 and

1331 (f) Directions for an applicant who is a servicemember, as
1332 defined in s. 250.01, or a veteran, as defined in s. 1.01, to
1333 request expedited processing of his or her application.

1334 (5) The applicant shall submit to the Department of
1335 Agriculture and Consumer Services or an approved tax collector
1336 pursuant to s. 790.0625:

1337 (b) A nonrefundable license fee of up to \$55 ~~\$60~~ if he or
1338 she has not previously been issued a statewide license or of up
1339 to \$45 ~~\$50~~ for renewal of a statewide license. The cost of
1340 processing fingerprints as required in paragraph (c) shall be
1341 borne by the applicant. However, an individual holding an active
1342 certification from the Criminal Justice Standards and Training
1343 Commission as a law enforcement officer, correctional officer,
1344 or correctional probation officer as defined in s. 943.10(1),



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1345 (2), (3), (6), (7), (8), or (9) is exempt from the licensing
1346 requirements of this section. If such individual wishes to
1347 receive a concealed weapon or firearm license, he or she is
1348 exempt from the background investigation and all background
1349 investigation fees but must pay the current license fees
1350 regularly required to be paid by nonexempt applicants. Further,
1351 a law enforcement officer, a correctional officer, or a
1352 correctional probation officer as defined in s. 943.10(1), (2),
1353 or (3) is exempt from the required fees and background
1354 investigation for 1 year after his or her retirement.

1355 Section 41. This act shall take effect July 1, 2017.

1356
1357 ===== T I T L E A M E N D M E N T =====

1358 And the title is amended as follows:

1359 Delete everything before the enacting clause
1360 and insert:

1361 A bill to be entitled
1362 An act relating to the Department of Agriculture and
1363 Consumer Services; amending s. 288.1175, F.S.;
1364 specifying that applications for funding for certain
1365 agriculture education and promotion facilities must be
1366 postmarked or electronically submitted by a certain
1367 date; amending s. 472.003, F.S.; specifying that
1368 certain persons under contract with registered or
1369 certified surveyors and mappers are not subject to the
1370 provisions of ch. 472, F.S.; amending s. 472.005,
1371 F.S.; redefining the terms "practice of surveying and
1372 mapping" and "subordinate"; amending s. 472.013, F.S.;
1373 revising the standards for when an applicant is



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1374 eligible to take the licensure examination to practice
1375 as a surveyor and mapper; amending s. 472.015, F.S.;
1376 revising the qualifications for licensure by
1377 endorsement; revising the requirements for a certain
1378 notice relating to insurance coverage; amending s.
1379 472.018, F.S.; revising the continuing education
1380 requirements for new licensees and license renewal;
1381 authorizing the board to provide by rule the method of
1382 delivery of, criteria for, and provisions to carryover
1383 hours for continuing education requirements; deleting
1384 a requirement that the board approve courses;
1385 requiring the board to issue cease and desist orders
1386 and enact certain penalties for continuing education
1387 providers failing to conform to board rules; requiring
1388 the department to establish a system for the
1389 administration of continuing education requirements
1390 adopted by the board; amending s. 472.025, F.S.;
1391 deleting a requirement that registrant seals be of
1392 impression-type metal; amending s. 472.033, F.S.;
1393 specifying that the department may initiate an
1394 investigation if it has reasonable cause to believe
1395 that a person is engaged in the practice of surveying
1396 and mapping without a license; amending s. 472.0351,
1397 F.S.; specifying that disciplinary actions may be
1398 taken for the unlicensed practice of surveying and
1399 mapping; amending s. 472.0366, F.S.; revising the
1400 requirements for copies of evaluation certificates
1401 that must be submitted to the Division of Emergency
1402 Management within the Executive Office of the



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1403 Governor; requiring that certain copies of evaluation
1404 certificates be retained in the surveyor and mapper's
1405 records; amending s. 487.2041, F.S.; requiring the
1406 department to adopt by rule certain United States
1407 Environmental Protection Agency regulations relating
1408 to labeling requirements for pesticides and devices;
1409 amending s. 493.6101, F.S.; specifying that a manager
1410 of a private investigative agency may manage multiple
1411 offices; amending s. 493.6105, F.S.; exempting certain
1412 partners and corporate officers from fingerprint
1413 retention requirements; revising the submission
1414 requirements for applications for Class "K" licenses;
1415 amending s. 493.6107, F.S.; deleting a specification
1416 that license fees are biennial; amending s. 493.6108,
1417 F.S.; providing an authorization to the Department of
1418 Law Enforcement to release certain mental health and
1419 substance abuse history of Class "G" or Class "K"
1420 applicants and licensees for the purpose of
1421 determining licensure eligibility; requiring licensees
1422 to notify their employer of an arrest within a
1423 specified period; amending s. 493.6112, F.S.; revising
1424 the notification requirements for changes of certain
1425 partners, officers, and employees of private
1426 investigative, security, and recovery agencies;
1427 amending s. 493.6113, F.S.; specifying that Class "G"
1428 licensees must complete requalification training for
1429 each type and caliber of firearm carried in the course
1430 of performing regulated duties; conforming
1431 terminology; amending s. 493.6115, F.S.; conforming a



