

By Senator Young

18-00242A-17

2017498__

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 288.1175, F.S.;
4 specifying that applications for funding for certain
5 agriculture education and promotion facilities be
6 postmarked or electronically submitted by a certain
7 date; amending s. 487.2041, F.S.; requiring the
8 department to adopt by rule certain United States
9 Environmental Protection Agency regulations relating
10 to labeling requirements for pesticides and devices;
11 amending s. 493.6101, F.S.; specifying that a manager
12 of a private investigative agency may manage multiple
13 offices; amending s. 493.6105, F.S.; exempting certain
14 partners and corporate officers from fingerprint
15 retention requirements; revising the submission
16 requirements for applications for Class "K" licenses;
17 amending s. 493.6107, F.S.; deleting a specification
18 that license fees are biennial; amending s. 493.6108,
19 F.S.; providing an authorization to the Department of
20 Law Enforcement to release certain mental health and
21 substance abuse history of applicants and licensees
22 for the purpose of determining licensure eligibility;
23 requiring licensees to notify their employer of an
24 arrest within a specified period; amending s.
25 493.6112, F.S.; revising the notification requirements
26 for changes of certain partners, officers, and
27 employees of private investigative, security, and
28 recovery agencies; amending s. 493.6113, F.S.;
29 specifying that Class "G" licensees must complete
30 requalification training for each type and caliber of
31 firearm carried in the course of performing regulated
32 duties; conforming terminology; amending s. 493.6115,

18-00242A-17

2017498__

33 F.S.; correcting a cross-reference regarding the
34 conditions under which a Class "G" licensee may carry
35 a concealed weapon; revising the conditions under
36 which the department may issue a temporary Class "G"
37 license; amending s. 493.6118, F.S.; providing that
38 failure of a licensee to timely notify his or her
39 employer of an arrest is grounds for disciplinary
40 action by the Department of Agriculture and Consumer
41 Services; requiring the department to suspend
42 specified licenses of licensees arrested or formally
43 charged with certain crimes until disposition of their
44 cases; amending s. 493.6202, F.S.; deleting a
45 specification that license fees are biennial; amending
46 s. 493.6203, F.S.; deleting a requirement that certain
47 training be provided in two parts; deleting obsolete
48 provisions; amending s. 493.6302, F.S.; deleting a
49 specification that license fees are biennial; amending
50 s. 493.6303, F.S.; deleting a requirement that certain
51 training must be provided in two parts; deleting
52 obsolete provisions; making technical changes;
53 amending s. 493.6304, F.S.; making technical changes;
54 amending s. 493.6402, F.S.; deleting a specification
55 that license fees are biennial; amending s. 493.6403,
56 F.S.; requiring that applicants for Class "E" and "EE"
57 licenses submit proof of successful completion of
58 certain training, not just complete such training;
59 deleting an obsolete provision; amending s. 501.059,
60 F.S.; removing a limitation on the length of time for
61 which the department must place certain persons on a

18-00242A-17

2017498__

62 no-solicitation list; amending s. 507.04, F.S.; making
63 a technical change; amending s. 534.021, F.S.;
64 specifying that a detailed drawing, rather than a
65 facsimile, must accompany an application for the
66 recording of certain marks and brands; amending s.
67 534.041, F.S.; extending the renewal period for
68 certain mark or brand certificates; eliminating a
69 renewal fee; repealing s. 534.061, F.S., relating to
70 the transfer of ownership of cattle; amending s.
71 573.118, F.S.; specifying that the Division of Fruit
72 and Vegetables, rather than the Division of Marketing
73 and Development, must file a specified certification;
74 amending s. 590.02, F.S.; specifying that the
75 department has exclusive authority to enforce the
76 Florida Building Code as it relates to Florida Forest
77 Service facilities under the jurisdiction of the
78 department; amending s. 597.004, F.S.; authorizing
79 licensed dealers, rather than certified aquaculture
80 producers, to sell certain aquaculture products
81 without restriction under a specified circumstance;
82 amending s. 604.16, F.S.; specifying that dealers in
83 agricultural products who pay by credit card are
84 exempt from certain dealer requirements; providing an
85 effective date.

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

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

18-00242A-17

2017498__

91 288.1175 Agriculture education and promotion facility.—

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

100 Section 2. Section 487.2041, Florida Statutes, is amended
101 to read:

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

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

114 493.6101 Definitions.—

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

18-00242A-17

2017498__

120 investigative agency may, however, manage multiple private
121 investigative agencies and branch offices.

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

125 493.6105 Initial application for license.—

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

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

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

18-00242A-17

2017498__

149 (a) Submit one of the following:

150 1. The Florida Criminal Justice Standards and Training
 151 Commission Instructor Certificate and written confirmation by
 152 the commission that the applicant possesses an active firearms
 153 certification.

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

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

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

162 493.6107 Fees.—

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

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

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

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

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

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

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

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

176 (b) An inquiry to determine if the applicant has been
 177 adjudicated incompetent under chapter 744 or has been committed

18-00242A-17

2017498__

178 to a mental institution under chapter 394. Notwithstanding s.
179 790.065(2)(a)4.f., the Department of Law Enforcement is
180 authorized, for the limited purposes of determining the
181 eligibility of applicants and licensees under this chapter, to
182 provide the department with mental health and substance abuse
183 data of individuals who are prohibited from purchasing a
184 firearm.

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

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

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

198 (1) After filing the application, unless the department
199 declines to issue the license or revokes it after issuance, an
200 agency ~~or school~~ shall, within 5 working days of the withdrawal,
201 removal, replacement, or addition of any or all partners or
202 officers, notify and file with the department complete
203 applications for such individuals. The agency's ~~or school's~~ good
204 standing under this chapter shall be contingent upon the
205 department's approval of any new partner or officer.

206 (2) Each agency ~~or school~~ shall, upon the employment or

18-00242A-17

2017498__

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

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

215 493.6113 Renewal application for licensure.—

216 (3) Each licensee is responsible for renewing his or her
217 license on or before its expiration by filing with the
218 department an application for renewal accompanied by payment of
219 the renewal fee and the fingerprint retention fee to cover the
220 cost of ongoing retention in the statewide automated biometric
221 identification system established in s. 943.05(2)(b). Upon the
222 first renewal of a license issued under this chapter before
223 January 1, 2017, the licensee shall submit a full set of
224 fingerprints and fingerprint processing fees to cover the cost
225 of entering the fingerprints into the statewide automated
226 biometric identification system pursuant to s. 493.6108(4)(a)
227 and the cost of enrollment in the Federal Bureau of
228 Investigation's national retained print arrest notification
229 program. Subsequent renewals may be completed without submission
230 of a new set of fingerprints.

231 (b) Each Class "G" licensee shall additionally submit proof
232 that he or she has received during each year of the license
233 period a minimum of 4 hours of firearms requalification
234 ~~recertification~~ training taught by a Class "K" licensee and has
235 complied with such other health and training requirements that

18-00242A-17

2017498__

236 the department shall adopt by rule. Proof of completion of
237 firearms requalification ~~recertification~~ training shall be
238 submitted to the department upon completion of the training. A
239 Class "G" licensee must successfully complete this
240 requalification training for each type and caliber of firearm
241 carried in the course of performing his or her regulated duties.
242 If the licensee fails to complete the required 4 hours of annual
243 training during the first year of the 2-year term of the
244 license, the license shall be automatically suspended. The
245 licensee must complete the minimum number of hours of range and
246 classroom training required at the time of initial licensure and
247 submit proof of completion of such training to the department
248 before the license may be reinstated. If the licensee fails to
249 complete the required 4 hours of annual training during the
250 second year of the 2-year term of the license, the licensee must
251 complete the minimum number of hours of range and classroom
252 training required at the time of initial licensure and submit
253 proof of completion of such training to the department before
254 the license may be renewed. The department may waive the
255 firearms training requirement if:

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

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

18-00242A-17

2017498__

265 licensure period; or

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

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

275 493.6115 Weapons and firearms.—

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

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

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

18-00242A-17

2017498__

294 upon this data.

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

298 493.6118 Grounds for disciplinary action.—

299 (1) The following constitute grounds for which disciplinary
300 action specified in subsection (2) may be taken by the
301 department against any licensee, agency, or applicant regulated
302 by this chapter, or any unlicensed person engaged in activities
303 regulated under this chapter:—

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

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

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

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

320 (e) A finding that the licensee or any employee is guilty
321 of willful betrayal of a professional secret or any unauthorized
322 release of information acquired as a result of activities

18-00242A-17

2017498__

323 regulated under this chapter.

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

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

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

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

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

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

351 (l) Soliciting business for an attorney in return for

18-00242A-17

2017498__

352 compensation.

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

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

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

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

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

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

374 (s) Failure to report to the department any person whom the
375 licensee knows to be in violation of this chapter or the rules
376 of the department.

377 (t) Violating any provision of this chapter.