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1432 cross-reference; revising the circumstances under
1433 which certain licensees may carry a concealed firearm;
1434 revising the conditions under which the department may
1435 issue a temporary Class "G" license; amending s.
1436 493.6118, F.S.; providing that failure of a licensee
1437 to timely notify his or her employer of an arrest is
1438 grounds for disciplinary action by the department;
1439 requiring the department to temporarily suspend
1440 specified licenses of a licensee arrested or formally
1441 charged with certain crimes until disposition of the
1442 case; requiring the department to notify a licensee of
1443 administrative hearing rights; specifying that any
1444 hearing must be limited to a determination as to
1445 whether the licensee has been arrested or charged with
1446 a disqualifying crime; providing that the suspension
1447 may be lifted under certain circumstances; requiring
1448 the department to proceed with revocation under
1449 certain circumstances; amending s. 493.6202, F.S.;
1450 deleting a specification that license fees are
1451 biennial; amending s. 493.6203, F.S.; deleting a
1452 requirement that certain training be provided in two
1453 parts; amending s. 493.6302, F.S.; deleting a
1454 specification that license fees are biennial; amending
1455 s. 493.6303, F.S.; deleting a requirement that certain
1456 training be provided in two parts; deleting obsolete
1457 provisions; making technical changes; deleting a
1458 provision requiring that if a license is suspended,
1459 revoked, or expired for at least 1 year, that the
1460 applicant must submit proof of certain training before



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1461 issuance of a new license; amending s. 493.6304, F.S.;
1462 making technical changes; amending s. 493.6402, F.S.;
1463 deleting a specification that license fees are
1464 biennial; amending s. 493.6403, F.S.; requiring that
1465 applicants for Class "E" and "EE" licenses submit
1466 proof of successful completion of certain training,
1467 rather than just completion of such training; amending
1468 s. 501.013, F.S.; providing that a program or facility
1469 offered by an organization for the exclusive use of
1470 its employees and their family members is not subject
1471 to certain health studio regulations; amending s.
1472 501.059, F.S.; removing a limitation on the length of
1473 time for which the department must place certain
1474 persons on a no sales solicitation list; amending s.
1475 507.04, F.S.; making a technical change; amending s.
1476 531.37, F.S.; redefining the term "weights and
1477 measures" to exclude taximeters and digital networks;
1478 amending s. 531.61, F.S.; deleting certain taximeters
1479 from a permitting requirements for commercially
1480 operated or tested weights or measures instruments or
1481 devices; repealing s. 531.63(2)(g), F.S.; relating to
1482 maximum permit fees for taximeters; amending s.
1483 534.021, F.S.; specifying that a detailed drawing,
1484 rather than a facsimile, of a brand must accompany an
1485 application for the recording of certain marks and
1486 brands; amending s. 534.041, F.S.; extending the
1487 registration and renewal period for certain mark or
1488 brand certificates; eliminating a renewal fee;
1489 repealing s. 534.061, F.S., relating to the transfer



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1490 of ownership of cattle; amending s. 573.118, F.S.;

1491 specifying that the Division of Fruit and Vegetables,

1492 rather than the Division of Marketing and Development,

1493 must file a specified certification; amending s.

1494 590.02, F.S.; specifying that the department has

1495 exclusive authority to enforce the Florida Building

1496 Code as it relates to Florida Forest Service

1497 facilities under the jurisdiction of the department;

1498 amending s. 597.004, F.S.; authorizing certain

1499 saltwater products dealers to sell certain aquaculture

1500 products without restriction under a specified

1501 circumstance; amending s. 604.16, F.S.; specifying

1502 that dealers in agricultural products who pay by

1503 credit card are exempt from certain dealer

1504 requirements; amending s. 790.06, F.S.; revising the

1505 requirements to obtain a license to carry a concealed

1506 weapon or firearm; revising the requirements of the

1507 application form; revising the license fees to obtain

1508 or renew such license; providing an effective date.