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

18-00242A-17

2017498__

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

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

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

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

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

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

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

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

18-00242A-17

2017498__

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

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

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

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

424 10. Soliciting from the legal owner the recovery of
425 property subject to repossession after such property has been
426 seen or located on public or private property if the amount
427 charged or requested for such recovery is more than the amount
428 normally charged for such a recovery.

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

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

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

435 (8) Upon notification and subsequent written verification
436 to the department by a law enforcement agency, a court, or the
437 Department of Law Enforcement that a licensee has been arrested
438 or formally charged with a firearms-related crime that would

18-00242A-17

2017498__

439 disqualify him or her from licensure under this section, the
440 department shall automatically suspend his or her Class "G" or
441 Class "K" license until final disposition of the case.

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

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

450 493.6202 Fees.—

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

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

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

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

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

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

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

462 493.6203 License requirements.—In addition to the license
463 requirements set forth elsewhere in this chapter, each
464 individual or agency shall comply with the following additional
465 requirements:

466 (5) ~~Effective January 1, 2008,~~ An applicant for a Class
467 "MA," Class "M," or Class "C" license must pass an examination

18-00242A-17

2017498__

468 that covers the provisions of this chapter and is administered
469 by the department or by a provider approved by the department.
470 The applicant must pass the examination before applying for
471 licensure and must submit proof with the license application on
472 a form approved by rule of the department that he or she has
473 passed the examination. The administrator of the examination
474 shall verify the identity of each applicant taking the
475 examination.

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

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

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

486 (6)

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

18-00242A-17

2017498__

497 the 40 hours of professional training must be submitted with the
498 application for a Class "CC" license. The training specified in
499 this paragraph may be provided by face-to-face presentation,
500 online technology, or a home study course in accordance with
501 rules and procedures of the Department of Education. The
502 administrator of the examination must verify the identity of
503 each applicant taking the examination.

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

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

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

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

18-00242A-17

2017498__

526 to renew an active license beyond the total required hours, and
527 the timeframe for completion in effect at the time he or she was
528 licensed applies.

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

531 493.6302 Fees.—

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

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

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

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

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

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

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

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

544 493.6303 License requirements.—In addition to the license
545 requirements set forth elsewhere in this chapter, each
546 individual or agency must comply with the following additional
547 requirements:

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

18-00242A-17

2017498__

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

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

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

578 493.6304 Security officer school or training facility.—

579 (1) Any school, training facility, or instructor who offers
580 the training specified ~~outlined~~ in s. 493.6303(4) for Class "D"
581 applicants shall, before licensure of such school, training
582 facility, or instructor, file with the department an application
583 accompanied by an application fee in an amount to be determined

18-00242A-17

2017498__

584 by rule, not to exceed \$60. The fee is ~~shall~~ not ~~be~~ refundable.

585 Section 16. Subsection (1) of section 493.6402, Florida
586 Statutes, is amended to read:

587 493.6402 Fees.—

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

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

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

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

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

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

595 (f) Class "RS" license-recovery agent school or training
596 facility: \$60.

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

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

601 493.6403 License requirements.—

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

608 Section 18. Paragraph (a) of subsection (3) of section
609 501.059, Florida Statutes, is amended to read:

610 501.059 Telephone solicitation.—

611 (3)(a) If any residential, mobile, or telephonic paging
612 device telephone subscriber notifies the department of his or

18-00242A-17

2017498__

613 her desire to be placed on a "no sales solicitation calls"
614 listing indicating that the subscriber does not wish to receive
615 unsolicited telephonic sales calls, the department shall place
616 the subscriber on that listing ~~for 5 years.~~

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

619 507.04 Required insurance coverages; liability limitations;
620 valuation coverage.—

621 (1) LIABILITY INSURANCE.—

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

627 2. The mover must provide the department with evidence of
628 liability insurance coverage before the mover is registered with
629 the department under s. 507.03. All insurance coverage
630 maintained by a mover must remain in effect throughout the
631 mover's registration period. A mover's failure to maintain
632 insurance coverage in accordance with this paragraph constitutes
633 an immediate threat to the public health, safety, and welfare.
634 ~~If a mover fails to maintain insurance coverage, the department~~
635 ~~may immediately suspend the mover's registration or eligibility~~
636 ~~for registration, and the mover must immediately cease operating~~
637 ~~as a mover in this state. In addition, and notwithstanding the~~
638 ~~availability of any administrative relief pursuant to chapter~~
639 ~~120, the department may seek from the appropriate circuit court~~
640 ~~an immediate injunction prohibiting the mover from operating in~~
641 ~~this state until the mover complies with this paragraph, a civil~~

18-00242A-17

2017498__

642 ~~penalty not to exceed \$5,000, and court costs.~~

643 (3) INSURANCE COVERAGES.—The insurance coverages required
644 under paragraph (1)(a) and subsection (2) must be issued by an
645 insurance company or carrier licensed to transact business in
646 this state under the Florida Insurance Code as designated in s.
647 624.01. The department shall require a mover to present a
648 certificate of insurance of the required coverages before
649 issuance or renewal of a registration certificate under s.
650 507.03. The department shall be named as a certificateholder in
651 the certificate and must be notified at least 10 days before
652 cancellation of insurance coverage. If a mover fails to maintain
653 insurance coverage, the department may immediately suspend the
654 mover's registration or eligibility for registration, and the
655 mover must immediately cease operating as a mover in this state.
656 In addition, and notwithstanding the availability of any
657 administrative relief pursuant to chapter 120, the department
658 may seek from the appropriate circuit court an immediate
659 injunction prohibiting the mover from operating in this state
660 until the mover complies with this section, a civil penalty not
661 to exceed \$5,000, and court costs.

662 Section 20. Section 534.021, Florida Statutes, is amended
663 to read:

664 534.021 Recording of marks or brands.—The department shall
665 be the recorder of livestock marks or brands, and the marks or
666 brands may not be recorded elsewhere in the state. Any livestock
667 owner who uses a mark or brand to identify her or his livestock
668 must register the mark or brand by applying to the department.
669 The application must be made on a form prescribed by the
670 department and must be accompanied by a detailed drawing

18-00242A-17

2017498__

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

691 Section 21. Section 534.041, Florida Statutes, is amended
692 to read:

693 534.041 Renewal of certificate of mark or brand.—The
694 registration of a mark or brand entitles the registered owner to
695 exclusive ownership and use of the mark or brand for a period
696 ending at midnight on the last day of the month 10 ~~5~~ years from
697 the date of registration. Upon application, registration may be
698 renewed, ~~upon application and payment of a renewal fee of \$5,~~
699 for successive 10-year ~~5-year~~ periods, each ending at midnight

18-00242A-17

2017498__

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

717 Section 22. Section 534.061, Florida Statutes, is repealed.

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

720 573.118 Assessment; funds; review of accounts; loans.-

721 (1) To provide funds to defray the necessary expenses
 722 incurred by the department in the formulation, issuance,
 723 administration, and enforcement of any marketing order, every
 724 person engaged in the production, distributing, or handling of
 725 agricultural commodities within this state, and directly
 726 affected by any marketing order, shall pay to the department, at
 727 such times and in such installments as the department may
 728 prescribe, such person's pro rata share of necessary expenses.

18-00242A-17

2017498__

729 Each person's share of expenses shall be that proportion which
730 the total volume of agricultural commodities produced,
731 distributed, or handled by the person during the current
732 marketing season, or part thereof covered by such marketing
733 order, is of the total volume of the commodities produced,
734 distributed, or handled by all such persons during the same
735 current marketing season or part thereof. The department, after
736 receiving the recommendations of the advisory council, shall fix
737 the rate of assessment on the volume of agricultural commodities
738 sold or some other equitable basis. For convenience of
739 collection, upon request of the department, handlers of the
740 commodities shall pay any producer assessments. Handlers paying
741 assessments for and on behalf of any producers may collect the
742 producer assessments from any moneys owed by the handlers to the
743 producers. The collected assessments shall be deposited into the
744 appropriate trust fund and used for the sole purpose of
745 implementing the marketing order for which the assessment was
746 collected. The department is not subject to s. 287.057 in the
747 expenditure of these funds. However, the director of the
748 Division of Fruit and Vegetables ~~Marketing and Development~~ shall
749 file with the internal auditor of the department a certification
750 of conditions and circumstances justifying each contract or
751 agreement entered into without competitive bidding.

752 Section 24. Paragraph (b) of subsection (4) of section
753 590.02, Florida Statutes, is amended to read:

754 590.02 Florida Forest Service; powers, authority, and
755 duties; liability; building structures; Withlacoochee Training
756 Center.—

757 (4)

18-00242A-17

2017498__

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

762 Section 25. Paragraph (a) of subsection (5) of section
763 597.004, Florida Statutes, is amended to read:

764 597.004 Aquaculture certificate of registration.—

765 (5) SALE OF AQUACULTURE PRODUCTS.—

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

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

775 604.16 Exceptions to provisions of ss. 604.15-604.34.—
776 Except for s. 604.22(2), the provisions of ss. 604.15-604.34 do
777 not apply to:

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

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